



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

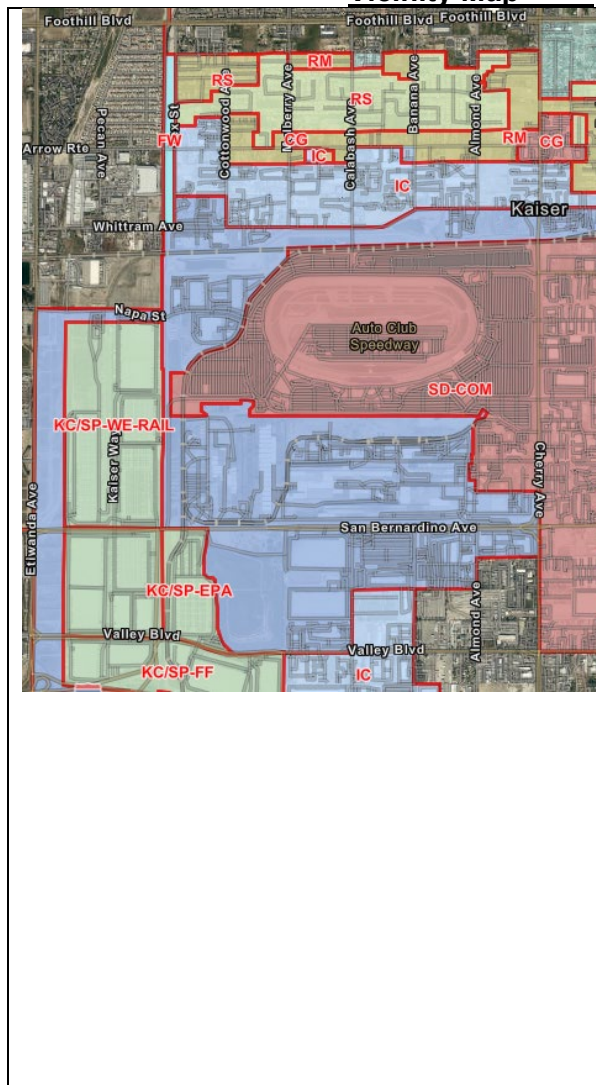
HEARING DATE: September 8, 2022

AGENDA ITEM #2

Project Description

APN: 0231-011-09, -10, -11, -12; 0231-111-06, -10, -17, -18, -19 & -20
Applicant: Candyce Burnett, Kimley Horn
Community: Fontana/2nd Supervisorial District
Location: 9250 Cherry Avenue
Project No: PROJ-2021-00150/SP/TPM/DA/RAA
Staff: Steven Valdez
Rep: Candyce Burnett, Kimley Horn
Proposal: 1) Speedway Commerce Center II Specific Plan ("Specific Plan") to facilitate the development of up to approximately 6.6 million square feet of high-cube logistics and e-commerce development, 98 acres of support parking facilities, and 12 acres of parking/general commercial uses, with support landscaping and facilities on approximately 433 acres of the 522-acre site ("Project site"), 2) Policy Plan Amendment from Commercial (C) to Special Development (SD) for the Project site, 3) Zoning Amendment from Special Development – Commercial (SD-Com) to Speedway Commerce Center II, Specific Plan Commercial (SC/SP-Com) for the Project site, 4) Development Code Amendment to amend Sections 82.23.030 and 86.14.090 of the San Bernardino County Code adding the Specific Plan to the list of adopted specific plans, 5) Development Agreement No. 22-01, 6) Revision to Approved Action to amend the existing Planned Development Permit for the Auto Club Speedway to remove from its coverage approximately 433 acres of the Project site, which will be governed by the Specific Plan, and; 7) Tentative Parcel Map No. 20478 to subdivide 10 parcels into 26 parcels and two lettered lots over the Project site.

Vicinity Map -



270 Hearing Notices Sent on : August 26, 2022

Report Prepared By: Steven Valdez, Senior Planner

SITE INFORMATION:

Parcel Size: 522 acres
Terrain: Developed with Speedway
Vegetation: Some non-native grasses

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

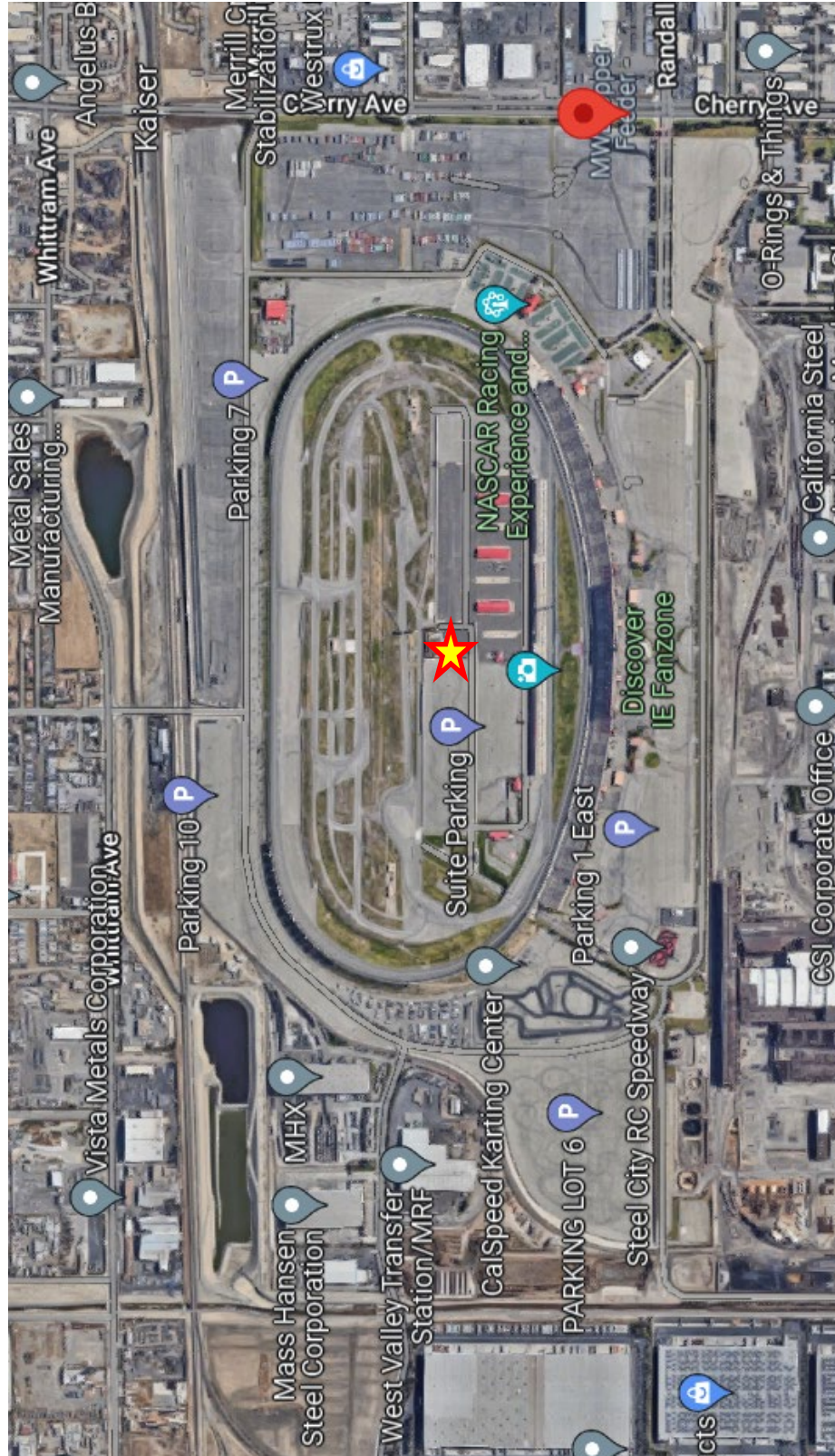
AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
SITE	Two-mile, D-shaped, oval track, with three pit garages, viewing suites, access ways, and associated facilities in the center	C (Commercial)	SD-COM (Special Development-Commercial)
North	BNSF rail line, Truck/Trailer Storage, Warehousing, Manufacturing, Offices, Single Family Homes, Residential Units	GI (General Industrial)	IR (Regional Industrial)
South	Service Garage, Light Industrial, Office	C (Commercial)	SD-COM (Special Development- Commercial)
East	Warehousing, Truck Leasing and Dealer, Single Family Homes Residential Units	C (Commercial)	SD-COM (Special Development-Commercial)
West	Warehousing, Distribution, and Logistics San Sevaire Channel	GI (General Industrial)	IR (Regional Industrial)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	City of Fontana	None
Water Service:	Fontana Water Company	Per Service Agreement
Sewer Service:	City of Fontana	Per Service Agreement

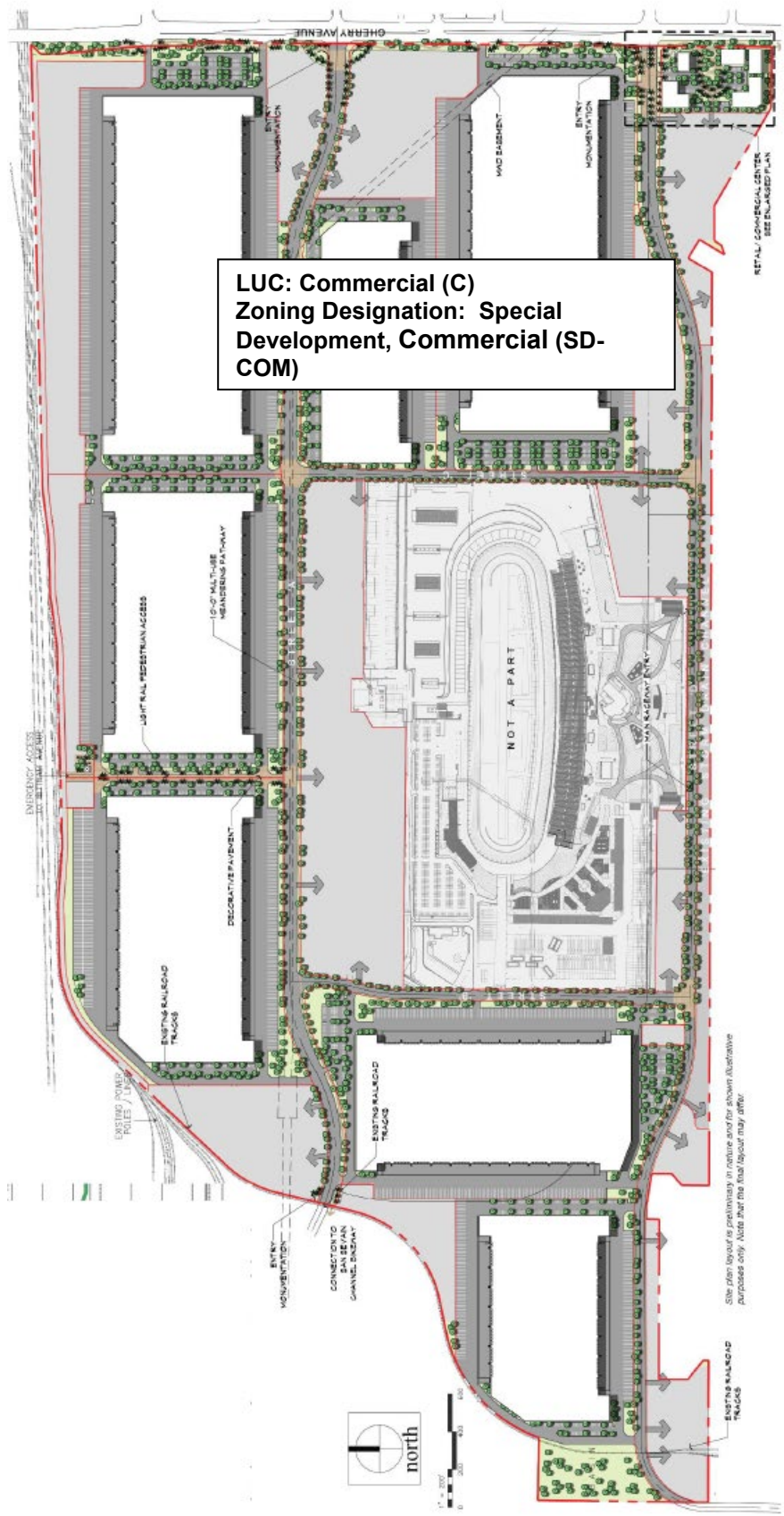
STAFF RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors: **CERTIFY** the Environmental Impact Report; **ADOPT** the CEQA Findings, Statement of Overriding Considerations and MMRP; **ADOPT** the findings for approval of the Specific Plan, Policy Plan Amendment, Zoning Amendment, Development Code Amendment, Development Agreement, Revision to Approved Action and Tentative Parcel Map; **ADOPT** the Speedway Commerce Center II Specific Plan; **ADOPT** the Policy Plan and Zoning Amendments; **ADOPT** the Development Code Amendment; **APPROVE** the Development Agreement; **APPROVE** the Revision to an Approved Action, subject to the Conditions of Approval; **APPROVE** Tentative Parcel Map No. 20478, subject to the Conditions of Approval; and **DIRECT** the Clerk of the Board to file a Notice of Determination¹.

1. This is a recommendation item. A disapproval recommendation by the Planning Commission shall terminate the application unless appealed in compliance with Chapter 86.08

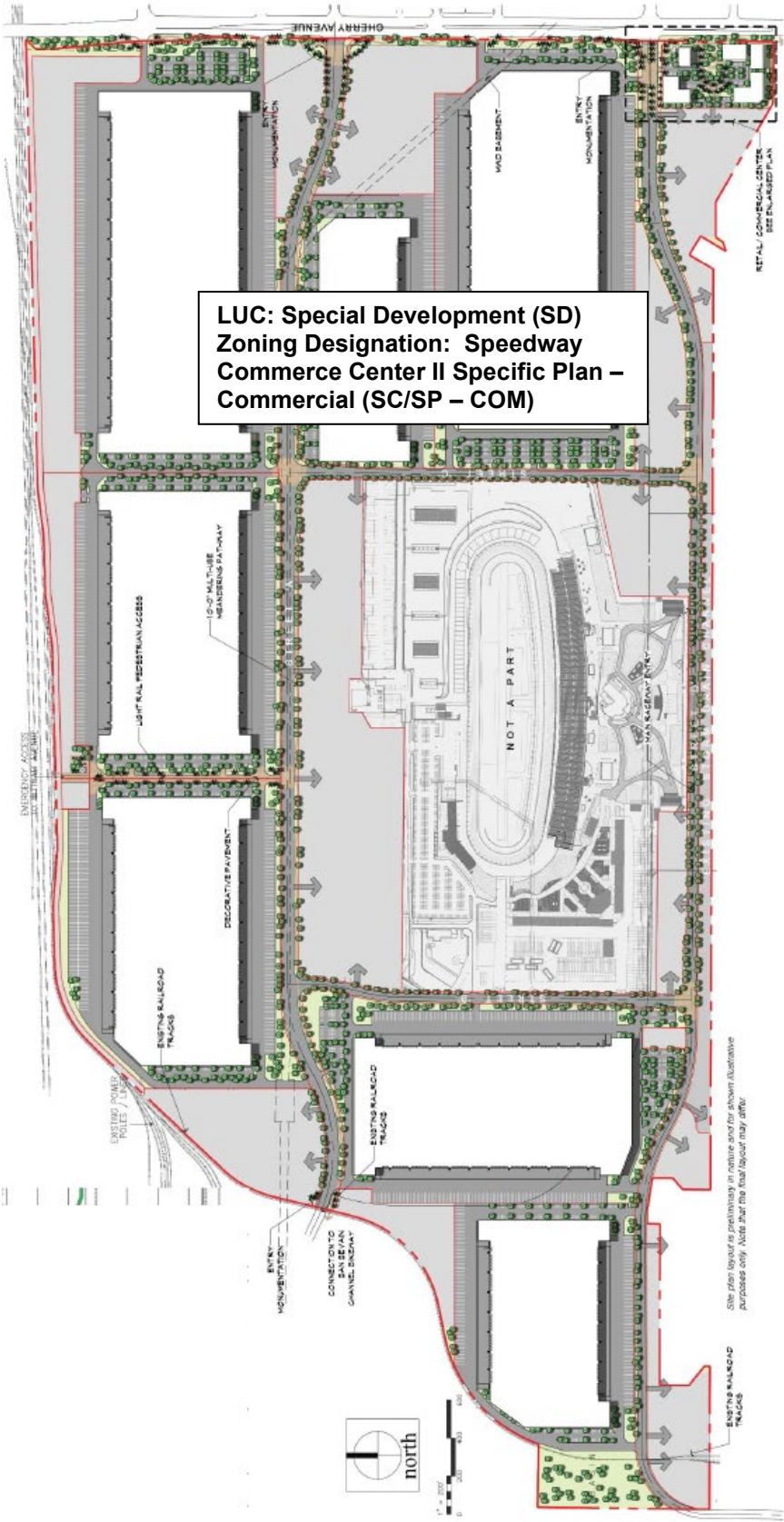
VICINITY MAP:
Aerial view of the Project Site



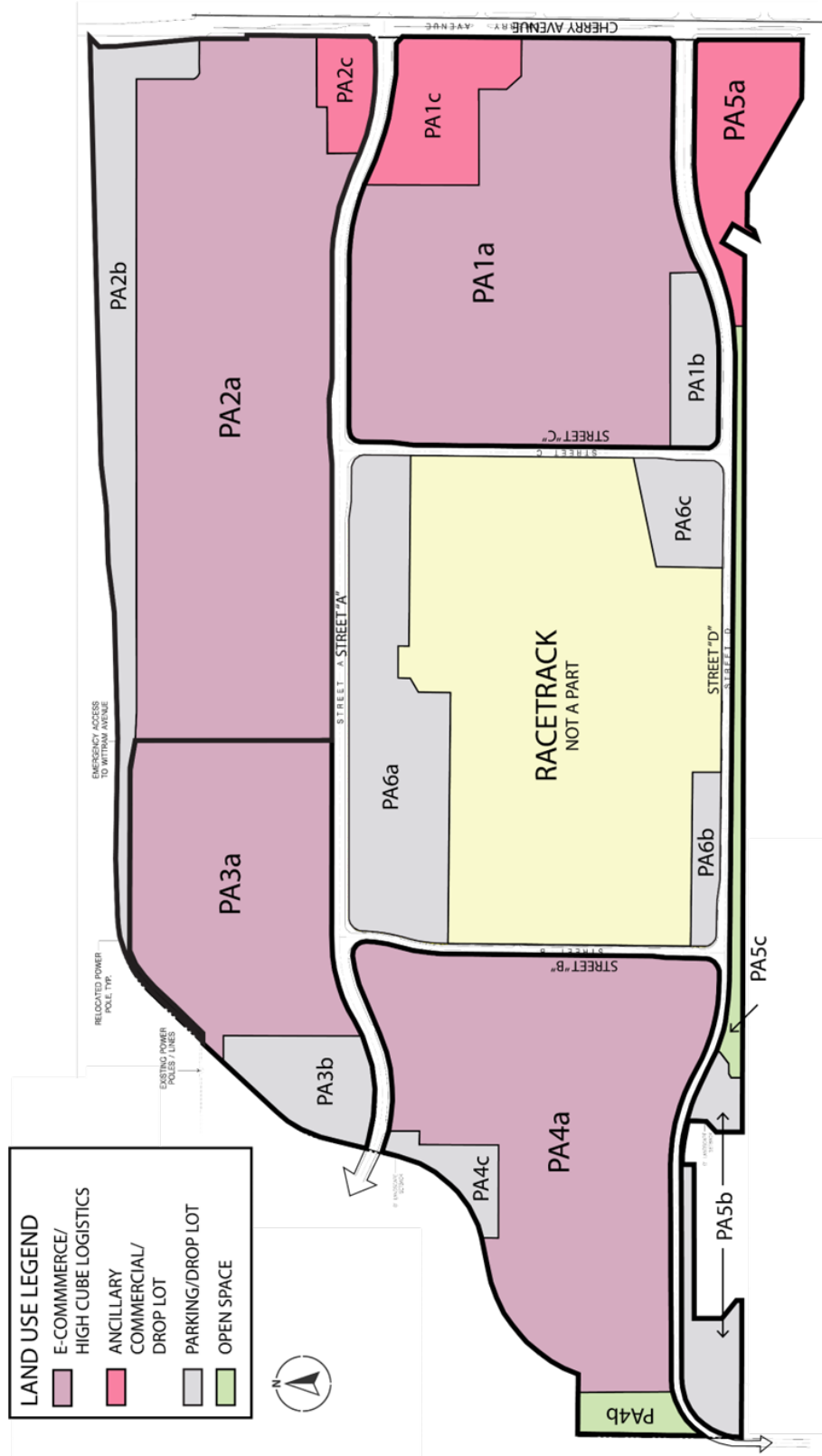
EXISTING POLICY AND ZONING MAP



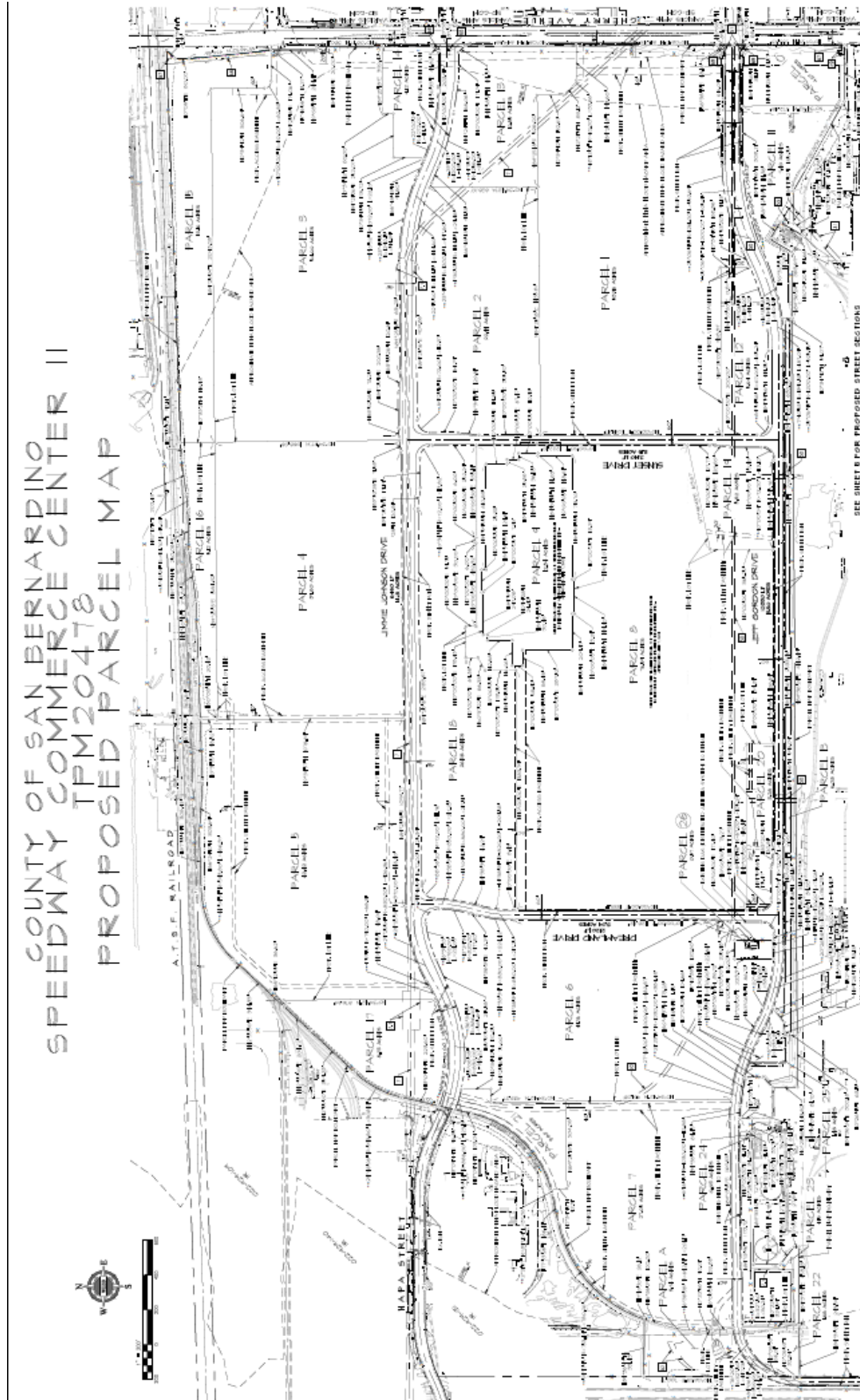
PROPOSED POLICY AND ZONING MAP



SPECIFIC PLAN MAP:



TENTATIVE PARCEL MAP:



PROJECT DESCRIPTION:

Kimley Horn (Applicant) has submitted an application requesting approval of a Specific Plan, which will be referred to hereafter as the Speedway Commerce Center II Specific Plan (SCCIISP or Specific Plan). The SCCIISP encompasses approximately 433 acres of the approximately 522-acre site that is currently developed with the Auto Club Speedway (ACS), formerly known as the California Speedway, and proposes conceptual land uses that includes up to 6.6 million square feet of high-cube logistics and e-commerce uses, 261,360 square feet of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The SCCIISP site would also be developed with greenbelts, public roads, other support amenity features, and water detention areas. The SCCIISP would surround the separate Next Gen in California Project, for which revisions were approved by the County on June 7, 2021.

Other actions and/or entitlement associated with the adoption of the SCCIISP include: 1) a Policy Plan Amendment from Commercial (C) to Special Development (SD) for the SCCIISP area; 2) a Zoning Amendment from Special Development – Commercial (SD-Com) to Speedway Commerce Center II Specific Plan Commercial (SC/SP-Com) for the SCCIISP area; 3) adoption of Development Agreement No. 22-01 by and between the County and the Applicant; 4) Development Code Amendment to amend Sections 82.23.030 and 86.14.090 of the San Bernardino County Code to add SCCIISP to the list of adopted specific plans; 5) approval of a Tentative Parcel Map (TPM) to subdivide the existing ten (10) parcels into 26 legal development parcels and two lettered lots; and 6) a Revision to an Approved Action to amend the existing Planned Development (PD) Permit for the ACS to remove from its coverage approximately 433 acres of the ACS site, which will be governed by the SCCIISP (collectively referred to as the “Project”).

The SCCIISP would include the development plan identifying the Specific Plan land uses, site access and rail transit connections, circulation, drainage, water, sewer, and public facilities and services, as well as development standards and permitted land uses for the planning areas within the SCCIISP. Construction of the Project, including recordation of final subdivision map(s) and design review may be progressively implemented in stages, provided that vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety. However, the actual phasing sequence and timeframe for development may vary depending on market conditions.

Existing and Adjacent Uses:

The Project site is currently developed with a two-mile track with three pit garages, viewing suites, access ways, and associated facilities in the center of the track. A grandstand with approximately 65,383 seats is located south of the oval. A midway with restaurants, entertainment, and display facilities is located south of the grandstand. The facility also has a motorcycle track, drag strip, and exterior go-kart track. In addition to grandstand seating, there are 6,000 permanent seats and 1,500 temporary bleacher seats in the infield road course and 1,500 temporary bleacher seats by the drag strip. Other ancillary buildings associated with the event center are also located on site, including a race control tower, administration buildings, maintenance building, helipads, fueling islands, and overhead and underground utility infrastructure. Surface parking lots for 36,866 vehicles are located at the infield of the track and around the periphery of the site. Primary access is via Cherry Avenue, San Bernardino Avenue, and Napa Street. The Project site is surrounded by railroad and warehouses to the north, light industrial to the south, warehouses and commercial use to the east, and warehouses and light industrial to the west.

Historical Background

The Project site is located within the former boundaries of the Kaiser Steel Mill, which was originally located on approximately 1,200 acres in the County. The Kaiser Steel Mill was owned and operated by the Kaiser Steel Corporation from approximately 1942 to 1983. The steel mill was an integrated steel production plant producing steel plates for the Pacific Coast shipbuilding industry during World War II.

After World War II, Kaiser initiated a series of expansions to supply a wider range of products, including everything from steel plates and pipe to structural shapes, as well as tin plates for cans. By the late 1970s, the steel mill was the biggest integrated steel mill on the West Coast. By 1983, the facility closed, portions of the property were sold or transferred, and Kaiser Steel entered bankruptcy, re-emerging in 1988 as Kaiser Steel Resources, Inc.

The Next Gen in California Project

In 2020, California Speedway, LLC applied to the County for a Major Revision to an Approved Action to replace the existing two-mile track with a 0.5-mile short track and reduce seating capacity to a maximum capacity of 50,000 persons with approximately 35,000 grandstands seats. This project is known as the Next Gen Major Revision Project.

The Next Gen Major Revision Project included the development of a 0.5-mile track and support facilities (i.e., modified entrance gates, paddock, garages, restrooms, concession stands, etc.) on approximately 90 acres of the approximately 522-acre site along with parking, entrance, and landscaping improvements. The Next Gen Project includes the retention of a portion of the existing grandstands and certain support facilities, including food service/concession areas, offices, suites, and entrance gates. The Next Gen Project will facilitate more competitive “short track” racing favored by race fans and broadcast partners and will provide a more intimate venue with upgraded amenities and an enhanced fan experience. An Addendum (2020 Addendum) to the 1995 Final EIR and 2010 SEIR was approved and adopted for the Next Gen Major Revision Project.

The Addendum concluded that the Next Gen Major Revision Project would not cause any new significant impacts or an increase in the severity of previously identified impacts set forth in the prior environmental review documents for the Speedway. County Staff approved the track modification proposal and the 2020 Addendum on December 7, 2020, and filed the Notice of Determination (NOD) on December 10, 2020.

In May 2021, the California Speedway, LLC applied to the County for a subsequent Revision to an Approved Action, requesting to revise the approved Next Gen Major Revision Project to replace the existing two-mile oval track with a new 0.67-mile track, in lieu of the previously approved 0.5-mile short track. This change was based on track design requirements for racing following extensive simulator testing of the previous short track design by drivers following approval of the Next Gen Major Revision Project. This change to the configuration of the new, short track required some additional changes to the construction and demolition previously approved for the Next Gen Major Revision Project, although its operational characteristics were unchanged.

An Addendum for the revised Next Gen Major Revision Project was prepared in June 2021 to ensure consistency with the 2020 Addendum and the prior environmental review documents for the Speedway, to demonstrate that no new significant impacts or substantial increase in the severity of previously identified impacts would occur. The County approved the revised Next Gen Minor Revision Project on June 7, 2021 and filed the NOD on June 9, 2021. The Minor Revision revised the Next Gen Major Revision Project and received all necessary approvals and CEQA clearance for its construction and operation, and it is not part of the SCCIISP Project. However, the SCCIISP Project will be designed and developed to be compatible with the Next Gen Project, including accommodating ongoing Next Gen Project events on designated days and allowing parking for permitted uses, and the SCCIISP EIR has analyzed issues associated with the development and operation of both the Next Gen Project and the SCCIISP Project.

PROJECT ANALYSIS:

Policy Plan and Zoning Amendment

Table LU-1 and LU-2 of the Policy Plan designates the land use category “SD” for implementation of specific plans and Sections 82.23.030 and 86.14.020 of the Development Code requires that the specific plan suffix and zone replace the base land use zoning district designation for all specific plan parcels. The Specific Plan application requires, in this case, a Policy Plan Amendment from Commercial (C) to Special Development (SD) and a Zoning Amendment from Special Development – Commercial (SD-Com) to Speedway Commerce Center II, Specific Plan Commercial (SC/SP-Com) to ensure compliance with the Policy Plan and County Development Code standards discussed above.

Specific Plan

Background

A specific plan is an optional planning tool that the County may choose to use for the systematic implementation of the Policy Plan. Specific plan law provides flexibility, allowing the County to create standards for the development of a wide range of projects. Benefits of specific plans include the following:

- Specific plans may help prevent piecemeal development and support comprehensive planning for particular geographic areas within the county.
- Specific plans can create flexibility in zoning and design regulations.
- Specific plans provide an opportunity to prepare streamlining project approvals to satisfy the requirements of CEQA for development consistent with the specific plan.
- Specific plans provide an opportunity for the imposition and sharing of infrastructure fees and costs.

Specific plans are prepared, adopted, amended and repealed in the same manner as general plans. However, unlike the County’s general plans, specific plans are adopted, amended, or repealed by ordinance.

Speedway Commerce Center II Specific Plan

The SCCIISP encompasses approximately 433 acres of the approximately 522-acre Auto Club Speedway site and anticipates up to approximately 6.6 million sf of high-cube logistics and e-commerce uses with 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The SCCIISP is a mechanism used to ensure that projects are developed in an organized and cohesive manner. Specific plans incorporate a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. A comprehensive set of design guidelines and development regulations are also included in the SCCIISP to guide and regulate site planning, landscape, signage and architectural character within the Specific Plan area and to ensure that excellence in design is achieved during Project development.

Land Use Plan

The Specific Plan consists of six planning areas comprised of twenty-eight parcels (26 numbered and 2 lettered) with up to 6,600,000 square feet of high-cube logistics and e-commerce uses, approximately 261,360 square feet of ancillary commercial uses, and approximately 98 acres of parking field/drop lot areas and associated open space and internal public roadways.

- Planning Area 1 is designated for a mixture of commerce center uses (high-cube logistics and/or e-commerce), ancillary commercial, and parking areas/drop lots;
- Planning Area 2 is designated for high-cube logistics/e-commerce uses, ancillary commercial, and parking areas/drop lots;
- Planning Area 3 is designated for high-cube logistics/e-commerce uses and parking areas/drop lots;
- Planning Area 4 is designated for high-cube logistics/e-commerce uses, a drainage basin, and parking areas/drop lots;

- Planning Area 5 is designated for a mixture of parking and ancillary commercial uses; and
- Planning Area 6 is designated for parking fields/drop lots.

Planning Area	Land Use	Size (Ac)	Building Area (Sq. Ft.)	Floor Area Ratio (FAR)
Logistics/E-Commerce				
PA 1a	High-Cube Logistics/E-Commerce	77	Up to 6,600,000 ¹	0.55
PA 2a	High-Cube Logistics/E-Commerce	93.6		
PA 3a	High-Cube Logistics/E-Commerce	40.4		
PA 4a	High-Cube Logistics/E-Commerce	69.3		
Industrial Subtotal	--	280.2	Up to 6,600,000	.55-
Ancillary Commercial (with Drop Lot)				
PA 1c	Ancillary Commercial	10.9	261,360	0.5
PA 2c	Ancillary Commercial	4.1		0.5
PA 5a	Ancillary Commercial	12.1		0.5
Ancillary Commercial Subtotal	--	27.1²	261,360	--
Parking Field/Drop Lot				
PA 1b	Parking Field/Drop Lot	5.6	--	--
PA 2b	Parking Field/Drop Lot	21.6	--	--
PA 3b	Parking Field/Drop Lot	8.5	--	--
PA 4c	Parking Field/Drop Lot	3.6	--	--
PA 5b	Parking Field/Drop Lot	7.4	--	--
PA 6a	Parking Field/Drop Lot	26.6	--	--
PA 6b	Parking Field/Drop Lot	3.3	--	--
PA 6c	Parking Field/Drop Lot	5.9	--	--
Parking Field/Drop Lots Subtotal	--	82.5	--	--
Open Space				
PA 4b	Open Space/Basin	3.3	--	--
PA 5c	Existing Storm Channel	6.1	--	--
Open Space Subtotal	--	9.4	--	--
Public Right-of-Way	--	33.7	--	--
Total	--	433	6,600,000 sf High-Cube Logistics/E-Commerce 261,360 sf Ancillary Commercial	0.55 (max)³

Source: Kimley-Horn. 2022. *Speedway Commerce Center II Specific Plan*. Table 3-1: Land Use.

1. Maximum buildable square footage is calculated for the site as a whole and may be divided up amongst planning areas, not to exceed the identified amount.
2. Includes approximately 23.5 acres of parking field/drop lot. Total potential parking/drop lot area is approximately 98 acres.
3. The maximum Industrial FAR shall not exceed a total of 0.55 of the permitted Industrial and Parking Fields/Drop Lots total acreage within the permitted Planning Areas (approximately 378.3 acres). Maximum FAR may exceed 0.55 FAR within one parcel or PA if parking and other requirements are met or can be accommodated within an adjacent Parking Field/Drop Lot and with a reciprocal parking agreement/shared parking agreement and as long as the total FAR doesn't exceed 0.55 for the SCCIISP or up to 6.6 million s.f.

The uses shown in Table 4-2 of the Specific Plan represent those uses similarly allowed by the SD-COM (the site's current zoning designation) and those uses allowed or implied in the Commercial (C) Land Use Category within the Policy Plan, with minor additions to include uses similar in nature to allowable uses under the Development Code but which are not specifically defined in the Development Code. The major difference from the current Development Code is the use of a Precise Development Plan. The Precise Development Plan (PDP) is similar to the Development Permit being proposed as part of the future Development Code Update. The PDP will allow for notification related to major developments but is not required for developments that are defined as minor development. The land use plan summarized the allowed industrial uses below. The full table is provided in the Specific Plan.

Land Use	High Cube/Logistics/ E-Commerce	Ancillary Commercial/ Drop Lot	Parking Field/ Drop Lot	Notes
Relevant uses in the SSCP-COM. ¹	Uses shown in bold text below are refinements of allowable uses in SSCP-COM Zone for uses similar in nature but not specifically defined by the Code in the SD-COM zone.			
<i>Industry, Manufacturing & Processing, Wholesale</i>				
Construction contractor storage yard	C	X	X	
Uses requiring refrigeration/cold storage of up to 500,000 square feet)	P/PDP	X	X	See definitions, Section 4.2.2
Uses with cold storage over 500,000 sf	C			Cold storage over 500,000 may require additional CEQA clearance
E-Commerce, including Fulfillment Centers	P/PDP	X	X	See definitions, Section 4.2.2
High Cube Logistics	P/PDP	X	X	See definitions, Section 4.2.2
Manufacturing operations I	C	C	X	
Recycling facilities, small collection	P/PDP	C	C	
Recycling facilities, large collection	C	X	X	
Recycling facilities light processing	C	C	C	
Storage -Personal (mini-storage)	C	X	X	
Storage – Recreational vehicles or bus	X	C	C	Conditionally permitted only within Drop Lot areas.
Storage- Truck Trailers	X	P/PDP	P/PDP	
Storage – Warehouse, indoor storage	P/PDP	X	X	
Wholesaling and Distribution	P/PDP	X	X	

Implementation

As implementing projects are submitted for review, staff will evaluate each project for conformance with the assumptions of the Project's Environmental Impact Report (EIR). The EIR will establish CEQA clearance for subsequent discretionary applications consistent with this Specific Plan and the scope of the EIR's analysis. The permit review authority for each type of application is as provided in Table 6-1 of the Specific Plan and copied below.

TABLE 6-1: REVIEW AUTHORITY

Review Authority	Permit or Approval Type
Administrative (Director)	Occupancy and Use Clearance
	Sign Permits and master sign program
	Land Use Interpretations
	Precise Development Plan (Sect 6.2.4)
	Minor Use Permit Approval (1)
	Substantial Conformance per Section 6.2.5
	Minor Variances
	Revisions to Approved Actions
Planning Commission	Conditional Use Permits (2)
	Tentative Tract or Parcel Maps
	Variances (3)
	Appeals of Director Decisions
Board (4)	Development Agreements & Amendments
	Specific Plan Adoption & Amendments
	General Plan Amendments
	Code Amendments
	CEQA Certification
	Appeals of Planning Commission Decisions

Projections into Required Setbacks

Similar to what is allowed into project from structures in the County Development Code, the Specific Plan also allows the follow projections to project into required setbacks areas as long as emergency access is not compromised:

TABLE 4-1: ALLOWABLE PROJECTIONS

Condition	Allowed Projection
Eaves, cornices, sills, planting boxes, skylights, awnings, canopies, other shading devices and similar architectural features	Four (4) feet on street side setbacks Two (2) feet for interior setbacks.
Open sided stairways and landings	Five (5) feet on street side setbacks Four (4) feet for interior setbacks.
Equipment such as air compressors or similar types of structures	Four (4) feet on street side setbacks (screening is required) Two (2) feet for interior setbacks
Water tanks, propane tanks, and similar	Four (4) feet for interior setbacks. No projection permitted on street side, subject to requirements in County Development Code Section 83.01.060 related to fire hazards.

Circulation Plan

The Project site currently has access at Merrill Avenue, Rancho Vista Drive, and Randall Avenue off of Cherry Avenue on the site's eastern edge, and Napa Street and VIP Road on the site's western edge. The access at Merrill Avenue and Randall Avenue is signalized. Internal circulation currently includes Perimeter Road, Calabash Avenue, Back Straight Road, VIP Road, Entry Road, and Rancho Vista Drive. These internal roads may be modified or enhanced to accommodate vehicle trips anticipated with the Project. Private drive aisles are proposed to connect individual buildings within the Project area. Drive aisles would be located and sized at the time of review, based on County Code and fire lane requirements. Internal access and circulation would be based on a shared access easement shown on a final parcel map or an agreement or covenant recorded prior to building permit issuance.

Three new public roads and the realignment of the existing private Entry Road (Street "D"), which is connected to San Bernardino Avenue to the south, by the existing private VIP Access Road (on-site and off-site), would be constructed to provide access to the Specific Plan's land uses and the Next Gen motorsports facility. Public roads would be designed as collectors and have a variable right-of-way width between 50 feet and 122 feet, per County Development Code roadway specifications.

On-site traffic signage and striping would be more specifically defined during the Precise Development Plan process and would be implemented in conjunction with construction documents for the Project. The creation of wayfinding signage will also be included to ensure that vehicles are guided to the appropriate destination within the Specific Plan.

Development Plan

Development of the plan would occur in phases, including recordation of final subdivision map(s) and design review, depending on market conditions. Development responsibilities within the specific plan would be as follows:

Master Developer – The Master Developer is responsible for grading and design features related to infrastructure serving more than one parcel, Mitigation Measures affecting more than one parcel and Conditions of Approval affecting more than one parcel. Examples would be Project-wide grading, Project perimeter walls, fencing and gates, streets, wayfinding signage and backbone utility facilities serving more than one parcel.

Site Developer(s) – The Site Developer(s) is responsible for grading on each individual parcel being developed by Site Developer(s), design features related to improvements (including infrastructure improvements) located on each parcel being developed by Site Developer(s), Mitigation Measures affecting each parcel being developed by Site Developer(s) and Conditions of Approval affecting each parcel being developed by Site Developer(s). Examples would be grading on each such parcel, in addition to walls, fences and gates, utility facilities and signage located on each such parcel, and utility facilities and signage located on each such parcel.

Operational responsibilities within the Specific Plan would be that of the Applicant and tenant/facility operator. Examples of operational responsibilities include ensuring that all heavy-duty vehicles registered in California entering or operated on the Project site shall be model year 2010 emissions equivalent or later; maintenance of records on fleet equipment; and requiring that all heavy-duty trucks entering or operated on the Project site to be zero-emissions beginning in 2030, if such trucks are widely available and economically feasible.

Development Standards

The development standards proposed as part of the Specific Plan are separated by the type of use. Similar to how the uses closely correspond to the existing SD-COM zoning designation, so do the commercial and industrial standards provided below, except for height standards as those will correspond to the type of uses allowed in the particular sub area.

**TABLE 4-3 DEVELOPMENT STANDARDS:
ANCILLARY COMMERCIAL**

Item	Standard
Floor Area Ratio (max)	0.5
Building Setback (Cherry Ave)	25 feet (from right-of-way)
Building Setback (internal property line)	10 feet
Building Setback (perimeter boundary)	25 feet
Setback, Building Entry to Parking	10 feet
Building Separation	Per fire code
Site Landscaping	10%
Building Height (maximum)	50 feet

**TABLE 4-2 DEVELOPMENT STANDARDS:
E-COMMERCE/HIGH-CUBE LOGISTICS**

Item	Standard
Floor Area Ratio (max)	0.5 ¹
Building Setback (min) (Cherry Ave)	25 feet (from right-of-way)
All other Public Streets	25 feet
Building Setback (min) (internal property line)	15 feet
Building Setback (perimeter boundary) (min)	25 feet
Setback, Building Entry to Parking (min)	10 feet
Building Separation (at truck dock) (min)	100 feet
Building Separation (min) (all others)	50 feet
Site Landscaping (min)	10%
Building Height (maximum)	125 feet

Dedicated Parking Areas

The Specific Plan area contains approximately 98 acres of dedicated parking fields which provide vehicular parking for the adjacent Next Gen motorsports facility's use during designated event times, expected to be approximately 20 days per year. During the remainder of the year, the lots would serve as drop lots for trailers or other large vehicles supporting Specific Plan uses.

Parking Requirements: Required parking closely resembles Development Code standards and does not contain any reduced standards for any use.

Design Guidelines

The design guidelines describe building designs, concepts, and features that will promote the high-quality development envisioned for the Specific Plan area.

Architecture

Design guidelines relating to architecture are intended to promote and emphasize the identified architectural themes and styles for buildings permitted within the Specific Plan area. These guidelines are intended to provide a basis for decisions regarding the built environment and promote a high-quality industrial project, including direct guidance on architectural design and details, building mass and scale, materials and exterior colors, and articulation. Proposed architectural styles within the Specific Plan area will be a modern, contemporary style with clean lines.

Landscape

The guidelines related to landscape design, open space, and plant material describe general landscaping requirements, including streetscape design, entry treatments, signage, water quality features, walls and fencing, and lighting. The guidelines provide direction regarding the use of plant materials that are water-wise and complement the desired architectural style.

These design guidelines serve to promote cohesive design and enhance the Project identity. These guidelines are intended to be directional but flexible in nature to account for future advances in architectural design and quality over time. Conceptual graphics and imagery are included as visual references but do not represent the only approach that may be taken to design within the Specific Plan area. Creative approaches are encouraged.

These design guidelines serve the following functions:

- To provide San Bernardino County with assurance that the Speedway Commerce Center II will be developed in accordance with the quality and character described within this Specific Plan.
- To establish guidelines for architecture, circulation, landscape, parking, lighting, and other distinguishing features.
- To provide guidance to County staff and the Planning Commission in the review of future implementing projects within the Specific Plan area.
- To provide builders, planners, architects, landscape architects and property owners with guidelines and recommendations to aid in maintaining a high level of project cohesiveness and unity, while still allowing for a degree of personal expression and creativity.
- To encourage sustainable design solutions that reduce energy consumption, use water efficiently, and minimize waste.
- To create simple building designs that result in efficient use of space, materials, and resources while maintaining a high level of design integrity.

The specific plan also includes design standards for the signage, parking, lighting and on-site circulation, including guidelines for mechanical equipment, loading areas and walls and fences.

Development Agreement

To provide additional opportunities to vest development rights, in 1979 the legislature enacted the Development Agreement Law (Government Code §§65864-65869.5). Development agreements allow developers to negotiate with cities and counties to create a customized vested right by contract. The law gives parties broad flexibility to negotiate the particular terms of development agreements, subject only to a short list of mandatory terms. Cities and counties also benefit from development agreements by

negotiating specific terms such as fees or facilities, that they could not legally impose as conditions of approval, because the terms of negotiated development agreements are not subject to the Mitigation Fee Act. Development agreements are legislative acts that must be approved by ordinance.

In conjunction with the SCCIISP, the Applicant is proposing the adoption of Development Agreement 22-01 (Exhibit H) that includes vested rights for those uses and development standards listed in the Specific Plan for a 20-year term. The Development Agreement includes flexibility for the Applicant in the methods for financing, acquisition and construction of required infrastructure within the Specific Plan Area, phasing development within the Specific Plan Area, and, in the interest of providing maximum benefit to the County and the community that is located within an environmental justice area, includes the following community benefits:

Electric Vehicle Charging. The Project will include electric passenger car charging infrastructure, including charging infrastructure for a future autonomous truck charging area.

Solar Energy. The Project will require all necessary infrastructure to enable solar photovoltaic systems on the roofs of the buildings built at the Project. Within two years after the commencement of operations in each such building, each occupant will either be required to install a photovoltaic system or other renewable energy system which is sufficient to provide 50% of its power needs.

Leadership in Energy and Environmental Design Standards. All buildings in the Project are required to be designed to Leadership in Energy and Environmental Design (“LEED”) building standards.

Job Training Program Contribution. The Applicant will partner with Chaffey College INTECH Center (“INTECH”) and contribute \$250,000 to INTECH for job training.

Union Labor. The Applicant will employ members of Laborers International Union of North America in connection with the construction of the Project to ensure the presence of a well-trained, high-quality construction workforce at the Project.

Open Space. The Project includes a multi-use trail connection that shall provide a 10-foot-wide connection along Street “A”. The trail will benefit the environment as it will provide the opportunity for non-motorized transportation and potentially remove some automobiles from area roadways as people opt to bike/walk instead of taking a personal automobile. The Project will provide a wellness walk, which includes a designated walking path for employees with five exercise stations along a multi-use trail. The Project will also provide approximately 3.3 acres of open space area within an existing stormwater basin in Planning Area 4b.

Improved Streets and Fair Share Contribution. The Project will provide direct access to freeways/roads, and nearby airports and the ports of Los Angeles and Long Beach, including access to job centers, emergency services, and commercial activities. The Applicant will pay fair share contributions representing its contribution to future regional circulation improvements. Regarding cumulative traffic impacts, the Applicant will pay a total of \$766,240.00 to the County, City of Fontana, and City of Rancho Cucamonga to enhance traffic facilities at intersections in and around Property site.

Art and Signage Program. The Project will include an art and signage program, consisting of a NASCAR-themed art walk along the portion of the Property that abuts the Next Gen Motorsports Facility.

Employee Wellness Program. The Applicant will encourage tenants to implement an Employee Wellness Program, such as the Healthy San Bernardino County program for industrial developers.

Public Services. The Project will be designed to incorporate the following Crime Prevention Through Environmental Design (“CPTED”) strategies to deter and prevent crime. The Project will include, without

limitation, strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, clear sightlines into the facility parking areas, use of clearly identifiable points of entry and improved roadways and new public roadways proposed throughout the Project site will improve police access to the Project site and the surrounding area.

Electric Truck and Car Grant Programs. The Applicant will provide the Electric Truck and Car Grant Programs as specified within the Development Agreement.

Redwood Elementary School. The Applicant will contribute \$150,000 to Redwood Elementary School for the repair of its sidewalks.

Community Benefit Fee. The Applicant will contribute to the County, as a community benefit fee, an amount of money equal to \$1.00 per leasable square foot of each building built at the Project.

Development Code Amendment

The adoption of the SCCIISP would necessitate amendments to Sections 82.23.030 and 86.14.090 to add the “Speedway Commerce Center II Specific Plan” to the list of adopted plans and to identify the prefix of “SC” that will appear on the land use zoning district map for the Specific Plan Area. A copy of the redline amendments to Sections 82.23.030 and 86.14.090 that will be presented to the Board of Supervisors in the form of an ordinance is attached as Exhibit J.

Tentative Parcel Map

The SCCIISP is being processed with Tentative Parcel Map (TPM) 20478 to subdivide the existing 10 parcels to create 26 parcels, two lettered lots, dedicate rights-of way for public streets and identify required utility easements. The TPM will also create a new legal parcel for the previously approved Next Gen motorsports facility.

PUBLIC OUTREACH AND COMMENT

Environmental Justice

The Specific Plan area is identified in the Countywide Plan as an Environmental Justice Focus Area. Specifically, the area is identified within the Valley Unincorporated Islands: Western Fontana Environmental Justice Focus Area. Thus, Pursuant to SB 1000 and the County’s Policy Plan, environmental justice considerations and outreach was completed. Public outreach consisted of two community workshops, the first of which was held on January 12, 2022, at the Cypress Neighborhood Center, 8380 Cypress Avenue, Fontana, CA. The second workshop was held on July 6, 2022, also at the Cypress Neighborhood Center.

Oral comments provided during both workshops focused on:

- The preferred continuation of physical mailings for noticing,
- Potential loss of customers for local businesses,
- Governmental support for small businesses,
- Preservation of neighborhood culture,
- Impacts to existing utilities,
- Impacts to existing traffic flows,
- Reduction of Air Quality impacts; and
- Improvements to local roadways.

Further, a project webpage was provided which included updated information on all meetings, after action summaries, and PowerPoints for participants that were unable to attend the in-person meetings. As noted in the Policy Plan, the goal within environmental justice areas is to provide equitable levels of protection from environmental and health hazards, to provide expanded opportunities for physical activity and to provide access to healthy food, public facilities, and safe and sanitary housing. With the incorporation of community benefits discussed above, the Project would prioritize improvements that address the needs of the area and the impact of the Project.

Outreach

As the Specific Plan area is within an unincorporated environmental justice focus area, public outreach and community engagement was performed in conformance with the goals and policies of the San Bernardino Countywide Plan. Two public meetings were held to engage nearby residents, businesses, and property owners throughout the Specific Plan process and review of the Project's Environment Impact Report. Notification was provided to the required radius boundary and all who requested notification in the predominant language(s) spoken. Additionally, all materials were made available to the community and public in multiple formats (digital and hard copy) including providing notices, flyers, presentations, and documents in both English and Spanish at multiple locations including mail, at the community center, door hangers, and at the local farmer's market.

ENVIRONMENTAL ANALYSIS:

This Specific Plan is considered a "project" under the California Environmental Quality Act (CEQA). CEQA is a statute that requires state and local agencies to identify the significant environmental impacts of their proposed discretionary actions and to avoid or mitigate those impacts, if feasible. To document the potential significant impacts of the Project, an EIR was prepared for this Specific Plan. The EIR must be certified by the San Bernardino County Board of Supervisors (Board) prior to adoption of this Specific Plan or any other discretionary Project entitlements. Under the proposed Specific Plan, any subsequent development within the Specific Plan boundaries deemed consistent with Specific Plan standards and within the scope of the EIR's analysis will not require further environmental review.

Public Review and Comment Period

Pursuant to CEQA Guidelines § 15082 and Public Resources Code § 21092, the County circulated the NOP directly to public agencies (including the State Clearinghouse Office of Planning and Research), sent a mailing to property owners within 1,300 feet of the Project area, and provided notice to members of the public who requested such notice. In addition, the NOP was also uploaded to CEQANet, and the environmental documents were made available to the public on the County's website. The NOP was distributed on December 13, 2021, with the 30-day public review period concluding on January 13, 2022.

Scoping Meeting

A notice of a public scoping meeting for the Project was provided within the NOP. Originally, an in-person public scoping meeting was to be held on January 11, 2022, at the Sequoia Middle School, Multi-Purpose Room, 9452 Hemlock Ave, Fontana, CA 92335. However, due to changes in Covid-19 concerns, the meeting was changed to a virtual meeting and a revised public scoping meeting notice was sent to all interested parties, and to all property owners within a 1,300-foot radius of the project boundary on January 5, 2022 for a Scoping Meeting on January 11, 2022 via Zoom. The purpose of scoping meetings is to obtain comments from the public and agencies regarding the scope of the environmental document.

Oral comments were received during the Scoping Meeting from one individual. There were no other oral comments received. A total of 10 comment letters were received in response to the NOP within the review period. Three comment letters were received after the NOP comment review period closed from the

County's Department of Public Works, Flood Division, Lozeau Drury, LLP and the City of Fontana. Copies of these letters/emails, the list of those who attended the public meeting and a copy of the presentation provided during the meeting are provided in the Scoping Report (Exhibit K).

Areas of Controversy

CEQA Guidelines requires that areas of controversy known to the Lead Agency, including issues raised by other agencies and the public be resolved, including alternatives and whether, or how to, mitigate significant effects. The following issues of concern were identified during the review period of the distribution of the NOP and public meetings:

- Health Risk Assessment of all potential health risks from Project-related diesel emissions sources and cumulative cancer risk impact on nearby residences.
- Potential impacts to Aesthetics.
- Potential impacts to Air Quality.
- Mitigation of adverse air quality impacts beyond what is minimally required.
- Potential impacts to GHG emissions.
- Potential impacts to storm drain facilities.
- Potential impacts to noise generated by traffic.
- Potential impacts to public safety and emergency access.
- Potential impacts to traffic circulation and vehicle miles traveled.
- Project considerations to bicycling infrastructure to both reduce traffic impacts and improve access for bicyclists including considerations to the viability of bicycle commuting, alternatives to traffic light intersections, and other safety concerns.
- Potential impacts to utilities and utility-related services.

The significant unavoidable project impacts are summarized below. As analyzed in the Draft EIR, most of the potentially significant impacts identified can be mitigated to a less than significant level through implementation of Project design features, standard conditions, and feasible mitigation measures. Those impacts that could not be mitigated and are unavoidable significant impacts are associated with air quality, energy, and noise and are summarized as follows:

Air Quality

- Conflict with Applicable Air Quality Plan. The Project's exceedance of regional criteria pollutant thresholds would potentially result in a long-term impact on the region's ability to meet state and federal air quality standards. It should be noted that the South Coast Air Quality Management District (SCAQMD) developed its criteria pollutant thresholds for individual development projects and not necessarily for large projects that would be developed in multiple phases over several years, such as the proposed Project.
- Project-Related Construction and Operational Emissions. Despite implementation of mitigation measures, the Project's criteria pollutant emissions would remain above SCAQMD thresholds resulting in a significant and unavoidable impact (Impact 4.3-2). However, localized impacts would be less than significant (Impact 4.3-3).
- Cumulative Emissions. As stated above, operational activities would create a significant and unavoidable impact due to exceedances of SCAQMD regional thresholds. Implementation of MM AQ-1 through MM AQ-9 would reduce impacts; however, a significant and unavoidable impact would remain.

Energy

- Fuel Consumption. Although operation of the Project would not result in wasteful, inefficient, or unnecessary consumption of diesel fuel, the potential for the Project to increase consumption of diesel fuel by over five percent is conservatively considered significant and unavoidable. However,

in the future, Project demands for diesel fuel are anticipated to decrease over time as ZE and NZE trucks become more available.

Greenhouse Gas Emissions

- Despite consistency with the County's GHG Reduction Plan and compliance with various CARB and SCAQMD emissions reduction programs, the Project's emissions would be considered significant and unavoidable despite the implementation of PDFs, SCs, and MMs.

Noise

- The Project would result in a significant and unavoidable impact due to off-site traffic noise generation (Impact 4.13-1). The Project would also result in a cumulatively considerable contribution to significant and unavoidable cumulative off-site traffic noise impacts.

CEQA Findings & Statement of Overriding Considerations

Pursuant to Section 15093 of the CEQA Guidelines, decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Because the Project's impacts discussed above cannot be reduced to a level that is less than significant, Findings of Fact and a Statement of Overriding Considerations must be adopted to approve the Project as proposed. The CEQA Findings and Statement of Overriding Considerations (Exhibit G) discuss the mitigation measures for the Project's significant impacts and the rationale for making the Statement of Overriding Considerations for those impacts that are significant and unavoidable.

The following factors and public benefits were considered as overriding considerations to the identified unavoidable significant adverse impacts of the proposed Project:

1. The Project will provide electric passenger car charging infrastructure, including charging infrastructure for a future autonomous truck charging area.
2. The Applicant will provide grant funding for the purchase of seven (7) Class 8 heavy duty electric trucks; six (6) grants for the purchase of Class 4 through Class 7 medium duty trucks; six (6) grants for Project tenants to purchase light-duty delivery vehicles (generally referred to Class 1, 2, and 3 trucks) for use for deliveries in western San Bernardino County and the immediately proximate area; and a \$75,000 community clean vehicle grant program that will provide up to 75, \$1,000 electric vehicle car grants to San Bernardino County residents and/or fund other programs to advance zero emission transportation. In total, the Applicant has committed to provide \$1,005,000 in electric truck and car grant funding in connection with the Project.
3. All buildings in the Project will be designed to Leadership in Energy and Environmental Design (LEED™) building standards which promote healthy, highly efficient, and sustainable green buildings.
4. The Project will provide all necessary infrastructure to enable solar photovoltaic systems on the roofs of the buildings built at the Project. Within two years after the commencement of operations in each such building, the occupant will be required to either install a photovoltaic or other renewable energy system which is sufficient to provide 50% of the power needs of such building.
5. The Project will provide important open space and recreational amenities in the form of a multi-use trail connection that will provide a 10-foot-wide connection along Street "A" and provide the opportunity for non-motorized transportation, potentially removing some automobiles from area roadways as people opt to bike/walk instead of taking personal automobiles. The Project will also provide a "wellness walk" which includes a designated walking path for employees with five exercise stations along the multi-use trail, along with informal seating areas and nodes of enhanced landscaping at major intersections in the Project.

6. The Project will provide an art and signage program, consisting of a NASCAR-themed art walk along the portion of the Property that abuts the Next Gen Motorsports Facility.
7. The Project is consistent with, and will contribute to achieving the goals and objectives established by the Policy Plan.
8. Approval of the Project will create maximum local and regional employment-generating opportunities for citizens of the County and surrounding communities. Specifically, approval of the Project will create approximately 3,732 new jobs, in addition to temporary construction jobs.
9. Construction spending will create a one-time stimulus to the local and regional economies.
10. The Project will employ local members of Laborers International Union of North America to ensure the presence of a well-trained, high-quality construction workforce at the Project.
11. The Applicant will partner with the Chaffey College INTECH Center ("INTECH") and contribute \$250,000 to INTECH for job training.
12. Approval of the Project will contribute towards maximizing employment opportunities within the County to improve the jobs-housing balance and to reduce systemic unemployment within the County. The Project will attract businesses that can expedite the delivery of essential goods to consumers and businesses in the County and region.
13. Approval of the Project will enhance the fiscal performance of the County and help stabilize the County's fiscal health, including by way of the payment of a Community Benefit Fee in the amount of \$1.00 per leasable square foot of buildings built at the Project.
14. Approval of the Project will result in improved infrastructure to keep pace with development, and will enhance the quality of life for the County's residents by linking land use, transportation and infrastructure development.
15. The Project is strategically located in close proximity to freeways, roads, nearby airports and the ports of Los Angeles and Long Beach, thereby ensuring efficient movement of goods and a reduction in vehicle miles traveled.
16. The Project will provide a network of fully improved streets for the mobility of all users, including future electric trucks.
17. The Project will pay fair share contributions towards future regional circulation improvements.
18. The structures developed for the Project would reduce light and glare effects associated with the bright lighting that would be put in place for the proposed NextGen short track races and events, by forming a physical barrier around three sides of the short track.
19. The Applicant will contribute \$150,000 to Redwood Elementary School for the repair of its sidewalks.

Based on the considerations above, a Statement of Overriding Considerations is being recommended for approval.

RECOMMENDATION: That the Planning Commission recommend that the Board of Supervisors:

- 1) **CERTIFY** the Environmental Impact Report (SCH No. 2021120259) (Exhibits C and I);
- 2) **ADOPT** the recommended CEQA Findings, Statement of Overriding Considerations and MMRP (Exhibits D and G);
- 3) **ADOPT** the recommended Findings in support of the Speedway Commerce Center II Specific Plan, Policy Plan Amendment, Zoning Amendment, Development Code Amendment, Development Agreement, Revision to Approved Action, and Tentative Parcel Map (Exhibit A);
- 4) **ADOPT** the Speedway Commerce Center II Specific Plan (Exhibit E);
- 5) **ADOPT** the Policy Plan Amendment from Commercial (C) to Special Development (SD) for those parcels within the Specific Plan Area;
- 6) **ADOPT** the Zoning Amendment from Special Development – Commercial (SD-Com) to Speedway Commerce Center II, Specific Plan Commercial (SC/SP-Com) for those parcels within the Specific Plan Area;
- 7) **ADOPT** the Development Code Amendment to amend Sections 82.23.030 and 86.14.090 of the San Bernardino County Code adding Speedway Commerce Center II Specific Plan to the list of adopted specific plans (Exhibit J);
- 8) **APPROVE** Development Agreement No. 22-01;
- 9) **APPROVE** the Revision to an Approved Action to amend the existing Planned Development Permit for the Auto Club Speedway to remove from its coverage approximately 433 acres of the site, which will be governed by the Speedway Commerce Center II Specific Plan, subject to the Conditions of Approval (Exhibit B);
- 10) **APPROVE** Tentative Parcel Map No. 20478 to subdivide 10 parcels into 26 parcels and two lettered lots, subject to the Conditions of Approval (exhibit B); and
- 11) **DIRECT** the Clerk of the Board to file a Notice of Determination.

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Conditions of Approval
Exhibit C: Final EIR Response to Comments
https://lus.sbcounty.gov/wp-content/uploads/sites/48/2022/09/lb-Exhibit-C_FEIR-Section-2-Comments-and-Responses_V2_clean.pdf
Exhibit D: Mitigation Monitoring and Reporting Program
Exhibit E: Specific Plan
[http://www.sbcounty.gov/uploads/LUS/Environmental/Speedway Commerce Center II Specific Plan/Exhibit%20E%20Speedway%20Commerce%20Center%20II%20Specific%20Plan.pdf](http://www.sbcounty.gov/uploads/LUS/Environmental/Speedway%20Commerce%20Center%20II%20Specific%20Plan.pdf)
Exhibit F: Tentative Parcel Map No. 20478
Exhibit G: CEQA Findings and Statement of Overriding Consideration
Exhibit H: Development Agreement
Exhibit I: Draft Environmental Impact Report
[www.sbcounty.gov/uploads/LUS/Environmental/SPEEDWAY_EIR/Speedway%20Commerce%20Center%20II%20Specific%20Plan%20DEIR%20\(1\).pdf](http://www.sbcounty.gov/uploads/LUS/Environmental/SPEEDWAY_EIR/Speedway%20Commerce%20Center%20II%20Specific%20Plan%20DEIR%20(1).pdf) and Technical Studies for the Speedway Commerce Center II Specific Plan
<https://lus.sbcounty.gov/planning-home/environmental/valley-region/>
Exhibit J: Development Code Amendment
Exhibit K: Comment Letters

EXHIBIT A

Findings

The following shall serve as the Planning Commission's written recommendation, reasons, and findings to the Board of Supervisors for approval of the 1) Speedway Commerce Center II Specific Plan ("SCCIIISP" or "Specific Plan") to facilitate the development of up to approximately 6.6 million square feet of high-cube logistics and e-commerce development, 98 acres of support parking facilities, and 12 acres of parking/general commercial uses, with support landscaping and facilities on approximately 433 acres of the 522-acre site ("Project site"), 2) Policy Plan Amendment from Commercial (C) to Special Development (SD) for the Project site, 3) Zoning Amendment from Special Development – Commercial (SD-Com) to Speedway Commerce Center II, Specific Plan Commercial (SC/SP-Com) for the Project site, 4) Development Code Amendment to amend Sections 82.23.030 and 86.14.090 of the San Bernardino County Code adding Speedway Commerce Center II Specific Plan to the list of adopted specific plans, 5) Development Agreement No. 22-01, 6) Revision to Approved Action to amend the existing Planned Development Permit for the Auto Club Speedway ("ACS") to remove from its coverage approximately 433 acres of the Project site, which will be governed by the Specific Plan, and; 7) Tentative Parcel Map No. 20478 to subdivide 10 parcels into 26 parcels and two lettered lots at the Project site (collectively the "Project").

FINDINGS: SPECIFIC PLAN [Development Code Section 86.14.070] to facilitate the development of up to approximately 6.6 million square feet of high-cube logistics and e-commerce development, 98 acres of support parking facilities, and 12 acres of parking/general commercial uses, with support landscaping and facilities on approximately 433 acres of the 522-acre site.

1. THE PROPOSED DEVELOPMENT IS GENERALLY IN COMPLIANCE WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN;

The Project site would encompass approximately 433 acres of the 522-acre Auto Club Speedway (ACS) site. The Project would be constructed on approximately 433 acres of the existing site. The proposed Specific Plan project includes, but is not limited to, up to approximately 6.6 million square feet (sf) of high cube logistics and e-commerce uses, approximately 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The Project site would also be developed with greenbelts, public roads, other support amenity features, and water detention areas. Certain off-site circulation improvements would also potentially be constructed or funded by the applicant, as identified in the Project's Traffic Study. Construction of the Project, including recordation of final subdivision map and design review may be progressively implemented in stages, provided that vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety. Phasing and timeframe for development may vary depending on market conditions. The proposed development is in compliance with the actions, goals, objectives, and policies of the Policy Plan as detailed in the General Plan Consistency Findings below. A complete consistency analysis of relevant actions, goals, objectives and policies of the Policy Plan is included within the Draft Environmental Impact Report ("EIR") (SCH # 2021120259) at Table 4.11-4 and is incorporated herein by reference.

2. THE DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., DRAINAGE, FIRE PROTECTION, SEWERS, WATER, ETC.), WOULD ENSURE THAT THE PROPOSED DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PUBLIC CONVENIENCE, HEALTH, INTEREST, SAFETY, OR WELFARE, OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY AND LAND USE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED;

The proposed development would not substantially increase hazards due to a geometric design feature or incompatible uses. The proposed improvements to the site's existing internal circulation includes modifications or enhancements to the existing private Entry Road (Street "D") and VIP Access Road. These internal roads may be modified or enhanced to accommodate the traffic trips anticipated with the Project, including improvements and minor realignment to the existing private Entry Road (Street

“D”) and improvements to VIP Access Road, to provide access to the Project and the Next Gen motorsports facility. Private drives aisles are proposed to connect individual buildings within the Project area. In addition, the Project would improve the existing circulation by constructing three new roads: Street “A,” Street “B” and Street “C.” The Project also includes the conversion of two existing off-site private at-grade rail crossings at the existing Napa Street Driveway and VIP Access Road to public at grade rail crossings, and improvements to an existing off-site public at-grade rail crossing at San Bernardino Avenue located off-site, south of the proposed development.

The proposed development would not include the modification of existing roadways in a manner which would reduce their ability to remain a viable route of transportation. In fact, roadway improvements proposed as part of the Specific Plan have been designed to improve roadway efficiency and emergency access to the Project site. By providing increased internal circulation routes the Project would improve access to the site by emergency vehicles and exit points in the event of evacuation.

The proposed development is not located in or near a State Responsibility Area or a Very High Fire Hazard Severity Zone. The proposed development would construct new storm drain facilities that would connect to the existing detention basin in the southwest corner of the site. Any runoff that may occur would not exceed the drainage system's capacity as existing downstream and upstream facilities have adequate capacity to convey 1,135 cfs, and the proposed development will only produce a total flow of 885.8 cfs. The proposed development will provide a system of infrastructure that includes sewer, water, drainage, solid waste disposal, and other essential facilities to serve the needs of development within the Specific Plan.

Lastly, a Health Risk Assessment was prepared for the proposed development and was included as Appendix C of the Project's Draft EIR. Mitigation measures were incorporated into the proposed development that will reduce cancer risk from Project construction and operations to below the South Coast Air Quality Management District's 10 in one million threshold for all types of receptors.

3. THE PROPOSED DEVELOPMENT WOULD:

A. ENSURE QUALITY DEVELOPMENT BY ENCOURAGING GREATER FLEXIBILITY WITH MORE CREATIVE AND AESTHETICALLY PLEASING DESIGNS FOR MAJOR DEVELOPMENTS;

The Specific Plan establishes guidelines and development standards to ensure consistent development within the plan area and compatibility with the adjacent land uses, while allowing for greater flexibility and creativity in site and building design than may otherwise be permitted under the existing zoning district development standards. The Specific Plan includes design guidelines relating to architecture to promote and emphasize the identified architectural themes and styles for buildings permitted within the Specific Plan area. These guidelines will provide a basis for decisions regarding the built environment and promote a high-quality industrial project, including direct guidance on architectural design and details, building mass and scale, materials and exterior colors, and articulation. Architectural styles within the Specific Plan area will be modern and contemporary with clean lines.

B. ENSURE THE TIMELY PROVISION OF ESSENTIAL PUBLIC SERVICES AND FACILITIES CONSISTENT WITH THE DEMAND FOR THE SERVICES AND FACILITIES; AND

Localized utility infrastructure and facilities would be extended and upgraded as needed during construction of the proposed development to serve the anticipated demands and to accommodate operation of the high- cube logistics, e-commerce, and ancillary commercial facilities. Provision of utilities is discussed in detail within Section 4.19 of the Draft EIR, which concluded that adequate services and facilities exist or will be provided to serve the needs of the proposed development. Likewise, the proposed development will not result in an increase in fire or police service calls such

that response times would be adversely impacted, as documented within Section 4.15 of the Draft EIR.

C. PROMOTE A HARMONIOUS VARIETY OF HOUSING CHOICES AND COMMERCIAL AND INDUSTRIAL ACTIVITIES; ATTAIN A DESIRABLE BALANCE OF RESIDENTIAL AND EMPLOYMENT OPPORTUNITIES; AND RESULT IN A HIGH LEVEL OF AMENITIES AND THE PRESERVATION OF THE NATURAL AND SCENIC QUALITIES OF OPEN SPACE.

The proposed development will provide high-cube logistics and e-commerce uses in an area substantially surrounded by other existing industrial uses, thereby minimizing impacts to sensitive receptors. The proposed development would generate approximately 3,732 new jobs, which would improve the County's jobs-housing balance but would not necessitate a substantial increase in population or housing demand. The proposed development is currently developed with existing Auto Club Speedway uses and associated structures, and there are no scenic resources in the vicinity. The proposed development will provide a multi-use trail along Street "A" with exercise pop-outs along the trail to promote exercise and healthy lifestyle; employee break areas; enhanced landscaping; and pedestrian connections throughout the site to ensure safe pedestrian and bicycle connectivity. The proposed development will also include an art and signage program, consisting of a NASCAR-themed art walk along the portion of the property that abuts the Next Gen Motorsports Facility.

4. THE SUBJECT PROPERTY IS PHYSICALLY SUITABLE FOR THE PROPOSED LAND USE ZONING DISTRICT DESIGNATION(S);

The proposed development consists of approximately 433 acres of the existing approximately 522-acre Auto Club Speedway site and is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, an active freight and passenger rail line to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south. In addition to the railroad infrastructure situated immediately north, the proposed development is also surrounded by as truck/trailer storage warehousing, manufacturing, offices, and single-family residential units to the north. Service garage, light industrial, and office land uses are present immediately south of the proposed development. Warehousing, truck leasing, automotive dealers, and single-family residential units are located to the east, and warehousing, distribution, and logistics land uses as well as the San Sevaine Channel are located to the west. This site is in close proximity to major transportation arterials, which makes it an ideal location for high-cube logistics and e-commerce center uses. The Specific Plan would serve as the mechanism to ensure that the proposed development is developed in an organized and cohesive manner, and incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans.

5. THE PROPOSED PROJECT HAS BEEN REVIEWED IN COMPLIANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE COUNTY'S ENVIRONMENTAL REVIEW PROCEDURES;

A Draft EIR was prepared and circulated for public review in accordance with CEQA and the County's Environmental Review Procedures. The County circulated the Draft EIR from June 1, 2022 to July 18, 2022. The County received a total of 55 comment letters from responsible agencies and other interested parties. The County prepared responses to all written comments received during the public review period. The comments and responses are contained in Section 2.0 of the Final EIR.

6. THERE WOULD BE NO POTENTIAL SIGNIFICANT NEGATIVE EFFECTS UPON ENVIRONMENTAL QUALITY AND NATURAL RESOURCES THAT WOULD NOT BE PROPERLY MITIGATED AND MONITORED, UNLESS A STATEMENT OF OVERRIDING CONSIDERATIONS IS ADOPTED BY THE BOARD.

All environmental impacts of the proposed development can be mitigated to below a level of significance with the exception of air quality, greenhouse gas emissions, energy and off-site traffic noise impacts, which would remain significant and unavoidable. Nonetheless, all feasible mitigation has been incorporated into the proposed development and is fully enforceable by the County as part of the Mitigation Monitoring and Reporting Program. A Statement of Overriding Considerations has been prepared for consideration and adoption by the Board of Supervisors.

FINDINGS: POLICY PLAN AMENDMENT AND ZONING AMENDMENT [Development Code Section 86.12.060] to amend the Land Use Category designation of the Project site from Commercial (C) to Special Development (SD) and the Land Use Zoning District designation of the Project site from Special Development – Commercial (SD-Com) to Speedway Commerce Center II, Specific Plan Commercial (SC/SP-Com) (the “proposed amendment”).

1. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE POLICY PLAN;

The proposed amendment is consistent with and will further the objectives, goals and policies of the Policy Plan and the Speedway Commerce Center II Specific Plan (“Specific Plan”) as indicated in the General Plan Consistency Findings below. A complete consistency analysis of relevant actions, goals, objectives and policies of the Policy Plan is included within the Draft Environmental Impact Report (“EIR”) at Table 4.11-4 and is incorporated herein by reference.

2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY;

The proposed amendment will facilitate a specific plan that will provide high-cube logistics and e-commerce uses in an area substantially surrounded by other existing industrial uses (“proposed development”). As indicated in the findings for adoption of the Specific Plan, the Specific Plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The proposed amendment is in conformance with the goals and policies of the Policy Plan, by providing infill development of a commercial/high-cube logistics/e-commerce use on an underutilized property, creating new employment opportunities, and providing regulations through the Specific Plan as an implementation tool. The development would pay its fair share of development impact fees, improve the County’s jobs-housing balance and be compatible with existing surrounding land uses.

The proposed development would not substantially increase hazards due to a geometric design feature or incompatible uses. The proposed improvements to the site’s existing internal circulation includes modifications or enhancements to the existing private Entry Road (Street “D”) and VIP Access Road. These internal roads may be modified or enhanced to accommodate the traffic trips anticipated with the Project, including improvements and minor realignment to the existing private Entry Road (Street “D”) and improvements to VIP Access Road, to provide access to the Project and the Next Gen motorsports facility. Private drives aisles are proposed to connect individual buildings within the Project area. In addition, the Project would improve the existing circulation by constructing three new roads: Street “A,” Street “B” and Street “C.” The Specific Plan also includes the conversion of two existing off-site private at-grade rail crossings at the existing Napa Street Driveway and VIP Access Road to public at grade rail crossings, and improvements to an existing off-site public at-grade rail crossing at San Bernardino Avenue located off-site, south of the proposed development.

The proposed development would not include the modification of existing roadways in a manner which would reduce their ability to remain a viable route of transportation. In fact, roadway improvements proposed as part of the Specific Plan have been designed to improve roadway efficiency and emergency access to the Project site. By providing increased internal circulation routes the Project would improve access to the site by emergency vehicles and exit points in the event of evacuation. The

proposed development is not located in or near a State Responsibility Area or a Very High Fire Hazard Severity Zone. The proposed development would construct new storm drain facilities that would connect to the existing detention basin in the southwest corner of the site. Any runoff that may occur would not exceed the drainage system's capacity as existing downstream and upstream facilities have adequate capacity to convey 1,135 cfs, and the proposed development will only produce a total flow of 885.8 cfs. The proposed development will provide a system of infrastructure that includes sewer, water, drainage, solid waste disposal, and other essential facilities to serve the needs of development within the Specific Plan.

Lastly, a Health Risk Assessment was prepared for the proposed development and was included as Appendix C of the Project's Draft EIR. Mitigation measures were incorporated into the proposed development that will reduce cancer risk from Project construction and operations to below the South Coast Air Quality Management District's 10 in one million threshold for all types of receptors.

3. THE PROPOSED AMENDMENT IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED;

The existing Project site is currently developed with the Auto Club Speedway. The proposed amendment will facilitate the Specific Plan that will provide high-cube logistics and e-commerce uses in an area substantially surrounded by other existing industrial uses. The Specific Plan consists of approximately 433 acres of the existing approximately 522-acre Auto Club Speedway and is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, an active freight and passenger rail line to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south. The Project site is in close proximity to major transportation arterials, which makes it an ideal location for high-cube logistics and e-commerce center uses. The Specific Plan would serve as the mechanism to ensure that the proposed development is developed in an organized and cohesive manner, and incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. Furthermore, there are community benefits provided through a Development Agreement that will ensure that the proposed amendment is in the public interest and will not be detrimental to surrounding lands uses.

4. THE PROPOSED AMENDMENT WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA;

The proposed amendment will meet the minimum size requirements enumerated in the San Bernardino County Development Code (Development Code) and will provide a reasonable and logical extension of the existing industrial land use patterns in the surrounding area. The Specific Plan provides a framework to ensure that the proposed development is developed in an organized and cohesive manner, and incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. This will ensure that the Specific Plan is a logical and appropriate extension to nearby industrial land uses.

5. THE PROPOSED AMENDMENT DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE;

The proposed amendment is a necessary action for the adoption of the Specific Plan and to comply with the requirements of the provision of the Development Code. The Development Code provides that the adoption of a specific plan shall replace the base land use zoning district for the Project site, and the development standards/guidelines identified in the specific plan shall take precedence over the general standards contained in the Development Code. Adoption of the Specific Plan will ensure that

the proposed development is developed in an organized and cohesive manner, through the incorporation of a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans.

6. THE PROPOSED AMENDMENT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY; AND

The proposed amendment will facilitate the adoption of the Specific Plan that proposes the development of high-cube logistics and e-commerce uses in an area substantially surrounded by other existing industrial uses, thereby minimizing impacts to sensitive receptors. The proposed development would generate approximately 3,732 new jobs, which would improve the County's jobs-housing balance but would not necessitate a substantial increase in population or housing demand. The proposed development is currently developed with existing Auto Club Speedway uses and associated structures, and there are no scenic resources in the vicinity. The proposed development will provide a multi-use trail along Street "A" with exercise pop-outs along the trail to promote exercise and healthy lifestyle; employee break areas; enhanced landscaping; and pedestrian connections throughout the site to ensure safe pedestrian and bicycle connectivity. The proposed development will also include an art and signage program, consisting of a NASCAR-themed art walk along the portion of the property that abuts the Next Gen Motorsports Facility.

7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.

The proposed development consists of approximately 433 acres of the existing approximately 522-acre Auto Club Speedway site and is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, an active freight and passenger rail line to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south. In addition to the railroad infrastructure situated immediately north, the proposed development is also surrounded by as truck/trailer storage warehousing, manufacturing, offices, and single-family residential units to the north. Service garage, light industrial, and office land uses are present immediately south of the proposed development. Warehousing, truck leasing, automotive dealers, and single-family residential units are located to the east, and warehousing, distribution, and logistics land uses as well as the San Sevaine Channel are located to the west. This site is in close proximity to major transportation arterials, which makes it an ideal location for high-cube logistics and e-commerce center uses. The Specific Plan would serve as the mechanism to ensure that the proposed development is developed in an organized and cohesive manner, and incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. Localized utility infrastructure and facilities would be extended and upgraded as needed during construction of the proposed development to serve the anticipated demands and to accommodate operation of the high- cube logistics, e-commerce, and ancillary commercial facilities. Provision of utilities is discussed in detail within Section 4.19 of the Draft EIR, which concluded that adequate services and facilities exist or will be provided to serve the needs of the proposed development. Likewise, the proposed development will not result in an increase in fire or police service calls such that response times would be adversely impacted, as documented within Section 4.15 of the Draft EIR.

FINDINGS: DEVELOPMENT CODE AMENDMENT [Development Code Section 86.12.060] to amend Sections 82.23.030 and 86.14.090 of the San Bernardino County Code adding Speedway Commerce Center II Specific Plan to the list of adopted specific plans.

1. THE PROPOSED AMENDMENT IS CONSISTENT WITH THE POLICY PLAN AND ANY APPLICABLE COMMUNITY PLAN OR SPECIFIC PLAN;

With the adoption of the Speedway Commerce Center II Specific Plan, the proposed text amendment is an administrative requirement to identify the Speedway Commerce Center II Specific Plan prefix that will appear on the land use zoning district map and to add the specific plan to the list of adopted specific plans. The proposed amendment is therefore consistent with the Policy Plan.

2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY; AND

With the adoption of the Speedway Commerce Center II Specific Plan, the proposed text amendment is an administrative requirement to identify the Speedway Commerce Center II Specific Plan prefix that will appear on the land use zoning district map and to add the specific plan to the list of adopted specific plans. As such, the proposed text amendment will not be detrimental to the public health, safety, or general welfare.

3. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH OTHER APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE.

The proposed text amendment is consistent with and is a requirement of the Development Code. With the adoption of the Speedway Commerce Center II Specific Plan, the proposed text amendment is an administrative requirement to identify the Speedway Commerce Center II Specific Plan prefix that will appear on the land use zoning district map and to add the specific plan to the list of adopted specific plans.

FINDINGS: DEVELOPMENT AGREEMENT [Development Code Section 86.13.040]

1. THE DEVELOPMENT AGREEMENT AND THE ASSOCIATED DEVELOPMENT PROJECT ARE IN COMPLIANCE WITH THE GENERAL LAND USES, OBJECTIVES, POLICIES, AND PROGRAMS SPECIFIED IN THE POLICY PLAN, ANY APPLICABLE COMMUNITY PLAN OR SPECIFIC PLAN, AND THIS DEVELOPMENT CODE.

The Development Agreement is being proposed in conjunction with the Speedway Commerce Center II Specific Plan ("Specific Plan"). The Specific Plan proposes uses that include, but is not limited to, up to approximately 6.6 million square feet (sf) of high cube logistics and e-commerce uses, approximately 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The Specific Plan has been determined to be consistent with the objectives, goals, policies, and programs of the Policy Plan, which findings are incorporated herein by reference. Furthermore, the Specific Plan shall replace the base land use zoning district for the specific plan area and the development standards and guidelines will take precedence over the general standards and guidelines contained in the Development Code. Adoption of the Development Agreement will assure future development is in accordance with the provision of the Specific Plan and will be effective for a period of 20 years after its effective date, unless terminated. As indicated in Article 2, the Development Agreement will provide the Master Developer vested rights to develop the specific plan area for the uses and in accordance with the standards authorized in the Specific Plan.

2. THE DEVELOPMENT AGREEMENT AND THE ASSOCIATED DEVELOPMENT PROJECT ARE COMPATIBLE WITH THE USES AUTHORIZED IN, AND THE REGULATIONS PRESCRIBED FOR, THE LAND USE AND LAND USE ZONING DISTRICT IN WHICH THE REAL PROPERTY IS LOCATED.

The Development Agreement shall be binding and will cover all property located within the specific plan area. The property's land use zoning district shall be designated as Speedway Commence Center II Specific Plan – Commercial (SC/SP-COM) which provides for uses that include, but is not limited to, up to approximately 6.6 million sf of high cube logistics and e-commerce uses, approximately 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The Specific Plan and Development Agreement would serve as the mechanism to ensure that the property is developed in an organized and cohesive manner. The Specific Plan incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. The Specific Plan establishes the procedures and requirements to approve and implement new development within the specific plan area. Article 2 of the Development Agreement will assure that the development is consistent with the Specific Plan and that the proposed uses will be constructed in accordance with the rules, regulations and official policies of the Specific Plan.

3. THE DEVELOPMENT AGREEMENT AND THE ASSOCIATED DEVELOPMENT PROJECT ARE IN CONFORMITY WITH PUBLIC CONVENIENCE, GENERAL WELFARE, AND GOOD LAND USE PRACTICE.

The Specific Plan and Development Agreement would serve as the mechanism to ensure that the property is developed in an organized and cohesive manner. The Specific Plan incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. Development in accordance with the Specific Plan and Development Agreement would renovate an unincorporated area of the County in a manner which would preserve the commercial and tourism uses, while expanding high-cube logistics/e-commerce land uses, ancillary commercial uses, and, subsequently, supporting the local and regional economy. While the majority of the specific plan area is previously developed, the site would be redeveloped in a manner that both maintains the existing uses and further expands public services and infrastructure.

4. THE DEVELOPMENT AGREEMENT AND THE ASSOCIATED DEVELOPMENT PROJECT WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, AND GENERAL WELFARE.

The environmental impacts of the Specific Plan and Development Agreement were analyzed in an Environmental Impact Report ("EIR") pursuant to the California Environmental Quality Act. The EIR concludes that the future buildout of the specific plan area leads to potentially significant impacts and requires a statement of overriding consideration ("SOC") be adopted by the Board of Supervisors due unavoidable significant impacts associated with air quality, energy, and noise. The facts and conclusions of the EIR and SOC are incorporated herein by reference. As determined with the Board of Supervisors' certification of the EIR and adoption of the SOC, the Specific Plan and Development Agreement will be beneficial to the county and the region. Approval of the Specific Plan and development pursuant to the Development Agreement will not result in a reduction of public services to properties in the vicinity. The proposed changes contemplated in the Specific Plan and authorized by the Development Agreement will improve the safety and appearance of the area. Implementation of the Specific Plan is expected to improve the overall circulation, infrastructure, and design of the area and therefore will not be detrimental to the public health, safety and general welfare.

5. THE DEVELOPMENT AGREEMENT AND THE ASSOCIATED DEVELOPMENT PROJECT WILL NOT ADVERSELY AFFECT THE ORDERLY DEVELOPMENT OF PROPERTY OR THE PRESERVATION OF PROPERTY VALUES.

The Development Agreement would serve as a mechanism to ensure that the property within the specific plan area is developed in an organized and cohesive manner. The Specific Plan incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. Development in accordance with the Specific Plan and Development Agreement would renovate an unincorporated area of the County in a manner which would preserve the commercial and tourism uses, while expanding high-cube logistics/e-commerce land uses, ancillary commercial uses, and, subsequently, supporting the regional economy. While the majority of the specific plan area is previously developed, the site would be redeveloped in a manner that both maintains the existing uses and further expands public services and infrastructure and therefore preserving property values.

FINDINGS: REVISION TO APPROVED ACTION [Development Code Section 85.10.050] to amend the existing Planned Development Permit for the Auto Club Speedway (“ACS”) to remove from its coverage approximately 433 acres of the Project site, which will be governed by the Specific Plan.

1. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE GENERAL PLAN AND ANY APPLICABLE PLAN.

The reduction of the existing two-mile track with a new 0.67-mile short track that was previously approved, allows for the reduction in the Planned Development Area—to facilitate industrial and commercial development through the Speedway Commerce Center II Specific Plan. The change to the configuration of the Planned Development Area and previously approved new short track would in turn require certain changes to the previously approved Modified Project that are consistent with the goals and policies of the Countywide Plan. Specifically, the proposed project fulfills the Policy Plan land use goal of providing commercial and industrial land uses that generate positive tax revenue. The proposed development follows the actions, goals, objectives, and policies of the Policy Plan as detailed in the General Plan Consistency Findings below.

2. THE PHYSICAL CHARACTERISTICS OF THE SITE HAVE BEEN ADEQUATELY ASSESSED AND THE SITE FOR THE PROPOSED DEVELOPMENT IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES.

The proposed Minor Revision to a previously approved Major Revision and Planned Development has been determined to be appropriate, based on the following: The proposed project is a Revision to Planned Development that leads to a reduction in the area of the Planned Development to accommodate the development of industrial/commercial facilities as part of the Speedway Commerce Center II Specific Plan, as contemplated in the Policy Plan. The Reduction in the size of the project, allows the project to be more compatible to surrounding land uses. The physical characteristics of the site have been adequately assessed in the Addendum to the Final Environmental Impact Report (FEIR) and Subsequent EIR (SEIR) for the Auto Club Speedway, and in the FEIR. This assessment is specified in detail in the Addendum to the FEIR for the Auto Club Speedway.

3. THE SITE FOR THE PROPOSED DEVELOPMENT HAS ADEQUATE ACCESS, IN THAT THE SITE DESIGN AND DEVELOPMENT PLAN CONDITIONS CONSIDER THE LIMITATIONS OF EXISTING

STREETS AND HIGHWAYS AND PROVIDES IMPROVEMENTS TO ACCOMMODATE THE ANTICIPATED REQUIREMENTS OF THE PROPOSED DEVELOPMENT.

The proposed development has adequate access from Cherry Avenue, and San Bernardino Avenue. Changes to access are proposed as part of the Speedway Commerce Center II Specific Plan that is being processed in connection with the Minor Revisions to Development Plan for the approximately 433 acres that is being removed from the approximately 522 acres Speedway Planned Development as a result of the Minor Revision. The Specific Plan will ensure that access to the Auto Club Speedway is maintained and improved. Conditions of approval will ensure provision of improvements on-site and off-site to provide adequate access to and throughout the project site. The Revised Modified Project, which will decrease the size of the Planned Development area, will not result in any new significant impacts, or substantially increase the severity of the previously identified impacts, with respect to traffic and circulation. All mitigation measures previously adopted for the originally approved project will apply to the Revised Modified Project, as applicable. Therefore, preparation of a subsequent or supplemental environmental impact report is not warranted.

- 4. ADEQUATE PUBLIC SERVICES AND FACILITIES EXIST, OR WILL BE PROVIDED, IN COMPLIANCE WITH THE CONDITIONS OF DEVELOPMENT PLAN APPROVAL, TO SERVE THE PROPOSED DEVELOPMENT AND THE APPROVAL OF THE PROPOSED DEVELOPMENT WILL NOT RESULT IN A REDUCTION OF PUBLIC SERVICES TO PROPERTIES IN THE VICINITY TO BE A DETRIMENT TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.**

Adequate public services and facilities will be provided in accordance with provisions of the Preliminary Development Plan, and Addendum to the EIR through conditions of approval/mitigation measures related to development which is the subject matter of the Speedway Commerce Center II Specific Plan that will govern development on the approximately 433 acres that are being removed from the 522 acres Speedway Plan Development. Approval of that Minor Revision to Planned Development will result in improvement to public services and facilities and not a reduction of such public services to properties in the vicinity to the detriment of public health, safety, and welfare.

- 5. THE PROPOSED DEVELOPMENT, AS CONDITIONED, WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY OR THEIR ALLOWED USE, AND WILL BE COMPATIBLE WITH THE EXISTING AND PLANNED LAND USE CHARACTER OF THE SURROUNDING AREA.**

The proposed Minor Revision to Planned Development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.

- 6. THE IMPROVEMENTS REQUIRED BY THE PROPOSED CONDITIONS OF DEVELOPMENT PLAN APPROVAL, AND THE MANNER OF DEVELOPMENT ADEQUATELY ADDRESS ALL NATURAL AND MANMADE HAZARDS ASSOCIATED WITH THE PROPOSED DEVELOPMENT AND THE PROJECT SITE INCLUDING FIRE, FLOOD, SEISMIC, AND SLOPE HAZARDS.**

Any improvements required in connection with the Minor Revision to Planned Development, and the manner of development proposed were adequately addressed in the FEIR and Addendum—no changes to the land use map were necessary as addressed in the Addendum to the FEIR. In the FEIR and Addendum, all natural and man-made hazards associated with the proposed development and the project site are appropriately analyzed.

- 7. THE PROPOSED DEVELOPMENT CARRIES OUT THE INTENT OF THE PLANNED DEVELOPMENT PERMIT PROVISIONS BY PROVIDING A MORE EFFICIENT USE OF THE LAND**

AND AN EXCELLENCE OF DESIGN GREATER THAN THAT WHICH WOULD BE ACHIEVED THROUGH THE APPLICATION OF CONVENTIONAL DEVELOPMENT STANDARDS.

The proposed project is a reduction in area of the Auto Club Speedway Planned Development to accommodate the Speedway Commerce Center II Specific Plan and development of the site with industrial and commercial uses, as contemplated by the Policy Plan. The proposed reduction carries out the intent of the Planned Development Permit by providing an excellent design and more efficient use of the land pursuant to the Speedway Commerce Center II Specific Plan.

- 8. IF THE DEVELOPMENT PROPOSES TO MIX RESIDENTIAL AND COMMERCIAL USES WHETHER DONE IN A VERTICAL OR HORIZONTAL MANNER, THE RESIDENTIAL USE IS DESIGNED IN A MANNER THAT IT IS BUFFERED FROM THE COMMERCIAL USE AND IS PROVIDED SUFFICIENT AMENITIES TO CREATE A COMFORTABLE AND HEALTHY RESIDENTIAL ENVIRONMENT AND TO PROVIDE A POSITIVE QUALITY OF LIFE FOR THE RESIDENTS. THE AMENITIES MAY INCLUDE LANDSCAPING, PRIVATE OPEN SPACE, PRIVATE OR SEPARATED ENTRANCES, ETC.**

The proposed project is a raceway and not a mixed-use project. Therefore, this finding does not apply.

FINDINGS: TENTATIVE PARCEL MAP [Development Code Section 87.02.060] to subdivide 10 parcels into 26 parcels and two lettered lots at the Project site.

- 1. THE PROPOSED MAP, SUBDIVISION DESIGN, AND IMPROVEMENTS ARE CONSISTENT WITH THE GENERAL PLAN, ANY APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN;**

The proposed map, subdivision design and improvements follow the actions, goals, objectives, and policies of the Policy Plan as detailed in the General Plan Consistency Findings below. A complete consistency analysis of relevant actions, goals, objectives and policies of the Policy Plan is included within the Draft Environmental Impact Report ("EIR") (SCH # 2021120259) at Table 4.11-4 and is incorporated herein by reference.

- 2. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND PROPOSED DENSITY OF DEVELOPMENT;**

The site is physically suitable for the type and proposed density of development. The proposed Tentative Parcel Map is adequately sized for up to approximately 6.6 million square feet (sf) of high cube logistics and e-commerce uses, 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas

- 3. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT;**

The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the Project. Although the Project is located with the County's Burrowing Owl Overlay Zone, based on the results of a field investigation, the site has a low potential to support burrowing owls and the Project site did not have any recent signs of burrowing owl use, and the stormwater detention basin did not support any suitable burrows. Furthermore, special status species were not present on the project site. Therefore, with the implementation of BMPs no environmental damage is foreseen. All environmental impacts of the proposed development can be mitigated to below a level of significance

with the exception of air quality, greenhouse gas emissions, energy and off-site traffic noise impacts, which would remain significant and unavoidable. Nonetheless, all feasible mitigation has been incorporated into the proposed development and is fully enforceable by the County as part of the Mitigation Monitoring and Reporting Program. A Statement of Overriding Considerations has been prepared for consideration and adoption by the Board of Supervisors. Pursuant to Section 87.02.060(a)(3) of the Development Code, the County may approve a Parcel Map notwithstanding a negative finding above if an EIR was prepared and the required CEQA findings indicate why mitigation measures or project alternative identified in the EIR are infeasible

4. THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS;

The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems. The design of the subdivision follows a logical and orderly progression of development. The proposed subdivision has been reviewed by all agencies with jurisdiction over the project and has been found to not cause serious public health or safety problems, either through design, or through the adoption of conditions of approval.

5. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION. THIS FINDING MAY ALSO BE MADE IF THE REVIEW AUTHORITY FINDS THAT ALTERNATE EASEMENTS FOR ACCESS OR USE WILL BE PROVIDED, AND THAT THEY WILL BE SUBSTANTIALLY EQUIVALENT TO ONES PREVIOUSLY ACQUIRED BY THE PUBLIC. THIS FINDING SHALL APPLY ONLY TO EASEMENTS OF RECORD, OR TO EASEMENTS ESTABLISHED BY JUDGMENT OF A COURT OF COMPETENT JURISDICTION, AND NO AUTHORITY IS HEREBY GRANTED TO THE REVIEW AUTHORITY TO DETERMINE THAT THE PUBLIC AT LARGE HAS ACQUIRED EASEMENTS OF ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION;

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The approval of the Tentative Map will require all existing easements to remain in place and unobstructed and no improvements are required that would conflict with any easements of record. Furthermore, the Tentative Map contemplates the dedication of public streets that will provide access through or use of property within the proposed subdivision.

6. THE DISCHARGE OF SEWAGE FROM THE PROPOSED SUBDIVISION INTO THE COMMUNITY SEWER SYSTEM WILL NOT RESULT IN VIOLATION OF EXISTING REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD;

The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The approved system is in accordance with the wastewater treatment and water quality standards of the Santa Ana Regional Water Quality Control Board. Written clearance must be obtained from the Santa Ana Regional Water Quality Control Board prior to recordation of the map.

7. THE DESIGN OF THE SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES;

The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities. The design of the subdivision allows for future buildings to be designed in an alignment that takes advantage of passive or natural heating and cooling opportunities that exist on the project

site. Furthermore, solar connections and other renewable energy sources are required for each building approved within the Specific Plan within two years of issuance of a Certificate of Occupancy.

8. THE PROPOSED SUBDIVISION, ITS DESIGN, DENSITY, AND TYPE OF DEVELOPMENT AND IMPROVEMENTS CONFORMS TO THE REGULATIONS OF THIS DEVELOPMENT CODE AND THE REGULATIONS OF ANY PUBLIC AGENCY HAVING JURISDICTION BY LAW.

The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code, the proposed Specific Plan and any applicable federal, state, and local laws will be met.

GENERAL PLAN CONSISTENCY FINDINGS:

Policy ED-1.4 Planned business park and industrial areas. We prefer master planned approaches through specific and area plans for business park and industrial development and redevelopment. We facilitate master planned approaches in order to discourage incremental policy plan amendments that introduce or expand business park or industrial development.

Compliance: The Project site is in an unincorporated area of southwestern San Bernardino County and within the City of Fontana Sphere of Influence. The Project site is approximately 433 acres and is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, the Burlington Northern and Santa Fe (BNSF) Railroad to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south. The City of Fontana is located to the north, east, and south of the site. The City of Rancho Cucamonga is located to the west and northwest, and the Specific Plan Project would surround the future Next Gen motorsports facility generally on three sides. The proposed Specific Plan was created in-lieu of separate entitlements for the proposed lots to avoid incrementally review in the industrial project, in favor of a master planned development or Specific Plan. The Specific Plan proposed will ensure the orderly development of the Project, land use development standards and will assist in accommodating the proposed development by providing adequate transitions to neighboring land uses. In addition to the specific standards, project-wide development standards for the Project have been prepared to complement the standards in each individual Planning Area.

Policy ED-1.6 Industrial redevelopment. We facilitate and promote redevelopment in the industrial redevelopment focus areas to provide land and facilities for non-mining industrial development.

Compliance: The Project site is currently developed with improvements related to the Auto Club Speedway. The Project site is developed with a two-mile, D-shaped, oval track, with three pit garages, viewing suites, access ways, and associated facilities in the center. The Project site has a Policy Plan Land Use Category designation as Commercial (C) and a Zoning District designation of Special Development Commercial (SD-COM). The SD-COM Land Use Category allow for industrial type uses. The proposed Specific Plan promotes redevelopment of the industrial area and will comply with this Policy

Policy ED-2.1 Education pathways. We collaborate with school systems and civic organizations to support countywide education pathways (P-14) to prepare students for jobs in high-skill, high-wage careers and/or to prepare for college.

Compliance: The Specific Plan project includes a Development Agreement that requires the applicant to provide community benefits. One of the benefits included in the Development Agreement is related to providing support to education pathways. Thus, the project complies with this policy in that it provides

community benefits that assist education and will provide high-wage jobs. The Project will also be required to contribute to the Chaffey College Bond which supports future infrastructure and education.

Policy ED-2.3 Industry-driven workforce training. We Support countywide education and workforce training programs with a demonstrated ability to expand skills and improve employment opportunities, and we also promote innovative approaches that address the diversity of education, job skills, geography, and socioeconomics of the countywide labor force.

Compliance: The Specific Plan project includes a Development Agreement that requires the applicant to provide community benefits. One of the benefits included in the Development Agreement is related to support workforce development. Thus, the project complies with this policy in that it provides community benefits that assist education and will provide high-wage jobs. The Project will also be required to contribute to the Chaffey College Bond which supports future infrastructure and education.

Policy HZ-3.16 Notification. We notify the public through the County website, mail, and other means when applications are accepted for conditional use permits, changes in zoning, and Policy Plan amendments in or adjacent to environmental justice focus areas. We prepare public notices in the predominant language(s) spoken in the communities containing environmental justice focus areas.

Compliance: As part of the entitlement and Environmental Impact Report process, notification is required for Project Noticing, Notice of Preparation, Notice of Availability and for the Notice of Hearing. The Project held two EJ meetings on January 12, 2022 and on July 9, 2022 to inform the public and provide an opportunity for input on the project. Therefore, the proposed development has complied and continues to comply with this policy.

Policy TM-2.2 Roadway improvements. We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

Compliance: The internal circulation currently at the project site includes Perimeter Road, Calabash Avenue, Back Straight Road, VIP Access Road, Entry Road, and Rancho Vista Drive. These internal roads may be eliminated, modified, or enhanced to accommodate vehicle trips anticipated with the Project. Private drive aisles are proposed to connect individual buildings within the Project area site. Drive aisles would be located and sized at the time of review, based on County Code and fire lane requirements. Internal access and circulation may necessitate a shared access easement. The Specific Plan and Tentative Parcel Map, include three new public roads and the realignment of the existing Entry Road (Street "D") would be constructed to provide access to the Specific Plan's land uses and the Next Gen motorsports facility. Public roads would be designed as collectors and have a variable right-of-way width between 50 feet and 122 feet, per County Development Code roadway specifications. The improvements will comply with the above policy.

Policy TM-5.1 Efficient and sustainable goods movement network. We advocate for the maintenance of a goods movement system in southern California that is efficient and sustainable and that prioritizes public health through the use of zero-emission equipment and infrastructure.

Compliance: The proposed Project will lead to the efficient and sustainable movement of goods and the maintenance of a goods movement system in Southern California that is efficient and sustainable. To facilitate sustainable and efficient movement of good, the developer is required to utilize the Electric Truck and Car Grant Programs reference prior to the issuance of the certificate of occupancy for the first building built within the Specific Plan. Furthermore, the Development Agreement requires the development to provide electrical vehicle charging and charging infrastructure, and to provide solar energy or other forms of renewable energy, within two years after the commencement of operations in

each such building. The systems installed are required to provide 50% of the power needs of each building or some other renewable energy system which provides an equivalent percentage of the power needs of such building. Therefore, the project will be in compliance with this Policy.

Policy LU-1.4 Funding and financing mechanisms. We require the establishment of community facility districts, lighting and landscaping maintenance districts, and other types of funding and financing mechanisms for new development when the County determines that it may be necessary to maintain fiscal sustainability. We prefer the expansion of existing districts to the establishment of new districts.

Consistency: The applicant will form a Community Facilities District or Districts (or other public finance district under State law, as appropriate) for the purpose of financing the construction and/or acquisition and/or maintenance of public infrastructure and facilities within the Project area or for the provision of services.

Policy LU-1.5 Development impact fees. We require payment of development impact fees to ensure that all new development pays its fair share of public infrastructure.

Consistency: The Project would comply with applicable policies regarding payment of development impact fees. These fees would be calculated and applied to public infrastructure improvements.

Policy LU-2.4 Land Use Map consistency. We consider development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Compliance: The Project site is currently zoned as Special Development-Commercial (SD-COM). The Special Development zones as defined by the Development Code allows for a combination of residential, commercial, industrial, agricultural, open space and recreation uses, and similar and compatible uses (although not permitted on the Project site due to covenants). Furthermore, the COM suffix of the SD-COM zoning district denotes an area which is focused on commercial Planned Development projects.

The Speedway Commerce Center II Specific Plan (SCCIISP) consists of the redevelopment of approximately 433 acres of the existing 522-acre ACS site. Approximately 90 acres of the site will be retained by California Speedway, LLC for development and operation of the NASCAR Next Gen motorsports facility. The redevelopment under this Specific Plan would include the following:

- Up to approximately 6,600,000 square feet of high-cube logistics and e-commerce uses and 261,360 square feet of ancillary commercial uses;
- Approximately 98 acres of vehicle parking/drop lot areas to accommodate ongoing Next Gen motorsport facility events on designated days as well as parking for permitted land uses;
- Open Space area for gathering, parkway landscaping, and stormwater;
- New public roadways, rail transit connections, and infrastructure to support the proposed uses as well as ongoing motorsports events; and
- A multi-use trail along street "A," employee break areas, enhanced landscaping, and pedestrian connections from the Next Gen motorsports facility to the parking areas/drop lots and other future uses.

The SCCIISP would serve as the mechanism to ensure that the Project is developed in an organized and cohesive manner. The SCCIISP incorporates a development framework for detailed land use, circulation, and infrastructure, including dry utilities, drainage, sewer, and water facilities, and urban design and landscape plans. The SCCIISP establishes the procedures and requirements to approve and implement new development within the Project site. Therefore, upon the County's approval of the

SCCIISP and Revision to an Approved Action-Major, the SCCIISP would control land use, development standards and design standards for the approximately 433-acre Project site.

In summary, the Project would be a comprehensive LU Plan amendment, through a Specific Plan – a change from Special Development, Commercial to Speedway Commerce Center, Specific Plan – Commercial (SC/SP – Com). The intended uses of the Project site would remain consistent with the land uses of the surrounding area.

Policy LU-2.12 Office and industrial development in the Valley region. We encourage office and industrial uses in the unincorporated Valley region in order to promote a countywide job- housing balance.

The Specific Plan Project includes up to approximately 6.6 million square feet (sf) of high cube logistics and e-commerce uses, 261,360 sf of ancillary commercial uses, and approximately 98 acres of vehicle parking/drop lot areas. The proposed development complies with this policy with the inclusion of industrial and ancillary office space.

Policy LU-4.10 Entry monumentation, signage, and public art. We encourage the installation of durable signage, entry monumentation, and/or works of public art in commercial areas of unincorporated Community Planning Areas as a means of reinforcing a community's character, culture, heritage, or other unique features.

Compliance: The proposed Specific Plan project requires the approval of a master sign program that includes on-site signage and way finding signage. The proposed development complies with this policy.

Policy LU-6.4 Industrial amendments near schools and parks. We approve Land Use Plan amendments for new industrial development only if they are at least one-half mile from an existing or planned public primary or secondary school or public park. We may waive this requirement for obsolete school or park sites or for industrial amendments submitted through a specific plan.

Compliance: The Project is located within 2,800 feet from the nearest school (Redwood Elementary School is 1,300 feet to the northeast) but the Project includes the development of a specific plan. Therefore the Project complies with this policy given that the Project is for an industrial development that includes a specific plan that will guide development on the Project site.

EXHIBIT B

Conditions of Approval

Planning Division

1. Project Description. 1) Speedway Commerce Center II Specific Plan, and; 2) Tentative Parcel Map No. 20478 to facilitate the development of up to approximately 6.6 million square feet of high-cube logistics and e-commerce development, 98 acres of support parking facilities, and 12 acres of parking/general commercial uses, with support landscaping and facilities on approximately 433 acres of the 522 -acre site.
2. Project Location. The Project site is located at 9250 Cherry Avenue, in the unincorporated area of Fontana.
3. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

The County shall promptly notify the developer of any claim, action, or proceeding and cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code §2782.

4. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
5. Expiration: Pursuant to Government Code Section 66452.6(a) and Article 2(C)(2) of Development Agreement No. 22-01, the Tentative Parcel Map shall expire and become void if it is not "exercised" prior to the expiration of Development Agreement No. 22-01, which shall be a period of twenty (20) years from its effective date unless terminated, modified or extended by circumstances set forth therein. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued, or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may

be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application

6. Parcel Map Extension of Time: Pursuant to Government Code Section 66452.6(a) and Article 2(C)(2) of Development Agreement No. 22-01, the Tentative Parcel Map shall not be extended beyond the duration of Development Agreement No. 22-01.
7. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.
8. Project Account: The Project account number is PROJ-2021-00150. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g., Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

County Fire - Community Safety

9. Fire AHJ: San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please contact: City of Fontana Fire Department.

Land Use Services - Land Development - Drainage

10. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
11. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
12. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
13. BMP Enforcement: In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
14. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality

Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

Public Health– Environmental Health Services

15. Refuse Storage and Disposal: All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442- 2283.
16. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.

Department of Public Works – Surveyors Office

17. Land Survey Monuments: If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
18. Record of Survey: Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners;
 - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

Prior to Land Disturbance/Recordation of Parcel Map

Land Use Services - Building and Safety

19. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to recordation of the parcel map.
20. Demolition Permit Required Before Grading: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, backfilled and inspected before covering.
21. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services - Land Development - Drainage

22. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained for each new parcel development within the Specific Plan area. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
23. WQMP Inspection Fee: The developer shall provide a \$3,600 deposit to Land Development Division for inspections required as part of any approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
24. On-site Flows: On-site flows on each parcel need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
25. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through each parcel in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review is required for each parcel, and will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
26. Project Specific Conditions: FEMA Flood Zone. A majority of the Project is located within Flood Zone X-Shaded according to FEMA Panel Number 06071C8653J dated 9/2/2016 but the outer portions of the site are in Zone X (unshaded). The first floor will be required to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
27. Project Specific Conditions: Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction proposed on each parcel within the Specific Plan. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
28. Project Specific Conditions: NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
29. Project Specific Conditions: Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

30. CDP-NPDES Permit: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov."
31. CDP- Grading Plans: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "Grading Plans. Grading and erosion control plans shall be submitted for review and approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and preliminary WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule."
32. CDP- Natural Drainage: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by County Land Use Services Department - Land Development Division/Drainage Section for each lot/parcel."
33. CDP-FEMA Flood Zone: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311 FEMA Flood Zone. A majority of the project site is located within Flood Zone X-Shaded according to FEMA Panel Number 06071C8653J dated 9/2/2016 and a portion is located within Zone X (unshaded). The first floor will be required to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit."
34. CDP-San Sevaine Fee: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "San Sevaine Fee. The project site is located within the San Sevaine Drainage Fee area and is subject to a fee of \$4,405 per net developed acre that is to be paid prior to issuance of any grading or building permit. (SBC Ord, No. 3358)."
35. CDP-WQMP Operations and Maintenance: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "WQMP Operations and Maintenance. Operation and maintenance requirements for all Source Control, Site Design, and Treatment Control BMPs shall be identified within the Water Quality Management Plan (WQMP). All maintenance or replacement of BMPs proposed as part

of the WQMP is the sole responsibility of the Owner in accordance with the terms of the WQMP Agreement."

36. CDP-WQMP Improvements: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "WQMP Improvements. All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved Final WQMP shall be submitted to Land Development Division, Drainage Section."
37. CDP-Drainage Improvements: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development."
38. CDP-Additional Drainage Improvements: A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): "Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311" "Additional Drainage Improvements. At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall design/prepare complete drainage improvement plans and profiles. After these are submitted for review and approval, additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time."
39. Project Specific Conditions: Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to the approval of a building permit on each parcel within the Specific Plan. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of- way is acquired.
40. Slope Easements: Slope rights shall be dedicated, where necessary.
41. Soils Testing: Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
42. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., on each parcel, an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
43. Construction Permits: Prior to installation of road and drainage improvements on each parcel, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

44. Maintenance Bond: Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved on each parcel, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities. If phasing of improvements are required, then a maintenance bond shall be permitted with each phase of improvements and shall be required for a period of one year.
45. Improvement Securities: Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
46. Project Specific Conditions: Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
47. Project Specific Conditions: Slope Easements and Tests. Slope rights shall be dedicated, where necessary. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
48. Street Gradients: Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
49. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
50. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to all parcels within the Specific Plan.
51. Road Improvements: Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works and/or San Bernardino County Special Districts, as appropriate for each parcel in the Specific Plan. Completion of road and drainage improvements does not imply acceptance for maintenance.

Public Health– Environmental Health Services

52. Vector Control Requirement: The project area has a high probability of containing vectors. EHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to EHS/Land Use. For information, contact Vector Control at (800) 442-2283.

Department of Public Works – Surveyors Office

53. Tentative and Final Map. A Tentative and Final Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
54. Non-interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
55. Easement. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
56. Fees. Review of the Final Map by our office is based on actual cost, and requires an initial \$8,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
57. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
58. Final Monumentation. Final Monumentation, not set prior to recordation, shall be bonded for with a cash deposit to the County Surveyor's Office as established per the current County Fee Ordinance on file with the Clerk of the Board.

Prior to Issuance of Building Permit

Land Use Services - Building and Safety

59. Temporary Use Permit: "Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required for each parcel a temporary structure is proposed. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years."
60. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on parcels located within the Specific Plan, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
61. Regional Transportation Fee: This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Fontana Subarea. Fees Shall be paid in accordance to The Regional Transportation Development Mitigation Plan Fee (Plan Fee) by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Transportation Mitigation Fees are required for development on all parcels located within the Specific Plan and will be calculated during the entitlement application review for each building/use proposed within the Specific Plan.

The current Regional Transportation Development Mitigation Plan can be found at the following website:

<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

Land Use Services - Planning

62. Lighting Plans. Prior to development and issuance of a building permit on each parcel in the Specific Plan, the applicant/developer shall submit for review and approval to County Planning a photometric study demonstrating

that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

63. Exterior Lighting Features. External structures or lighting are required in conformance with the Specific Plan.
64. Streetlights. Prior to development on each parcel in the Specific Plan, streetlights are required. Streetlights shall be designed to conform to the design criteria specified in the Specific Plan. The lights shall be approved to the satisfaction of the Special Districts Director and Planning Director. Street Lighting plans and plan check fees must be submitted to Department of Public Works, Special Districts for review and approval. Please submit plans to Department of Public Works, Special Districts, 222 W. Hospitality Lane, 2nd Floor, San Bernardino, CA 92415-0450, (909) 386-8800.
65. Power Lines. Except for relocation of the existing overhead SCE transmission lines on the Project Site, which may be relocated above ground, as required in County Development Code Section 84.27.050(k), the applicant shall not extend any new above ground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits on each parcel located within the Specific Plan.
66. Landscape and Irrigation Plan. Prior to issuance of a building permit on each parcel within the Specific Plan, landscape and Irrigation Plans shall be prepared in conformance with the Specific Plan Landscaping Design guidelines and Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
67. Water Purveyor: Water purveyor shall be Fontana WS or San Gabriel Valley Water Company.

Prior to Final Inspection
Prior to Occupancy

Land Use Services - Land Development - Drainage

68. WQMP Improvements: All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.
69. Drainage Improvements: All required drainage improvements shall be completed by the applicant.
70. LDD Requirements: Condition of Road Improvements. At the time of occupancy for all structures, the condition of all required on-site and off-site improvements shall be acceptable to the County Department of Public Works.
71. Structural Section Testing: Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
72. Private Roads/Improvements: Prior to occupancy, all required on-site, and off-site improvements for each parcel

located within the Specific Plan shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

73. Road Improvements: All required on-site, and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works or San Bernardino County Special Districts, as appropriate. Completion of road and drainage improvements does not imply acceptance for maintenance.
74. LDD Requirements: CMRS Exclusion. Roads within this development will be maintained by the San Bernardino County Special Districts.
75. LDD Requirements: Landscape Maintenance. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works/current Planning or San Bernardino County Special Districts, as appropriate and maintained the San Bernardino County-Special Districts.

Department of Public Works – Special Districts

76. District(s) Formation – Condition. Formation of a maintenance district(s) (Raceway Commerce) is required to manage and fund the maintenance and operations of the proposed improvements that will be funded and developed by the Project/Developer. The Developer shall work with and reimburse San Bernardino County Public Works -Special Districts and it's representative on the proposed district formation including but not limited to: Consultant fees, documents preparation, meetings, management, administration, and overhead costs related to this project and district formation. The proposed district shall include in the formation documents all maintenance responsibilities required by the district, including but not limited to streetlight, road, storm drain, detention basin, water and sanitation, park, and landscape services. All property owner(s) within the proposed new district boundary, which is co-terminus with the boundary of the Project Site shall agree to the costs and conditions associated with the new district formation as prescribed by Proposition 218, as necessary.

Department of Public Works – Surveyors Office

77. Land Survey Monuments: If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
78. Record of Survey: Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - d. Monuments set to mark property lines or corners;
 - e. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - f. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for

reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept. (All Divisions)	San Bernardino Govt. Center	(909) 387-8311
	High Desert Govt. Center	(760) 995-8140
County Fire (Community Safety)	San Bernardino Govt. Center	(909) 387-8400
	High Desert Govt. Center	(760) 995-8190
County Fire	Hazardous Materials	(909) 386-8401
Dept. of Public Works	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Special Districts	Water and Sanitation	(760) 955-9885
	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
External Agencies (Caltrans, U.S. Army, etc.)		See condition text for contact information...

1. Revised Project Description. This Minor Revision approval alters the configuration of the Speedway Minor Revision (PRAA-2021-00025) Project by:
 - Amending the existing Planned Development (PD) Permit for the ACS to remove from its coverage approximately 433 acres of the ACS site, which will be governed by the Speedway Commerce Center II Specific Plan.
2. Original Project Description: A Minor Revision to the Next Gen in California Project ("Modified Project") approved on December 7, 2020 (PRAA-2020-0040), to include demolition of 395,200 square feet of existing development and construction of 262,000 square feet of new development, with a total square footage (including existing and new construction) of approximately 542,720 (the "Revised Modified Project").

This Minor Revision approval alters the configuration of the Modified Project by:

- Development of a new 0.67-mile racetrack and support facilities (entrance gates, restrooms, etc.), in lieu of the previously approved 0.5-mile track.
- Removal of certain restroom facilities, storage building, and tiered seating as part of the Midway.
- Removal or relocation of previously approved grandstands that were to be constructed in turn 1-2, with grandstand seating to be located in existing front-stretch grandstands or constructed in an alternative location adjacent to the 0.67-mile racetrack with a total of up to 35,000 seats (most of which is facilitated by retaining existing grandstands with minimal new construction, so that less existing grandstands will be demolished as compared to the Modified Project).
- Remove previously approved concourse buildings that were to be constructed in turn 1-2 under the Modified Project.
- Demolition of the existing Pit Terrace Suite building and construction of the new Suite Club Building behind backstretch/turn 3 area.
- Demolition of existing production kitchen and construction of a new kitchen in the new Suite club building.
- Remove previously approved 15,000 sq. ft. club building in the fan-zone that would have been constructed under the Modified Project and the proposed construction of a new 10,000 sq. ft. open pavilion.
- Demolition of a portion of the existing garage buildings located behind the backstretch to accommodate the .67-mile racetrack.
- Construction of new 2,500 sq. ft. restroom and office building west of existing Sunoco building.
- Modification and construction of proposed "Road F" under the Modified Project to connect with the existing Napa St. to the west.

	Original Project	Modified Project	Revised Modified Project	Change from Modified to Revised
Approved Planned Development	675,920 + 875,000 for business park			N/A
Demolition	N/A	400,300	395,200	5,100 s.f., or 1.27% Decrease in demolition
Constructed	675,920	265,500	262,000	3,445 s.f., or 1.32% decrease in new construction
Retain/unaltered	N/A	275,620	280,720	5,100 s.f., or 1.85% increase in retaining existing development
Total SQFT	675,920	541,120	542,720	1,600 or 0.3%

3. Project History/Background:

- On December 7, 2020, a Major Revision to a previously approved Planned Development (PD) for the Auto Club Speedway facility was approved to replace the existing two-mile track with a half-mile short track referred to as the NASCAR, Next Gen in California (Modified Project). The Modified Project would continue to host the same type of operations and events previously approved by the County, but with substantially reduced maximum capacity of 50,000 persons and 35,000 grandstand seats, as compared to the previously approved maximum capacity of 107,000 persons and 93,880 grandstand seats. The only development changes to the Modified Project approved through this Minor Revision are set forth above in Section 1. The Revised Modified Project will not change the operational characteristics of the previously approved Modified Project. APN: 0231-011-10 (Multiple APNs); Project Number PRAA-2021-00025.
- "Premier" and "ancillary" events may be operated by the Revised Modified Project in accordance with the conditions of approval dated April 24, 2003 for Revision #4 to the Planned Development, except that the maximum attendance capacity for "premier" events will be reduced from 107,000 persons to 50,000 persons. The developer may seek approval for "temporary special events" as provided in the conditions of approval for Revision #4. The Revised Modified Project will be subject to the operational noise standards set forth in the conditions of approval dated November 2, 2010 for Revision #11 to the Planned Development.

4. Project Location. The Project site is located at 9300 W. Cherry Avenue, Fontana.

5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any Condition of Approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code §2782.

6. Expiration: This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
- a) The permittee has commenced actual construction or alteration under a validly issued building permit, or

- b) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non- conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

- 7. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
- 8. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
- 9. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
- 10. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
- 11. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
- 12. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
- 13. Lighting: Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-

coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

14. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
15. Performance Standards : The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
16. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use.
17. GHG - Operational Standards: The developer shall implement the following as greenhouse gas (GHG) performance standards during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric powered.
18. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
19. Project Account: The Project account number is PRAA-2021-00025. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

20. Continuous Maintenance: The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
 - l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

County Fire - Community Safety

Informational

20. Permit Expiration: Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made

in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

21. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
22. Access – 150+ feet: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
23. Jurisdiction: The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.

Department of Public Health- Environmental Health Services Division

24. Noise Levels: Noise level shall be maintained in accordance with the conditions of approval dated November 2, 2010 for Revision #11 to the Planned Development. For information, please call EHS at 1-800-442-2283.
25. Refuse Storage and Disposal: All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442-2283.
26. Septic System Maintenance: The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a EHS permitted pumper. For information, please call EHS/Wastewater Section at: 1-800-442-2283.

Land Use Services - Land Development

27. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
28. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
29. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
30. BMP Enforcement: In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the

required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

31. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.
32. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

Land Use Services – Planning

33. Utilities: Indicate names, address and telephone numbers of Water Company, sewage disposal, electric, gas, telephone, cable television. If no utility company, indicate method of supply.
34. Vicinity Map: Indicate project location within a general vicinity map that includes a north arrow. Indicate nearest cross streets, major access roads and community name.

PRIOR TO LAND DISTURBANCE

Land Use Services - Building and Safety

35. Geotechnical (Soil) Report Required before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
36. Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.
37. Demolition Permit Required Before Grading: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

Land Use Services - Land Development

38. On-site Flows: On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
39. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
40. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
41. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are

subject to change in accordance with the latest approved fee schedule.

42. Topo Map: A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
43. FEMA Flood Zone: The project is located within Flood Zone X-Shaded according to FEMA Panel Numbers 06071C8634 and 06071C8653J dated 9/2/2016 and will require the lowest floor of structure to be elevated 1 foot above highest adjacent ground in compliance with FEMA/SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
44. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
45. WQMP Inspection Fee: The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
46. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>).

Land Use Services – Planning

47. **MM AQ-1: Project construction shall comply with SCAQMD Rule 403, which restricts fugitive dust emissions. Measures to be implemented shall include, but not necessarily be limited to: daily watering of graded areas and haul roads, washing of equipment tires before leaving the construction site, and use of non-toxic chemical stabilizers or soil binders, as defined by Rule 403. Grading activities shall be discontinued when wind gusts exceed 25 miles per hour, and construction activities shall be discontinued during first and second stage smog alerts. The contractor shall be responsible for ensuring that flagmen assist trucks moving into traffic on public streets, and that peak hour truck traffic is minimized. Provisions shall be made for maintaining all construction equipment in good operating condition. Disturbed areas shall be paved or revegetated as soon as feasible. A Dust Abatement Plan prescribing the procedures to implement the above measures shall be prepared and submitted to the Planning Department for review and approval prior to issuance of rough and final grading permits.**
48. **MM ER-1: Prior to issuance of grading permits, the project proponent shall submit a soils report to the Building Official for review and approval.**
49. **MM HW-1: A worker safety plan for the project site shall be developed by the project proponent and submitted to the Department of Environmental Health Services prior to issuance of grading permits. At a minimum, the plan shall specify that if material suspected of being hazardous waste is uncovered during grading and excavation for development of The California Speedway and California Speedway Business park, work in the area shall be immediately stopped and the proper authorities shall be immediately notified.**

Construction in the area shall remain stopped for the period of time needed for authorities, including the Department of Toxic Substances Control (DTSC) to assess potential risk and, if necessary, provide for appropriate disposal or remediation of hazardous waste.

50. **MM CP-3: Prior to approval of final grading plans the project proponent shall retain a qualified vertebrate paleontologist, to be approved by the Planning Department and County Museum, to develop a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall be designed to investigate the potential for encountering paleontological resources in areas where excavation will extend 5 feet or more below the "pre-rough grading" surface elevation of the site and shall be reviewed by the Planning Department and County Museum. The PRIMP shall guide implementation of the following requirements:**
- a. Monitoring by a qualified vertebrate paleontologist shall take place where excavation extends 5 feet or more below the "pre-rough grading" surface elevation of the site. The Monitor must be empowered to temporarily redirect excavation equipment if paleontological resources are encountered.**
 - b. If specimens are encountered, they shall be prepared to a point of identification and preservation, which includes screen washing of standard samples of fossiliferous matrix to recover fossils of small vertebrate animals.**
 - c. If specimens are encountered, they shall be identified and curated into a permanent repository with retrievable storage.**
 - d. Compliance with the PRIMP shall be demonstrated to the County of San Bernardino Planning Department with submittal of a report of findings which shall include an itemized repository inventory and verification of payment of curation fees, if any.**

Prior to Issuance

County Fire - Community Safety

51. **Haz-Mat Approval:** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
52. **Surface:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
53. **Water System:** Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code.
54. **Water System Commercial:** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
55. **Building Plans:** Building plans shall be submitted to the Fire Department for review and approval.
56. **Combustible Protection:** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

57. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
58. Fire Flow Test: Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.

Land Use Services - Building and Safety

59. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.
60. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Public Works – Solid Waste Management

61. CDWMP Part I: CDWMP Part I must be submitted prior to issuance of the permit. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop/permits/construction-waste-management-plan-part-1/>

Land Use Services - Planning

62. Signs: All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - b. All sign lighting shall not exceed 0.5 foot-candle.
 - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 - d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
63. **MM U-2: Implement an on-site recycling and source reduction program to minimize amount of solid waste requiring landfill and maximize recovery of recyclable materials. Consider providing separate receptacles for recyclable materials, manually separating, or using biodegradable and/or recyclable service projects.**
64. **MM PS-2: The speedway operator shall prepare a Fire Protection Master Plan for fire protection and emergency response at race events which shall be reviewed and approved by the San Bernardino County Fire**

Department. The plan shall consist of two components: one component shall address design requirements. The other component shall address emergency equipment and operations. Both components shall be reviewed and approved by the San Bernardino County Fire Department prior to issuance of building permits. This plan shall be subject to review and modification as required by the Fire Department. The design component shall be required to address the following issues:

- a. Fire protective suppression/warning systems; and
- b. Emergency access routes for any necessary additional equipment and/or personnel.
- c. The emergency equipment and operations component of the plan shall be required to address the following issues:
 - i. Procedures for emergency response and warning systems;
 - ii. Adequate staffing for emergency medical services;
 - iii. Adequate staffing for fire personnel services;
 - iv. Fire apparatus equipment needed during events;
 - v. Evacuation plans for spectators;
- d. Contingency measures to deal with anticipated traffic congestion, including means of routing emergency personnel and equipment into the area under congested conditions; and Emergency response training of employees.

- 65. **MM CP-1:** If evidence of subsurface archaeological resources is found during construction, excavation shall cease. For any found resources, appropriate SHPO record forms shall be completed. A survey report and significance evaluation shall be prepared. Project shall be required to pay for resource recovery cost and data/artifacts shall be permanently curated at a repository within the County.
- 66. **MM CP-2:** County Coroner's office must be contacted, and all work must cease if human remains are identified, until clearance is given.
- 67. **MM AQ-2:** Prior to issuance of building permits, the project proponent shall submit construction plans to the Building Official for review and approval. The construction plans shall be consistent with the requirements for energy efficiency most currently adopted, or as required by the Building Official.
- 68. **MM N-1:** Construction activities within 1,000 feet of the northerly and easterly boundaries of the project site shall be limited to 7 AM to 7 PM on weekdays and prohibited on weekends in order to minimize disruption at nearby homes. The project proponent shall incorporate this requirement in all construction contracts. Prior to issuance of building permits, the project proponent shall provide the Planning Department with evidence that the contract reflects this requirement.
- 69. **MM N-2:** During construction, contractors shall be required to employ the quietest available equipment or to muffle/control construction noise. The project proponent shall incorporate this requirement in all construction contracts. Prior to issuance of building permits, the project proponent shall provide the Planning Department with evidence that the contract reflects this requirement.
- 70. **MM N-3:** During construction, contractors shall use temporary noise barriers/shields to limit noise impacts on residential homes where jackhammers and other construction equipment will be used within 200 feet of a residential dwelling. The project proponent shall incorporate this requirement in all construction contracts. Prior to issuance of building permits, the project proponent shall provide the Planning Department with

evidence that the contract reflects this requirement.

71. **MM HW-2:** A Final Remedial Action Plan detailing the precise methodology for remediation of the by-products area and approved by the Department of Toxic Substances Control (DTSC) shall be submitted to the Building Official and Planning Department prior to issuance of Building Permits. No demolition or construction other than remedial action work conducted under the supervision of DTSC shall be permitted within the by-products area until remediation activities have been completed and approved by DTSC.
72. **MM TC-4:** A comprehensive traffic management plan shall be required to manage the race traffic to and from the California Speedway during race weekends and as required during ancillary events. Manual traffic control, including signage, traffic control personnel, and routing shall be provided by the race event operator as necessary to ensure that all intersections affected by race-related or ancillary event-related traffic, will function at LOS E or better at midday and in the p.m. peak hour on Friday, as well as all day Saturday and Sunday and on weekdays during ancillary events

In addition, manual traffic control shall also be employed as determined by the County of San Bernardino in consultation with the California Highway Patrol; Cities of Fontana, Rancho Cucamonga, and Ontario; and the Fontana Unified School District, where needed, to safely move traffic through intersections affected by race-traffic.

73. **MM TC-6:** Because of the changing status of future roadway conditions in the vicinity of the project site, the County Department of Transportation/Flood Control shall evaluate the need for updated traffic analyses during the review and approval process for the Final Development Plans for each phase and any revisions.

Department of Public Health- Environmental Health Services Division

74. Preliminary Acoustical Information. The Revised Modified Project will be subject to the operational noise standards set forth in the conditions of approval dated November 2, 2010 for Revision #11 to the Planned Development. The developer has demonstrated that the Revised Modified Project will comply with the Revision #11 noise standards through analysis contained in an Addendum prepared for the Modified Project and approved in November 2020, as well as in the Addendum prepared for the Revised Modified Project and approved in June 2021.
75. New OWTS. If sewer connection and/or service is unavailable, Onsite Wastewater Treatment system(s) in conformance with the Local Agency Management Program will be allowed under the following conditions: A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at 1-800-442-2283.
76. Food Establishment Plan Check Required. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
77. Existing Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
78. Existing OWTS. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
79. Water Purveyor. Water purveyor shall be Fontana WC or EHS approved.

80. Water and Sewer Service Verification. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, (2) Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
81. Sewer Service Verification Letter. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
82. Sewage Disposal. Method of sewage disposal shall be City of Fontana, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
83. Water Service Verification Letter. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
84. Demolition Inspection Required. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact EHS Vector Section at 1-800-442-2283.

Prior to Final Inspection

County Fire - Community Safety

85. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
86. Fire Sprinkler-NFPA #13 : An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
87. Fire Alarm - Manual: A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
88. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
89. Hydrant Marking : Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant

and at least six (6) feet high above the adjacent road.

90. Material Identification Placards: The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
91. Roof Certification: A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.

Prior to Occupancy

County Fire - Community Safety

92. Inspection by the Fire Department: Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Building and Safety

93. Condition Compliance Release Form Sign-off: Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

94. WQMP Improvements: All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.
95. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

Public Works – Solid Waste Management

96. CDWMP Part II: CDWMP Part II must be submitted prior to the Final Inspection. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop>

Land Use Services - Planning

97. GHG - Installation/Implementation Standards: The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following: a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

98. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
99. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
100. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
101. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PRAA-2020-00040.
102. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
103. **MM AQ-3: During race events, traffic control personnel shall direct traffic into and around the site in accordance with the comprehensive Traffic Management Plan prepared for the Project. The project proponent shall submit a copy of the management plan to the Director of Transportation for review and approval prior to the first racing event. The project proponent shall submit an approved copy of the Traffic Management Plan to the Planning Department for review.**
104. **MM ER-2: Prior to the issuance of occupancy permits, the project proponent shall conduct an analysis of the structural integrity of the existing water tank and its foundation and submit a report to the Building Official for review. If required, the project proponent shall provide plans to the Building Official for retrofitting the water tank to conform with the seismic design standards most currently adopted, or as required by the Building Official.**
105. **MM ER-3: Design and construction plans shall be submitted to the Building Official for review and approval.**
106. **MM PS-1: The speedway operator shall provide for the adequate security and safety of race spectators, overnight visitors, race crews, and employees. To accomplish this, the speedway operator shall prepare and implement a security and crowd control plan. The plan, which shall be reviewed and approved by the Sheriff's Department prior to the first race, shall define crime prevention programs, delineate the responsibilities of private security personnel, and provide for additional law enforcement services by the Sheriff's Department.**
107. **MM PS-3: The project sponsor shall enter into a funding agreement with affected law enforcement and fire protection agencies for the costs that will be incurred by these agencies in assisting in security and crowd control and implementation of the fire protection management plan outlined in Mitigation Measure PS-1. Copies of approved agreements were to be submitted to the Planning Department for review prior to issuance of occupancy permits for Phase I.**
108. **MM TC-5: Detailed traffic control plans must be submitted to and approved by the County Engineer and other affected agencies as specified by measure TC-4 a minimum of 30 days prior to each event.**
109. **MM TC-7: The project sponsor shall enter into a funding agreement with affected law enforcement agencies**

for the costs that will be incurred by these agencies in implementing the traffic management described in Mitigation Measure TC-4. Copies of the approved agreements to be submitted to the Planning Department for review prior to issuance of occupancy permits for Phase 1.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
Dept. of Public Works	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
	Water and Sanitation	(760) 955-9885
Special Districts	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information.</i>

EXHIBIT C

Final EIR Response to Comments

https://lus.sbcounty.gov/wp-content/uploads/sites/48/2022/09/lb-Exhibit-C_FEIR-Section-2-Comments-and-Responses_V2_clean.pdf

EXHIBIT D

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Speedway Commerce Center II Project

Draft For Consideration at the Planning Commission

September 8, 2022

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Section 1: Authority

This environmental Mitigation Monitoring and Reporting Program (Program) has been prepared pursuant to Section 21081.6 of the *California Environmental Quality Act* (CEQA) (Public Resources Code Section 21000 et seq.), and CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) Sections 15091(d) and 15097, to ensure implementation of and provide for the monitoring of mitigation measures required of the Speedway Commerce Center II Specific Plan Project (Project), as set forth in the Final Environmental Impact Report (EIR) prepared for the Project. This report will be kept on file in the offices of the CEQA Lead Agency, the County of San Bernardino County (County).

As noted in the EIR, the Project has been designed to avoid sensitive resources, as reflected in Project Design Features (PDFs). The EIR also addresses the potential environmental impacts of the Project, and, where appropriate, recommends mitigation measures to avoid or substantially lessen significant environmental impacts. The Program detailed in the matrix table below is designed to monitor and ensure implementation of all mitigation measures that are adopted for the Project.

The County is the Lead Agency for the Project and assumes ultimate enforcement responsibilities for implementation of all mitigation measures listed in this Program. The County may assign responsibility for implementation or monitoring to appropriate designees such as a construction manager or third-party monitor. However, as the Lead Agency, the County remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with this Program. In some cases, the County is required to secure permits or approvals from third-party agencies in order to implement a mitigation measure. In these cases, the County is responsible for verifying that such permits or approvals have been obtained in accordance with the conditions stipulated in the mitigation measure. The County's existing planning, engineering, operations, and procurement review and inspection processes will be used as the basic foundation for the Program procedures and will also serve to provide the documentation for the reporting program.

Section 2: Monitoring Schedule

Prior to construction, while detailed design plans are being prepared by County staff or its agents, County staff will be responsible for ensuring compliance with mitigation monitoring applicable to the Project construction, development, and design phases. Once construction has begun and is underway, monitoring of the mitigation measures associated with construction will be included in the responsibilities of County staff, who shall prepare or cause to be prepared periodic monitoring reports, as appropriate. Regulatory agencies will have to harmonize CEQA mitigation with regulatory permit conditions and monitoring/reporting as part of the regulatory permitting process and will likely require submittal of formal monitoring reports. Once construction has been completed, the County will monitor the Project as specified in the mitigation measures.

Section 3: Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the Project file with the Program and shall be made available to the public upon request.

Section 4: Format of Mitigation Monitoring Matrix

The mitigation monitoring matrix on the following pages identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the time frame for monitoring, and the responsible implementing and monitoring agencies.

Section 5: Definitions

The following list provides definitions for acronyms used in the mitigation monitoring and reporting program.

<i>Acronyms/Abbreviation</i>	<i>Description</i>
§	Section
ACM	Asbestos Containing Material
AQ	Air Quality
BACT	Best Available Control Technology
BIO	Biological Resources
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CRM	Cultural Resources Management
CUL	Cultural Resources
DTSC	Department of Toxic Substances Control
ESA	Environmental Site Assessment
EV	Electric Vehicle
g/L	gallons per liter
GEO	Geology and Soils
GHG	Greenhouse Gas
HAZ	Hazards and Hazardous Materials
HSP	Health and Safety Plans
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
LUC	Land Use Covenant
MLD	Most likely Descendant
MM	Mitigation Measure
NAHC	Native American Heritage Commission
NBS	Nesting Bird Surveys
NO _x	Nitrogen Oxide
PM ₁₀	Particulate Matter 10
PRMMP	Paleontological Resources Mitigation and Monitoring Plan
PV	Photovoltaic
SCAQMD	South Coast Air Quality Management District
SCCIISP	Speedway Commerce Center II Specific Plan
SMP	Soil Management Plan
SOON	Surplus Off-road Opt-In
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
TMP	Traffic Management Plan
TRANS	Traffic and Transportation
TRU	Transportation Refrigeration Unit
VDECS	Verified Diesel Emission Control Strategy
VOC	Volatile Organic Compound
WAIRE	Warehouse Actions and Investments to Reduce Emissions
WEAP	Worker's Environmental Awareness Program

YSMN

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Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
AIR QUALITY				
<p>MM AQ-1: Prior to the issuance of grading permits, the County Engineer shall confirm that the Grading Plan and Specifications require all construction contractors to incorporate the following measures to minimize construction emissions. These features shall be included in applicable bid documents and included on the grading plans.</p> <ul style="list-style-type: none"> • All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Requirements for Tier 4 Final equipment and the option for Level 3 VDECS shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the County at the time of mobilization of each applicable unit of equipment. This equipment shall be used when commercial models that meet the construction needs of the proposed Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment shall be made by the County, based on applicant-provided evidence from expert sources, such as construction contractors in the region. • Construction equipment shall be properly maintained according to manufacturer specifications. • All diesel-powered construction equipment, delivery vehicles, and delivery trucks shall be turned off when not in use. On-site idling shall be limited to three minutes in any one hour. • Construction on-road haul trucks shall be model year 2010 or newer if diesel-fueled. 	Project Applicant	Prior to the issuance of grading permits	San Bernardino County Engineer	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> Information on ridesharing programs shall be made available to construction employees. During construction, lunch options shall be provided on-site. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints per SCAQMD Standards. All construction contractors shall be provided information on the South Coast Air Quality Management District Surplus Off-road Opt-In "SOON" funds which provides funds to accelerate cleanup of off-road diesel vehicles. The Project shall demonstrate compliance with SCAQMD Rule 403 concerning fugitive dust and provide appropriate documentation to the County of San Bernardino. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited. All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used. A publicly visible sign shall be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the SCAQMD shall also be visible to ensure compliance. 				

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>MM AQ-2: The Project shall utilize “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10 g/L of VOC. Prior to issuance of a building permit, the San Bernardino County Building and Safety Department shall confirm that plans include the following specifications:</p> <ul style="list-style-type: none"> • All architectural coatings will be super-compliant low VOC paints. • Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. • Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. • For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). • Use compliant low-VOC cleaning solvents to clean paint application equipment. • Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. • Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable. • Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency. 	Project Applicant	Prior to issuance of a building permit	San Bernardino County Building and Safety Department	
<p>MM AQ-3: Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:</p>	Tenant/facility operator	Prior to the issuance of tenant occupancy permits	San Bernardino County Department of Public Works – Transportation Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options. Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site. Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided. Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements, Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service. Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users. Provide meal options on-suite or shuttles between the facility and nearby meal destinations. Each building shall provide preferred parking for electric, low-emitting, and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces. <p>This mitigation measure applies only to tenant occupancy/<u>tenant improvements</u> and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u>.</p>				
<p><u>MM AQ-4: The applicability of this Mitigation Measure applies in part to the tenant and in part to the Site Developer, as noted below:</u></p> <p>Prior to the issuance of a building permit; for tenant improvements <u>by tenant/facility operator for cold storage uses</u>, the Planning Department shall confirm that the Project is designed to include the following:</p> <ul style="list-style-type: none"> Prior to issuance of a Building Permit for the Shell Design, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit 	Tenant(s)/Site Developer	Prior to the issuance of a building permit	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the Site Developer during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at a central location within the truck court at such time this technology becomes commercially available, and the buildings are being served by trucks with electric-powered engines.</p> <ul style="list-style-type: none"> The buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed in the future to supply power to trailers with transport refrigeration units (TRUs) during the loading/unloading of refrigerated goods, if required by future tenants who utilize cold storage. Conduit should be installed from the electrical room to the loading docks in a location determined by the tenant <u>Project Applicant during construction document plan check</u> as the logical location(s) to receive trailers with TRUs. <p><u>Prior to the issuance of a building permit: for the Shell Design by Site Developer, the Planning Department shall confirm that the Project is designed to include the following:</u></p> <ul style="list-style-type: none"> <u>Prior to issuance of a Building Permit for the Shell Design, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the Site Developer during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at a central location within the truck court at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.</u> <p>This mitigation measure applies only to tenant occupancy and not the building shell approvals.</p>				

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>MM AQ-5: Prior to the issuance of tenant occupancy permits <u>for cold storage uses</u>, the Planning Department shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the Project site be plug-in capable. Conduit for electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The conduit for electrical hookups shall be provided at select loading bays for future transportation refrigeration units if required by future tenants who utilize cold storage. Electrical hookups allow for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. This mitigation measure applies only to tenant <u>occupancy/tenant</u> improvements and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u>.</p>	Project Applicant	Prior to the issuance of tenant occupancy permits	San Bernardino County Planning Division	
<p>MM AQ-6: Prior to issuance of a tenant occupancy permit, the Planning Department shall confirm that all truck access gates and loading docks within the Project site have a sign posted that states:</p> <ul style="list-style-type: none"> • Truck drivers shall turn off engines when not in use. • Truck drivers shall shut down the engine after five minutes of continuous idling operation (pursuant to Title 13 of the California Code of Regulations, Section 2485). Once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged. • Telephone numbers of the building facilities manager and CARB to report violations. • Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas. <p>This mitigation measure applies only to tenant <u>occupancy/tenant</u> improvements and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u>.</p>	Project Applicant	Prior to issuance of a tenant occupancy permit	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
MM AQ-7: Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires— to reduce fuel consumption. This mitigation measure applies only to tenant <u>occupancy/tenant</u> improvements and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u> .	Project Applicant	Prior to the issuance of a tenant occupancy permit	San Bernardino County Planning Division	
MM AQ-8: Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications for the industrial buildings shall include electric vehicle (passenger car) charging stations and a minimum of 12 percent carpool parking spaces at each building for employees and the public to use. This mitigation measure applies only to tenant <u>occupancy/tenant</u> improvements and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u> .	Project Applicant	Prior to the issuance of a tenant occupancy permit	San Bernardino County Planning Division	
MM AQ-9: Each building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission/powered by electricity. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant <u>occupancy/tenant</u> improvements and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u> .	Project Applicant	Prior to the issuance of a tenant occupancy permit	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
MM AQ-10: Project tenants shall comply with the SCAQMD Indirect Source Rule (Rule 2305). This rule is expected to reduce NO _x and PM ₁₀ emissions during operations. Emission reductions resulting from this rule were not included in the Project analysis. Compliance with Rule 2305 is enforced by the SCAQMD through their reporting process and is required for all warehouse projects greater than 100,000 square feet.	Project Tenant(s)	During operations	SCAQMD	
BIOLOGICAL RESOURCES				
MM BIO-1: Bird nesting season generally extends from February 1 through August 31 in southern California. To avoid impacts to nesting birds (common and special-status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) three days prior to project-related disturbance to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity, and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.	Project Avian Biologist	Pre-construction	San Bernardino County Planning Division and Project Avian Biologist	
MM BIO-2: All disturbed areas of the Project site, that were determined to have a low potential to provide suitable habitat for burrowing owls, which includes primarily the existing track infield grassy area and the stormwater detention basin area in the southwestern portion of the site, require a pre-construction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls.	Project Avian Biologist	30 days prior to ground disturbance	San Bernardino County Planning Division and Project Avian Biologist	
CULTURAL RESOURCES				
MM CUL-1: If archaeological <u>or cultural</u> resources are exposed during construction of the Project, all ground disturbing activities within 50 <u>60</u> feet of the potential resource(s) shall be suspended. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and	Project Archeologist	During the discovery of an archaeological resource	San Bernardino County Planning Division and Project Archeologist	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted and shall be submitted to the Development Services Director or his/her designee. If the resource(s) are determined to be Native American in origin, the Project archaeologist shall notify the appropriate Native American Tribe(s) from a list provided by the County.</p> <p><u>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</u></p>				
<p><u>MM CUL-2: If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</u></p>	Project Archeologist	During the discovery of an archaeological resource	San Bernardino County Planning Division and Project Archeologist	
<p><u>MM CUL-3: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.</u></p>	Project Archeologist	During the discovery of an archaeological resource	San Bernardino County Planning Division and Project Archeologist	
GEOLOGY AND SOILS				
<p>MM GEO-1: Prior to the issuance of any grading permit or building permit, County Staff shall review all Project plans involving grading, foundation, structural, infrastructure, and all other relevant construction to ensure compliance with the applicable recommendations from the Preliminary Report of Geotechnical Study Proposed Speedway Commerce Center II, and the California Building Code requirements to minimize soil erosion or the loss of topsoil. Specific design considerations</p>	Project Applicant	Prior to the issuance of any grading or building permit	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
as outlined in the Preliminary Report of Geotechnical Study of Proposed Speedway Commerce Center II, included in Appendix G shall be implemented in the Project construction plans to minimize the risk of soil erosion.				
MM GEO-2: Undocumented Fill. Engineered fill shall primarily be utilized on-site to support the proposed improvements. If existing artificial fill will be used, the documentation of the placement of any engineered fill shall be reviewed by a professional engineer or geologist to conclude that the existing artificial fill on-site is acceptable to support all proposed improvements. If, during construction, undocumented artificial fill is detected on-site in excavated areas, or the quality of undocumented artificial fill is detected on-site in excavated areas, or the quality of undocumented artificial fills is determined to be unacceptable, then the undocumented artificial fill shall be removed and replaced with engineered fill. A professional geologist or engineer shall observe the fill during excavation and evaluate the condition of the fill at the elevation of the proposed foundations to ensure conformance with all applicable recommendations in the Preliminary Report of Geotechnical Study Proposed Speedway Commerce Center II.	Project Applicant	During excavation	San Bernardino County Planning Division and Project Geologist or Engineer	
MM GEO-3: Worker's Environmental Awareness Program (WEAP). Prior to the start of ground-disturbing activities, all field personnel shall receive a worker's environmental awareness training on paleontological resources. The training shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, and outline steps to follow in the event that a fossil discovery is made. Contact information for the Project Paleontologist and can be delivered concurrent with other required training including cultural, biological, safety, etc.	Project Applicant and Project Paleontologist	Prior to the start of ground-disturbing activities	San Bernardino County Planning Division and Project Paleontologist	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>MM GEO-4: Paleontological Mitigation Monitoring. Prior to the commencement of ground disturbing activities, a professional paleontologist shall be retained to prepare and implement a Paleontological Resources Mitigation and Monitoring Plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into Pleistocene sediment (i.e., excavations greater than five feet in depth in Qyf₅ and Qf sediments), and the location of any areas deemed to have a high paleontological resource potential. Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend to County staff that monitoring be reduced or cease entirely.</p>	Project Applicant and Project Paleontologist	Prior to the commencement of ground disturbing activities	San Bernardino County Planning Division and Project Paleontologist	
<p>MM GEO-5: Fossil Discoveries. In the event that a paleontological resource is discovered, the paleontological monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significant and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:</p> <ol style="list-style-type: none"> 1. Salvage of Fossils. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological resources as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the Project Paleontologist has the authority to temporarily 	Project Paleontologist	During the discovery of paleontological resource	San Bernardino County Planning Division and Paleontological monitor and/or Project Paleontologist	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</p> <p>2. Fossil Preparation and Curation. The PRMMP shall identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossil specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens shall be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the museum and will be the responsibility of the Master Developer and/or Site Developer, as applicable.</p>				
<p>MM GEO-6: Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, and recovered fossils, the scientific significant of those fossils, and where the fossils were curated.</p>	Project Paleontologist	Upon completion of ground disturbing activity (and curation of fossils if necessary)	San Bernardino County Planning Division and Project Paleontologist	
GREENHOUSE GAS EMISSIONS				
<p>MM GHG-1: Project development proposals with building permit applications for tenant improvements <u>by tenant/facility operator</u> shall implement Screening Table Measures that demonstrate that each building achieve at least 100 points per the Screening Tables. The County shall verify that Screening Table Measures achieving the 100-point performance standard are incorporated in development plans prior to the issuance of building permit(s) and/or site plans (as applicable). The County shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of the Occupancy. At the</p>	Project Applicant	During project development proposals with building permit applications	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
discretion of the County, measures that provide GHG reductions equivalent to GHG emissions reductions achieved via the Screening Table Measures may be implemented. Multiple development proposals may, at the discretion of the County, be allowed to collectively demonstrate achievement of at least 100 points per the Screening Tables. This mitigation measure applies only to tenant <u>occupancy/tenant permits and not the building shell approvals and/or limited speculative tenant improvements installed for marketing purposes.</u>				
MM GHG-2: As part of the building permit for tenant improvements <u>by tenant/facility operator</u> , the Project shall install solar photovoltaic (PV) panels or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, that would provide at least 50 percent of the expected total building load. On-site solar PV or other clean energy systems shall be installed within two years of commencing operations. Each building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. This mitigation measure applies only to tenant <u>occupancy/tenant permits and not the building shell approvals and/or limited speculative tenant improvements installed for marketing purposes.</u>	Project Applicant	As part of the building permit	San Bernardino County Planning Division	
MM GHG-3: Prior to the issuance of a building permit for <u>the Shell Design by Site Developer</u> tenant improvements , the <u>Site Developer</u> tenant or successor in interest shall provide documentation to the San Bernardino County demonstrating that the Project is designed to achieve Leadership in Energy and Environmental Design (LEED) standards or meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application. This mitigation measure applies only to tenant permit and not the building shell approvals.	Site Developer or successor	Prior to the issuance of a building permit	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
MM GHG-4: The development shall divert a minimum of 75 percent of landfill waste. Prior to the issuance of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and Loading Areas. This mitigation measure applies only to tenant <u>occupancy/tenant</u> permits and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u> .	Project Developer(s)	Prior to the issuance of tenant occupancy permits	San Bernardino County Planning Division	
MM GHG-5: Prior to the issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all handheld landscaping equipment used onsite shall be 100 percent electrically powered. This mitigation measure applies only to tenant <u>occupancy/tenant</u> permits and not the building shell approvals <u>and/or limited speculative tenant improvements installed for marketing purposes</u> .	Project Applicant	Prior to the issuance of tenant occupancy permits	San Bernardino County Planning Division	
HAZARDS				
MM HAZ-1: Soil Management Plan (SMP). Prior to issuance of a grading permit or trenching or subsurface excavation for utilities or roadway infrastructure, the Master Developer, Site Developer, or Lead Agency, as applicable, shall retain a qualified environmental consultant to prepare a SMP that details procedures and protocols for on-site management of soils containing potentially hazardous materials. The SMP shall include, but not be limited to: <ul style="list-style-type: none"> • Land use history, including description and locations of known contamination; • The nature and extent of previous investigations and remediation at the site; • Identified areas of concern at the site, in relation to proposed activities; • A listing and description of institutional controls, such as applicable County ordinances and other local, state, and federal regulations and laws that would apply to the project; • Names and positions of individuals involved with soils management and their specific role; • An earthwork schedule; 	Master Developer, Site Developer, or Lead Agency	Prior to the issuance of a grading permit or trenching or subsurface excavation for utilities or roadway infrastructure	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> Requirements for site-specific Health and Safety Plans (HSPs) to be prepared by all contractors at the project site. The HSP should be prepared by a Certified Industrial Hygienist and would protect on-site workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSP should address the possibility of encountering subsurface hazards including hazardous waste contamination and include procedures to protect workers and the public; Hazardous waste determination and disposal procedures for known and previously unidentified contamination, including those associated with any soil export activities, if applicable; Requirements for site specific techniques at the site to minimize dust, manage stockpiles, run on and run-off controls, waste disposal procedures, etc.; and Copies of relevant permits or closures from regulatory agencies. 				
<p>MM HAZ-2: If potentially contaminated soil is identified during site disturbance activities for the Project, as evidenced by discoloration, odor, detection by instruments, or other signs, a qualified environmental professional shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and provide a written report to the Master Developer, Site Developer, or Lead Agency, as applicable, stating the recommended course of action. Depending on the nature and extent of contamination, the qualified environmental professional shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the qualified environmental professional, substantial remediation may be required, the Master Developer, Site Developer, or Lead Agency, as applicable, shall contact representatives of the San Bernardino County Fire Department and/or DTSC for guidance and oversight and shall comply with all performance standards and requirements of the respective agency for proper removal and disposal of contaminated materials. In addition, any activities which will disturb portions of the property subject to a land use covenant (LUC) (e.g.,</p>	<p>Qualified Environmental Professional and Master Developer, Site Developer, or Lead Agency</p>	<p>During the discovery of potentially contaminated soil</p>	<p>San Bernardino County Planning Division and Master Developer, Site Developer, or Lead Agency</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
excavation, grading, removal, trenching, filling or earth movement) shall require proper notification to DTSC in accordance with the terms of the LUC.				
MM HAZ-3: Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive ACM survey to identify the locations and quantities of ACM in above-ground structures. The Master Developer or Site Developer, as applicable, shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. The consultant's report shall include requirements for abatement, containment, and disposal of ACM, if encountered, in accordance with SCAQMD's Rule 1403.	Master Developer or Site Developer and licensed or certified asbestos consultant	Prior to the issuance of a demolition permit	Master Developer or Site Developer and San Bernardino County Planning Division	
TRANSPORTATION				
MM TRANS-1: Master Developer will form a Transportation Management Association by the date of issuance of the first building permit issued for the development.	Master Developer	By the date of issuance of the first building permit issued	San Bernardino County Planning Division	
MM TRANS-2: A comprehensive traffic management plan developed by the Transportation Management Association, shall be submitted and approved by the County Engineer to manage traffic to and from the Next Gen motorsports facility and SCCIISP Project during race weekends and as required during ancillary events. Manual traffic control, including signage, traffic control personnel, and routing shall be provided by Next Gen motorsports facility to ensure that all intersections affected by race-related or ancillary event-related traffic, will function at LOS E or better at midday and in the p.m. peak hour on Friday, as well as all day Saturday and Sunday and on weekdays during ancillary events. The TMP shall be submitted a minimum of 30 days prior to each event.	Transportation Management Association	During race weekends and as required during ancillary events	San Bernardino County Engineer	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
In addition, manual traffic control shall also be employed as determined by the County of San Bernardino in consultation with the California Highway Patrol; Cities of Fontana, Rancho Cucamonga, and Ontario; and the Fontana Unified School District, where needed to safely move traffic through intersections affected by traffic.				
TRIBAL CULTURAL RESOURCES				
<p>MM TCR-1: Retain a Native American monitor prior to commencement of ground-disturbing activities.</p> <ul style="list-style-type: none"> The Master Developer or Site Developers, as applicable, shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”). The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity. The Master Developer or Site Developers, as applicable, shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. The Master Developer or Site Developers, as applicable, shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project’s 	Master Developer or Site Developer(s) and a Native American monitor	Prior to commencement of ground-disturbing activities	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.</p> <ul style="list-style-type: none"> • The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Master Developer or Site Developers, as applicable, and the lead agency upon written request. • Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Master Developer or Site Developers, as applicable, and the lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs. 				

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>MM TCR-2: Discovery of Tribal Cultural Resources (TCR).</p> <ul style="list-style-type: none"> Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 <u>60</u> feet) shall cease. The Consulting Tribes, Gabrieleño Band of Mission Indians – Kizh Nation and <u>Yuhaaviatam of San Manuel Nation (YSMN)</u> San Manuel Band of Mission Indians (SMBMI), shall be immediately informed of the discovery. An archaeologist that meets Secretary of Interior Professional Qualifications, a Kizh monitor and/or Kizh archaeologist, and an <u>YSMN</u> SMBMI CRM staff member will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 <u>60</u> feet of the discovered TCR unless and until the Consulting Tribes and archaeologist have completed their assessment/evaluation/treatment of the discovered TCR and surveyed the surrounding area. Treatment protocols outlined in TCR-3 shall be followed for all discoveries that do not include human remains. <p><u>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</u></p> <p><u>Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for</u></p> 	Master Developer or Site Developer(s) and Native American monitor	Upon the discovery of a TCR	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<u>dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</u>				
<p>MM TCR-3: Treatment and Disposition of TCRs.</p> <ul style="list-style-type: none"> • After the notification of discovery to the Consulting Tribes and assessments/evaluations have occurred, the following treatment/disposition of the TCRs shall occur: <ul style="list-style-type: none"> ○ Preservation-In-Place of the TCRs, if feasible as determined through coordination between the project archeologist, Master Developer or Site Developers, as applicable, and Consulting Tribes, is the preferred method of treatment. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources in perpetuity. ○ Should Preservation-In-Place not be feasible, the landowner shall accommodate the process for on-site reburial of the discovered items with the Consulting Tribes. This shall include measures and provisions to protect the future reburial area from any future impacts. During the course of construction, all recovered resources shall be temporarily curated in a secure location on site. The removal of any artifacts from the project site shall require the approval of the Consulting Tribes and all resources subject to such removal must be thoroughly inventoried with a tribal representative from each consulting tribe to oversee the process. Reburial shall not occur until all cataloguing and basic recordation have been completed. 	Native American monitor, Project Archaeologist, and Master Developer or Site Developer(s)	After the notification of discovery to the Consulting Tribes and assessments/evaluations have occurred	San Bernardino County Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ○ If Preservation-In-Place and reburial are not feasible, the landowner(s) shall relinquish ownership of all TCRs and a curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 shall be established. The collections and associated records shall be transferred, including title, to said curation facility by the landowner, and accompanied by payment of the fees necessary for permanent curation. • Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials within the County of the discovery, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. • If discoveries were made during the project, a Monitoring Report shall be submitted to the County by the Archaeologist at the completion of grading, excavation, and ground-disturbing activities on the site. Said report will document monitoring and archaeological efforts conducted by the archaeologist and Consulting Tribes within 60 days of completion of grading. This report shall document the impacts to the known resources on the property, describe how each mitigation measure was fulfilled, document the type of cultural resources recovered, and outline the treatment and disposition of such resources. All reports produced will be submitted to the County of San Bernardino, appropriate Information Center, and Consulting Tribes. 				
<p>MM TCR-4: Procedures for Burials and Funerary Remains.</p> <p>In accordance with California Health and Safety Code § 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an</p>	Project Applicant	Within 24 hours of discovery of human remains	San Bernardino County Coroner	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code § 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.</p> <p>Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>				

EXHIBIT E

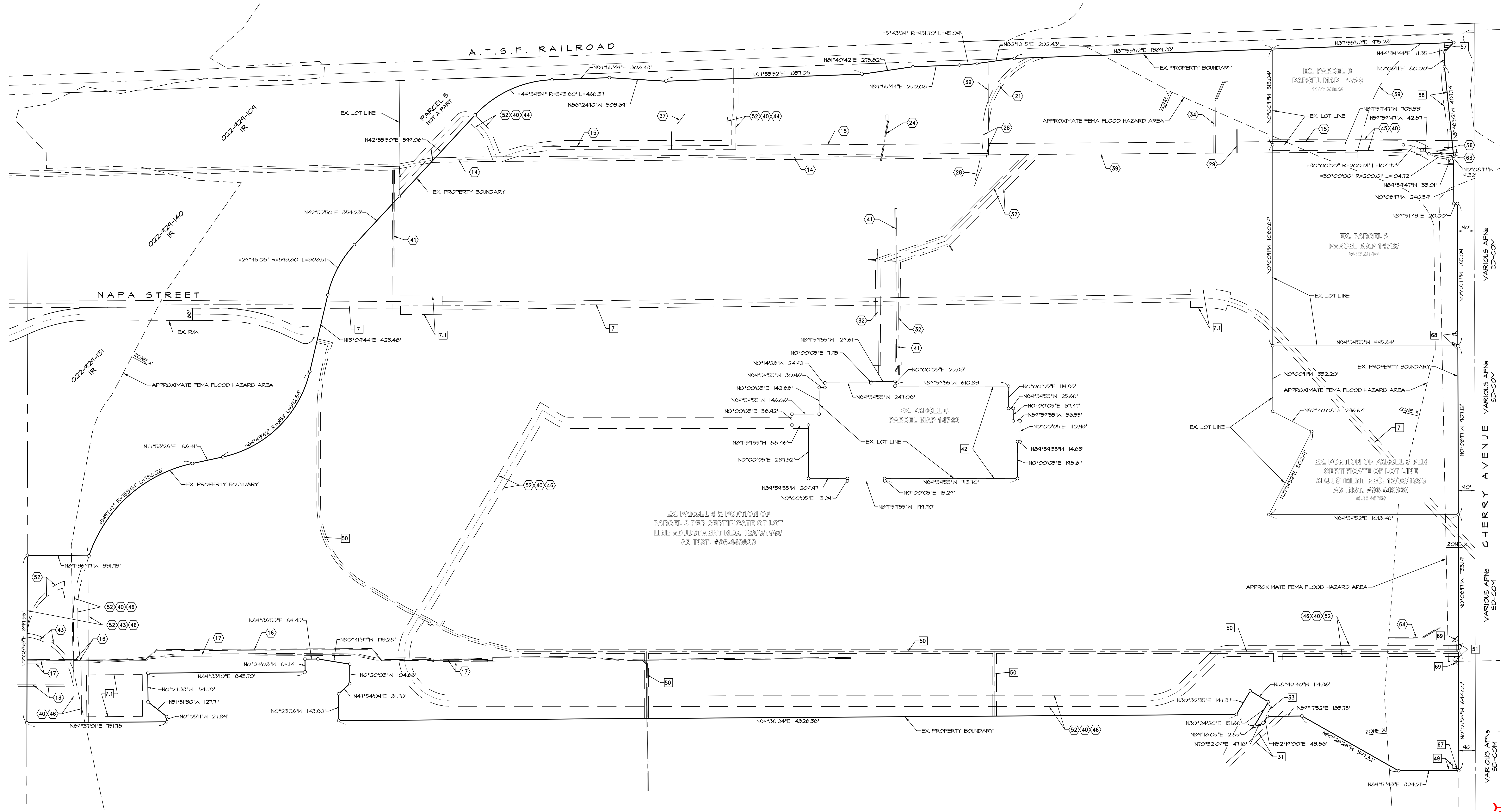
Specific Plan

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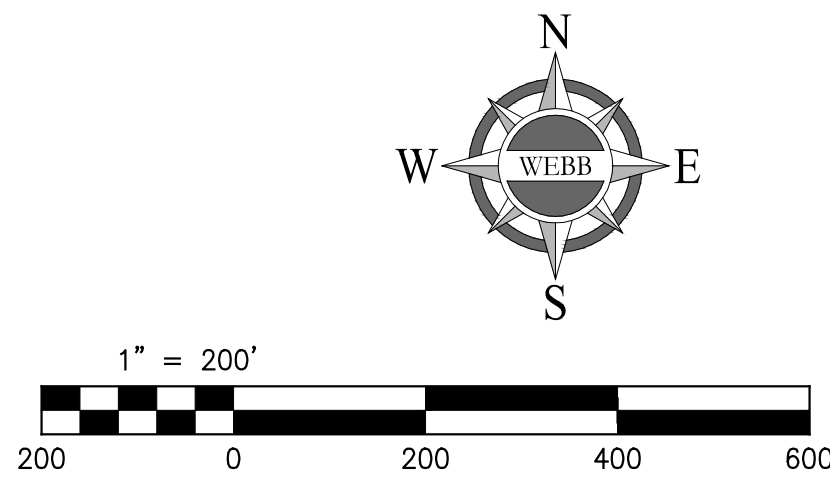
EXHIBIT F

Tentative Parcel Map No. 20478

COUNTY OF SAN BERNARDINO
SPEEDWAY COMMERCE CENTER II
TPM20478
EXISTING ENCUMBRANCES

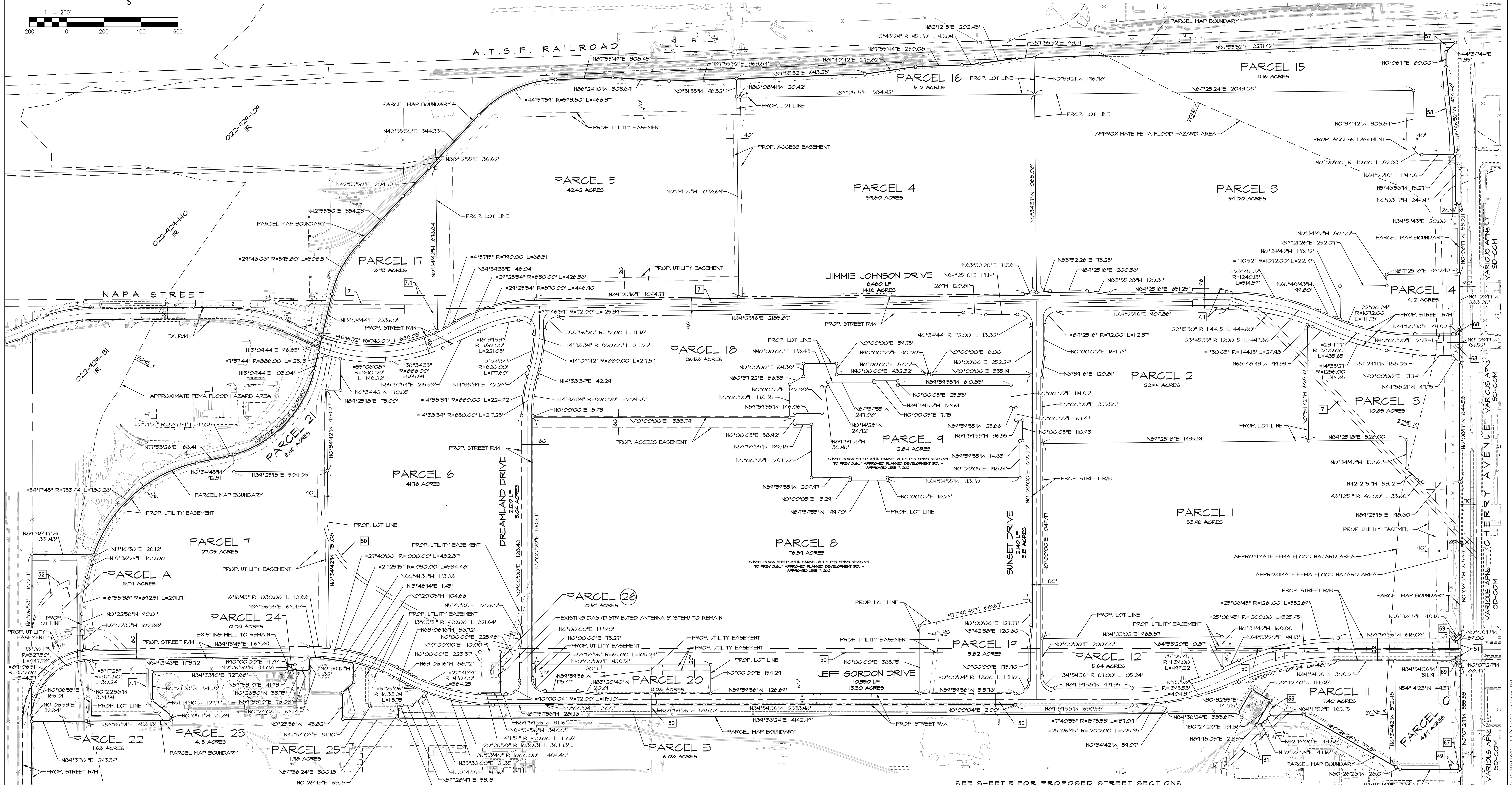
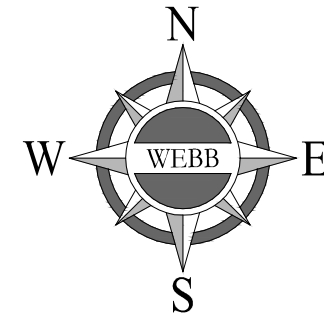


NOTES:
SEE SHEET 1 FOR ENCUMBRANCE/EASEMENT NOTES.



REVISIONS			DATE	BY	SCALE: 1"=200'	ALBERT A. WEBB ASSOCIATES	ENGINEERING CONSULTANTS 3788 McCRAV STREET RIVERSIDE, CA 92506 PH. (951) 686-1070 FAX (951) 788-1256	TENTATIVE PARCEL MAP 20478 SAN BERNARDINO COUNTY EXISTING ENCUMBRANCES SPEEDWAY COMMERCE CENTER II	R.O. 21-0160 SHEET 2 OF 6 SHEETS DWG. NO.
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COUNTY OF SAN BERNARDINO
SPEEDWAY COMMERCE CENTER II
TPM20478
PROPOSED PARCEL MAP



SEE SHEET 5 FOR PROPOSED STREET SECTIONS

PARCEL #	PARCEL SIZE (AC.)	PARCEL AREA (SF)	PARCEL USE
1	53.99	2,351,606.90	BUILDING 1
2	22.99	1,001,510.04	BUILDING 2
3	54.00	2,352,145.51	BUILDING 3
4	39.61	1,725,202.88	BUILDING 4
5	42.42	1,841,771.86	BUILDING 5
6	41.76	1,819,303.57	BUILDING 6
7	21.05	1,178,402.79	BUILDING 7
8	76.59	3,336,425.51	NASCAR SHORT TRACK

9	12.84	559,248.70	NASCAR SHORT TRACK - CAPPED AREA
10	4.67	203,428.26	EVENT PARKING/DROP LOT
11	7.40	322,315.01	EVENT PARKING/DROP LOT
12	5.64	245,735.24	EVENT PARKING/DROP LOT
13	10.85	472,535.06	EVENT PARKING/DROP LOT
14	4.12	179,371.21	EVENT PARKING/DROP LOT
15	13.16	573,411.16	EVENT PARKING/DROP LOT
16	5.12	223,076.44	EVENT PARKING/DROP LOT
17	8.73	380,402.72	EVENT PARKING/DROP LOT
18	26.58	1,157,124.48	EVENT PARKING/DROP LOT

19	5.82	253,515.26	EVENT PARKING/DROP LOT
20	3.28	142,683.47	EVENT PARKING/DROP LOT
21	3.60	156,688.50	EVENT PARKING/DROP LOT
22	1.68	73,225.59	EVENT PARKING/DROP LOT
23	4.15	180,561.38	EVENT PARKING/DROP LOT
24	0.03	1,422.28	PRIVATE UTILITY (WELL)

25	1.98	86,061.91	EVENT PARKING/DROP LOT
26	0.57	24,746.03	PRIVATE UTILITY (DAS)
A	3.74	162,740.76	DRAINAGE/WATER QUALITY BASIN
B	6.14	267,330.23	STORM DRAIN CHANNEL
ROW	33.81	1,472,804.26	STREET RIGHT-OF-WAY
TOTAL	522.30	22,751,265.06	

REVISIONS	DATE	BY

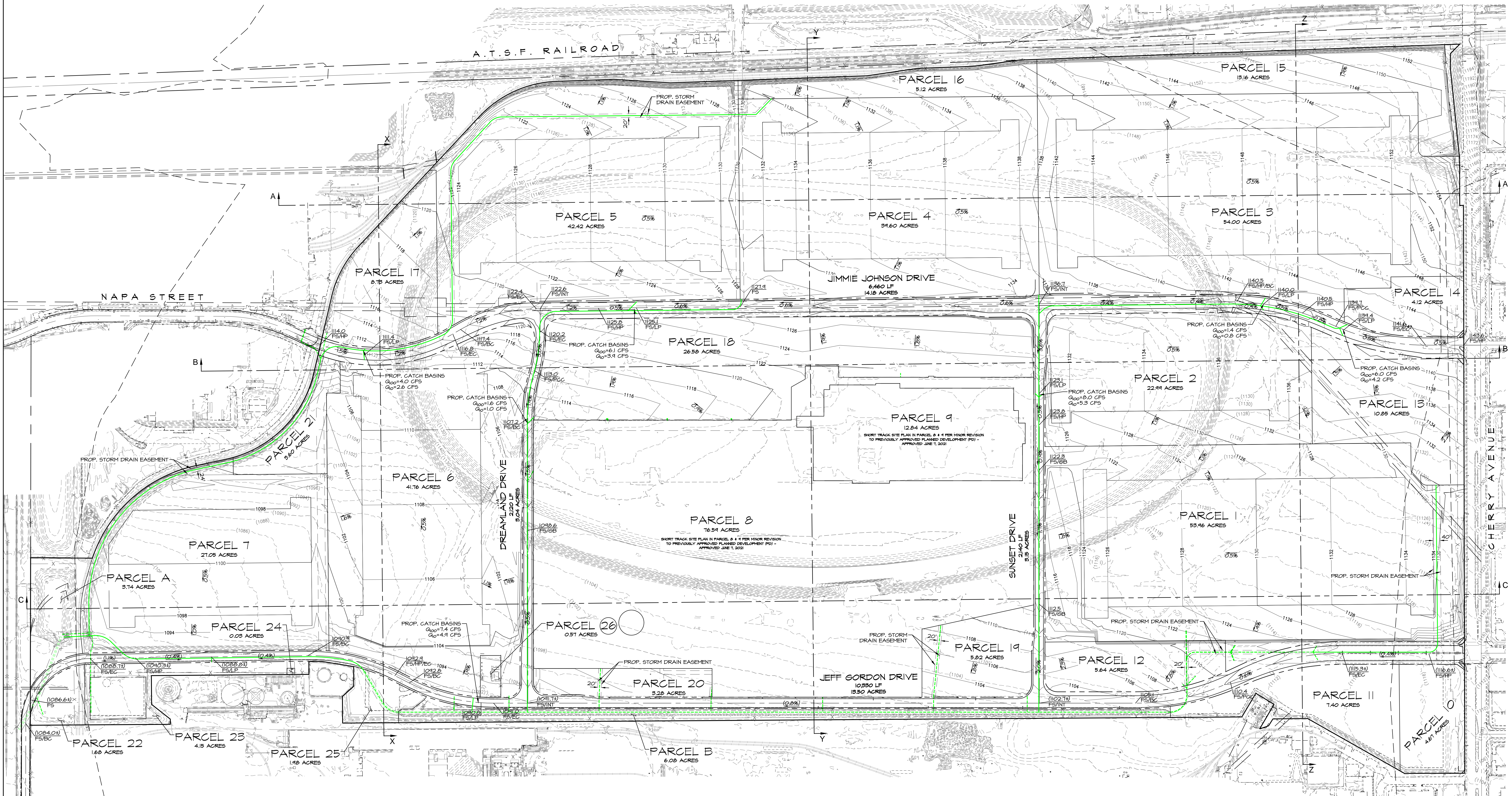
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DATE: 12/28/21
DESIGNED: TSN
CHECKED: JKA
PLN CK REF: F.B.
WEBB ASSOCIATES
ENGINEERING CONSULTANTS
3788 MCCRAY STREET
RIVERSIDE, CA 92506
PH. (951) 686-1070
FAX (951) 788-1256

TENTATIVE PARCEL MAP 20478
SAN BERNARDINO COUNTY
PROPOSED PARCEL MAP
SPEEDWAY COMMERCE CENTER II

R.O. 21-0160
SHEET 3
OF 7 SHEETS
DWS. NO.

PRELIMINARY
12/28/2021 12:10:00 PM
DRAWINGS ENTIREMENT 21-0160-C-TPM20478

COUNTY OF SAN BERNARDINO
SPEEDWAY COMMERCE CENTER II
TPM20478
CONCEPTUAL GRADING & DRAINAGE PLAN

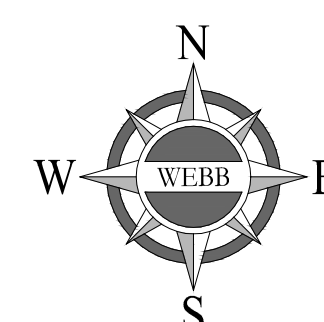


EARTHWORK:

	CUT (CY)	FILL (CY)
RAW	1,945,172	2,052,497
SHRINKAGE	(194,517)	
SUBSIDENCE	(31,238)	
REMOVAL/OVER EXCAVATION	1501,671	1,501,671
SHRINKAGE	(1501,671)	
SPOILS	27,730	
IMPORT FROM SHORT TRACK	200,000	
SHRINKAGE ON IMPORT	(20,000)	
TOTAL	2,781,637	3,554,168 (772,537) IMPORT

LEGEND


--(1475)--	EXISTING CONTOURS
—1475—	PROPOSED CONTOURS
---	EXISTING STORM DRAIN TO REMAIN
---	PROPOSED STORM DRAIN
FS	FINISHED SURFACE
XX%	PROPOSED GRADE



1" = 200'

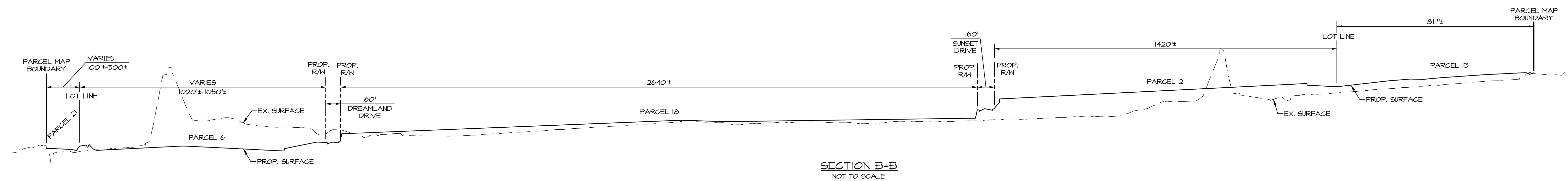
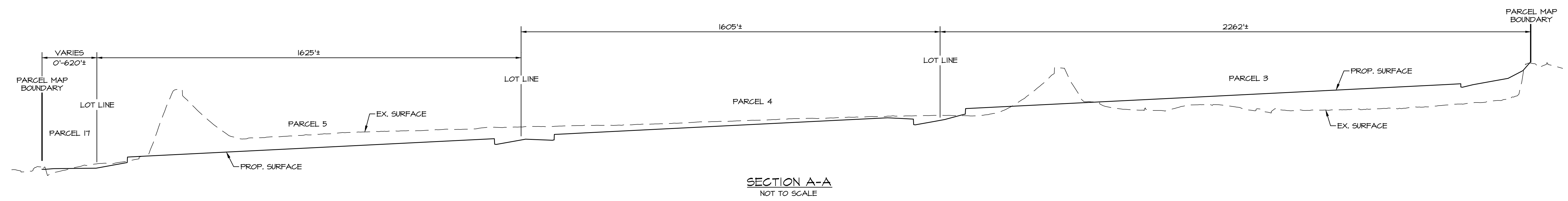
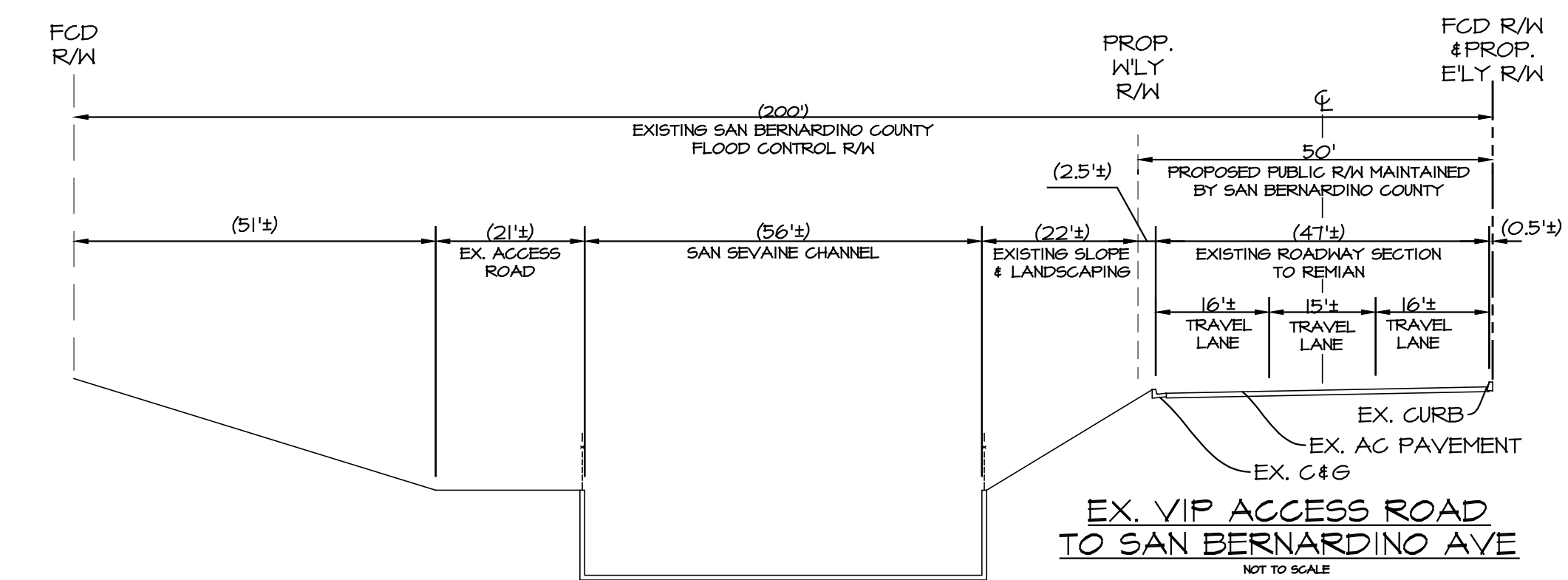
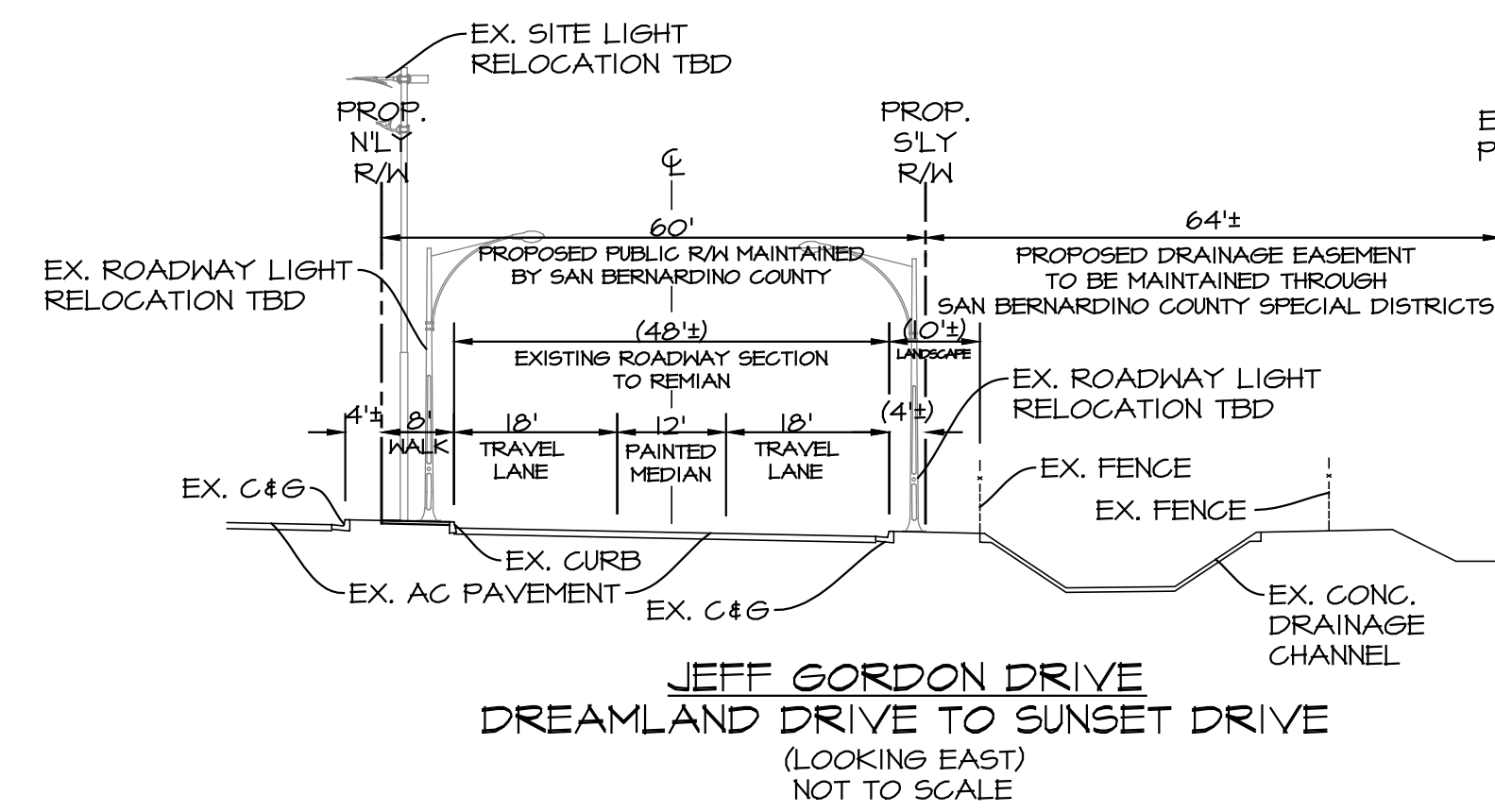
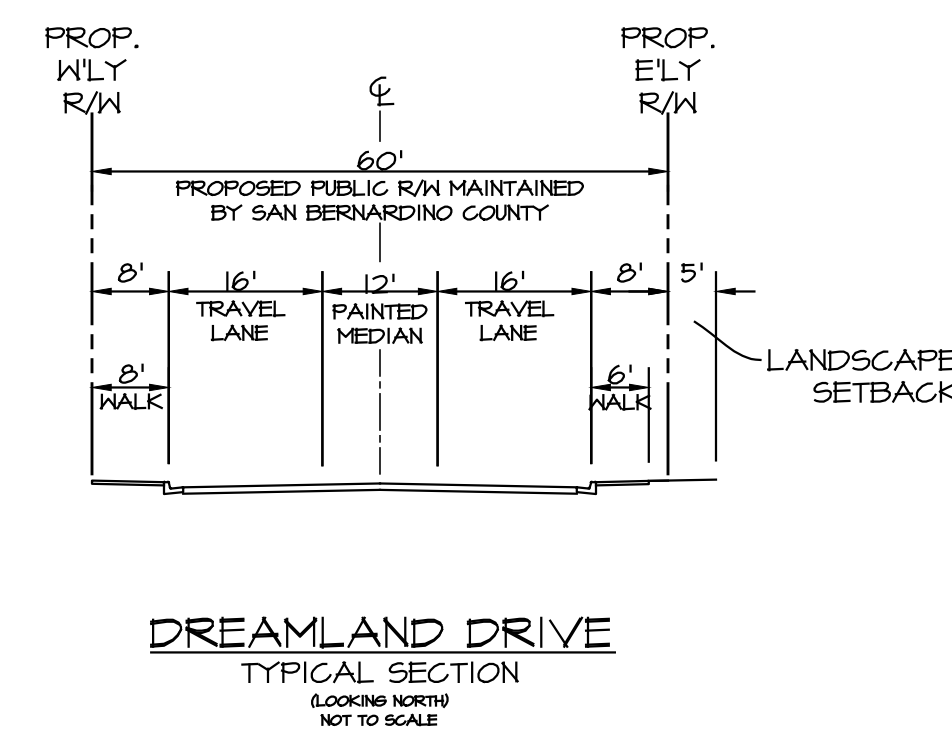
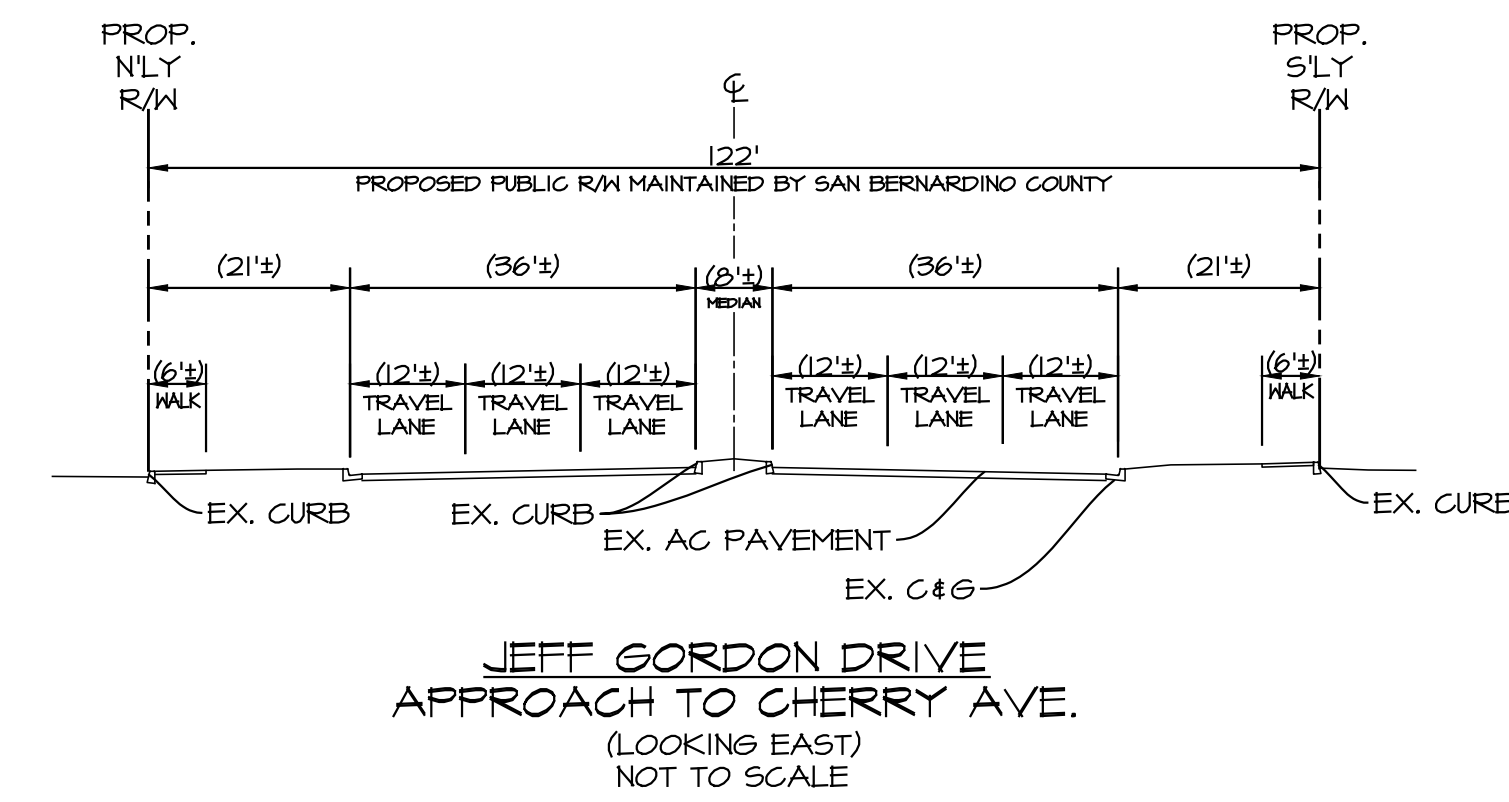
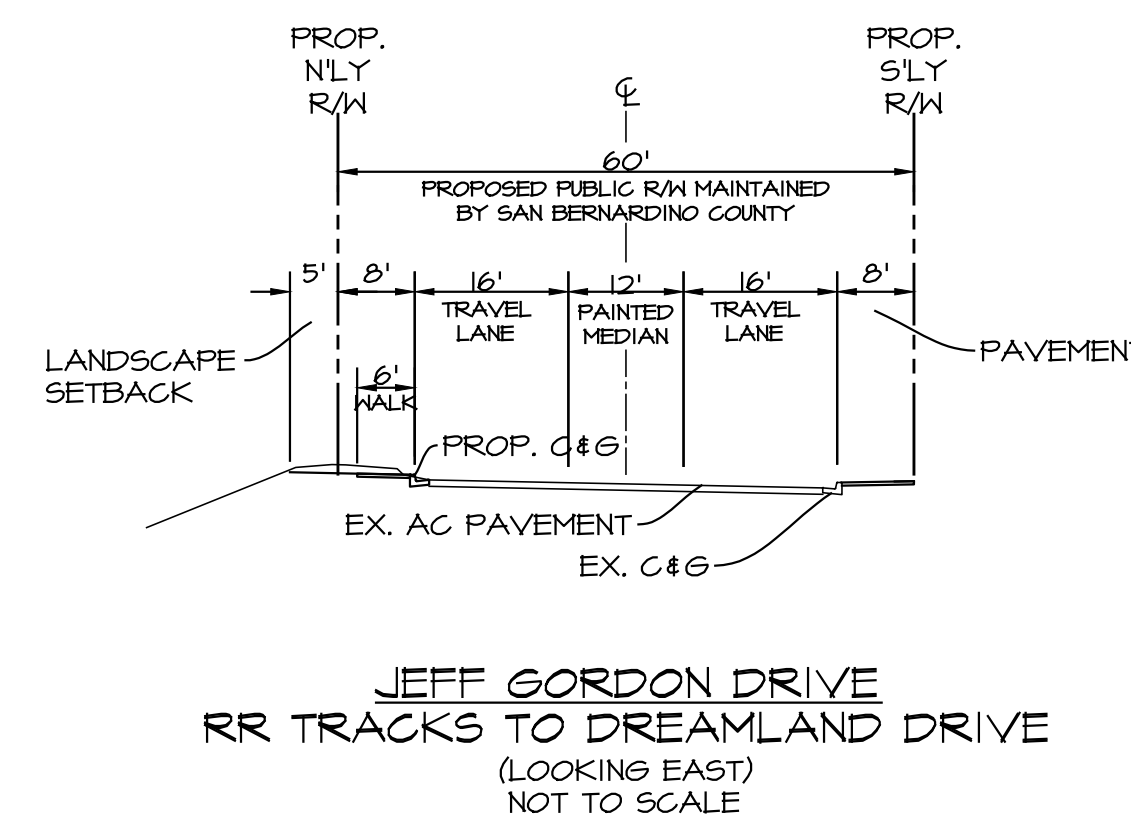
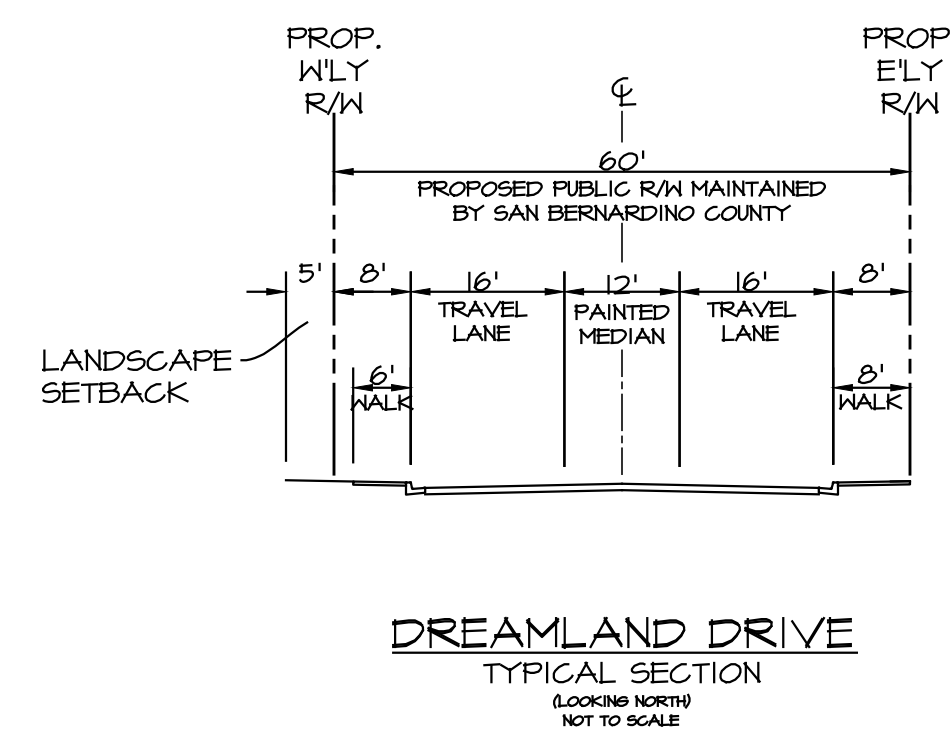
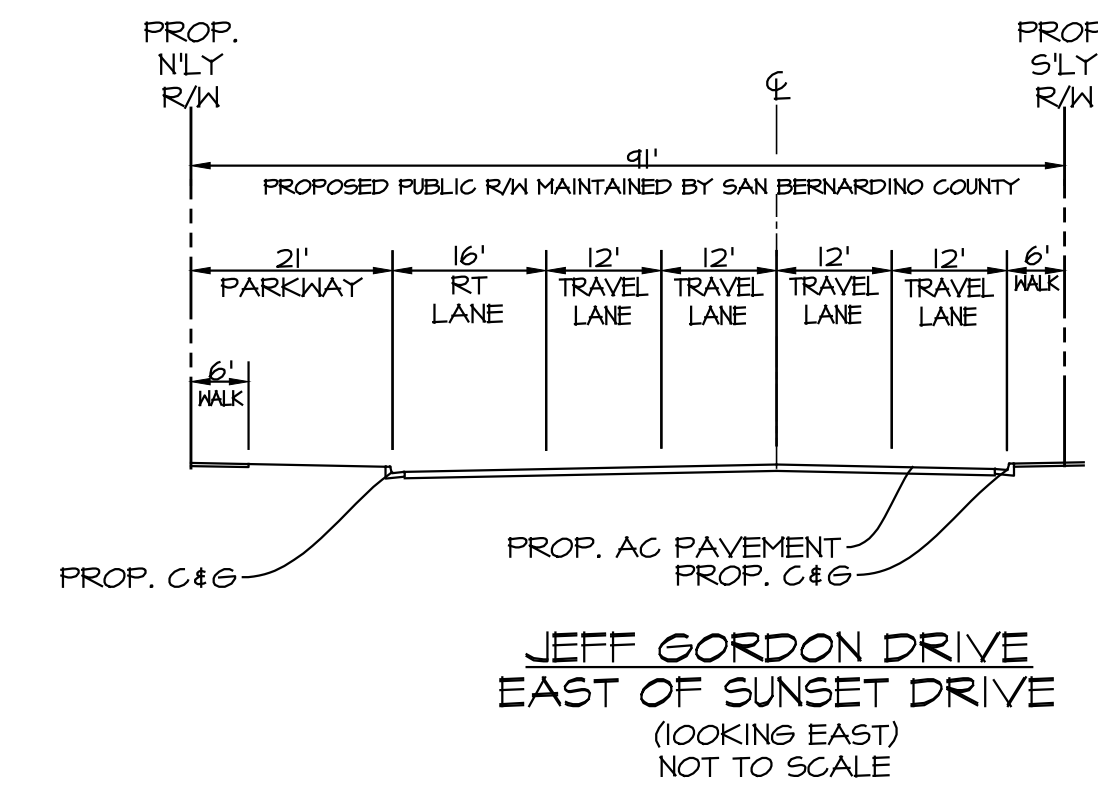
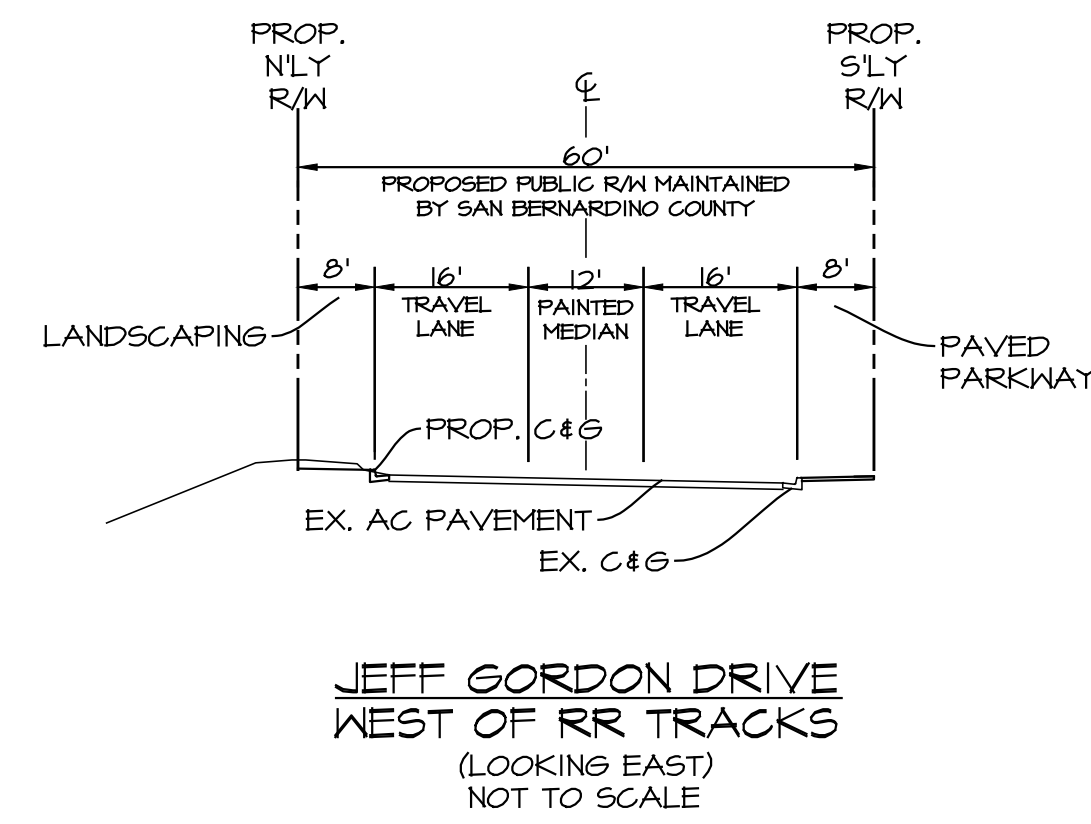
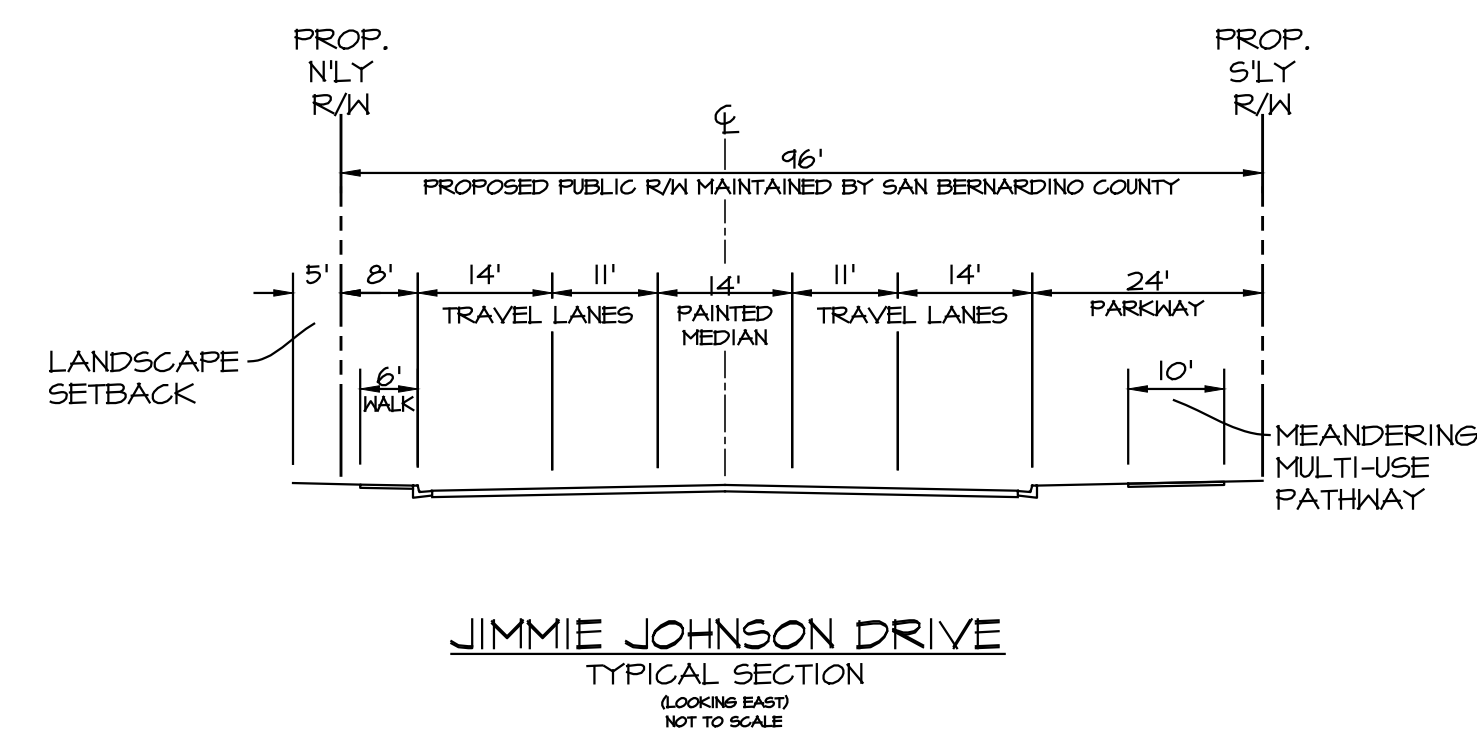
A graphic scale bar with alternating black and white segments. The segments are labeled with distances: 200, 0, 200, 400, and 600. The total length of the bar represents 600 feet.

SEE SHEET 5 FOR PROPOSED STREET SECTIONS

		SCALE: 1"=200'	 ALBERT A. WEBB ASSOCIATES	ENGINEERING CONSULTANTS 3758 MACRAY STREET RIVERSIDE, CA 92506 PH. (951) 686-1070 FAX (951) 768-1256	TENTATIVE PARCEL MAP 20478 SAN BERNARDINO COUNTY CONCEPTUAL GRADING & DRAINAGE PLAN SPEEDWAY COMMERCE CENTER II	W.O. 21-0160
		DATE: 12/8/21 DESIGNED: TSW CHECKED: JKA PLN CK REF:				SHEET 4 OF 7 SHEETS DWS. NO.

PRELIMINARY
12/8/2021 2:00:58 PM

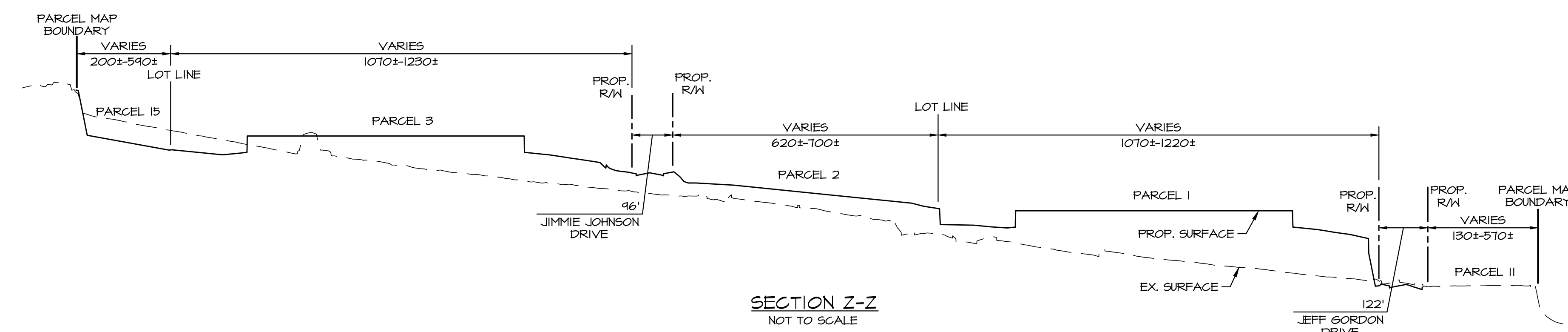
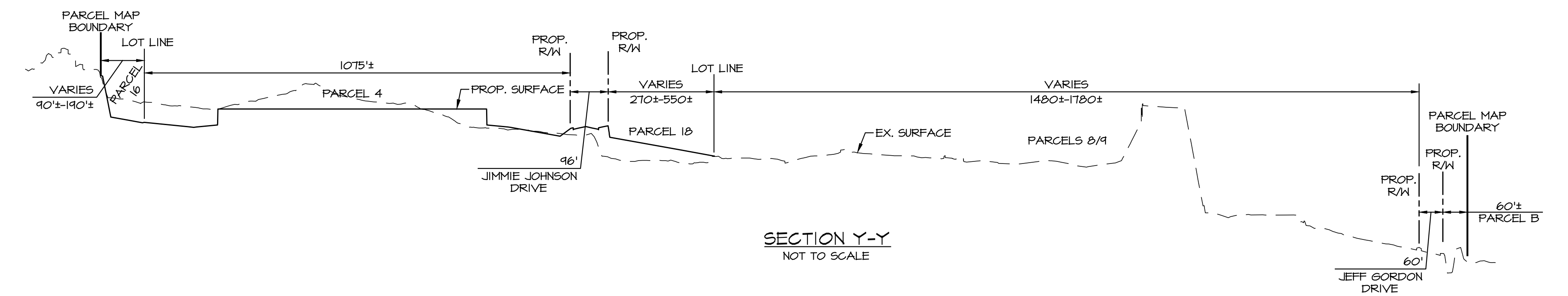
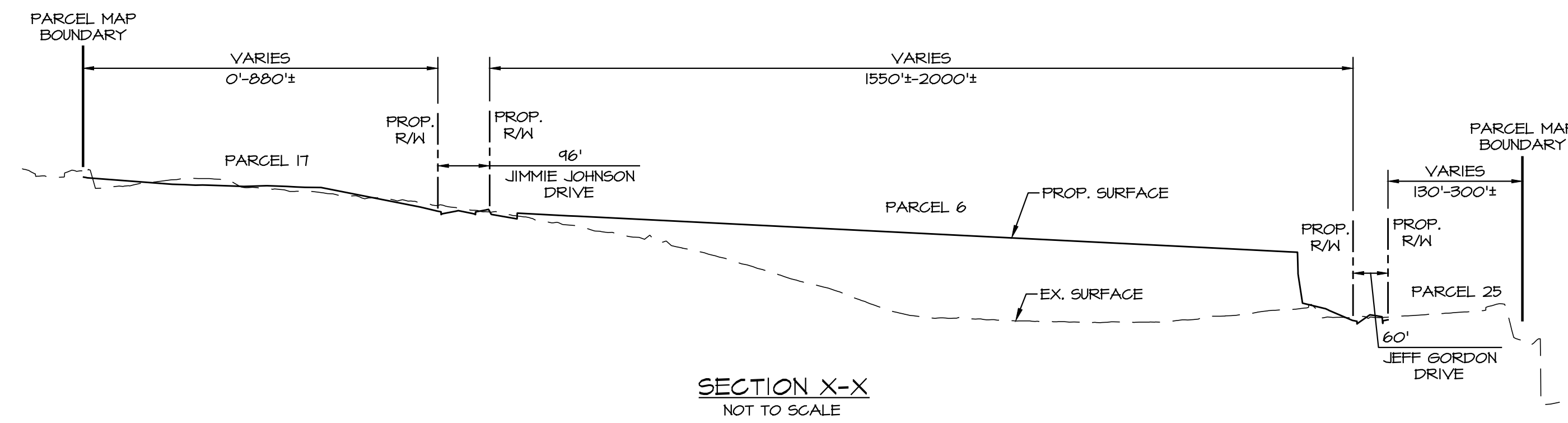
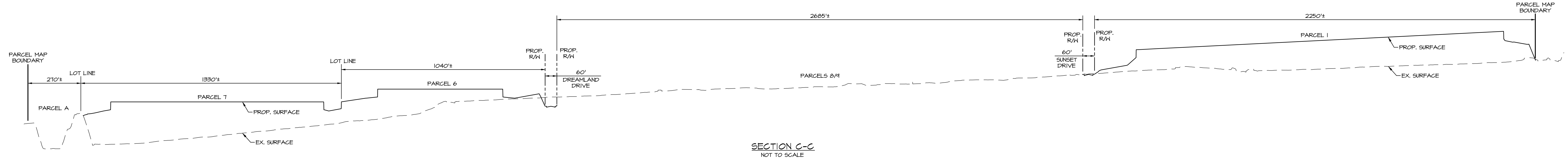
COUNTY OF SAN BERNARDINO SPEEDWAY COMMERCE CENTER II TPM20478 CONCEPTUAL SECTIONS



- NOTES:
1. STREET SECTIONS AT INTERSECTION TO BE DETERMINED BY TRAFFIC STUDY
 2. PROPOSED PUBLIC ROADS TO BE MAINTAINED BY SAN BERNARDINO COUNTY SPECIAL DISTRICTS.

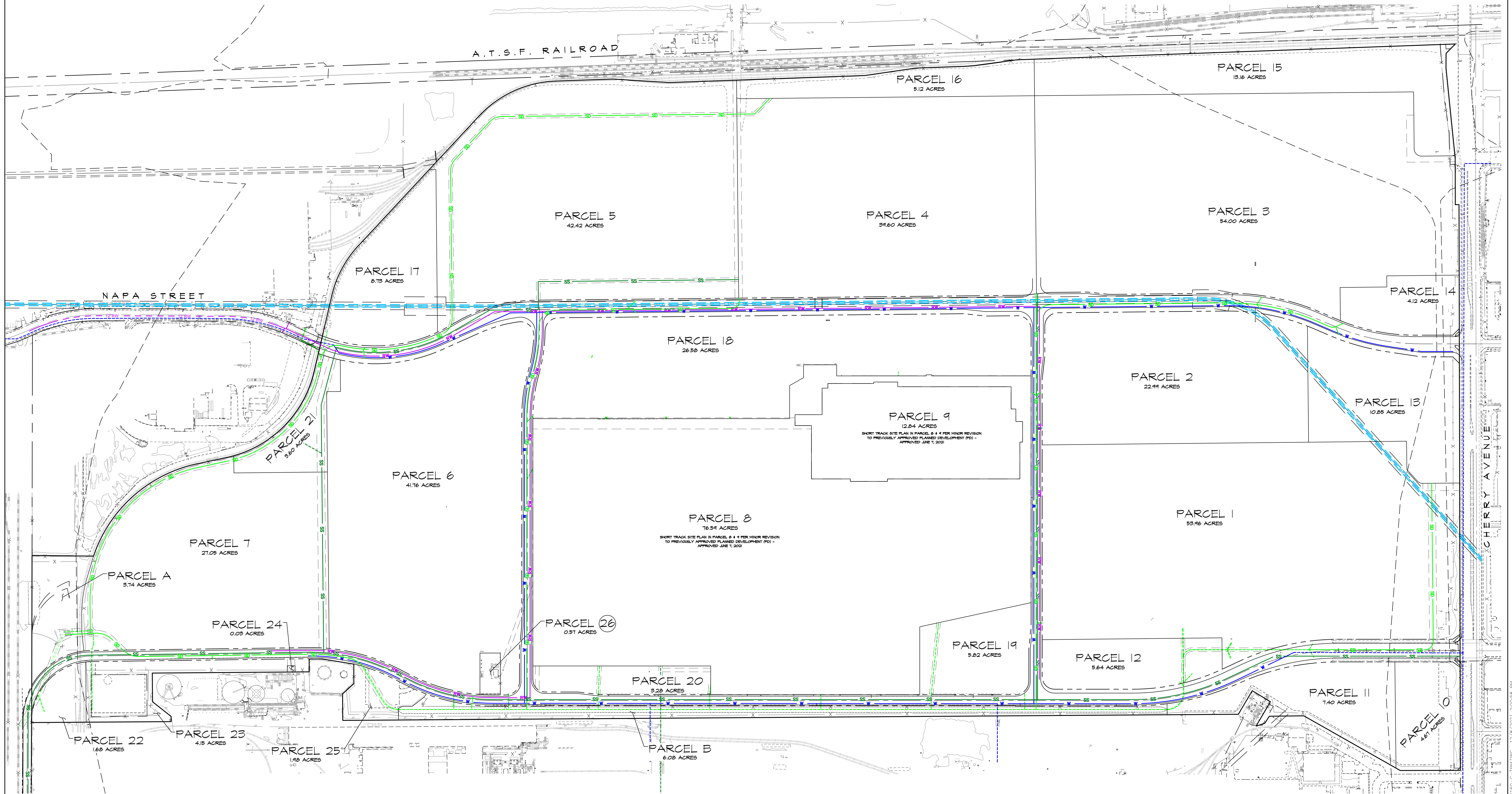
REVISIONS		DATE	BY	SCALE: 1"=200'	ALBERT A. WEBB ASSOCIATES	ENGINEERING CONSULTANTS 3788 MCGRAY STREET RIVERSIDE, CA 92506 PH. (951) 686-1070 FAX (951) 788-1256	TENTATIVE PARCEL MAP 20478 SAN BERNARDINO COUNTY CONCEPTUAL SECTIONS SPEEDWAY COMMERCE CENTER II	NO. 21-0160 SHEET 5 OF 7 SHEETS DWG. NO.

COUNTY OF SAN BERNARDINO SPEEDWAY COMMERCE CENTER II TPM20478 CONCEPTUAL SECTIONS



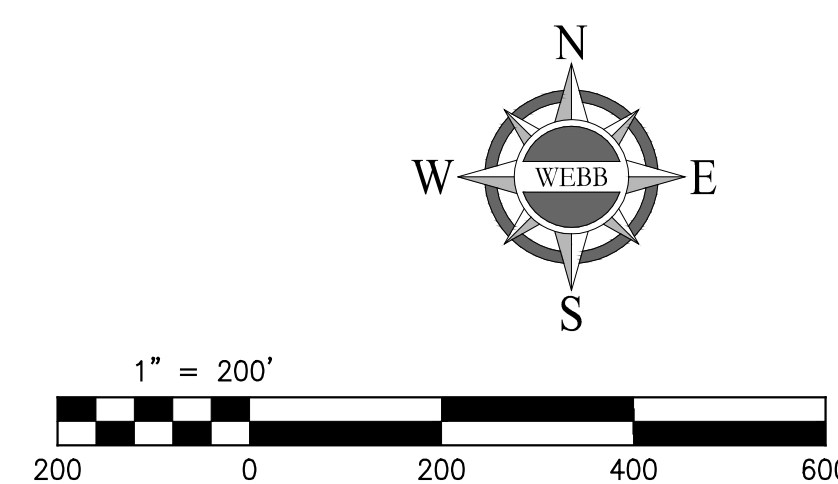
REVISIONS		DATE	BY	SCALE: 1"=200'	ALBERT A. WEBB ASSOCIATES	ENGINEERING CONSULTANTS 3788 McCRAV STREET RIVERSIDE, CA 92506 PH. (951) 686-1070 FAX (951) 788-1256	TENTATIVE PARCEL MAP 20478 SAN BERNARDINO COUNTY CONCEPTUAL SECTIONS SPEEDWAY COMMERCE CENTER II	H.O. 21-0160 SHEET 6 OF 7 SHEETS DWG. NO.

COUNTY OF SAN BERNARDINO
SPEEDWAY COMMERCE CENTER II
TPM20478
CONCEPTUAL SEWER, WATER, AND STORM DRAIN PLAN



- LEGEND**
- EXISTING STORM DRAIN TO REMAIN
 - EXISTING WATER TO REMAIN
 - EXISTING MHD WATER PIPELINE TO REMAIN
 - EXISTING SEWER TO REMAIN
 - PROPOSED STORM DRAIN
 - PROPOSED WATER
 - PROPOSED SEWER
 - PROPOSED RECYCLED WATER

- NOTES:**
- PROPOSED STORM DRAIN AND SEWER TO BE MAINTAINED BY SAN BERNARDINO COUNTY SPECIAL DISTRICTS.
 - UTILITY LOCATIONS ARE CONCEPTUAL, AND MAY CHANGE BASED ON FINAL DESIGN.



REVISIONS	DATE	BY	SCALE: 1"=200'	ALBERT A. WEBB ASSOCIATES	ENGINEERING CONSULTANTS 3788 MCGRAY STREET RIVERSIDE, CA 92506 PH. (951) 686-1070 FAX (951) 788-1256	TENTATIVE PARCEL MAP 20478 SAN BERNARDINO COUNTY CONCEPTUAL SEWER, WATER, AND STORM DRAIN PLAN SPEEDWAY COMMERCE CENTER II	R.O. 21-0160 SHEET 7 OF 7 SHEETS DWG. NO.

EXHIBIT G

CEQA Findings and Statement of Overriding Consideration

EXHIBIT G
Speedway Commerce Center II Specific Plan
CEQA Findings of Fact and Statement of Overriding Considerations
SCH No. 2021120259

1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (“**CEQA**”) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting those conclusions reached in the analysis, makes one or more findings supporting the conclusions reached in the analysis, makes one or more findings for each impact, and explains the reasoning behind the agency’s findings.

The following statement of facts and findings has been prepared in accordance with the CEQA and Public Resources Code Section 21081. CEQA Guidelines Section 15091(a) provides that:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

There are three possible finding categories available for the Statement of Facts and Findings pursuant to Section 1509(a) of the CEQA Guidelines.

- (1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

Based upon its review of the Environmental Impact Report (“**EIR**”), the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Project, represents the independent judgment of County of San Bernardino (“**County**”), and sets forth an adequate range of alternatives to this project.

The Final EIR is composed of the following elements:

- The Speedway Commerce Center II Specific Plan Project Draft Environmental Impact Report, State Clearinghouse No. 2021120259 (June 2022);
- Mitigation Monitoring and Reporting Program;
- Response to Comments; and
- Corrections and Changes from the Draft EIR to the Final EIR

2.0 PROJECT SUMMARY

2.1 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The Speedway Commerce Center II Specific Plan Project (“**Project**” or “**SCCIISP**”) is located in an unincorporated portion of Southwestern San Bernardino County, within the City of Fontana Sphere of Influence (“**SOI**”). The Project site is approximately 433 acres and is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, an active freight and passenger rail line to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south.

The Project proposes a mixed-use development that would consist of a mix of the following land uses:

- Approximately 433 acres of the existing approximately 522-acre Auto Club Speedway (ACS) located in unincorporated San Bernardino County.
- Up to approximately 6.6 million square feet of high-cube logistics and e-commerce development spread across six planning areas.
- Approximately 261,360 square feet of ancillary commercial development at one of three alternative planning areas.
- Approximately 98 acres of vehicle parking/drop lot areas to accommodate ongoing Next Gen motorsport facility events on designated days as well as parking for permitted land uses.
- Development of greenbelts, public roads, and other support amenity features, and water detention areas.
- A multi-use trail along Street “A,” employee break areas, enhanced landscaping, and potential pedestrian connections throughout the Project site.

The Project includes various discretionary approvals including applications for a Specific Plan (PROJ- 2021-00150), Development Agreement, A Revision to Approved Action (to modify the Plan Development for the ACS, PRAA-2020-00150), and Tentative Map (No. 20478).

2.2 PROJECT GOALS AND OBJECTIVES

The fundamental purpose and goal of the Project is to implement the vision laid out in the Project objectives, by providing development standards and design guidelines to direct future development within the Project area. In order to promote a high-quality development, as well as the functional integrity, economic viability, environmental sensitivity, and positive aesthetic impact of the Project, specific planning and development objectives for the Project were identified:

- Objective 1:** Maximize the efficient movement of goods throughout the region by locating a large format high-cube logistics and e-commerce center in close proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two round trips per day.
- Objective 2:** Develop and operate a large format high-cube logistics and e-commerce center that maximizes the use of one of the few remaining large industrial sites in Southwestern San Bernardino County, to realize substantial unmet demand in Southwestern San Bernardino County and the region, and to allow Southwestern San Bernardino County to compete on a domestic and international scale through the efficient and cost-effective movement of goods.
- Objective 3:** Provide a land use plan that is sensitive to the environment through avoidance of sensitive resources, aesthetically pleasing through application of design guidelines, and places compatible land uses and facilities in an appropriate location.
- Objective 4:** Develop a high-cube logistics and e-commerce center that is in close proximity to Interstate I-10 and other major transportation arterials, to support the distribution of goods throughout the region and that also limits truck traffic disruption to sensitive receptors within the surrounding region.

- Objective 5:** Provide a system of infrastructure that includes public and private transportation, sewer, water, drainage, solid waste disposal, and other essential facilities to serve the needs of the Project.
- Objective 6:** Facilitate the continued operation of the existing Speedway uses at the Next Gen motorsports facility through provision of ongoing parking fields and drop-lot areas for designated event days.
- Objective 7:** Develop and operate an attractive large format high-cube logistics and e-commerce center in Southwestern San Bernardino County that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the region.
- Objective 8:** Develop a location for siting clean industry involving large scale buildings impervious parking areas on a heavy industrial site that was once a steel mill.
- Objective 9:** Facilitate the establishment of design guidelines and development standards that create a unique, well-defined identity for the proposed Project. Enhance Project identity through architecture, landscaping, walls, fencing, signage and entry treatments.
- Objective 10:** Develop and operate a large format high-cube logistics and e-commerce center that limits truck traffic disruption to residential areas within Southwestern San Bernardino County and neighboring jurisdictions.
- Objective 11:** Develop and operate a high-cube logistics and e-commerce center that positively contributes to the economy of Southwestern San Bernardino County through new capital investment and creation of new employment opportunities, including opportunities for highly-trained workers and expansion of a stable and diverse economic fiscal opportunity to increase the tax base.
- Objective 12:** Develop and operate employee-intensive facilities that can take advantage of the potential further expansion of transit facilities for efficient employee transportation.
- Objective 13:** Establish guidelines for energy efficiency that promote the conservation of energy resources in the construction and operation of the proposed high-cube large format logistics and e-commerce center use.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The County has conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports, along with a public review and comment period. The following is a summary of the County's environmental review of the Project:

- Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the County published a Notice of Preparation (“**NOP**”) and filed a copy with the California Office of Planning and Research State Clearinghouse to inform the general public, trustee and responsible agencies and other interested parties that an EIR would be prepared for this Project. The NOP was distributed for a 30-day public review period, which began on December 13, 2021. In addition, the County held a public-noticed EIR scoping meeting remotely via Zoom on January 11, 2022. The scope of the Draft EIR was determined through the NOP and scoping meeting process, whereby it was concluded that detailed discussion and analysis for all environmental resource areas included in the State CEQA Guidelines, Appendix G would be evaluated in the Draft EIR. Therefore, an Initial Study was not prepared for the Project.
- Two environmental justice community outreach workshops were conducted on January 12, 2022 and July 9, 2022.

- The County circulated the Draft EIR for the Project from June 1, 2022 to July 18, 2022. The County received a total of 56 comment letters from responsible agencies and other interested parties. The County prepared responses to all written comments received during the public review period. The comments and responses are contained in Section 2.0 of the Final EIR.
- In accordance with the provisions of Public Resources Code Section 21092.5, the County has provided a written proposed response to each commenting public agency no less than 10 days prior to the proposed certification date of the Final EIR.

4.0 INDEPENDENT JUDGMENT AND FINDING

The Project Applicant retained the independent consulting firm of Kimley-Horn and Associates, Inc. (“**Kimley-Horn**”) to prepare the EIR for the Project. Kimley-Horn has prepared the EIR under the supervision, direction and review of the County. The County is the Lead Agency for the preparation of the EIR, as defined by California Public Resource Code Section 21067, as amended. The San Bernardino County Board of Supervisors (“**Board**”) has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

FINDINGS:

The EIR for the Project reflects the County’s independent judgment. The County has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant to review the EIR, and directing the consultant in preparation of the EIR. The County has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the County.

The Board has considered all the evidence presented in its consideration of the all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Final EIR and its supporting studies, written and oral evidence presented at hearings on the project, and written evidence submitted to the County by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence the Board finds that with respect to each environmental impact identified in the review process (except those described in the following paragraph), the impact is: (1) less than significant and would not require mitigation; (2) potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigatable but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR also identifies certain significant adverse environmental effects of the project which cannot be avoided or substantially lessened. Prior to approving this project, the Board also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section 6.0), that certain identified economic, social or other benefits of the project outweigh such unavoidable adverse environmental effects.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT/NO IMPACT IN THE EIR

The Board hereby finds that the following potential environmental impacts of the Project are less than significant or would not result in any impact and therefore do not require the imposition of mitigation measures.

AESTHETICS

IMPACT 4.1-1: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?

Scenic vistas viewable from this point of the County include the San Gabriel Mountains located to the north, as well as the Jurupa Hills located to the south/southeast. These vistas provide an aesthetically pleasing natural backdrop for the County's residents. While the San Bernardino Countywide Plan's Policy Plan does not officially designate any scenic vistas near the Project site, the San Gabriel and San Bernardino mountains, along with the Jurupa Hills are still considered a valuable visual resource for the County, adjacent cities, and region. The San Gabriel and San Bernardino mountains are currently visible from Cherry Avenue and Calabash Avenue (north of the Project site). Views north of the San Gabriel and San Bernardino mountains from the south side of the Project site are partially obstructed by the existing ACS grandstands. The Jurupa Hills are currently not easily visible from the Project site. (**Draft EIR, p. 4.1-8**). As shown in the visual simulations contained in **Draft EIR Appendix B**, Project buildings would not significantly impede the visibility of scenic vistas from street level or at various distances around the Project. Furthermore, existing buildings around the Project site and on the existing ACS site, including the grandstands, are of similar height and mass of the proposed high-cube logistics/e-commerce buildings. Therefore, impacts to scenic vistas would be less than significant.

IMPACT 4.1-2: WOULD THE PROJECT SUBSTANTIALLY DAMAGE SCENE RESOURCES, INCLUDING, BUT NOT LIMITED TO TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY?

There are no state scenic highways within this unincorporated portion of the County. The closest eligible state scenic highway is the segment of SR 142 from the Orange County Line to Peyton Drive in Chino Hills. The closest point of this segment is approximately 14 miles to the southwest. The closest officially designated state scenic highway is SR 2 from 2.7 miles north of SR 210 (La Cadena) to the San Bernardino County Line. The closest point of this segment is approximately 21 miles to the northwest. Therefore, construction and operation of the Project site would not damage or obstruct a scenic resource (i.e., trees, rock outcroppings, or historic buildings) within a state scenic highway. No impact would occur. (**Draft EIR, p. 4.1-9**).

IMPACT 4.1-3: IN NON-URBANIZED AREAS, SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS? (PUBLIC VIEWS ARE THOSE THAT ARE EXPERIENCED FROM PUBLICLY ACCESSIBLE VANTAGE POINT). IF THE PROJECT IS IN AN URBANIZED AREA, WOULD THE PROJECT CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY?

The Project site is within an urbanized area which is currently zoned Special Development –Commercial (SD-COM). SD (Special Development) land use zoning district development standards, including those related to scenic quality, are discussed at **Draft EIR p. 4.1-9** and **Draft EIR Table 4.1-1**. The visual simulations conducted for the Project that apply the SCCIISP development standards (see **Draft EIR Appendix B**) identified no impacts to scenic vistas or visual resources as a result of building development. The Project would, nonetheless, comply with the development standards found within Chapter 83.06 (Fences, Hedges, and Walls), Chapter 83.07 (Glare and Outdoor Lighting), Chapter 83.10 (Landscaping Standards), and Chapter 83.13 (Sign Regulations) of the County's Development Code (except where these provisions are specifically addressed within the SCCIISP), which are discussed within Draft EIR Section 4.1.3. Furthermore, the Project would be consistent with the Countywide Plan goals and policies listed under Section 4.1.3. Project compatibility with these goals and policies is presented in **Draft EIR Table 4.11-4: CONSISTENCY WITH THE COUNTYWIDE PLAN**. BASED ON THESE FINDINGS, THE PROJECT WOULD RESULT IN A LESS THAN SIGNIFICANT IMPACT AND NO MITIGATION IS NECESSARY. (**DRAFT EIR, P. 4.1-10**).

IMPACT 4.1-4: WILL THE PROJECT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WILL ADVERSELY AFFECT DAY OR NIGHTTIME VIEW IN THE AREA?

Existing sources of light and glare exist in the Project's immediate vicinity. Existing lighting sources include track lighting associated with the existing ACS, streetlights, outdoor safety and security lighting from adjacent developments including the industrial and commercial developments to the south, west, and east, and vehicle headlights from adjacent roadways and patrons of the ACS utilizing outfield roadways. Construction of the Project would be limited to the daytime hours of construction permitted (between the

hours of 7:00 a.m. to 7:00 p.m. and would not occur on Sundays or Federal holidays as stated in the County Building Code Standards (§ 150.003 Construction: Hours of Construction) (unless otherwise approved by the County), and nighttime lighting would only be required seasonally. Along with the limited use of additional light sources due to daytime construction, light trespass would be negligible as the construction would not introduce substantially brighter light sources during the day. Therefore, no short-term impacts associated with light and glare would occur. (**Draft EIR, p. 4.1-11**).

Once operational, the Project would be required to comply with Section 83.07.030 (Glare and Outdoor Lighting –Valley Region) of the County’s Development Code, which is discussed at **Draft EIR p. 4.1-11 to 4.1-12**. Although the Project’s proposed offsite railroad crossings would introduce new sources of light to the Project area during nighttime hours, the closest residential uses to the Project are approximately 6,500 feet (1.2 miles) from the nearest planned rail crossing improvements and therefore, no nighttime lighting impacts would occur to sensitive receptors as a result of the railroad crossing improvements. The Project would also serve as a benefit to the surrounding area as the proposed structures would dampen (block or absorb) the light/glare effects associated with the bright lighting that would be put in place for the proposed NextGen motorsports facility races and events. Project buildings would surround the short track on three of its four sides. The south side of the track would not be surrounded by Project buildings; however, the south side is abutted by industrial development. Therefore, long-term impacts associated with light and glare would be less than significant. (**Draft EIR, p. 4.1-12**).

Cumulative Impacts. The cumulative study area for aesthetic impacts is the viewshed of the Project site and surrounding areas. The geographic context for cumulative aesthetic impacts would be viewsheds visible from the Project site. Cumulative developments would be those whose effects would cumulatively impact the San Gabriel and San Bernardino mountains as well as the Jurupa Hills. However, the Project area’s developed state would minimize potential aesthetic impacts as future development would be less likely to stand out or contrast with established development patterns. Ongoing development within the Project area would have the potential to increase the amount of light and glare present. Each development in the cumulative study area would, however, be required to comply with policies and regulations set forth by the Countywide Plan and San Bernardino County Development Code. Consequently, cumulative development would not result in significant cumulative environmental impacts in conflict with aesthetics requirements for preserving visual character, public views, scenic vistas and resources, or requirements for minimizing and controlling potential light and glare. Therefore, the Project would not cause a cumulatively considerable impact on aesthetics, and no mitigation is required. (**Draft EIR, p. 4.1-13**).

AGRICULTURAL AND FORESTRY RESOURCES

IMPACT 4.2-1: WOULD THE PROJECT CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE (FARMLAND), AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?

Based on review of the California DOC Important Farmland maps, neither the Project site nor any adjacent land is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site and adjacent land are designated as Urban and Built-Up Land. As such, the Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to a non-agricultural use, and there is no impact. (**Draft EIR, p. 4.2-7**).

IMPACT 4.2-2: WOULD THE PROJECT CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?

According to the San Bernardino County Land Use Web Map (2020), no portion of the Project site is zoned or designated for agricultural use, but instead is designated for Special Development –Commercial (SD-COM). The Project site is not in use for agricultural activities, nor is it subject to a Williamson Act contract. Historical map reviews conducted for the Project’s Cultural Resource Assessment found that although agricultural uses were present in the northern portion of the Project site in 1948, these uses were removed by the 1950s. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and there is no impact. (**Draft EIR, p. 4.2-8**).

IMPACT 4.2-3: WOULD THE PROJECT CONFLICT WITH EXISTING ZONING FOR, OR CAUSE REZONING OF, FOREST LAND (AS DEFINED IN PUBLIC RESOURCES CODE SECTION 12220(G)), TIMBERLAND (AS DEFINED BY PUBLIC RESOURCES CODE SECTION 4526), OR

TIMBERLAND ZONED TIMBERLAND PRODUCTION (AS DEFINED BY GOVERNMENT CODE SECTION 51104(G))?

According to the County's Official Zoning Map (2020), the Project site is predominately zoned Special Development—Commercial (SD-COM). Additionally, the corresponding land use designation of the Project site is currently Commercial (C). Therefore, no portion of the Project site is zoned forest land, timberland, or timberland zoned for timberland production and the Project would have no impact. **(Draft EIR, p. 4.2-8).**

IMPACT 4.2-4: WOULD THE PROJECT RESULT IN THE LOSS OF FOREST LAND OR CONVERSION OF FOREST LAND TO NON- FOREST USE?

According to the Land Cover layer in the California Department of Fish and Wildlife's BIO Viewer, the majority of the Project site is classified as Developed. This, in combination with review of current and historic aerial imagery, demonstrates that no forest land exists within the Project site area. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, and there is no impact. **(Draft EIR, p. 4.2-8).**

IMPACT 4.2-5: WOULD THE PROJECT INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE?

Neither the Project site nor this portion of the unincorporated County contain areas designated for agriculture, forest land, or timberland. The County does not have land use designations specific to these resources. County land use designations that do allow farmland and forest land include Rural Living (RL), Very Low Density Residential (VLDR), Resource/Land Management (RLM), and Open Space (OS); none of which are present in this unincorporated portion of the County. Therefore, no impacts related to the conversion of farmland or forest land would occur. **(Draft EIR, p. 4.2-9).**

Cumulative Impacts. Implementation of the Project would have no impact on agricultural or forestry resources. The Project site is zoned SD-COM and there are no agricultural, forest land, or timberland zoning designated resources in the portion of the unincorporated County where the Project site is located. Further, redevelopment of the Project site would not pose an impact to the County's agricultural economy since the land is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and this land would not be considered suitable for sustained agricultural activities. The Project site is classified as Urban and Built-Up Land by the California DOC. Because the Project would not have any impact on agriculture and forestry resources, it would not contribute to an existing cumulative impact, even when combined with past, present and future projects; thus, the Project's contribution would not be cumulatively considerable. **(Draft EIR, p. 4.2-9).**

AIR QUALITY

IMPACT 4.3-4: WILL THE PROJECT RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?

During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. The South Coast Air Quality Management District ("**SCAQMD**") CEQA Air Quality Handbook identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, impacts related to odors associated with the Project's construction-related and operational activities would be less than significant. **(Draft EIR, p. 4.3-54).**

BIOLOGICAL RESOURCES

IMPACT 4.4-2: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE?

If impacted, the undeveloped portion of the stormwater detention basin on the southwest corner of the Project site, and San Sevaine Channel, outside of the Project footprint would fall under the regulatory authority of the USACE, RWQCB, and CDFW. The Project would modify the existing basin outlet structure to convert the existing detention basin to an infiltration basin to address storm water flows and treat for storm water quality. (**Draft EIR, p. 4.4-25**). The modifications to the outlet structure would be contained within the footprint of the existing concrete apron and outlet structure and would not impact areas outside the existing concrete footprint area. If additional improvements or modifications to the undeveloped portion of the stormwater detention basin are determined to be necessary and these facilities are impacted from implementation of the Project, the Master Developer would need to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas: USACE CWA Section 404 Permit; RWQCB CWA Section 401 Water Quality Certification; and/or CDFW Section 1602 SAA. Based on the proposed site plan, impacts to the storm water basin would only occur within the existing concrete portion of the basin. As a result, no impacts to jurisdictional waters are expected to occur. Further, no sensitive habitats were identified within the Project site. Thus, no sensitive natural communities would be impacted from Project implementation. It should be noted that the California buckwheat scrub alliance on the southwest corner of the Project site, associated with the stormwater detention basin, is not a naturally occurring plant community, as it was installed to maintain the integrity of the slopes on the basin. California buckwheat scrub alliance has a global rank of G5 (common, widespread, and abundant) and a State rank of S5 (common, widespread, and abundant in the State), and, therefore, is not considered a sensitive natural plant community. Therefore, impacts would be less than significant and no mitigation is necessary. (**Draft EIR, p. 4.4-26**).

IMPACT 4.4-3: WILL THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?

No inundated areas, wetland features, or wetland plant species that would be considered wetlands as defined by Section 404 of the CWA occur within the Project footprint. As a result, implementation of the Project would not result in any impacts or have a substantial adverse effect on protected wetlands. (**Draft EIR, p. 4.4-26**).

IMPACT 4.4-4: WILL THE PROJECT INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?

The Project site is separated from regional wildlife corridors and linkages by existing development and there are no riparian corridors or creeks connecting the Project site to these areas. Moreover, potential nearby corridors such as San Sevaine Channel and Etiwanda Creek (approximately 1.5 miles west of the Project site) have been channelized in association with flood control efforts and no longer supports plant communities suitable for use as wildlife corridors. Therefore, the Project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the Project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, no mitigation is required. Therefore, impacts to wildlife corridors or linkages are not expected to occur. (**Draft EIR, p. 4.4-26 to 4.4-27**).

IMPACT 4.4-5: WILL THE PROJECT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE?

The San Bernardino County Development Code, Chapter 88.01 (Plant Protection and Management) pertains to the proposed Project. A regulated tree or plant shall be any of those trees or plants identified in: (1) Section 88.01.060(c) (Regulated desert native plants), (2) Section 88.01.070(b) (Regulated trees), or (3) Section 88.01.080(b) (Regulated riparian plants). No regulated trees or plants identified in Sections 88.01.060(c), 88.01.070(b), or 88.01.080(b) occur on-site. Therefore, impacts to local policies or ordinances are not expected to occur from development of the proposed Project, and mitigation is not required. (**Draft EIR, p. 4.4-27**).

CULTURAL IMPACTS

IMPACT 4.5-1: WILL THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO SECTION 15064.5?

Construction of the Project would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to CEQA Guidelines § 15064.5. No prehistoric archaeological resources were identified within the record search area. The Project site lies within the mapped boundary of one identified resource, the Kaiser Steel Mill (CA-SBR-4131H). The Kaiser Steel Mill was built in 1945 and was one of the largest steel production mills west of the Mississippi. Previous cultural resources studies completed within the vicinity of the Project site found that by 2008, all of the major components of the mill had been demolished and the resource no longer extant. In addition, no evidence of the resource was identified during the August 31, 2021 pedestrian survey and archival information suggests this portion of the steel mill property was primarily used for steel production. Archival information also determined that the Metropolitan Water District of Southern California's Upper Feeder Aqueduct was constructed through the Project area in the 1930s. Project implementation is not anticipated to impact the buried historic-era water pipeline and construction activities will not alter, demolish, or relocate the existing feature. The remaining resources do not appear to have been formally evaluated for listing on the CRHR or the NRHP. Following completion of construction of the Project and disturbances of the site, the Project would include use for high-cube logistics, e-commerce, and commercial development. These land use operations would not impact any known or unknown historical resources. Therefore, operation of the Project would have no impact on historical cultural resources. (**Draft EIR, p. 4.5-15 to 4.5-16**).

GEOLOGY AND SOILS

IMPACTS 4.7-1 TO 4.7-4: WILL THE PROJECT DIRECTLY OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING RISK OF LOSS, INJURY OR DEATH INVOLVING: (I) RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT?; (II) STRONG SEISMIC GROUND SHAKING?; (III) SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?; AND/OR (IV) LANDSLIDES?

Rupture of Known Earthquake Fault. According to the Geotechnical Study prepared for this Project, the Project site is not within an Alquist-Priolo Earthquake fault zone and there was no evidence of faulting identified during the investigation. The nearest fault to the Project site is the Fontana (Seismicity) fault located approximately 0.5-mile to the southeast of the site. Other nearby major fault sources include the Cucamonga fault, the San Jacinto (Lytle Creek connector) fault, the San Jacinto fault zone, and the South San Andreas fault zone. The Project site's distance from the nearest fault line would minimize risks attributed to ground surface rupture. Therefore, the impacts associated with the surface rupture of a known fault would be less than significant, and no mitigation would be required. In addition, each future building and Project component constructed would be designed and constructed in conformance with all applicable standards governing such development and would use the latest building standards, as adopted by the Building Standards Commission, to minimize impacts from seismic activity. The Building Standards Commission performs all functions relating to the adoption and publication of the CBCS in Title 24 of the CCR prescribed by the California Building Standards Law in HSC, Division 13, Part 2.5, commencing with § 18901. The Project would not cause or exacerbate adverse effects related to rupture of an earthquake

fault, nor from fault ruptures. Therefore, impacts would be less than significant. (**Draft EIR, p. 4.7-20 to 4.7-21**).

Strong Seismic Ground Shaking. Southern California is considered a seismically active region and the vicinity of the area being evaluated contains a number of known earthquake faults. As part of the Geotechnical Study, 2019 CBC design parameters were generated for the proposed buildings within the Project site. These design parameters ensure that proper building design is possible to reduce any risk of structure failure during a strong seismic ground shaking event. Structures for human occupancy must be designed to meet or exceed the CBC standards for earthquake resistance. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground motion with a specified probability at the site. Therefore, the Project would not cause or exacerbate adverse effects related to seismic shaking and future development of habitable structures within the Project site would be conducted in accordance with the 2019 CBC Seismic Design Parameters generated as part of the Geotechnical Study, which would reduce impacts from seismic ground shaking to a less than significant level. (**Draft EIR, p. 4.7-21**).

Seismic-Related Ground Failure (Liquefaction). Liquefaction potential beneath the Project site is low due to the depth of groundwater and the mix of soil type, which is not considered to be a design concern for the Project. The Project site is not located within an area of the County with susceptibility for liquefaction and therefore, would not cause or exacerbate adverse effects related to seismic-related ground failure. Furthermore, on-site subsurface conditions encountered at the boring and trench locations indicate that liquefaction would not be considered a design concern for the Project. Following the design parameters of the geotechnical study and all relevant building codes would reduce any potential issues due to liquefaction and no mitigation measures would be necessary. Impacts would be less than significant. (**Draft EIR, p. 4.7-22**).

Landslides. The Project site has a gentle slope running generally to the southwestern portion of the Project site and no extreme elevation differences exist in or around the Project site that would potentially lead to landslide effects. Therefore, the risk of landslides impacting the Project site is considered low to negligible since the Project's topography does not contain steep slopes. Furthermore, according to the San Bernardino County Geologic Hazard map, the Project site and the immediate area are not within a zone of generalized landslide susceptibility. The Project area is also outside of the hazard zone for rockfall/debris-flow, and the site is not surrounded by steep topography with exposed rock-cropping or boulders. Compliance with CBC regulations and the County's Grading and Erosion Control Guidance plan, which seeks to control the grading of land to minimize potential for erosion, landslides, and other forms of land failure, would further reduce impacts. Implementation actions would reduce impacts related to landslides to a less than significant and no mitigation is necessary. Therefore, impacts associated with landslides would be less than significant. (**Draft EIR, p. 4.7-23**).

IMPACT 4.7-7: WOULD THE PROJECT BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY?

The near-surface soils encountered during the field study for the Geotechnical Study investigation consisted of artificial fill and interbedded sands with varying silt content, gravel, and cobbles. Those materials are classified as low to non-expansive. As such, the Geotechnical Study does not anticipate expansive soils to adversely impact the design, construction, or operation of the Project. Therefore, the Project site would not be impacted by significant soil expansion and a less than significant impact would occur. (**Draft EIR, p. 4.7-27**).

IMPACT 4.7-8: WILL THE PROJECT HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?

The Project proposes connecting to the public sewer mains and relying on the Inland Empire Utilities Agency (IEUA) for wastewater services and will not propose the use of septic tanks or alternative waste water disposal systems. Accordingly, no impact will occur. **(Draft EIR, p. 4.7-28).**

HAZARDS AND HAZARDOUS MATERIALS

IMPACT 4.9-3: WILL THE PROJECT EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?

The nearest school to the Project site is Redwood Elementary School approximately 0.5 miles away. This would fall outside of the 0.25 mile requirement of this threshold. Notwithstanding, the routine transport, use, and disposal of hazardous materials must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Compliance with the regulatory framework would ensure Project construction would not create a significant hazard to nearby schools due to the transport of any hazardous materials on local roadways. No impact would occur. **(Draft EIR, p. 4.9-18 to 4.9-19).**

IMPACT 4.9-4 WOULD THE PROJECT BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE § 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?

The Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5 (Cortese List). Multiple areas within the Project site have historically undergone environmental investigations and remediations. However, the greater Project site was found to be without violations. Remediation efforts have been performed throughout the Project site; however, these efforts have since concluded. In addition, despite the continued observation of groundwater resources within the Project area, groundwater exposure to toxic and hazardous materials is not anticipated due to the depth of the water levels. Therefore, no significant adverse impacts relative to Cortese List sites which would occur with Project implementation. **(Draft EIR, p. 4.9-19).**

IMPACT 4.9-5: FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN, OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN 2 MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WILL THE PROJECT RESULT IN A SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?

The Ontario International Airport is located approximately four miles southwest of the Project site. The Project site borders, but is not within, the Ontario International Airport Influence Area (AIA). Additionally, the Project is outside of the Ontario International Airport Safety Zones, Noise Impact Zones, Airspace Protection Zones, and Overflight Notification Zones (Maps 2-2 through 2-5 of the ONT Airport Land Use Compatibility Plan). Thus, the Project would not result in a safety hazard impact to people residing or working in the area. **(Draft EIR, p. 4.9-19).**

IMPACT 4.9-6: WILL THE PROJECT IMPAIR IMPLEMENTATION OF, OR PHYSICALLY INTERFERE WITH, AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?

The County of San Bernardino adopted its Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) in 2017. The MJHMP identifies potential hazards that may occur within the County, such as risks associated with earthquakes, terrorism, and climate change. Mitigation is also provided in the MJHMP in order to minimize those identified risks. Project development would be congruent with the land use designations of the Project area and would therefore remain consistent with the analysis provided in the MJHMP. By providing increased internal circulation routes the Project would improve access to the site by emergency vehicles and exit points in the event of evacuation. Proposed improvements to nearby roadways would further improve the County's accessibility through the widening of roads, development of dedicated turn lanes,

addition of signalized intersections, and other necessary improvements. The Project would not conflict with adopted emergency response or evacuation plans and would therefore generate a less than significant impact. **(Draft EIR, p. 4.9-20).**

IMPACT 4.9-7: WILL THE PROJECT EXPOSE PEOPLE OR STRUCTURES, EITHER DIRECTLY OR INDIRECTLY, TO A SIGNIFICANT RISK OF LOSS, INJURY, OR DEATH INVOLVING WILDLAND FIRES?

According to CAL FIRE's Fire and Resource Assessment Program, FHSZ Viewer, the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the development site is located approximately four miles to the north. The Project site is located in a Local Responsibility Area (LRA) for the County of San Bernardino. In addition, the Project site does not contain lands classified as a very high fire hazard severity zone (VHFHSZ). The closest VHFHSZs are located approximately four miles to the north and south of the Project site. The Project is located within a Local Responsibility Area (LRA) for the County of San Bernardino. The Project is also located outside of any delineated FHSZ. Due to its location outside of known FHSZs, impacts are anticipated to be less than significant. **(Draft EIR, p. 4.9-21).**

HYDROLOGY & WATER QUALITY

IMPACT 4.10-1: WILL THE PROJECT VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY?

The Project site has been previously developed and graded with the construction of parking lots, auxiliary structures, and the ACS. Existing conditions allow for the unmitigated flow of water across the Project site before interception of runoff into stormwater sewers and paved ditches. **(Draft EIR, p. 4.10-13).**

Construction. Construction controls to minimize potential water quality impacts would be implemented through compliance with NPDES permit requirements and with County Code Title 3, Division 5, Chapter 1, Pollutant Discharge Elimination System Regulations. In accordance with the requirements of the NPDES permitting program, the Project Applicant (Master Developer and/or Site Developer, as applicable) would prepare and implement a site-specific SWPPP that meets the requirements of the NPDES General Construction Permit and specifies BMPs (e.g., erosion control, sediment control, non-stormwater management, and materials management) to be used during construction, as the Project disturbs more than one acre of soil. With implementation of these BMPs, subject to review and approval by the Santa Ana RWQCB, the Project would reduce or eliminate the discharge of pollutants in stormwater runoff from the construction site to the maximum extent practicable. As such, the water quality of nearby surface waters and groundwater would be maintained via compliance with NPDES permit requirements. In addition, the San Bernardino County Stormwater Program Technical Guidance Document requires the preparation and implementation of a WQMP, subject to review and approval by the County, to manage stormwater runoff post construction activities and to implement site design and source control BMPs to help ensure stormwater runoff and impervious areas are minimized. With implementation of the WQMP, compliance with the NPDES permit requirements, and implementation of BMPs, Project construction would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Mandatory compliance with the SWPPP would ensure that the construction of the Project site would not violate any water quality standards or waste discharge requirements. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required. **(Draft EIR, p. 4.10-13).**

Operations. Once operational, the Project Applicant (Master Developer and/or Site Developer, as applicable) is required to prepare and implement a WQMP, which (in addition to the construction requirements discussed above) includes a Project site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long-term conditions via BMPs. Implementation of the WQMP ensures ongoing, long-term protection of the watershed basin. Furthermore, the Project's Preliminary WQMP identified preventative low impact development (LID) site design practices which are intended to

control stormwater where it is generated, as well as on-site, non-structural source control BMPs. The Project must also comply with all other applicable NPDES permits. In addition, structural source control BMPs would be implemented, including but not limited to: providing storm drain system stenciling and signage (CASQA New Development BMP Handbook SD-13), using efficient irrigation systems and landscape design, water conservation, smart controllers, and source control (Statewide Model Landscape Ordinance; CASQA New Development BMP Handbook SD-12), finishing grade of landscaped areas at a minimum of 1-2 inches below top of curb, sidewalk, or pavement, and protecting slopes and channels and provide energy dissipation (CASQA New Development BMP Handbook SD-10). Additionally, all BMPs included as part of the Project WQMP are required to be maintained through regular scheduled inspection and maintenance. (**Draft EIR, p. 4.10-14**). Form 5-1 BMP Inspection and Maintenance of the Preliminary WQMP, addresses the detailed operation and maintenance plan for all BMPs pertaining to this Project. In addition to mandatory implementation of a WQMP, the NPDES program also requires commercial land uses to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. Under the effective NPDES Industrial General Permit, the Project Applicant (Site Developer) would be required to prepare an SWPPP for operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Mandatory compliance with applicable requirements of the NPDES Industrial General Permit would further reduce potential water quality impacts during long-term Project operation. Therefore, water quality impacts associated with operational activities would be less than significant and no mitigation measures would be required. (**Draft EIR, p. 4.10-15**).

IMPACT 4.10-2: WILL THE PROJECT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH THE GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN?

The existing Project site is largely developed with the existing ACS and associated supporting facilities and parking lots; therefore, existing pervious surface is limited. Groundwater recharge would not be affected by the Project due to the distance between the ground surface and the groundwater levels. (**Draft EIR, p. 4.10-15**). Groundwater was not encountered during investigation which was drilled up to an approximate depth of 51.5 feet bgs and the nearest groundwater monitoring well to the Project site had water level readings indicating a groundwater level of approximately greater than 400 feet bgs. Inclusion of drainage improvements (including the conversion of the existing basin to an infiltration facility and permeable landscape areas) as a component of the Project would create efficient passageways for runoff water to rejoin the water system. Based on the small size of the Project site in relation to the size of the groundwater subbasin and the design features proposed by the Project to allow percolation, implementation of the Project is determined to result in incremental changes to local percolation and would result in a less than significant impact to local groundwater recharge. Construction activities would not directly impact groundwater sources. (**Draft EIR, p. 4.10-16**). Based on the calculations shown on page 4.10-17 of the Draft EIR, the Project's total water demand of 596 AFY would constitute approximately 4.5 percent of the FWC's Chino Basin-sourced groundwater in the year 2045. This means that as FWC's water supply increases through 2045, the Project would continue to comprise a decreasing percentage of that sourced groundwater. Therefore, impacts related to groundwater supplies would be less than significant impact, and no mitigation is required.

IMPACTS 4.10-3, 4.10-5, 4.10-6 AND 4.10-7: WILL THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WILL: (I) RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?; (II) SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WILL RESULT IN FLOODING ON- OR OFF-SITE?; (III) CREATE OR CONTRIBUTE RUNOFF WHICH WILL EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?; OR (IV) IMPEDE OR REDIRECT FLOOD FLOWS?

4.10-3 (Erosion and Siltation). The Project would include the installation of an integrated, on-site system consisting of measures designed to capture and control stormwater. These measures may include, but would not necessarily be limited to, underground storm drainpipes, catch basins, LIDs, and other structural

BMPs to capture on-site stormwater runoff, and temporarily capture and hold stormwater before conveying the runoff off-site. Thus, with these measures in place, the Project will not substantially alter the existing drainage pattern of the site in a manner which would result in substantial erosion or siltation and impacts in this regard would be less than significant. (**Draft EIR, p. 4.10-17 to 4.10-18**). The geotechnical assessment conducted for the Project recommended that existing fill soils be excavated to improve safety and support of proposed structures. General dust control measures such as watering would be required to minimize erosion. Construction contractors would also be required to prepare a dust control plan in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 to further reduce soil erosion from wind. The BMPs included in the NPDES, SWPPP, and WQMP created for the Project would also minimize potential impacts from erosion and siltation. Further, an erosion control plan required as part of the County's grading plan requirements would also be implemented to further minimize potential siltation and erosion effects. Implementation of dust control measures along with BMPs included in the NPDES, SWPPP, and WQMP would reduce potential environmental effects from erosion or siltation, and impacts would be less than significant. (**Draft EIR, p. 4.10-18**).

4.10-5 (On- or Off-Site Flooding). Existing and proposed drainage improvements are discussed in detail at **Draft EIR page 4.10-19**. Based on the capacity analysis performed, it can be safely concluded that the proposed drainage improvements will adequately convey flows to the existing San Sevaine channel and provide flood protection for the 100-year storm event, and the Project would not impact flooding condition to upstream or downstream properties. Likewise, new public roads would be constructed with appropriate stormwater conveyance facilities such as curb and gutter. Flows from 10-year storm events will be contained within the street curb to curb width, and 100-year storm events will be contained within the right-of-way. These public roads would add new shallow channelized flow paths for runoff. Runoff contained within the public right-of-way, including curb and gutter, would flow into underground public storm drain facilities which in turn would flow to the infiltration basin in the southwest corner of the Project site. Therefore, impacts related to on-or off-site flooding would be less than significant, and no mitigation is required. (**Draft EIR, p. 4.10-19 to 4.10-20**).

4.10-6 (Stormwater Drainage System Capacity and Polluted Runoff). The Project site must comply with the requirements of the NPDES Industrial General Permit, which helps control water pollution by regulating point and non-point sources that discharge pollutants into receiving waters. The Project would include the development of new stormwater conveyance facilities designed to account for the 100-year, 24-hour storm event without flooding. Although the Project results in approximately 16 percent increase in peak flows, the existing storm drain system is designed for a much higher peak flow and any runoff that occurs would not exceed the system's capacity and would drain into the San Sevaine channel accordingly. The existing channel running along the south border of the Project, together with the portion of existing upstream storm drain and portion of existing downstream box culvert have enough capacity to convey the proposed flows. To ensure that the new stormwater drainage improvements are planned and designed to satisfy these requirements as well as all other applicable standards and requirements, they would be verified by the County and incorporated as conditions of approval of the Project prior to the issuance of any construction permit. Compliance with these requirements would ensure impacts are less than significant and mitigation would not be required. (**Draft EIR, p. 4.10-20**).

4.10-7 (Impede or Redirect Flood Flows). The methodology used to ensure the proper size and capacity of drainage improvements is described in detail at **Draft EIR page 4.10-21**. Based on the analysis in the Preliminary Drainage Study, it can be safely concluded that the proposed drainage improvements would adequately convey flows to the existing San Sevaine channel and provide flood protection for the 100-year storm event; the existing downstream and upstream facilities have adequate capacity; and the Project would not impact flooding condition (including by impeding or redirecting flood flows) to upstream or downstream properties. Therefore, the proposed drainage improvements would adequately convey flows to the existing San Sevaine channel and provide flood protection for the 100-year storm event and impacts would be less than significant.

IMPACT 4.10-8: WILL THE PROJECT RESULT IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES, OR RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION?

The Pacific Ocean is located approximately 42 miles from the Project site. Considering this distance, there is no potential for the site to be impacted by a tsunami. Additionally, surface water flow at the Project site is generally via sheet flow in a southwesterly direction. The Project site is within a flood hazard zone "X" FP2, where flooding is anticipated once in 500 years or, if more frequently, only to minimal depths. However, the Project site is not listed by the County of San Bernardino as being in any mapped dam inundation hazard zone. Furthermore, the Project site is not downstream of large bodies of water or tanks which potentially could cause flooding and inundate the Project site. The risk of seiche damage following a seismic event at the Project site is considered low. Therefore, the Project would result in a less than significant impact and no mitigation is required. (**Draft EIR, p. 4.10-22**).

IMPACT 4.10-9: WILL THE PROJECT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN?

The site's related construction and operational activities would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan by preparing and adhering to a SWPPP and WQMP. The Project would be required to show conformance prior to any approval. Implementation of the Project would not conflict with or obstruct the Santa Ana River Basin Water Quality Control Plan and impacts would be less than significant. The Project site is within the Chino Groundwater Basin, which is an adjudicated groundwater basin. Adjudicated basins, like the Chino Groundwater Basin, are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of the Subbasin. Therefore, none of the Project components would obstruct or prevent implementation of the management plan for the Chino Groundwater Basin. As such, construction, and operation of the Project site, would not conflict with any sustainable groundwater management plan. Impacts would be less than significant. (**Draft EIR, p. 4.10-22**).

Cumulative Effects. Because parts of the watershed are already developed, growth is anticipated to consist of a mix of redevelopment. Depending on the site of projects, they would be required to prepare and implement SWPPP with BMPs to control erosion and stormwater runoff in accordance with all required water quality permits and the Water Quality Control Plan. This would include conformance with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Plan and the MS4 Permit. Water Quality Control Plans would be completed for cumulative projects, in accordance with the Technical Guidance Document for Water Quality Management Plans, as part of the County Areawide Stormwater Program, which in turn would be approved by the RWQCB. As needed, projects would implement BMPs, including LID BMPs to minimize runoff, erosion, and stormwater pollution. As part of these requirements, projects would be required to implement and maintain source controls, and treatment measures to minimize polluted discharge and prevent increases in runoff flows that could substantially decrease water quality. Conformance with these measures would minimize runoff from those sites and reduce contamination of runoff with pollutants. Therefore, related projects are not expected to cause substantial increases in stormwater pollution. With compliance with State and regional mandates, cumulative impacts would be less than significant, and Project impacts would not be cumulatively considerable. (**Draft EIR, p. 4.10-22 to 4.10-23**).

Furthermore, other projects within the Santa Ana River Basin would develop impervious areas, thus increasing runoff and flows into storm drainage systems. Projects in this area would be required to implement BMPs limiting impervious surfaces and—where feasible—infiltrating, evapotranspiring, harvesting, or reusing certain rates of volumes of runoff. Implementation of such BMPs would reduce cumulative impacts to hydrology and drainage to less than significant. Future projects within the Santa Ana River Basin may be proposed within 100-year flood zones. Such projects would be mandated to comply with National Flood Insurance Program requirements. In addition, other jurisdictions within this watershed regulate development within flood zones, as does San Bernardino County through its Code of Ordinances Chapter 85.07; such regulation would limit cumulative flood hazard impacts. Cumulative impacts to

hydrology, drainage, and flooding would not be cumulatively considerable. Projects would generate pollutants that could contaminate stormwater. Requirements of the aforementioned MS4 permits include site design BMPs minimizing post-project runoff; structural and nonstructural source control BMPs reducing the potential for pollutants to enter runoff; and treatment control BMPs removing pollutants from contaminated stormwater. Cumulative water quality impacts would be less than significant after compliance with such permits and would not be cumulatively considerable. (**Draft EIR, p. 4.10-22 to 4.10-23**).

LAND USE & PLANNING

IMPACT 4.11-1: WILL THE PROJECT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?

The Project site is developed with existing buildings and structures used for commercial/entertainment purposes and does not include existing residential structures or an established community and is not currently zoned for residential use. Neighboring land uses to the north and east of the Project site include single family residential units which are located among railroad services, warehousing, manufacturing, and truck sales/ leasing business. These dwelling units and neighborhoods are separated from the Project site by railroad improvements bordering the northern end of the Project site, and Cherry Avenue bordering the eastern portion of the Project site. The redevelopment of the Project site would not include improvements which would substantially alter existing roadways and transportation corridors in a manner that would cause the removal or separation of existing adjacent communities from important resources and neighboring units. Roadway improvements associated with the Project would also increase transportation efficiency within the Project site and adjacent roadways without degrading the existing neighborhoods. Therefore, the Project would not physically divide an established community and there would be no impact. (**Draft EIR, p. 4.11-9**).

IMPACT 4.11-2: WILL THE PROJECT CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?

The Project would be required to comply with any applicable state, regional, and local land use plans, policies, and regulations. Projects should be consistent with applicable policies in order to promote the efficient, sustainable growth projected in the long-term planning documents. In addition, Specific Plans must be consistent with the adopted General Plan (Gov. Code, §§ 65454). At a regional level, the Project would comply with the goals and policies presented in SCAG's 2020-2045 RTP/SCS. Locally, the Project would comply with the County's Policy Plan document. The Project would also comply with the design guidelines and development regulations of the SCCIISP. The mere fact that a Project may be inconsistent in some manner with particular policies in a general plan or zoning ordinance does not, per se, amount to a significant environmental effect. (**Draft EIR, p. 4.11-10**). The Project's consistency with the applicable goals and policies is described in detail in ***Draft EIR Table 4.11-3: Consistency with the SCAG 2020-2045 RTP/SCS and Draft EIR Table 4.11-4: Consistency with the Countywide Policy Plan***. Based on the analysis contained therein, the Project's compliance with the 2020-2045 RTP/SCS would promote the sustainable and beneficial growth of the region. (**Draft EIR, p. 4.11-10**). Likewise, the Project would be generally consistent with the Countywide Policy Plan goals and policies. It should be noted that a Project need not satisfy all guidance contained in the General Plan, and CEQA does not require a Project to be consistent with all guidance but instead requires a discussion of inconsistencies. The Project is generally consistent and in harmony with the Countywide Policy Plan, Land Use Category and is located in a developed area of the County. Additionally, consistent with the Countywide Policy Plan, the Project's EIR includes mitigation measures related to specific environmental resource areas to reduce or eliminate potential effects of the Project. The County's Development Code is not in and of itself intended to reduce impacts to the environment. The intent of the Development Code is to prescribe zones in which certain land uses are permitted, and to define allowable Project elements and designs within those zones. Nonetheless, conformance with the Development Code typically signifies that a Project would not result in environmental impacts beyond those which are already planned for or disclosed in an environmental document. With approval and implementation of the proposed SCCIISP, the Project would not result in a change in, or conflict with a land use or zoning district that would result in potentially significant impacts. Therefore, impacts associated with any existing plan, policy, or regulation would be less than significant. (**Draft EIR, p. 4.11-27**).

Cumulative Effects. The geographic context for the land use and planning cumulative impact analysis includes the jurisdiction of local and regional agencies including the County and SCAG. The Countywide Plan EIR found land use and planning impacts to be less than significant under buildout conditions; therefore, there is no existing cumulatively significant land use impact. Land use impacts would not be cumulatively considerable if the Project, in conjunction with other past, present, reasonably foreseeable future projects, would be designed or otherwise conditioned to maintain consistency with adopted land use plans and ordinances or be amended with the appropriate mitigation and conditions of approval. Implementation of the Project would neither physically divide an established community nor inhibit future development within the County in accordance with the Countywide Plan goals and policies. Given the Project's consistency, as well as the requirement for other future projects to be generally consistent with the land use policy framework, overall cumulative land use consistency impacts would be less than significant. (Draft EIR, p. 4.11-27 to 4.11-28).

MINERAL RESOURCES

IMPACT 4.12-1: WOULD THE PROJECT RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?

The Project site is located on lands designated as MRZ-3 by the County, which designates land that has areas containing known or inferred mineral deposits that may qualify as mineral resources. The Project site is not designated as land that contains known mineral resources of significance, and any proposed mineral resource extraction would require a Conditional Use Permit from the County. Additionally, the Project site has previously been developed and did not contain any known mineral resources or require extraction of any mineral resources. No part of the Project site is within a boundary that is owned or controlled by an aggregate producer or has previously been used for mineral extraction. As the Project site does not currently contain mineral extraction facilities, consists of previously disturbed land, and has not been designated as containing confirmed mineral resources of significance, the Project would not result in the loss of availability of known mineral resources which are of value to the region and the residents of the state. Furthermore, although the Project area lies within the mapped boundary of the Kaiser Steel Mill, no evidence of the former mill was identified. Therefore, the Project would not result in the loss of a known mineral resource that would be of value to the region and the state. As such, there would be no impacts due to Project implementation. (Draft EIR, p. 4.12-5).

IMPACT 4.12-2: WOULD THE PROJECT RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN OR OTHER LAND USE PLAN?

The Kaiser Steel Mill is within a 0.5-mile of the Project area; however, it is no longer active and has been reclaimed. Therefore, no part of the Project site is within a boundary that is owned or controlled by an aggregate producer or is no longer used for mineral extraction. According to the County, the Project site is not designated as land that contains known mineral resources of significance. Additionally, the Project site has previously been redeveloped for land uses that do not contain known mineral resources or require extraction of any mineral resources. The Project site is currently developed for motorsports, entertainment, and auxiliary structures such as parking, event spaces, and ticket gates. Implementation of the Project would be consistent with the County's policy NR-6.1 for lands with mineral significance, which would ensure projects designate MRZ-2 and MRZ-3 areas for land uses compatible with future mining, such as open space, to the greatest extent feasible. Therefore, the Project would not result in the loss of availability of any locally important mineral resource recovery site. As such, there would be no impacts due to Project implementation. (Draft EIR, p. 4.12-5).

Cumulative Effects. Section 4.0 of the Draft EIR provides a list of cumulative projects that would have the potential to be considered in a cumulative context with the Project's incremental contribution. However, as the Project does not contain any mineral resources and would not have any impact due to the removal or loss of availability of these resources, the Project would not contribute to any cumulative impact on mineral resources, compared to the Countywide General Plan EIR, which resulted in significant impact without mitigation. As such, there would be no cumulative impacts as a result of Project implementation. (Draft EIR, p. 4.12-6).

NOISE

IMPACT 4.13-2: WILL THE PROJECT RESULT IN GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?

Based on relevant Federal Transit Authority (FTA) Guidance, typical construction equipment vibration levels and the distance of the nearest off-site structure to the Project site boundary, Project construction would not result in excessive groundborne vibration or noise. (**Draft EIR, p. 4.13-26**). Once operational, the Project would include truck movement activity at the Project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. Based on relevant Caltrans criteria and since the Project's truck movements would be at low speed (not at freeway speeds) over smooth surfaces (not under poor roadway conditions), Project-related vibration associated with truck activity would not result in excessive groundborne vibrations; no vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial groundborne vibration associated with operation of the Project, such as rail or subways. The Project would not create or cause any vibration impacts due to operations. (**Draft EIR, p. 4.13-27**).

IMPACT 4.11-3: FOR A PROJECT LOCATED WITHIN THE VICINITY OF A PRIVATE AIRSTRIP OR AN AIRPORT LAND USE PLAN, OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WILL THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?

The closest airport to the Project site is the Ontario International Airport located approximately four miles to the southwest. The Project is not within 2.0 miles of a public airport or within an airport land use plan. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required. (**Draft EIR, p. 4.13-27 to 4.13-28**).

POPULATION AND HOUSING

IMPACT 4.14-1 WOULD THE PROJECT INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH IN AN AREA, EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?

The Project would not introduce new population or housing to the Project site. Development would include high-cube logistics, e-commerce, and ancillary commercial land uses; it would result in jobs for residents in the surrounding area but would not directly generate additional housing. The Project is proposed to be developed on land that has been previously disturbed and developed with existing buildings and structures used for commercial/entertainment purposes. Construction of the Project would generate temporary employment opportunities, including short-term design, engineering, and construction jobs. Construction related jobs would not result in a significant population increase because those jobs are temporary in nature and are expected to be filled by persons within the local area. This expectation is based, among other things, on the County's 7.7 percent unemployment rate. Furthermore, the small percentage of skilled and managerial construction-related positions could either be filled by the local workforce or by persons from the larger region. Therefore, Project construction would not directly or indirectly induce substantial, unplanned population growth in the County resulting in a less- than-significant impact. (**Draft EIR, p. 4.14-7**).

Future operation of the Project would include employment of new workers. This would directly impact the area by creating new job opportunities. The published SCAG Employment Density Report was used to estimate potential employment levels for the Project. Although a majority of the Project's proposed seven building sites would be comprised of high-cube logistics and e-commerce uses, the Project would also include approximately 261,360 square feet (sf) of ancillary commercial uses. Therefore, in order to fully assess potential impacts, the Project is analyzed in a scenario where 96 percent of the Project's building

area is developed with high-cube logistics/e-commerce uses, and four percent is developed with ancillary commercial uses. **Draft EIR Table 4.14-5: Project Employment Generation** summarizes the anticipated employment by land use type based on the employment generation rates from the SCAG Employment Density Report. The Project's planned development strategy of four percent ancillary commercial retail and 96 percent high-cube logistics/e-commerce uses would generate a total of 3,732 new employees. This would comprise approximately 0.4 percent of the County's 2019 workforce. These jobs could be filled by unemployed County residents, given the County's existing unemployment rate of 7.7 percent. Specifically, the commercial portion of the Project would comprise approximately 0.5 percent of the County's commercial workforce, and the high-cube logistics/e-commerce portion would comprise approximately 3.5 percent of the County's warehousing workforce. In the unlikely event that all the new jobs created would be filled by new workers moving to the County, the 3,732-person workforce would generate a 0.17 percent increase in the County's 2021 population. This growth rate would be well within the projections of the SCAG 2020-2045 RTP/SCS and could be accommodated by existing housing within the County. Therefore, it is unlikely the Project would directly or indirectly induce substantial, unplanned population growth in the County. Thus, the impact is less than significant, and no mitigation is required. (**Draft EIR, p. 4.14-7 to 4.14-8**).

IMPACT 4.14-2 WOULD THE PROJECT DISPLACE SUBSTANTIAL NUMBERS OF EXISTING PEOPLE OR HOUSING, NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?

The Project would be developed on a site that has been previously disturbed and developed with commercial/entertainment infrastructure and does not include any residential units. The nearest residential land uses to the Project site include single family residential units 410 feet to the northeast. Other residential units are separated by existing nonresidential uses. Due to the existing commercial/entertainment land uses present on the Project site, the reuse of the Project site would not displace people or housing or necessitate the development of new housing elsewhere. While the Project would generate short-term changes in employment during construction activities and long-term operational jobs, these changes would not displace substantial numbers of existing people or housing because the Project site does not include any residences or support a residential population. As a result, there would be no impacts related to the displacement of substantial numbers of people or housing and no mitigation is required. (**Draft EIR, p. 4.14-8 to 4.14-9**).

Cumulative Impacts. The area considered for cumulative impacts is buildout of the County. Impacts are analyzed using projections in the 2020-2045 RTP/SCS Growth Forecast. The County's Countywide Plan EIR concluded that cumulative impacts to population and housing would be less than significant. Project implementation would have a less-than-significant impact on the County's population and housing resources. Development of the Project would not contribute to a substantial cumulative countywide increase in population and/or housing, as the Project would further improve the jobs-housing balance in the region and would not necessitate a substantial increase in population or housing demand. Furthermore, the Project would encourage alignment with objectives set by SCAG's RTP/SCS and the Countywide Plan Housing Element as it would increase job opportunities in a previously underdeveloped area. Therefore, implementation of the Project would not contribute to an existing cumulative impact, resulting in a less than significant cumulative impact. (**Draft EIR, p. 4.14-9**).

PUBLIC SERVICES

IMPACT 4.15-1 WOULD THE PROJECT RESULT IN SUBSTANTIAL ADVERSE PHYSICAL IMPACTS ASSOCIATED WITH THE PROVISION OF NEW OR PHYSICALLY ALTERED GOVERNMENTAL FACILITIES, NEED FOR NEW OR PHYSICALLY ALTERED GOVERNMENTAL FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES FOR ANY OF THE PUBLIC SERVICES:

Fire Protection. The Project's land uses, fire-protection related needs, and the Project site recommended response distance, and project design features were taken into consideration when evaluating the Project's

impact to fire protection services. SBCFD design review would occur during specific development building permits are requested. Furthermore, the Project would be required to comply with the most current provisions of SBCFD Fee Schedule, which requires a fee payment that the SBCFD applies to the funding of fire protection facilities. Mandatory compliance with the SBCFD Fee Schedule and plan review would be required prior to the issuance of a building permit. The Project would comply with the County Fire District Standards, CFC and CBC, including Project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths. Based on the Project site's proximity to two existing fire stations, the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required. Prior to commencement of any construction activities, and pursuant to the San Bernardino County Code of Ordinance § 85.01, the Project design plans would be reviewed by all applicable local agencies, including the SBCFD, to ensure compliance with the County's Development Codes and Ordinances, Policy Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the CFC. Additionally, the Project proposes construction of additional public roadways which could increase access for fire protection services to the Project vicinity. Through the construction of new public roadways, a roadway connection will be made through the Project site connecting Napa Street and Rancho Vista Drive. This would provide additional emergency routes throughout the community, presenting more direct routes for emergency personnel. Site access is based on County Code and fire lane requirements and would be reviewed by County planning and fire departments to ensure that the proposed improvements would have adequate access for emergency vehicles, trucks and autos. The proposed development would also be subject to requirements in County Development Code section 83.01.060 related to fire hazards. **(Draft EIR, p. 4.15-12)**. Prior to commencement of any construction activities, and pursuant to the San Bernardino County Code Ordinance § 85.01, the Project design plans would be reviewed by all applicable local agencies, including the SBCFD, to ensure compliance with the County's Development Codes and Ordinances, Policy Plan, and all applicable emergency response and fire safety requirements of the SBCFD and the California Fire Code. As structural fires represent a very small percentage of all service calls for the SBCFD, Project implementation would not significantly increase the demand for fire services on-site and no new fire stations would be required to service the Project. Further, as stated above, based on the Project site's proximity to two existing fire stations, the personnel staffed for each station, and the response times for service received, the Project would be adequately served by fire protection services, and no new expanded unplanned facilities would be required.

Furthermore, correspondence with SBCFD confirmed that these stations plus the remaining Fontana stations and their mutual aid cooperators would assist with any significant event that may occur there. Access to the Project is currently available from existing improved roadways and internal circulation would be enhanced with the new public roadways proposed throughout the Project site. The Project would be required implement on-site fire suppression devices, installation of hydrants, and use of fire-retardant building materials. The Project would be compliant with all applicable building and fire codes that are continually enforced through an inspection program. With the implementation of fire safety procedures and adherence to all applicable fire codes, operational impacts to fire protection services as a result of the Project would be less than significant. Additionally, development of the Project site would increase property tax revenues to provide a source of funding to offset any increases in the anticipated demands for public services generated by the Project. Overall, the Project would receive adequate fire protection services and would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and will not adversely affect service ratios, response times, or other performance objectives. Compliance with applicable local and state regulations will ensure that the Project implementation would result in a less than significant impact to fire protection services. **(Draft EIR, p. 4.15-13)**.

Police Protection. The Project would not substantially increase the County population. The construction of the Project would include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, and use of clearly identifiable points of entry. During construction activities, the site would have security lighting and on-site security personnel to secure the site and reduce demands on

police service. **(Draft EIR, p. 4.15-13).** Based on the Project site's proximity to existing police stations, the response times from each station, and the staffing level, the Project would be adequately served by police protection services, and no new or expanded unplanned facilities would be required. Buildout of the Project site could create a temporary incremental increased demand for police protection services during construction. Prior to commencement of construction activities, the Project plans would be reviewed by applicable local agencies to ensure compliance with the Specific Plan, the County's Development Code and Ordinances and Policy Plan as well as all applicable regulations to ensure adequate site signage, lighting, and other crime safety preventative measures to ensure safety standards. The Master Developer and/or Site Developer, as applicable, is required to pay all required impact fees and fair share costs. Compliance with applicable local regulations would ensure that Project construction would result in a less than significant impact to police protection services. The Project would be designed to incorporate the Crime Prevention Through Environmental Design strategies, which is a planning tool that focuses on proper design and use of the built environment to deter and prevent crime, in this case for businesses. The Project would include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, clear sightlines into the facility parking areas, and use of clearly identifiable points of entry. Access to the Project is currently available from existing improved roadways and internal circulation would be enhanced with the new public roadways proposed throughout the Project site. This would improve police access to not only the Project site but also through the Project site to the surrounding area. Additionally, development of the Project site would increase property tax revenues to provide a source of funding to offset any increases in the anticipated demands for public services generated by the Project. **(Draft EIR, p. 4.15-14).**

Schools. The Project site is located in a developed area currently served by the Fontana Unified School District (FUSD). The Project would include construction of new high-cube logistics, e-commerce, and commercial facilities resulting in an increase of employment opportunities. This increase in employment could cause a number of new families to relocate, potentially increasing enrollment within the FUSD. However, it is anticipated that a majority of potential employees would be existing residents in local and neighboring communities and regions that would not require relocating into the school district. The Project does not include a residential component so no new schools would be constructed as a result of Project implementation. School funding comes predominantly from federal, state, and local sources such as businesses and personal income taxes, sales tax, and property taxes. Government Code § 65995 requires the developer to pay a fee at the time of issuance of building permits to the local school district, FUSD, at a cost of \$0.66 per square foot. Under SB 50, payment of required school impact fees is deemed complete and full mitigation for impacts to school facilities. Payment of required fees would ensure impacts to schools are less than significant. **(Draft EIR, p. 4.15-15).**

Parks. The Project is non-residential and located on land zoned for non-residential uses, and would not substantially increase the population of the County. The Project is not anticipated to create an adverse physical impact to any parks in the area and it would not require the construction of any new park facility or alteration of any existing park facility. Based on the County's Development Code, the Project is exempt from paying fees for park and recreational purposes. As described in Chapter 89.02, exempt development types include industrial subdivisions and parcel maps for non-residential developments. However, the Project would provide amenities for employees including the multi-use trail, walking paths, employee break areas, and employers could be required to establish Transportation Demand Management Programs (TDM) that would include shower facilities, bike lockers, and other similar programs. Therefore, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, impacts would be less than significant. **(Draft EIR, p. 4.15-15 to 4.15-16).**

Other Public Facilities. The Project construction and operation would not require the physical modification of any of the County's public facilities or the construction of new public facilities, including libraries. Even though the Project is not anticipated to increase the level of use to existing libraries or other public facilities, the Master Developer and/or Site Developer, as applicable, would be required to pay its fair share of development impact fees to help offset incremental impacts to libraries by helping fund capital improvements and expenditures. Because the Project would not substantially increase the population, the

Project would not cause or contribute to a need to construct new or physically altered other public facilities. (Draft EIR, p. 4.15-16 to 4.15-17).

Cumulative Impacts. Because of the required plan review, rule and regulation compliance, and payments of development impacts fees as described above, the Project taken in sum with past, present, and reasonably foreseeable projects would not result in a cumulatively considerable impact on public services such as fire protection, police protection, libraries, schools, and parks. Further, anticipated increased demands for public services such as fire protection, police protection, libraries, schools, and parks infrastructure and facilities within the County, were accounted for in the County's Countywide Plan and analyzed in its associated EIR. The Countywide Plan EIR concluded that cumulative impacts related to public services would not be cumulatively considerable upon implementation of Countywide policies. (Draft EIR, p. 4.15-17).

RECREATION

IMPACT 4.16-1 WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?

The Project consists of high-cube logistics, e-commerce, and ancillary commercial development, and does not propose any residential or other land uses that may directly generate a population requiring access to recreational facilities. Therefore, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, a less than significant impact would occur. (Draft EIR, p. 4.16-5 to 4.16-6).

IMPACT 4.16-2 DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?

The Project proposes a 10-foot-wide multi-purpose trail along Street "A." The multi-use trail runs the full east/west length of the Specific Plan area from Cherry Avenue to the connection point at Napa Street. The multi-use trail also connects with Streets "B" and "C" to allow pedestrians and bicyclists greater accessibility throughout the Project site. The trail would benefit the environment as it would provide opportunity for an alternative means of transportation (non-motorized) versus motorized vehicles, and potentially remove some automobiles from the area roadways as people opt to bike/walk instead of taking a personal automobile. Furthermore, the Project would provide approximately 3.3 acres of open space area within an existing stormwater basin in Planning Area 4b and buffer landscaping on the southern edge of the Specific Plan area adjacent to the existing open stormwater channel. In addition to this open space, landscaping in the form of building, parking lot and parkway streetscape would enhance the pedestrian-level experience within the site. Employee break areas, informal seating areas and nodes of enhanced landscaping would be established at major intersections in the Project. As noted previously, the Project's forecast population growth is approximately 337 persons. This growth is accounted for in SCAG's demographic forecast as well as each city's general plan EIR, which found that recreational impacts would be less than significant. Therefore, the Project would not require the construction or expansion of recreational facilities that could result in an adverse physical effect on the environment and a less than significant would occur. (Draft EIR, p. 4.16-6).

Cumulative Effects. The Project is not anticipated to substantially increase the need for or use of recreational facilities in the County, and it does not require the construction or expansion of recreational facilities that could cause adverse physical effects on the environment. The Project does not propose any residential uses. As noted previously, the Project's forecast population growth is approximately 337 persons. This growth is accounted for in SCAG's demographic forecast as well as each city's general plan EIR, which found that recreational impacts would be less than significant. Because the Project would not adversely impact recreational facilities, it would not contribute to an existing cumulative impact, even when combined with past, present, and future projects; thus, the Project's contribution would not be cumulatively considerable. Further, anticipated increased demands for recreation within the County were accounted for

in the County's Countywide Plan and analyzed in its associated EIR, which is incorporated by reference within the Draft EIR, and accounts for cumulative residential and employment growth in the County. (**Draft EIR, p. 4.16-7**).

TRANSPORTATION

IMPACT 4.17-1: WILL THE PROJECT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES?

Construction. The Project would be consistent with SB 375 by complying with SCAG's Connect SoCal and SBCTA's CMP. The Project would also be consistent with SCBTA's CMP goals which include, but not limited to, adhering to the CMP by maintaining and enhancing the performance of Project area's multimodal transportation system and minimizing travel delay, providing technical consistency in multimodal transportation system analysis and providing consistent procedures to identify and evaluate the effectiveness of mitigation measures; and by providing for adequate funding of mitigations through payment of development impact fees. The Project would also comply with the Complete Streets Act of 2008 by being consistent with the Countywide Plan. More specifically, the Project's circulation system would be designed and constructed in conformance with relevant goals and policies in the Countywide Plan's Transportation and Mobility Element that pertain to the Project's circulation system. For example, the Project would be consistent with the Countywide Plan Policy TM-2.2, which requires roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities pursuant to the County's Development code. The Project's on-site and off-site circulation/roadway improvements would be constructed in accordance with all applicable Countywide development code circulation and transportation regulations or consistent with the SCCIISP and in support of Countywide transportation-related policies to minimize impacts to traffic and circulation during construction activities. Therefore, construction-related impacts associated with the Project's proposed roadway improvements would not conflict with an applicable program plan, ordinance or policy addressing the circulation system. (**Draft EIR, p. 4.17-14**). Furthermore, the Project would provide pedestrian sidewalks along street sections within the Project site including opportunities for enhanced pedestrian connections between parking fields/drop lots. Additionally, the Project would provide a 10-foot-wide multi-use trail along proposed Street "A" which would allow pedestrians and bicyclists greater accessibility throughout the Project site. As such, the Project would be consistent with Countywide Plan Policies TM-4.7, TM-4.8, and TM-4.9. Overall, the Project would not conflict with a program plan, ordinance or policy addressing the circulation system during the short-term construction phases of the Project. Impacts would be less than significant. (**Draft EIR, p. 4.17-14 to 4.17-15**).

Operations. Once operational, the Project would be consistent with the Countywide Plan Transportation and Mobility Element's goals and policies by improving the operational conditions of the existing roadway network, satisfying the local and subregional mobility needs of residents, visitors and businesses in unincorporated areas, and improving access and connectivity among the Project area. For example, the Project would improve internal and off-site roadways which would generally contribute to the improvement of the County's transportation system. Access to and throughout the Project would be provided via the three new public collectors (Public Streets "A," "B" and "C") and improvements and minor realignment to the existing private Entry Road (Street "D") and improvements to the existing private VIP Access Road (on-site and off-site), proposed by the Project and access to the development within the Planning Areas would be through private access driveways that would be designed in accordance with the SCCIISP road design standards and the goals and policies of the Transportation and Mobility Element. The Project would comply with Policy TM-3.1, VMT Reduction, which requires development to reduce household and employment VMT. The Project includes a Traffic Study and VMT analysis that promotes circulation improvements and VMT reduction measures or transportation demand management (TDM) related improvements, respectively. Furthermore, the Project would comply with Policy TM-4.8 and 4.9, regarding local bicycle and pedestrian connectivity and safety, as the Project proposes improvements that would include future construction of pedestrian connections from Cherry Avenue, Randall Avenue, Merrill Avenue to the parking field/drop lots, Rancho Vista, Napa Street, and the existing private VIP Access Road into the Project area and within the new right of way improvements that connect to each Planning Area and to the Next Gen motorsports facility. Additionally, a multi-use trail connection is proposed along Street "A" that would

connect Cherry Avenue to Napa Street and support future local trail systems. Overall, the Project would not conflict with a program, plan, ordinance, or policy, addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project includes roadway improvements that would be designed in accordance with applicable federal, state, and local provisions, design requirements, and policies. Furthermore, roadway improvements may include a combination of fee payments to established programs, construction of specific improvements, and payment of a fair-share contribution toward future improvements. Therefore, impacts under the Project would be less than significant. (**Draft EIR, p. 4.17-16**).

IMPACT 4.17-2: WOULD THE PROJECT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES §15064.3, SUBDIVISION (B)?

The Project's effect on VMT for the region was analyzed based on total VMT, which includes all vehicle types and trip purposes, including the truck trips and non-commute retail trips. Based on **Draft EIR Table 4.17-2: Project VMT Impact Evaluation–Efficiency Metrics** and the County's traffic impact study guidelines, the Project's Employment-Based VMT land uses would not exceed the unincorporated threshold under any project scenario, and the local-serving retail under 50,000 square feet per store is presumed to not have a finding of a significant impact. As shown in **Draft EIR Table 4.17-3: VMT Per Service Population**, the Project's VMT per service population is less than the baseline VMT per service population and the Project's VMT does not exceed the unincorporated threshold. Therefore, the Project would have a less than significant impact. (**Draft EIR, p. 4.17-17 to 4.17-19**). Project Design Features (PDFs) TRANS-1 through TRANS-3, would further help to reduce the Project's VMT. Project VMT/employee is expected to be 11.7 percent below the County average for existing conditions and 14.6 percent below the County average for cumulative conditions with the application of TDM strategies as part of PDFs. (**Draft EIR, p. 4.17-20**).

IMPACT 4.17-3: WILL THE PROJECT SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?

The Project would not substantially increase hazards due to a geometric design feature or incompatible uses. The Project's improvements to the site's existing internal circulation includes modifications or enhancements to the existing private Entry Road (Street "D") and VIP Access Road. These internal roads may be modified or enhanced to accommodate the traffic trips anticipated with the Project, including improvements and minor realignment to the existing private Entry Road (Street "D") and improvements to VIP Access Road, to provide access to the Project and the Next Gen motorsports facility. Private drives aisles are proposed to connect individual buildings within the Project area. In addition, the Project would improve the existing circulation by constructing three new roads: Street "A," Street "B" and Street "C." The Project also includes the conversion of two exiting off-site private at-grade rail crossings at the existing Napa Street Driveway and VIP Access road to public at grade rail crossings, and improvements to an existing off-site public at-grade rail crossing at San Bernardino Avenue located off-site south of the Project site. The improvements proposed as part of the Project are described in detail at **Draft EIR page 4.17-21 to 4.17-22**. The Project's roadways, ingress and egress, interior circulation elements, and improvements would be designed in conformance with the development and design standards of the SCCIISP, the County's Department of Public Works, Transportation Design Division standards, applicable San Bernardino County Congestion Management Program procedures, and the CPUC. Roadway improvements for the Project site would be designed and constructed to meet the SCCIISP design standards or County requirements for street widths, corner radii, and intersection control. Additionally, incorporated design standards in the SCCIISP would be tailored specifically for Project access requirements that would result in the safe and efficient movement of traffic within and throughout the Project site. Street "A"(at Napa Street) existing off-site at-grade rail crossing and Street "D"(at VIP Access Road) existing on-site at-grade rail crossing would generally remain the same when the street improvements are installed. Alterations at these two locations will require review pursuant to the California Public Utilities Commission (CPUC), to change from "private crossing" to "public crossing" when the streets are dedicated as public. This application process would be conducted after approval of the Final EIR in conjunction with applicable agencies. The CPUC will review the crossing to ensure that the improvements meet the application requirements for approval and safety protocols. In addition, the Master Developer would consult with UPRR regarding the off-site improvements at San Bernardino Avenue. Therefore, the Project's railroad crossing improvements would be designed consistently with the requirements set by CPUC, CA-MUTCD, and UPRR. Adhering to applicable requirements would ensure that the Project would not include any sharp curves for the public and Project uses, or create dangerous intersections, or design hazards. Furthermore, the Project does not

propose incompatible land uses, such as utilizing farm equipment, that would result in a potential significant traffic safety hazard. Large heavy-duty machinery such as excavators, graders, rollers, etc., would be signed and staged appropriately. Furthermore, the Master Developer and/or Site Developer, as applicable, would implement standard safety practices during construction activities and will implement standard safety practices consistent with the California Division of Occupational Safety and Health (Cal/OSHA). Therefore, potential impacts concerning design hazards would be less than significant. (**Draft EIR, p. 4.17-22 to 4.17-23**).

UTILITIES & SERVICE SYSTEMS

IMPACT 4.19-1: WILL THE PROJECT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW OR EXPANDED WATER, WASTEWATER TREATMENT OR STORMWATER DRAINAGE, ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?

Water Use. Water to the Project site would be provided by Fontana Water Company (FWC). The Water Supply Assessment (WSA) conducted for the Project concluded that the Project would generate a potable water demand of 596 AFY and a recycled water demand of 570 AFY, which would be accommodated by FWC based on its existing water supply projections without the construction of new or expanded facilities. The water demand planning estimates used in the WSA are greater than more recent estimates based on an analysis of actual water demands by similar existing facilities in the local area. Therefore, the WSA estimates provided above are considered conservative and should be equal to or exceed the final water demands ultimately anticipated for the Project. (**Draft EIR, p. 4.19-13**).

Stormwater/Wastewater. Environmental effects associated with site disturbing activities during the installation of Project-specific infrastructure are evaluated within the Draft EIR as part of the overall Project. All required improvements to existing stormwater/wastewater utilities are anticipated to occur within the Project boundary and the adjacent existing public right-of-way (ROW). (**Draft EIR, p. 4.19-12 to 4.19-13**). Storm drainage facilities are proposed below Streets “A,” “B,” “C” and “D” with additional storm drainage placed along the western boundary of the Project site. Existing storm and sewer infrastructure would remain below Street D with connections immediately east of the intersection of Streets “B” and “D.” The City of Fontana provides wastewater treatment services through facilities managed by the IEUA. These facilities are able to treat a total of 86 MGD of wastewater with a current remaining capacity of 38 MGD. Using the County’s average rate of wastewater generation, the Project would generate wastewater at a rate of 0.23 MGD, which can be accommodated by IEUA’s existing wastewater treatment facilities. Therefore, no new wastewater treatment facilities would need to be constructed for the Project. (**Draft EIR, p. 4.19-13 to 4.19-14**).

Electric Power. The Project would connect to the existing SCE lines which would enable services to the site. Although some new utility infrastructure may be required on the site, such as rooftop photovoltaic solar panels, extension of services is not anticipated to require the construction of any new off-site electric power facilities in order to serve the Project site. Electricity demands for the Project were modeled using the California Emissions Estimator Model (CalEEMod) and are estimated to be 101.46 Gigawatt Hours (GWh). This would constitute an insubstantial increase to the County’s annual electricity use (0.63 percent). Due to the proximity of the SCE poles and lines to demolition activities associated with the 2-mile oval track, these power poles and lines would be relocated and realigned outside the area of all demolition activities as a result of implementing the Next Gen motorsports facility. The existing 66-kV transmission line will be relocated about 350 feet north of the existing location with construction of approximately 30 new poles approximately 65 to 80 feet in height. The replacement poles will match the existing poles in approximate height and configuration. Relocating all of the SCE power poles and line that is north of the existing location to a location along the ACS northern property boundary and adjacent to the active freight and passenger rail line would create a consistent alignment of the SCE poles and lines with the property lines and the other utilities. The relocation and realignment of the SCE power poles and lines would not require SCE to

construct new facilities as the relocation process would not affect the current demand in electricity. (**Draft EIR, p. 4.19-14**).

Natural Gas. Similar to electricity demands discussed above, it is anticipated that the Project's estimated natural gas demand of approximately 0.95 million therms would not generate a significant increase in the countywide annual demand (0.36 percent) (see **Draft EIR Table 4.6-7: Project Buildout Annual Energy Use During Operations**). Additionally, it is not anticipated that new or expanded gas supply facilities would be required to serve the site. (**Draft EIR, p. 4.19-15**).

Telecommunication. Like the other dry utilities, telecommunication services would be extended to serve the Project site. This may involve the extension of services for existing providers and the petition for additional services from additional providers not currently present on the Project site. However, the construction of substantial new telecommunication infrastructures would not be required. (**Draft EIR, p. 4.19-15**).

IMPACT 4.19-2: WILL SUFFICIENT WATER SUPPLIES BE AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS?

The Project, along with other future industrial projects, have been incorporated into the projected water demands for the FWC 2020 UWMP and were reasonably accommodated into future water supplies for the FWC during normal, dry-, and multiple dry-years. Projections included in the UWMP are based on potential buildout facilitated by land use designations within the service area. The FWC 2020 UWMP therefore included the buildout of the Project area based on its maximum allowable development density. Since the water demands of the Project (596 AFY of potable water and 570 AFY of recycled water) have been incorporated and accounted for, and do not directly necessitate the further development of water infrastructure, a less than significant impact would occur. (**Draft EIR, p. 4.19-15 to 4.19-16**).

IMPACT 4.19-3: WILL THE PROJECT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT DETERMINED THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS?

The Project would generate approximately 236,250 gpd, or 0.24 MGD of wastewater. The City of Fontana provides wastewater treatment through IEUA's four Regional Water Recycling Plants (RPs). These RPs have the capacity to treat 86 MGD of wastewater. Currently, the system has a remaining capacity of 38 MGD. The Project's 0.24 MGD would comprise 0.6 percent of the systems' treatment capacity, and 5.8 percent of the local RP-4's remaining capacity of 4 MGD. However, in the event that a RP is at or near capacity, wastewater flows can be diverted to other RPs in the service area. The Project's water demand has been incorporated into the FWC 2020 UWMP, which did not conclude that further wastewater infrastructure would be required due to Project implementation. Therefore, impacts to wastewater treatment flows would be less than significant with no mitigation required. (**Draft EIR, p. 4.19-16 to 4.19-17**).

IMPACT 4.19-4: WILL THE PROJECT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS?

Solid waste produced by the Project would be collected through partnerships with the SWMD and sent to either the Mid-Valley Landfill or the San Timoteo Sanitary Landfill. As shown in **Table 4.19-4: Landfill Capacities**, the Mid-Valley Landfill has a remaining capacity of 61,219,377 cubic yards with a daily throughput of 7,500 tons per day. The San Timoteo Sanitary Landfill has a remaining capacity of 12,360,396 cubic yards with a daily throughput of 2,000 tons per day. Combined, the two landfills have a remaining capacity of 73,579,773 cubic yards with a daily throughput of 9,500 tons per day. The Project would generate waste at a rate of 0.010 pounds per square foot per day which, when applied to the 6,861,360 square foot building area of the Project would be equal to approximately 68,614 pounds per day, or approximately 34 tons per day. The Project's waste generation would be 0.45 percent of the Mid-Valley

daily throughput and 1.7 percent of the San Timoteo daily throughput, but only 0.36 percent of the combined daily throughput of both landfills. The Project would comply with state and local solid waste standards and reduction goals as discussed in Impact 4.19-5, below. The Project would therefore pose a less than significant increase to the landfills' capacities and a less than significant impact would occur. (Draft EIR, p. 4.19-17).

IMPACT 4.19-5: WILL THE PROJECT COMPLY WITH FEDERAL, STATE, AND LOCAL MANAGEMENT AND REDUCTION STATUTES AND REGULATIONS RELATED TO SOLID WASTE?

Project development would comply with all federal, state, and local statutes and regulations related to solid waste, including County Code § 46.0602, which requires the diversion of commercial solid waste to adequate facilities in accordance with state laws. The Project does not propose any activities that would conflict with the applicable programmatic requirements. Therefore, impacts would be less than significant. (Draft EIR, p. 4.19-18).

Cumulative Impacts. For purposes of public utilities and service systems, cumulative impacts are considered for projects located within the County. As discussed above, all Project impacts to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. Impacts are generally localized and occur at different times in keeping with the phasing of each Planning Area development, and would therefore avoid significant cumulative impacts from multiple overlapping developments. Therefore, impacts are not anticipated to be cumulatively considerable. Other past, present, and reasonably foreseeable projects would be anticipated to implement similar measures, comply with existing laws, ordinances, regulations, and standards, or implement mitigation to fully mitigate their contribution to cumulative impacts. Therefore, there are no significant cumulative impacts anticipated relative to public utility and service systems, and the Project's contribution toward potential future utility and service system impacts in the County is not cumulatively considerable. (Draft EIR, p. 4.19-18).

WILDFIRE

IMPACT 4.20-1: IF LOCATED IN OR NEAR SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ, WOULD THE PROJECT SUBSTANTIALLY IMPAIR AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?

According to CAL FIRE's Fire and Resource Assessment Program, FHSZ Viewer, the Project site is not located in or near a SRA; the nearest SRA to the development site is located approximately four miles to the north. The Project site is located in a Local Responsibility Area. In addition, the Project site does not contain lands classified as a VHFHSZ. The closest VHFHSZs are located approximately three miles to the north and south of the Project site. Review of Exhibit HZ-5: Fire Hazard Severity Zones of the Countywide Plan further supports the finding that the Project site is not located in or near an SRA and the Project site is not within a VHFHSZ. Accordingly, the Project will not cause any impacts. (Draft EIR, p. 4.20-12).

IMPACT 4.20-2: IF LOCATED IN OR NEAR SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ, WOULD THE PROJECT, DUE TO SLOPE, PREVAILING WINDS, AND OTHER FACTORS, EXACERBATE WILDLIFE RISKS, AND THEREBY EXPOSE PROJECT OCCUPANTS TO POLLUTANT CONCENTRATIONS FROM A WILDFIRE OR THE UNCONTROLLED SPREAD OF A WILDFIRE?

The Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZs. Accordingly, there will be no impact. The Project would also not exacerbate wildfire risks or expose Project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. The Project site is not located in areas with steep slopes that can accelerate the spread of wildfire, and the majority of the site is developed with no native habitat or soil. (Draft EIR, p. 4.20-12 to 4.20-13).

IMPACT 4.20-3: IF LOCATED IN OR NEAR SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ, WOULD THE PROJECT REQUIRE THE INSTALLATION OR MAINTENANCE OF ASSOCIATED INFRASTRUCTURE (SUCH AS ROADS, FUEL BREAKS, EMERGENCY WATER SOURCES, POWER LINES OR OTHER UTILITIES) THAT MAY EXACERBATE FIRE RISK OR THAT MAY RESULT IN TEMPORARY OR ONGOING IMPACTS TO THE ENVIRONMENT?

The Project site is not located in or near an SRA and does not contain lands classified as VHFHSZs. The Project is located in an urbanized area of the County in a predominantly built out commercial/industrial zone. The Project site is not located near the wildland interface. No elements of the Project would exacerbate the risk of wildfire or generate environmental impacts. The Project is completely surrounded by suburban and urban development. No impact would occur in this regard. (Draft EIR, p. 4.20-14).

IMPACT 4.20-4: IF LOCATED IN OR NEAR SRA OR LANDS CLASSIFIED AS VERY HIGH FHSZ, WOULD THE PROJECT EXPOSE PEOPLE OR STRUCTURES TO SIGNIFICANT RISKS, INCLUDING DOWNSLOPE OR DOWNSTREAM FLOODING OR LANDSLIDES, AS A RESULT OF RUNOFF, POST-FIRE SLOPE INSTABILITY, OR DRAINAGE CHANGES?

The Project site is not located in or near an SRA and does not contain lands classified as VHFHSZs. The Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur. (Draft EIR, p. 4.20-15).

Cumulative Impacts. The Project is not located within the VHFHSZ and would not contribute to wildfire risk or an increase in other impacts associated with wildfire hazards including pollution, flooding, and evacuation response times. Because the Project will not have any impacts related to wildfire, it will not contribute to any potential cumulative impact regarding the same. The Project is located in an urbanized area of the County in a predominantly built out commercial/industrial zone. Future projects would be required to meet minimum standards for fire safety and comply with the Fire Code and City regulations. Additionally, all other past, present, and reasonably foreseeable projects would be required to conform to the same guidelines and also include site-specific measures that would ensure emergency access and evacuation are unimpeded. Further, the Draft EIR for the Countywide Plan found that through compliance with mitigation regulations and policies including CBC Chapter 7A, CFC Chapter 49, and California Public Resources Code Sections 4291 et seq, wildfire impacts of the Plan buildout would not be cumulatively considerable. Therefore, the Project would not result in incremental effects to wildfire that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. (Draft EIR, p. 4.20-16).

5.2 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The County of San Bernardino, having reviewed and considered the information contained in the Final EIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081(a)(1) and CEQA Guidelines 15091(a)(1) that changes or alterations have been required in, or incorporated into the Project, which would avoid or substantially lessen to below a level of significance the following potentially significant environmental effects. The County finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the Final EIR.

AIR QUALITY

IMPACT 4.3-3 WOULD THE PROPOSED PROJECT, EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO, THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The Project is anticipated to be developed in multiple phases. Operations are assumed to commence following construction of each individual phase. As such, construction of subsequent phases would overlap with operations of the completed phases. The concentrations from these overlapping phases were combined in the risk calculations. (**Draft EIR, p. 4.3-53**). As shown in **Draft EIR Table 4.3-19 and 4.3-20**, pollutant emissions on the peak day of construction and during operations would not result in significant concentrations of pollutants at nearby sensitive receptors, and therefore localized significance thresholds (LSTs) would not be exceeded during construction or operations. (**Draft EIR, p. 4.3-43, 4.3-45**). The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. (**Draft EIR, p. 4.3-49**). The Project would also not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's CO Hotspot Analysis. (**Draft EIR, p. 4.3-51**). However, as shown in **Draft EIR Table 4.3-21: Carcinogenic Risk Assessment**, excess cancer risk from the Project's DPM emissions would exceed SCAQMD's excess cancer risk threshold without mitigation. However, implementation of **MM AQ-1** and **MM AQ-9** would reduce cancer risk from Project construction and operations to below the SCAQMD's 10 in one million threshold for all types of receptors. As such, impacts related to DPM would be less than significant with the implementation of **MM AQ-1** and **MM AQ-9**.

Mitigation Measures

MM AQ-1 Prior to the issuance of grading permits, the County Engineer shall confirm that the Grading Plan and Specifications require all construction contractors to incorporate the following measures to minimize construction emissions. These features shall be included in applicable bid documents and included on the grading plans.

- All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Requirements for Tier 4 Final equipment and the option for Level 3 VDECS shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the County at the time of mobilization of each applicable unit of equipment. This equipment shall be used when commercial models that meet the construction needs of the proposed Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment shall be made by the County, based on applicant-provided evidence from expert sources, such as construction contractors in the region.
- Construction equipment shall be properly maintained according to manufacturer specifications.
- All diesel-powered construction equipment, delivery vehicles, and delivery trucks shall be turned off when not in use. On-site idling shall be limited to three minutes in any one hour.
- Construction on-road haul trucks shall be model year 2010 or newer if diesel-fueled.
- Information on ridesharing programs shall be made available to construction employees.
- During construction, lunch options shall be provided on-site.

- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints per SCAQMD Standards.
- All construction contractors shall be provided information on the South Coast Air Quality Management District Surplus Off-road Opt-In "SOON" funds which provides funds to accelerate cleanup of off-road diesel vehicles.
- The Project shall demonstrate compliance with SCAQMD Rule 403 concerning fugitive dust and provide appropriate documentation to the County of San Bernardino.
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet-power vacuum street sweepers at least once per day. The use of dry-power sweeping shall be prohibited.
- All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
- A publicly visible sign shall be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the SCAQMD shall also be visible to ensure compliance.

MM AQ-9 Each building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission/powered by electricity. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.

BIOLOGICAL RESOURCES

IMPACT 4.4-1: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE?

FINDINGS:

1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.
2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.

Facts in Support of Findings: No special-status plant species were observed during the September 2 or September 9, 2021 field investigations. Based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the Project site does not have the potential to support any of the special-status plant species known to occur in the vicinity of the site. The Project would be confined to existing developed areas, and areas that primarily support landscaped areas. As a result, no impacts to special-status plant species are expected to occur. No additional surveys are recommended, and a less than significant impact would occur. (**Draft EIR, p. 4.4-24**). Special-status or sensitive species which the Project site has potential to support are listed on **Draft EIR p. 4.4-24**. The Project site is almost entirely composed of and surrounded by developed land, sufficiently isolating potential on-site habitat from natural areas through which most special-status wildlife species might gain access to the site. While the grass areas within the Project site include low growing vegetation and ground squirrel occupation, these areas are not suitable for burrowing owl (BUOW) due to the high frequency of grass mowing and watering. The intensity and frequency of disturbance precludes BUOW from occupying the grassy areas on site. For the Next Gen motorsports facility project, a pre-construction Burrowing Owl Survey is required prior to construction activities following the recommendations and guidelines provided within the *Staff Report on Burrowing Owl Mitigation* (CDFG, March 2012) or most recent version by a qualified biologist. Demolition activities as a result of implementation of the Next Gen motorsports facilities would occur within the RV parking area prior to implementation of the SCCIISP. Therefore, no additional surveys are recommended. Nonetheless, in order to ensure impacts to Cooper's hawk, sharp-shinned hawk, great egret, great blue heron, California horned lark, California gull, and snowy egret do not occur from implementation of the Project, a pre-construction nesting bird clearance survey would be conducted pursuant to **Mitigation Measure (MM) BIO-1**. Additionally, to ensure no impacts to burrowing owl occur from Project implementation, a pre-construction burrowing owl clearance survey will be conducted pursuant to **MM BIO-2**. With implementation of the recommended pre-construction surveys, impacts to the aforementioned common and special-status wildlife species would be less than significant. (**Draft EIR, p. 4.4-25**).

Mitigation Measures

- MM BIO-1** Bird nesting season generally extends from February 1 through August 31 in southern California. To avoid impacts to nesting birds (common and special-status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) three days prior to project-related disturbance to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity, and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.
- MM BIO-2** All disturbed areas of the Project site, that were determined to have a low potential to provide suitable habitat for burrowing owls, which includes primarily the existing track infield grassy area and the stormwater detention basin area in the southwestern portion of the site, require a pre-construction survey that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls.

IMPACT 4.3-6: WOULD THE PROJECT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**

2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.

Facts in Support of Findings: The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the Project, and mitigation is not required. Although the Project is located with the County of San Bernardino's Burrowing Owl Overlay Zone, based on the results of the field investigation, the site has a low potential to support burrowing owls. The Project site did not have any recent signs of burrowing owl use, and the stormwater detention basin did not support any suitable burrows. Therefore, with the implementation of **MM BIO-2**, impacts would be less than significant. (Draft EIR, p. 4.4-27).

Mitigation Measures

Refer to MM BIO-2 above.

Cumulative Impacts. All potential Project impacts to biological resources would be less than significant in consideration of compliance with existing laws, ordinances, regulations and standards, and implementation of **MM BIO-1** and **MM BIO-2**. As with the Project, all cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential impacts to biological resources and avoid or reduce any impacts. There are special-status animal species with moderate or high potential to occur on the Project site. However, implementation of mitigation would avoid potential impacts to burrowing owl and nesting bird species that have any potential to occur on the Project site. As discussed above, Project-level impacts to biological resources would be less than significant. Standard regulatory requirements and procedures are required of other present and reasonably foreseeable future projects. As a result, the proposed Project taken in sum with past, present, and reasonably foreseeable projects would not result in cumulatively considerable impacts on biological resources. (Draft EIR, p. 4.4-28).

CULTURAL RESOURCES

IMPACT 4.5-2: WILL THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5?

FINDINGS:

1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.
2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.

Facts in Support of Findings: The lack of identified prehistoric archaeological resources suggests the Project site is not highly sensitive to prehistoric archaeological remains. Further, because the Project site was primarily used for agricultural and industrial purposes, it is unlikely to contain significant historic period archaeological deposits. Based on these findings, no further cultural resources management is recommended for construction and operation of the Project. However, in the event that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, **MM CUL-1** would apply to further minimize potential impacts to archaeological resources. Therefore, with implementation of **MM CUL-1**, impacts regarding a substantial adverse change of an archaeological resource would be less than significant. (Draft EIR, p. 4.5-17).

Mitigation Measure

MM CUL-1 If archaeological resources are exposed during construction of the Project, all ground disturbing activities within 50 feet of the potential resource(s) shall be suspended. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and determine

whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted and shall be submitted to the Development Services Director or his/her designee. If the resource(s) are determined to be Native American in origin, the Project archaeologist shall notify the appropriate Native American Tribe(s) from a list provided by the County.

IMPACT 4.5-3: WOULD THE PROJECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDES OF DEDICATED CEMETERIES?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The Project site is located in an area mainly developed with industrial and motorsports/entertainment uses and is not located near a formal cemetery. It is unlikely that any human remains would be encountered given that the Project site is already disturbed. However, previously undiscovered human remains could be encountered during construction activities. If human remains are found during excavation, excavation would be halted in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with the established regulatory framework (i.e., HSC §§ 7050.5-7055 and PRC §§ 5097.98 and 5097.99) and the application of **MM TCR-4**, the Project's impacts concerning potential to disturb human remains, would be reduced to less than significant. (**Draft EIR, p. 4.5-18**).

Mitigation Measure

MM TCR-4

Procedures for Burials and Funerary Remains.

In accordance with California Health and Safety Code § 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code § 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the

California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such rebursal, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Cumulative Impacts. Projects located in an archaeologically sensitive area are required to conduct archaeological monitoring during construction, which would reduce cumulative impacts to a less-than-significant level. In addition, **MM CUL-1** would apply to the Project, ensuring that its contribution to cumulative impacts would not be considerable. Implementation of future projects in the Project vicinity could involve actions that could damage historical and archaeological resources specific to those Project sites. However, all projects would be subject to CEQA review, including studies of historical and archaeological resources that are present or could be present on-site. Where significant or potentially significant impacts are identified, implementation of all feasible mitigation would be required to reduce potentially significant impacts. As with the Project, all cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential impacts to cultural resources and avoid or reduce any impacts. Results of the records search, assessment of historical imagery, and the pedestrian survey indicated the Project site and area have a low archaeological sensitivity. While historical data confirmed the presence of the Kaiser Steel Mill, previous cultural resources studies completed within the vicinity of the Project site found that by 2008, all of the major components of the mill had been demolished and the resource no longer existed. Further, Project implementation would not be anticipated to impact the buried historic-era water pipeline, associated with the Metropolitan Water District's Upper Feeder Aqueduct. Therefore, the Project would not considerably contribute to cumulative impacts to historical resources. Project-level impacts to human remains would be less than significant with implementation of **MM TCR-4**. Standard regulatory requirements and procedures will also apply to other present and reasonably foreseeable future projects, and cumulative impacts would be less than significant. (Draft EIR, p. 4.5-19).

GEOLOGY AND SOILS

IMPACT 4.7-5: WOULD THE PROJECT RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: During construction, the Project would be required to comply with erosion and siltation control measures. This would include an erosion control plan with measures such as sand-bagging, placement of silt fencing, erosion control blankets, straw wattles, mulching, etc., to reduce runoff from the site and to hold topsoil in place during all grading activities. As mass grading proceeds, finish grading commences and building construction begins, the erosion control measures would be removed or relocated as necessary. Construction contractors would also be required to create a dust control plan in compliance with South Coast Air Quality Management District Rule 403 to further reduce wind erosion. Additionally, the construction on the Project site would be required to comply with NPDES permitting requirements. Construction impacts on the Project site would be minimized through compliance with the NPDES Construction General Permit (CGP), which requires development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control BMPs. The BMPs would be required to meet or exceed CGP requirements to control potential construction-related erosion or sediment impacts. (Draft EIR, p. 4.7-24). All permits required for construction, including the CGP that requires the erosion control plan and SWPPP, would be verified by the County prior to initiation of any construction and prior to the issuance of any grading permits. These plan reviews and code compliance checks, while required by County Code, are further required by **MM GEO-1**, which details the requirement of plan review by County Staff. County Staff will review plans for compliance with all applicable development code requirements including but not limited to Titles 6 and 8 of the County Code of Ordinances. Conformance to these requirements and verification by the County as part of the development approval process would ensure that potential impacts from construction of the Project would be reduced. Following construction,

the Project site would be covered with hardscape which would not contribute to erosion. The Project site also would contain some landscaping, but these areas would include ground covers to reduce erosion and loss of on-site soils post-construction. Operation activities (i.e., landscape maintenance) would be subject to the BMPs set in the Project's SWPPP and WQMP that would prevent soil erosion or loss of topsoil. Therefore, with implementation of recommended remedial grading, dust control plan (in accordance with Rule 403), SWPPP requirements and **MM GEO-1**, impacts regarding substantial soil erosion and loss of topsoil would be less than significant with mitigation incorporated. (**Draft EIR, p. 4.7-25**).

Mitigation Measures

MM GEO-1

Prior to the issuance of any grading permit or building permit, County Staff shall review all Project plans involving grading, foundation, structural, infrastructure, and all other relevant construction to ensure compliance with the applicable recommendations from the Preliminary Report of Geotechnical Study Proposed Speedway Commerce Center II, and the California Building Code requirements to minimize soil erosion or the loss of topsoil. Specific design considerations as outlined in the Preliminary Report of Geotechnical Study Proposed Speedway Commerce Center II, included in **Appendix G** shall be implemented in the Project construction plans to minimize the risk for soil erosion.

IMPACT 4.7-6: WOULD THE PROJECT BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The Project site is not included within an Earthquake Fault Zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act. However, the Project site is in a seismically active area and located near an active fault zone. The Project would be designed in accordance with applicable state and local design standards to withstand effects from strong seismic ground-shaking and would implement geotechnical design considerations pursuant to the Preliminary Report of Geotechnical Study, including **MM GEO-1** to ensure that the Project is not subject to collapse. The Project site and the surrounding area is relatively flat and/or developed which indicates that the Project would not be susceptible to landslides nor cause significant erosion that would result in a landslide. Liquefaction and landslides are not considered to be a design concern for the Project, and potential for lateral spreading would be low to negligible since the Project's topography does not contain steep slopes and the Project site and the immediate area are not within a zone of generalized landslide susceptibility. The Project area is also outside of the hazard zone for rockfall/debris-flow, thus the site is not surrounded by steep topography with exposed rock-cropping or boulders. Based on the conditions encountered in the borings and trenches conducted for the Geotechnical Study, groundwater was not observed within approximately 50 feet of the ground surface and is estimated to be at a depth greater than 400 feet below ground surface, according to the Kleinfelder Preliminary Report of Geotechnical Study. The Project does not propose or require additional groundwater wells within the area and therefore the risk of ground subsidence as result of excessive groundwater withdrawal is low. Additionally, based on anticipated groundwater depths, it is not expected that groundwater would affect excavations for the foundations and utilities and subsidence is unlikely due to the distance to groundwater. Furthermore, all structures would comply with CBC requirements to mitigate the possibility of subsidence. The Project site location is outside of a landslide and liquefaction susceptibility area. In addition, the Project will comply with seismic design parameters recommended by Kleinfelder and in accordance with the 2019 CBC, and **MM GEO-1** and **MM GEO-2** will be implemented. Therefore, the Project would not create or cause adverse effects on the geologic environment within the Project site or surrounding area. Impacts related to unstable soils, landslide, lateral spreading, subsidence, liquefaction or collapse would be less than significant with mitigation incorporated. (**Draft EIR, p. 4.7-26 to 4.7-27**).

Mitigation Measures

Refer to MM GEO-1, above.

MM GEO-2 Undocumented Fill. Engineered fill shall primarily be utilized on-site to support the proposed improvements. If existing artificial fill will be used, the documentation of the placement of any engineered fill shall be reviewed by a professional engineer or geologist to conclude that the existing artificial fill on-site is acceptable to support all proposed improvements. If, during construction, undocumented artificial fill is detected on-site in excavated areas, or the quality of undocumented artificial fill is determined to be unacceptable, then the undocumented artificial fill shall be removed and replaced with engineered fill. A professional geologist or engineer shall observe the fill during excavation and evaluate the condition of the fill at the elevation of the proposed foundations to ensure conformance with all applicable recommendations in the Preliminary Report of Geotechnical Study Proposed Speedway Commerce Center II.

IMPACT 4.7-9: WILL THE PROJECT DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: A paleontological resource assessment was prepared for the Project to review the susceptibility of subsurface geologic units to provide paleontological resources as well as to review records for fossil localities near the Project site. No paleontological resources or unique geologic formations were identified on the Project site during the field survey. Previous construction of the existing development on the Project site required a high amount of ground disturbance. Specifically, the infield of the ACS and grandstand areas required extensive over excavation and subsequent compaction. Large quantities of fill were also placed around the perimeter of the track to create the raised outer bank of the track. Therefore, according to PaleoWest's PRA, ground disturbance into this artificial fill (Qaf) would not require paleontological monitoring, unless disturbance to a depth below the fill and native sediment (Qyf5 or Qf) is encountered in accordance with MM GEO-4. While no significant paleontological resources are expected to occur, the Master Developer or the Site Developer would utilize the services of a Project paleontologist to prepare a Paleontological Resources Mitigation and Monitoring Plan (PRMMP) and to monitor ground disturbance activities exceeding depths of five feet and in the case of any inadvertent discoveries if required. The provisions described in **MM GEO-3** through **MM GEO-6** would further reduce the impact of the Project on paleontological resources or unique geologic features to less than significant impact levels with mitigation incorporated. Therefore, if the Project plans include excavations that extend five or more feet in depth into Qyf5 and Qf, then a qualified paleontologist shall be retained to implement the mitigation measures. With the implementation of **MM GEO-3** through **MM GEO-6**, and County staff review of the Project's grading and excavation plans, potential impacts associated with paleontological resources would be less than significant. Therefore, no significant unavoidable impacts relating to paleontological resources have been identified. (**Draft EIR, p. 4.7-28 to 4.7-29**).

Mitigation Measures

MM GEO-3 Worker's Environmental Awareness Program (WEAP). Prior to the start of ground-disturbing activities, all field personnel shall receive a worker's environmental awareness training on paleontological resources. The training shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, and outline steps

to follow in the event that a fossil discovery is made. Contact information for the Project Paleontologist shall also be provided. The training shall be developed by the Project Paleontologist and can be delivered concurrent with other required training including cultural, biological, safety, etc.

MM GEO-4 Paleontological Mitigation Monitoring. Prior to the commencement of ground-disturbing activities, a professional paleontologist shall be retained to prepare and implement a Paleontological Resources Mitigation and Monitoring Plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into Pleistocene sediment (i.e., excavations greater than five feet in depth in Qyf5 and Qf sediments), and the location of any areas deemed to have a high paleontological resource potential. Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend to County staff that monitoring be reduced or cease entirely.

MM GEO-5 Fossil Discoveries. In the event that a paleontological resource is discovered, the paleontological monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

1. **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological resources as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the Project Paleontologist has the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

2. **Fossil Preparation and Curation.** The PRMMP shall identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossil specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens shall be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the museum and will be the responsibility of the Master Developer and/or Site Developer, as applicable.

MM GEO-6 Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, the scientific significance of those fossils, and where the fossils were curated.

Cumulative Impacts. While geotechnical and soil impacts may be associated with cumulative development, the very nature of the impacts is generally site-specific and typically little, if any, cumulative relationship exists between the development of a project and development within a larger cumulative area. Like the Project, future development projects would be required to comply with applicable state and regional building regulations, including the most recent CBC. Site-specific geologic hazards would be addressed in each project's geotechnical investigation. In addition, the County may also require even more rigorous standards depending on an individual project site's condition. Further, future developments would be

required to comply with environmental analysis and review. Therefore, no significant cumulative impact would occur. Additionally, other projects in the area would involve ground disturbance and could damage paleontological resources that could be buried in those project sites. As with the Project, other projects would require site specific paleontological analysis that could lead to mitigation requiring monitoring and recovery, identification, and curation of any resources discovered. (**Draft EIR, p. 4.7-30**). In this case, buildout of the Project would not alter geologic events or soil features/characteristics (such as ground shaking, seismic intensity, or soil expansion). In addition, the Project would not be expected to significantly alter any paleontological resource with the implementation of mitigation measures listed above. Therefore, the Project would not expose people to greater seismic hazards nor significantly impact any paleontological resources, while other project developments located near seismic faults would differ in impacts. Current building codes and regulations apply to all present and reasonably foreseeable future projects. Further, the Project's compliance with the current CBC, County building code requirements, and General Plan policies would ensure that potential geology and soil impacts are reduced to a level that is less than significant. Cumulative impacts to paleontological resources would be less than significant, and the Project's contribution would not be cumulatively considerable. (**Draft EIR, p. 4.7-31**).

GREENHOUSE GASES

IMPACT 4.8-2: WOULD THE PROJECT CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION OF AN AGENCY ADOPTED FOR THE PURPOSE OF REDUCING GHG EMISSIONS?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The County's GHG Reduction Plan includes a review standard of 3,000 MTCO₂e per year, which is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. The purpose of the Screening Tables is to provide guidance in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. Projects that exceed the 3,000 MTCO₂e/year of GHG emissions are required to either achieve a minimum 100 points per the Screening Tables or a 31 percent reduction over 2007 emissions levels. Each building within the Project would earn 104 points on the County's GHG Screening Tables, which would exceed 100 points. Therefore, the Project would be consistent with the County's GHG emissions reduction plan. (**Draft EIR, p. 4.8-34**). Likewise, the Project's consistency with the RTP/SCS goals is analyzed in detail in **Draft EIR Table 4.8-5: Regional Transportation Plan/Sustainable Communities Strategy Consistency**. As shown in Table 4.8-5, the Project would be consistent with the stated goals of the RTP/SCS. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets. (**Draft EIR, p. 4.8-36**). The Project's consistency with applicable CARB Scoping Plan Measures is also analyzed within **Draft EIR Table 4.8-6**, which indicates that the Project is consistent with most of the strategies, while others are not applicable to the Project. As such, impacts related to consistency with the Scoping Plan would be less than significant. (**Draft EIR, p. 4.8-36**). The Project would not obstruct or interfere with efforts to increase ZEVs or state efforts to improve system efficiency. Compliance with applicable State standards (e.g., continuation of the Cap-and-Trade regulation; CARB's Mobile Source Strategy, Sustainable Freight Action Plan, and Advanced Clean Truck Regulation; Executive Order N-79-20; SB 100/renewable electricity portfolio improvements that require 60 percent renewable electricity by 2030 and 100 percent renewable by 2045, etc.) would ensure consistency with State and regional GHG reduction planning efforts. Extensive PDFs and **MM AQ-3** through **MM AQ-10** as identified in the Project's Air Quality Assessment, would reduce mobile source emissions and would support the State's transition to ZEVs by requiring electrical hookups at all loading bays, promoting the use of alternative fuels and clean fleets, requiring electric vehicle charging stations and/or infrastructure to support the future

installation of truck charging stations. The Project would also benefit from implementation of the State programs for ZEVs and goods movement efficiencies that reduce future GHG emissions from trucks. SC GHG-1 through SC GHG-9, as required by the California Building Code, address non-mobile source emissions, and would provide designated parking to promote the use of alternative fuels and clean fleets, facilitate future installation of electric vehicle supply equipment, and limit idling times. The Project's PDFs also address non-mobile emissions by designing buildings to provide environmental design features, incorporate energy and water conservation measures, and provide electrical, heating, ventilation, lighting, and power systems that meet CALGreen Standards. Additionally, **MM GHG-3** requires the Project to meet or exceed CALGreen Tier 2 standards, which exceeds code requirements). Further, the Project would offset energy demand with solar PV infrastructure (**MM GHG-2**), divert 75 percent of solid waste from landfills (**MM GHG-4**) and require handheld landscape equipment to be 100 percent electric (**MM GHG-5**). Additionally, **MM AQ-9** in the Project's Air Quality Assessment requires the Project to use electric outdoor cargo handling equipment. In conclusion, the Project does not conflict with the applicable plans, and therefore with respect to this threshold, impacts are less than significant. (**Draft EIR, p. 4.8-41**).

Mitigation Measures

MM AQ-3 Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:

- Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.
- Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site.
- Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided.
- Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements.
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service.
- Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users.
- Provide meal options on-site or shuttles between the facility and nearby meal destinations.
- Each building shall provide preferred parking for electric, low-emitting, and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

This mitigation measure applies only to tenant occupancy and not the building shell approvals.

MM AQ-4 Prior to the issuance of a building permit for tenant improvements, the Planning Department shall confirm that the Project is designed to include the following:

- Prior to issuance of a Building Permit for the Shell Design, the buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the Site Developer during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at a central location within the truck court at such time this technology becomes commercially available, and the buildings are being served by trucks with electric-powered engines.
- The buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed in the future to supply power to trailers with transport refrigeration units (TRUs) during the loading/unloading of refrigerated goods, if required by future tenants who utilize cold storage. Conduit should be installed from the electrical room to the loading docks in a location determined by the tenant as the logical location(s) to receive trailers with TRUs.

This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-5 Prior to the issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the Project site be plug-in capable. Conduit for electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The conduit for electrical hookups shall be provided at select loading bays for future transportation refrigeration units if required by future tenants who utilize cold storage. Electrical hookups allow for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-6 Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that all truck access gates and loading docks within the Project site have a sign posted that states:

- Truck drivers shall turn off engines when not in use.
- Truck drivers shall shut down the engine after five minutes of continuous idling operation (pursuant to Title 13 of the California Code of Regulations, Section 2485). Once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged.
- Telephone numbers of the building facilities manager and CARB to report violations.
- Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas.

This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-7 Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-8 Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications for the industrial buildings shall include electric vehicle (passenger car) charging stations and a minimum of 12 percent carpool parking spaces at each building for employees and the public to use. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-9 Each building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission/powered by electricity. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-10 Project tenants shall comply with the SCAQMD Indirect Source Rule (Rule 2305). This rule is expected to reduce NOX and particulate matter emissions during operations. Emission reductions resulting from this rule were not included in the Project analysis. Compliance

with Rule 2305 is enforced by the SCAQMD through their reporting process and is required for all warehouse projects greater than 100,000 square feet.

- MM GHG-1** Project development proposals with building permit applications for tenant improvements shall implement Screening Table Measures that demonstrate that each building achieve at least 100 points per the Screening Tables. The County shall verify that Screening Table Measures achieving the 100-point performance standard are incorporated in development plans prior to the issuance of building permit(s) and/or site plans (as applicable). The County shall verify implementation of the selected Screening Table Measures prior to the issuance of Certificate(s) of Occupancy. At the discretion of the County, measures that provide GHG reductions equivalent to GHG emissions reductions achieved via the Screening Table Measures may be implemented. Multiple development proposals may, at the discretion of the County, be allowed to collectively demonstrate achievement of at least 100 points per the Screening Tables. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-2** As part of the building permit for tenant improvements, the Project shall install solar photovoltaic (PV) panels or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, that would provide at least 50 percent of the expected total building load. On-site solar PV or other clean energy systems shall be installed within two years of commencing operations. Each building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-3** Prior to the issuance of a building permit for tenant improvements, the tenant or successor in interest shall provide documentation to the San Bernardino County demonstrating that the Project is designed to achieve Leadership in Energy and Environmental Design (LEED) standards or meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-4** The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and Loading Areas. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-5** Prior to the issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all handheld landscaping equipment used onsite shall be 100 percent electrically powered. This mitigation measure applies only to tenant permits and not the building shell approvals.

HAZARDS

IMPACT 4.9-1 WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The Project site was once part of the former Kaiser Steel facility property. Several of the areas of the former Kaiser Steel facility were subject to historical remediation activities. With the exception of ongoing groundwater monitoring, all areas have received no further action designations from DTSC or "closure." Due to the age of existing structures (built in 1995 – 1996) being younger than the

1978 ban on LBPs, the presence of LBP is not expected to be encountered during demolition activities. Similarly, the presence of asbestos and other ACMs identified in 2000 are associated with a previous, inactive facility and is not anticipated to be encountered during demolition activities. If encountered at all, ACMs would be limited to roofing materials on auxiliary structures. Two areas received closure with land use covenants which prohibit development of residential and other sensitive land uses and impose other requirements regarding subsurface disturbance. Project construction would include the demolition of some existing structures. Debris found during demolition would include commonly found structural components as well as potentially contaminated soils due to the Project site's history of hydrocarbon uses as well as other potentially hazardous material products and byproducts. Although significant quantities of soil are not anticipated to be exported from the Project site, disposal or transport of demolition materials and any graded soils from the Project site may therefore increase the potential for the exposure of hazardous materials. Implementation of **Mitigation MMs HAZ-1** and **HAZ-2** would ensure proper handling of contaminated soils and substances which may be encountered. Additionally, **MM HAZ-3** would be implemented to reduce risks due to potential exposure from asbestos and ACMs. At full buildout, the Project would consist of high-cube logistics/e-commerce and ancillary commercial buildings. This land use is not expected to use significant quantities of hazardous materials or to generate significant quantities of hazardous materials requiring transport. Additionally, as with project operation, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during construction or operation. (**Draft EIR, p. 4.9-15**).

Mitigation Measures

MM HAZ-1 Soil Management Plan (SMP). Prior to issuance of a grading permit or trenching or subsurface excavation for utilities or roadway infrastructure, the Master Developer, Site Developer, or Lead Agency, as applicable, shall retain a qualified environmental consultant to prepare a SMP that details procedures and protocols for on-site management of soils containing potentially hazardous materials.

The SMP shall include, but not be limited to:

- Land use history, including description and locations of known contamination;
- The nature and extent of previous investigations and remediation at the site;
- Identified areas of concern at the site, in relation to proposed activities;
- A listing and description of institutional controls, such as applicable County ordinances and other local, state, and federal regulations and laws that would apply to the project;
- Names and positions of individuals involved with soils management and their specific role;
- An earthwork schedule;
- Requirements for site-specific Health and Safety Plans (HSPs) to be prepared by all contractors at the project site. The HSP should be prepared by a Certified Industrial Hygienist and would protect on-site workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSP should address the possibility of encountering subsurface hazards including hazardous waste contamination and include procedures to protect workers and the public;
- Hazardous waste determination and disposal procedures for known and previously unidentified contamination, including those associated with any soil export activities, if applicable;
- Requirements for site specific techniques at the site to minimize dust, manage stockpiles, run on and run-off controls, waste disposal procedures, etc.; and
- Copies of relevant permits or closures from regulatory agencies.

MM HAZ-2 If potentially contaminated soil is identified during site disturbance activities for the Project, as evidenced by discoloration, odor, detection by instruments, or other signs, a qualified environmental professional shall inspect the site, determine the need for sampling to

confirm the nature and extent of contamination, and provide a written report to the Master Developer, Site Developer, or Lead Agency, as applicable, stating the recommended course of action. Depending on the nature and extent of contamination, the qualified environmental professional shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the qualified environmental professional, substantial remediation may be required, the Master Developer, Site Developer, or Lead Agency, as applicable, shall contact representatives of the San Bernardino County Fire Department and/or DTSC for guidance and oversight and shall comply with all performance standards and requirements of the respective agency for proper removal and disposal of contaminated materials. In addition, any activities which will disturb portions of the property subject to a land use covenant (LUC) (e.g., excavation, grading, removal, trenching, filling or earth movement) shall require proper notification to DTSC in accordance with the terms of the LUC.

MM HAZ-3 Prior to the issuance of a demolition permit for any buildings or structures on-site, the Master Developer or Site Developer, as applicable, shall conduct a comprehensive ACM survey to identify the locations and quantities of ACM in above-ground structures. The Master Developer or Site Developer, as applicable, shall retain a licensed or certified asbestos consultant to inspect buildings and structures on-site. The consultant's report shall include requirements for abatement, containment, and disposal of ACM, if encountered, in accordance with SCAQMD's Rule 1403.

IMPACT 4.9-2: WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: The demolition of existing structures and removal of graded soil throughout the site could potentially release some of the hazardous materials historically found on the site. However, this is unlikely due to the previous remediation performed on the Project site and the time that has passed since remediation actions were taken. Furthermore, although some sites were noted to have previously involved the use or generation of potentially hazardous materials such as hydrocarbons and VOCs, no current violations were noted. Despite the limited potential for the exposure of the public and environment to hazardous materials, with **MMs HAZ-1, HAZ-2, and HAZ-3** and compliance with all applicable Federal, State, and regional regulations, the impact would be reduced to less than significant levels with mitigation incorporated. The Project would consist of high-cube logistics/e-commerce and ancillary commercial uses. These land uses are not anticipated to result in releases of hazardous materials into the environment. The Project would not create a significant impact through the transport, use, or disposal of hazardous materials since the facilities are required to comply with all applicable Federal, State, and regional regulations which are intended to avoid impacts to the public and environment. Furthermore, hazardous materials/chemicals such as cleaners, paints, solvents, and fertilizers in low quantities do not pose a significant threat related to the release of hazardous materials into the environment. A less than significant impact would occur in this regard. (**Draft EIR, p. 4.9-18**).

Mitigation Measures

Refer to MM HAZ-1.

Cumulative Effects. Impacts associated with hazardous materials are often site-specific and localized. The Draft EIR evaluated environmental hazards in connection with the Project site and surrounding area. Regarding off-site environmental hazards, various governmental databases were searched to identify properties with known or suspected releases of hazardous materials within a search radius of up to one mile from the site. These database searches serve as the basis for defining the cumulative impacts study

area. The potential for cumulative impacts to occur is limited since the impacts from hazardous materials use on-site would be site-specific. The Project and other cumulative projects would be required to comply with laws and regulations governing hazardous materials and hazardous wastes used and generated as described previously. Therefore, cumulative impacts related to hazards and hazardous materials would be less than significant after regulatory compliance. (**Draft EIR, p. 4.9-21**).

TRANSPORTATION

IMPACT 4.17-4: WOULD THE PROJECT RESULT IN INADEQUATE EMERGENCY ACCESS?

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings:

Construction: Construction of the Project, including recordation of final subdivision map(s) and design review would be progressively implemented in stages, provided that vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety. During demolition and construction, the Project would not result in any significant emergency access impacts as the site currently has adequate access at Merrill Avenue, Rancho Vista Drive, and Randall Avenue off of Cherry Avenue on the site's eastern edge, and Napa Street and VIP Access Road on the site's western edge. The access at Randall Avenue and Merrill Avenue is signalized. All of these access points will be maintained during Project demolition and construction. In case of an emergency, the Project's construction manager would have assigned staff to flag emergency response vehicles and direct them to the emergency location. Unimpeded access would be provided throughout the Project site by ensuring construction vehicles are not parked or placed in a manner that would impede access for emergency response vehicles. Site conditions, during and after the workday, would be either maintained or left in a condition that adheres to Division of Occupational Safety and Health (OSHA) safety standards to prevent any hazardous condition that may affect construction staff and emergency responders. The Project site would provide vehicular access from three new public collectors (Public Streets "A," "B," and "C") and improvements and minor realignment to the existing private Entry Road (Street "D") and off-site improvements to VIP Access Road and Cherry Avenue and roads would be phased with development of the site. Access would be maintained throughout the Project site for use by construction staff/inspectors, construction equipment and materials delivery/removal, and emergency response vehicles. Access roads would be maintained in good condition in order to allow for the safe passage for emergency response vehicles. With the measures described above, along with Project adherence to applicable regional and local regulations, and provision of numerous access points, impacts related to inadequate emergency access during construction would be less than significant. (**Draft EIR, p. 4.17-23**).

Operations: All existing site access from surrounding roadways would be maintained. Access within the Project site would be provided via three new public collectors (Public Streets "A," "B" and "C") and improvements and minor realignment to the existing private Entry Road (Street "D") and off-site improvements to VIP Access Road and Cherry Avenue. Driveways would be continually maintained to allow for the safe ingress and egress to/from the Project site. Additionally, driveways would be designed in accordance with all applicable design and safety standards required by adopted fire codes, safety codes, and building codes established by the County's Transportation Department and Fire Protection District. The Project includes approximately 433 acres of the approximately 522-acre site that is currently developed with the Next Gen motorsports facility. The Next Gen motorsports facility is governed by the Speedway Development Plan which authorizes up to six premier race weeks per year with additional ancillary events that are permitted per the plan. The Next Gen Project, approved by the County in June 2021 through a revision to the Speedway Planned Development, would replace the existing 2-mile track with a 0.67-mile track and upgraded amenities with the same type of operations and events previously held at the Next Gen motorsports facility. Because the Project would surround the Next Gen Project and both projects would operate concurrently, emergency access considerations for the Project take into account those of the Next Gen Project. The CEQA EIR Addendum approved for the Next Gen Project (SCH# 94082080 and 2008081077) determined that the Next Gen Project would create a less than significant impact with respect

to emergency services with implementation of Mitigation Measure PS-2 (California Speedway 1995 Final EIR) that requires a Fire Protection Master Plan, to be reviewed, approved, and modified as necessary by the County Fire Department, for fire protection and emergency response at events. Among other things, the Fire Protection Master Plan is required to address emergency access routes and means to address traffic congestion to facilitate routing of emergency personnel and equipment. Further, in accordance with Mitigation Measure TC-4 (California Speedway 1995 Final EIR, as amended by the County in 2003), the Next Gen Project currently prepares (and the Next Gen Project will be required to prepare) a Traffic Management Plan prior to race events and, and as required, ancillary events, that is reviewed and approved by the County in consultation with affected agencies. The Project would construct new public roads, improving access to and within the site, and construct additional transportation improvements, as discussed above. The Project would therefore improve emergency access to the site, including to the proposed Planning Areas and the Next Gen motorsports facility. With the Project buildout and operation, however, there would be an increase in traffic during major race and ancillary events held at the Next Gen motorsports facility. As race day access and management during a race event is dependent on the size and type of event and is subject to change with traffic conditions, and phased Project improvements, a Transportation Management Association shall be formed to prepare a Traffic Management Plan for applicable events at Next Gen motorsports facility in accordance with **Mitigation Measure (MM) TRANS-1**, which would require the Master Developer to form a Transportation Management Association and **MM TRANS-2**. Additionally, the Project would be reviewed by the County of San Bernardino Public Works and Fire Departments to ensure the project sufficiently avoids hazards related to design features and that adequate emergency access is provided to the site. As a result, the Project would not substantially increase delays on street segments substantially that would result in inadequate emergency access. Therefore, impacts would be less than significant with the implementation of mitigation measures. (**Draft EIR, p. 4.17-24 to 4.17-25**).

Mitigation Measures

MM TRANS-1 Master Developer will form a Transportation Management Association by the date of issuance of the first building permit issued for the development.

MM TRANS-2 A comprehensive traffic management plan developed by the Transportation Management Association, shall be submitted and approved by the County Engineer to manage traffic to and from the Next Gen motorsports facility and SCCIISP Project during race weekends and as required during ancillary events. Manual traffic control, including signage, traffic control personnel, and routing shall be provided by Next Gen motorsports facility to ensure that all intersections affected by race-related or ancillary event-related traffic, will function at LOS E or better at midday and in the p.m. peak hour on Friday, as well as all day Saturday and Sunday and on weekdays during ancillary events. The TMP shall be submitted a minimum of 30 days prior to each event. In addition, manual traffic control shall also be employed as determined by the County of San Bernardino in consultation with the California Highway Patrol; Cities of Fontana, Rancho Cucamonga, and Ontario; and the Fontana Unified School District, where needed, to safely move traffic through intersections affected by traffic.

Cumulative Impacts. Construction activities associated with the Project, in conjunction with nearby cumulative projects, would result in both temporary and long-term traffic impacts to local roadway system. However, the Project is not anticipated to conflict with transportation plans or policies and is consistent with all relevant Countywide goals and policies. As part of the County's discretionary review and approval process, all cumulative development projects are required to reduce construction traffic impacts on the local circulation system and implement mitigation measures pursuant to CEQA provisions. Consequently, future development on the cumulative development sites would not result in significant environmental transportation-related impacts, nor would future development on the cumulative development sites conflict with or obstruct a state or local plan or regulation related to transportation. Therefore, the Project would not cause a cumulatively considerable transportation impact, and no mitigation measures are required during the Project's construction phase. (**Draft EIR, p. 4.17-25**). Once operational, the Project is not anticipated to result in VMT that would exceed the County's adopted thresholds of significance. Pursuant to **MM TRANS-1** and **MM TRANS-2**, the Transportation Management Association would prepare a Traffic Management Plan for applicable events to ensure that all intersections affected by race-related or ancillary event-related traffic, will function at LOS E or better at midday and in the p.m. peak hour on Friday, as well as all day Saturday and Sunday and on weekdays during ancillary events. Consistent with the Project, all cumulative development projects would be required to reduce VMT-related impacts and implement TDMs,

PDFs, or mitigation measures pursuant to CEQA guidelines. Therefore, the Project would not result in a cumulatively considerable contribution during the operations phase. (**Draft EIR, p. 4.17-26**).

TRIBAL CULTURAL RESOURCES

IMPACT 4.18-1: WILL THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PUBLIC RESOURCES CODE SECTION 21074 AS EITHER A SITE FEATURE PLACE, CULTURAL LANDSCAPE THAT IS GEOGRAPHICALLY DEFINED IN TERMS OF THE SIZE AND SCOPE OF THE LANDSCAPE, SACRED PLACE, OR OBJECT WITH CULTURAL VALUE TO A CALIFORNIA NATIVE AMERICAN TRIBE, AND THAT IS: (I) LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K); OR (II) A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1? IN APPLYING THE CRITERIA SET FORTH IN SUBDIVISION (C) OF PUBLIC RESOURCES CODE SECTION 5024.1, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCES TO A CALIFORNIA NATIVE AMERICAN TRIBE.

FINDINGS:

- 1. CHANGES OR ALTERNATIVES HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT, WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. THE EFFECTS IDENTIFIED IN THE EIR HAVE BEEN DETERMINED NOT TO BE SIGNIFICANT.**

Facts in Support of Findings: No cultural resources that are eligible for listing on the CRHR as TCRs were documented in the Project area. However, there is a potential for unknown buried archaeological resources that qualify as TCRs to be encountered during Project-related ground-disturbing activities. In the event that a potentially significant archaeological resource is encountered during Project-related ground-disturbing activities, **MM CUL-1** would apply to minimize potential impacts to archaeological resources. Implementation of **MMs TCR-1** through **TCR-4** would further reduce impacts to any unknown or inadvertently discovered archaeological resources or human remains that are identified as TCRs. All such finds would be required to be treated in accordance with all CEQA requirements and all other applicable laws and regulations. With implementation of these measures, impacts to tribal cultural resources would be less than significant.

Mitigation Measures

Refer to MM CUL-1.

MM TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

A. The Master Developer or Site Developers, as applicable, shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”). The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The Master Developer or Site Developers, as applicable, shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The Master Developer or Site Developers, as applicable, shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Master Developer or Site Developers, as applicable, and the lead agency upon written request.

F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Master Developer or Site Developers, as applicable, and the lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

MM TCR-2 Discovery of TCRs.

Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Consulting Tribes, Gabrieleño Band of Mission Indians – Kizh Nation and San Manuel Band of Mission Indians (SMBMI), shall be immediately informed of the discovery. An archaeologist that meets Secretary of Interior Professional Qualifications, a Kizh monitor and/or Kizh archaeologist, and an SMBMI CRM staff member will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Consulting Tribes and archaeologist have completed their assessment/evaluation/treatment of the discovered TCR and surveyed the surrounding area. Treatment protocols outlined in TCR-3 shall be followed for all discoveries that do not include human remains.

MM TCR-3 Treatment and Disposition of TCRs.

A. After the notification of discovery to the Consulting Tribes and assessments/evaluations have occurred, the following treatment/disposition of the TCRs shall occur:

1. Preservation-In-Place of the TCRs, if feasible as determined through coordination between the project archeologist, Master Developer or Site Developers, as applicable, and Consulting Tribes, is the preferred method of treatment. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources in perpetuity.

2. Should Preservation-In-Place not be feasible, the landowner shall accommodate the process for on-site reburial of the discovered items with the Consulting Tribes. This shall

include measures and provisions to protect the future reburial area from any future impacts. During the course of construction, all recovered resources shall be temporarily curated in a secure location on site. The removal of any artifacts from the project site shall require the approval of the Consulting Tribes and all resources subject to such removal must be thoroughly inventoried with a tribal representative from each consulting tribe to oversee the process. Reburial shall not occur until all cataloguing and basic recordation have been completed.

3. If Preservation-In-Place and reburial are not feasible, the landowner(s) shall relinquish ownership of all TCRs and a curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 shall be established. The collections and associated records shall be transferred, including title, to said curation facility by the landowner, and accompanied by payment of the fees necessary for permanent curation.

B. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials within the County of the discovery, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

C. If discoveries were made during the project, a Monitoring Report shall be submitted to the County by the Archaeologist at the completion of grading, excavation, and ground-disturbing activities on the site. Said report will document monitoring and archaeological efforts conducted by the archaeologist and Consulting Tribes within 60 days of completion of grading. This report shall document the impacts to the known resources on the property, describe how each mitigation measure was fulfilled, document the type of cultural resources recovered, and outline the treatment and disposition of such resources. All reports produced will be submitted to the County of San Bernardino, appropriate Information Center, and Consulting Tribes.

MM TCR-4

Procedures for Burials and Funerary Remains.

In accordance with California Health and Safety Code § 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code § 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Cumulative Impacts. Future cumulative development projects could encounter tribal cultural resources. Thus, the potential exists for cumulative development to result in the adverse modification or destruction of tribal cultural resources. Potential tribal cultural resource impacts associated with other individual developments would be specific to each site. As with the Project, all cumulative development in the area would undergo environmental and design review on a project-by-project basis pursuant to CEQA, in order to evaluate potential impacts to tribal cultural resources. All future development with the potential to impact tribal cultural resources would be subject to compliance with the existing federal, state, and local regulatory framework concerning the protection of tribal cultural resources. Furthermore, each future project considered for approval by the County would be required to include mitigation measures to protect resources if they are uncovered during grading activities. Additionally, implementation of site-specific mitigation measures would be required to reduce potential project impacts to as-yet-unidentified tribal cultural resources to less than significant levels. As such, cumulative impacts to tribal cultural resources would be mitigated on a project-by-project level, and in accordance with the established regulatory framework, through the established regulatory review process. Therefore, the combined cumulative impacts to tribal cultural resources associated with the Project's incremental effects and those of the cumulative projects would be less than significant with mitigation incorporated. (**Draft EIR, p. 4.18-13 to 4.18-14**).

5.3 EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION.

The County of San Bernardino having reviewed and considered the information contained in the Final EIR, Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081(a)(3) and CEQA Guidelines 15091(a)(3), that specific economic, legal, social, technological, or other considerations, makes infeasible the mitigation measures identified in the Final EIR, and therefore, the Project would cause significant and unavoidable impacts to the categories of:

AIR QUALITY

IMPACT 4.3-1: WILL THE PROJECT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN?

FINDINGS:

- 1. CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. IMPACTS ASSOCIATED WITH CONFLICTS WITH THE SCAQMD AIR QUALITY MANAGEMENT PLAN WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: Criteria to determine consistency with the applicable air quality plan (SCAQMD AQMP) are provided on **Draft EIR page 4.3-24**. As shown in **Draft EIR Table 4.3-9** through **Table 4.3-12**, the Project would exceed construction emission standards despite the implementation of MM AQ-1 and MM AQ-2. Additionally, Project emissions would exceed the operational standard for ROG, NOX, CO, PM¹⁰, and PM^{2.5} despite the implementation of all feasible mitigation, as shown in **Draft EIR Table 4.3-13** through **Table 4.3-17**. MM AQ-3 through MM AQ-10 are included to reduce operation emissions to the greatest amount feasible. However, even with mitigation, operational emissions would remain above the SCAQMD thresholds. Therefore, the Project would potentially contribute to an existing air quality violation. Thus, the Project is not consistent with the SCAQMD's AQMP under the first criterion. (**Draft EIR, p. 4.3-24**). In addition, due to the proposed changes in land use on the Project site, the Project is conservatively assumed to generate emissions not reflected within the current 2016 AQMP regional emissions inventory for the SCAB, and is therefore considered to be inconsistent with the AQMP. Thus, the Project is not consistent with the second criterion. (**Draft EIR, p. 4.3-25**). No additional feasible mitigation measures are available which would reduce this impact to less than significant. (**Draft EIR, p. 4.3-26**).

Mitigation Measures

Refer to MM AQ-1 to AQ-10 provided in Section 5.2 of these findings.

IMPACT 4.3-2: WILL THE PROJECT RESULT IN A CUMULATIVELY-CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?

FINDINGS:

1. **CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
2. **IMPACTS ASSOCIATED WITH CONSTRUCTION AND OPERATIONAL EMISSIONS OF CRITERIA POLLUTANTS WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: As shown in *Draft EIR Table 4.3-9: Phase 1a Construction Emissions, Table 4.3-10: Phase 1b Construction Emissions and Table 4.3-11: Phase 2 Construction Emissions*, despite implementation of all feasible mitigation, construction of the Project would result in NO_x and CO emissions above the SCAQMD threshold for construction Phase 1a; and NO_x emissions above the SCAQMD threshold for Phase 1b and Phase 2. (*Draft EIR, p. 4.3-27 to 4.3-29*). Likewise, as shown in *Draft EIR Table 4.3-13: Phase 1a Operational Emissions, Table 4.3-14: Phase 1b Operational Emissions, Table 4.3-15: Phase 2 Operational Emissions and Table 4.3-17: Project Buildout Emissions*, despite implementation of all Standard Conditions, Project Design Features and feasible mitigation, operational emissions would still exceed applicable SCAQMD thresholds for ROG, NO_x, PM¹⁰ and PM^{2.5} for Phase 1a; ROG, NO_x and PM¹⁰ for Phase 1b; ROG and NO_x for Phase 2; and ROG, NO_x, PM¹⁰ and PM^{2.5} under Project Buildout conditions. (*Draft EIR, p. 4.3-30 to 4.3-35*). The majority of ROG emissions are from area and mobile sources and the majority of NO_x, CO, PM₁₀, and PM_{2.5} emissions are from mobile sources. Emissions of motor vehicles are controlled by State and Federal standards and the Project has no control over these standards. (*Draft EIR, p. 4.3-30*). CARB is addressing emissions from heavy duty vehicles through various regulatory programs including lower emission standards, restrictions on idling, the use of post-combustion filter and catalyst equipment, and retrofits for diesel truck fleets. These programs are expected to result in significant reductions in ROG, NO_x, PM₁₀, PM_{2.5}, and CO emissions as they are fully implemented by 2023. Federal and State agencies regulate and enforce vehicle emission standards. It is not feasible for the County of San Bernardino to effectively enforce a prohibition on trucks from entering the property that are otherwise permitted to operate in California and access other properties in the County, region, and State. Even if the County were to apply such a restriction, it would cause warehouse operators using older truck fleets to travel to other facilities in the SCAB where the restriction does not apply, thereby resulting in no improvement to regional air quality. Based on data from CARB, most heavy-duty trucks entering the Project site will meet or exceed 2010 model year emission standards when the Project becomes fully operational in 2024, as all trucks are required meet or exceed such standards by 2023. In addition, **MM AQ-10** requires compliance with SCAQMD Rule 2305. Rule 2305 requires the Project operator to directly reduce NO_x and particulate matter emissions or to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. A preliminary WAIRE calculation has been conducted for the proposed Project. The Project would include rooftop solar (refer to **MM GHG-2**); two zero emission yard trucks that would operate for approximately eight hours per day, 365 days per year (**MM AQ-9**); and potentially include 14 electric Vehicle Supply Equipment (EVSE) chargers (19.2-50 kW) (approximately two per building as necessary, to meet the County's Greenhouse Gas Screening Table Checklist requirements). Based on the SCAQMD WAIRE User Calculator the Project would have a Warehouse Points Compliance Obligation (WPCO) of 13,510 and would earn 41,999 points. As a result, the Project more than fulfills its WPCO and would bank 28,489 points. (*Draft EIR, p. 4.3-35 to 4.3-36*). However, no additional feasible mitigation measures are available that can reduce mobile emission impacts to less than significant. (*Draft EIR, p. 4.3-42*).

Mitigation Measures

Refer to MM AQ-1 to AQ-10 provided in Section 5.2 of these findings.

Cumulative Impacts. The SCAB is designated nonattainment for O₃, PM₁₀, and PM_{2.5} for State standards and nonattainment for O₃ and PM_{2.5} for Federal standards. As shown in **Draft EIR Table 4.3-9** through **Draft EIR Table 4.3-12**, Project construction-related emissions would exceed the SCAQMD significance thresholds for criteria pollutants despite the implementation of all feasible mitigation. Therefore, the proposed Project would potentially generate a cumulatively considerable contribution to air pollutant emissions during construction. Construction emissions associated with the Project would represent a cumulatively considerable contribution to significant cumulative air quality impacts. (**Draft EIR, p. 4.3-54 to 4.3-55**). The SCAQMD has not established separate significance threshold. As shown in **Draft EIR Table 4.3-13** through **Draft EIR Table 4.3-17**, the Project's operational emissions (primarily mobile source emissions) would exceed the SCAQMD threshold for despite the implementation of all Standard Conditions, Project Design Features and feasible mitigation. As a result, operational emissions associated with the Project would result in a cumulatively considerable contribution to significant cumulative air quality impacts. (**Draft EIR, p. 4.3-55**). Implementation of **MM AQ-1** through **MM AQ-9** would reduce impacts; however, a significant and unavoidable impact would remain. (**Draft EIR, p. 4.3-56**).

ENERGY

IMPACT 4.6-1: WOULD THE PROJECT RESULT IN POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES, DURING PROJECT CONSTRUCTION OR OPERATION?

FINDINGS:

1. **CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
2. **IMPACTS ASSOCIATED WITH ENERGY CONSUMPTION WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities. (**Draft EIR, p. 4.6-19 to 4.6-20**). Once operational, as summarized in **Draft EIR Table 4.6-3**, the total gasoline and diesel fuel associated with Phase 1a would be approximately 1,366,601 gallons per year and 8,210,867 gallons per year, respectively. Gasoline and diesel fuel associated with Phase 1b is shown in **Draft EIR Table 4.6-4** and would be approximately 1,099,103 gallons per year and 6,148,132 gallons per year, respectively. Phase 2 fuel consumption is summarized in **Draft EIR Table 4.6-5** and would be approximately 360,429 gallons of gasoline and 1,974,668 gallons of diesel fuel. Fuel consumption for the commercial parcel is estimated to be approximately 801,438 gallons of gasoline and 106,472 gallons of diesel fuel as shown in **Draft EIR Table 4.6-6**. Annual energy use from operations of the combined Phase 1a, Phase 1b, Phase 2, and commercial component of the Project is shown in **Draft EIR Table 4.6-7: Project Buildout Annual Energy Use During Operations**. The Project's electricity and natural gas usage would not be inefficient or wasteful; however, as shown in **Draft EIR Table 4.6-7**, Project operations could consume 5.84 percent of the diesel fuel annually used in the County of San Bernardino. The operational diesel fuel consumption of the Project is not considered wasteful, inefficient, or unnecessary, as the Project will serve an important role in the movement of goods throughout the County, and the Project incorporates design features, standard conditions, and mitigation measures to minimize energy use to the greatest extent feasible. Nonetheless, the volume of fuel consumed by the Project would result in a significant impact. The Project is anticipated to generate 34,150 net daily trips; vehicle fuel efficiency standards are set by the State and Federal Government and are beyond the scope of the Project. (**Draft EIR, p. 4.6-24**). To minimize fuel consumption, the Project includes Standard Conditions, Project Design Features and mitigation measures

which are described in detail at **Draft EIR pages 4.6-24 to 4.6-26**. Even with implementation of these measures, potential energy impacts from the Project are considered significant and unavoidable due to the projected energy consumption of gasoline and diesel fuel. (**Draft EIR, p. 4.6-26**).

Mitigation Measures

Refer to **MM AQ-3** through **MM AQ-10** and **MM GHG-2** and **MM GHG-3** in Section 5.2 of these findings.

IMPACT 4.6-2: WOULD THE PROJECT CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY?

FINDINGS:

- 1. CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. IMPACTS ASSOCIATED WITH POTENTIAL CONFLICTS WITH ENERGY EFFICIENCY PLANS WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: The energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the 2019 CALGreen building code. The Project would be required to comply with these existing energy standards and any updates to these standards that come into existence prior to construction. In addition, the Project is consistent with the San Bernardino County Greenhouse Gas Reduction Plan which will also reduce energy use. Compliance with state and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) (RTP/SCS), adopted in September 2020, integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS. (**Draft EIR, p. 4.6-26**). However, due to the size of the Project and potential volume of fuel consumed in the operation of the Project, it cannot be confirmed that energy use involved in Project implementation would remain consistent at all times. Therefore, this impact is conservatively considered significant and unavoidable. (**Draft EIR, p. 4.6-27**).

Mitigation Measures

Refer to **MM AQ-3** through **MM AQ-10** and **MM GHG-2** and **MM GHG-3** in Section 5.2 of these findings.

Cumulative Impacts. The Project's electricity and natural gas consumption would be negligible in terms of the available supply. The planning projections of SCE and SoCalGas consider planned development for their service areas and are in and of themselves providing for cumulative growth. Therefore, it is likely that the cumulative growth associated with the related projects is already accounted for in the planning of future supplies to cover projected demand. It is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's construction and operational demand. (**Draft EIR, p. 4.6-27**). New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, State, and local requirements for energy efficiency. Project demands for diesel fuel are anticipated to decrease over time as ZE and NZE trucks become more available in the future. The Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, State, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. However, due to the high volume of diesel fuel consumption, the Project's diesel fuel consumption would be cumulatively

considerable. As described above, there are no additional feasible mitigation measures that would reduce this impact. Therefore, cumulative impacts would be potentially significant. (**Draft EIR, p. 4.6-28**).

GREENHOUSE GAS EMISSIONS

IMPACT 4.8-1: WILL THE PROJECT GENERATE GREENHOUSE GAS EMISSION, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT?

FINDINGS:

- 1. CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. IMPACTS ASSOCIATED WITH GHG EMISSIONS WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: Several PDFs and standard conditions of approval applicable to the Project would help to reduce GHG emissions. In addition, prior to issuance of a building permit, San Bernardino County would review and verify that the Project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The Project would also be required to adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, and energy efficiency. Construction activities would be required to monitor air quality emissions using applicable regulatory guidance such as the SCAQMD Rules.

GHG emissions associated with the Project are summarized in ***Draft EIR Table 4.8-3: Project Greenhouse Gas Emissions***, which shows that the Project's unmitigated emissions would be approximately 219,696 MTCO₂e annually from operations with amortized construction, and 207,327 MTCO₂e with mitigation. Project-related GHG emissions would exceed the County's 3,000 MTCO₂e per year review standard. It should be noted that the majority of the unmitigated GHG emissions (86 percent) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and the Project has no control over these standards. (**Draft EIR p. 4.8-23**). The County uses a review standard of 3,000 MTCO₂e per year to identify projects that require the use of the Screening Tables. The County's GHG Development Review Process specifies a two-step approach in quantifying GHG emissions. First, a screening threshold of 3,000 MTCO₂e/year is used to determine if additional analysis is required. Projects that exceed the 3,000 MTCO₂e/year are required to either achieve a minimum 100 points per the Screening Tables or a 31 percent reduction over 2007 emissions levels. According to the County's 2021 GHG Emissions Reduction Plan Update, any project that adopts at least 100 points of GHG performance standards listed in the proposed 2021 Screening Tables, would be consistent with the County's GHG Emissions Reduction Plan to reduce emissions to 40 percent below 2007 levels. Meeting this reduction would be consistent with the State's long-term goal to achieve statewide carbon neutrality (zero net emissions) by 2045, and therefore, would result in a less than significant impact related to GHG emissions. ***Draft EIR Table 4.8-4: San Bernardino County GHG Reduction Measures Screening Table*** shows that each building would potentially earn 104 points on the County's GHG Screening Tables, which would exceed 100 points required to be consistent with the County's GHG Emissions Reduction Plan. (**Draft EIR p. 4.8-24**). However, due to the size of the Project, the Project's emissions could be considered significant. Additionally, 86 percent of the total emissions are from mobile sources. Mitigation measures would be required to reduce emissions to the maximum extent feasible; however, emissions of motor vehicles are controlled by State and Federal standards and the Project has no control over these standards. CARB is addressing emissions from heavy duty vehicles through various regulatory programs including lower emission standards, restrictions on idling, the use of post-combustion filter and catalyst equipment, and retrofits for diesel truck fleets. Additionally, the SCAQMD is addressing mobile source emissions through the implementation of the Warehouse Indirect Source Rule (Rule 2305), which would reduce the Project's emissions. Nonetheless, impacts related to GHG emissions are conservatively considered significant and unavoidable despite the implementation of all feasible mitigation.

There are no additional measures available that would further reduce emissions because the majority of the Project's emissions come from mobile sources which are regulated by the State and not the County of San Bernardino. (**Draft EIR p. 4.8-24 to 4.8-33**).

Mitigation Measures

Refer to **MM AQ-1** through **MM AQ-10** and **MM GHG-1 to MM GHG-5** in Section 5.2 of these findings.

Cumulative Impacts. An individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. The Project-related GHG emissions would exceed the County's 3,000 MTCO₂e review standard. As such, the Project is required to achieve a minimum 100 points per the County's GHG Emissions Reduction Plan Screening Tables. According to the County's 2021 GHG Emissions Reduction Plan Update, any project that adopts at least 100 points of GHG performance standards listed in the proposed 2021 Screening Tables would be consistent with the County's GHG Emissions Reduction Plan to reduce emissions to 40 percent below 2007 levels. Meeting this reduction would be consistent with the State's long-term goal to achieve statewide carbon neutrality (zero net emissions) by 2045, and therefore, would result in a less than significant impact related to GHG emissions. As discussed above, and shown in **Draft EIR Table 4.8-4**, each building within the proposed Project would earn 104 points on the County's GHG Screening Tables, which would exceed 100 points. **MM GHG-1** through **MM GHG-5** have been included to ensure application of the GHG reduction measures. As such, the Project would be consistent with the State's long-term goal to achieve statewide carbon neutrality by 2045. However, as discussed above, due to the Project emissions and the fact that 86 percent of the emissions are from mobile sources, the Project's GHG emissions would be cumulatively considerable. As noted above, mobile sources are regulated at the State and Federal level and the Project has no control over these standards. The reduction of mobile source and warehouse emissions are being addressed by various CARB and SCAQMD regulations. Mitigation measures would be required to reduce Project emissions to the maximum extent feasible. However, despite Project Design Features, Standard Conditions, Mitigation Measures and CARB and SCAQMD efforts to reduce mobile source emissions, the Project would result in a potentially significant cumulative GHG impact. (**Draft EIR, p. 4.8-42**).

NOISE

IMPACT 4.13-1: WOULD THE PROJECT RESULT IN GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?

FINDINGS:

- 1. CHANGES OR ALTERATIONS HAVE BEEN REQUIRED IN, OR INCORPORATED INTO THE PROJECT WHICH AVOID OR SUBSTANTIALLY LESSENS THE SIGNIFICANT ENVIRONMENTAL EFFECT AS IDENTIFIED IN THE EIR.**
- 2. IMPACTS ASSOCIATED WITH OFF-SITE TRAFFIC NOISE WILL CONSTITUTE A SIGNIFICANT AND UNAVOIDABLE IMPACT.**

Facts in Support of Findings: The Project's construction-related noise would not exceed the County's Development Code standards. Construction noise levels would not exceed the FTA noise standard of 80 dBA at the nearest sensitive receptors during Project construction, and construction traffic would not result in a noticeable increase in traffic noise levels. In addition, compliance with the best management practices and allowable construction hours in the San Bernardino County Code, as set forth in Standard Condition **SC NOI-1**, would further minimize impacts from construction noise. **SC NOI-1** would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other State required noise attenuation devices, signs are posted near residences with contact information and dates of

construction activities, construction notices are sent to adjacent residences, construction haul routes avoid sensitive uses where possible, and designating a noise disturbance coordinator to minimize and manage construction noise, among others. Therefore, construction-related noise impacts from would be less than significant in this regard. (**Draft EIR, p. 4.13-14 to 4.13-18**).

With regard to on-site operational noise impacts, the Project will not result in significant impacts related to train noise, mechanical equipment, truck delivery and loading dock noise, or noise from parking and parking lot activities. (**Draft EIR, p. 4.13-18 to 21**). Likewise, the noise levels from these combined stationary sources will not exceed the County's applicable noise standards. (**Draft EIR Table 4.13-13**).

With regard to off-site traffic noise, implementation of the Project would generate increased traffic volumes along nearby roadway segments. The proposed Project would result in approximately 43,549 daily trips at full buildout, including approximately 9,865 daily truck trips. Increases in traffic noise levels along Randall Avenue (from Cherry Avenue to Citrus Avenue) would exceed 3.0 dBA and would exceed the County's applicable noise standard of 60 dBA CNEL for residential uses under Phase 1 and Phase 2 conditions. The impacted roadway segments along Randall Avenue comprise approximately three miles and land use along this stretch are primarily residential. Potential mitigation measures to reduce the Project's traffic noise impacts at the impacted residences would include the construction of sound walls, noise abatement design features (e.g., providing upgraded windows), and/or re-paving the impacted roadway segments with rubberized asphalt. (**Draft EIR, 4.13-22**). However, there are several issues with the aforementioned measures that would make off-site mitigation for traffic noise impacts infeasible:

- The Project applicant (and the future Master Developer/Site Developers) does not have jurisdiction over the local roadways and/or existing residences to directly mitigate traffic noise impacts at the impacted receivers.
- Sound walls are not feasible at the impacted residences due to driveway access issues. The noise barriers would have gaps to allow for driveway access and would be ineffective.
- Sound walls could create safety issues for ingress/egress at the residential driveways.
- The cost of a sound wall and/or rubberized asphalt is not proportional to a barely perceptible increase (+3 dBA) for two roadway segments, while a barely perceptible increase would occur at the remaining segments.
- Individual residences may deny approval of sound walls or upgraded windows.
- Rubberized asphalt surface would not be consistent with the rest of the roadway(s) in the Project area. This could also cause logistical issues for the County Public Works Department and road maintenance contractors.
- Portions of Randall Avenue are not within the County's jurisdiction (i.e., from the mid-block of Elm Avenue and Poplar Avenue east to Citrus Avenue are within the City of Fontana).

For the reasons mentioned above, off-site mitigation to reduce mobile traffic noise impacts from the Project are not feasible for implementation. The amount of traffic generated by the Project would result in a substantial increase in traffic noise in exceedance of the County's noise standards under Opening Year 2024 Plus Phase 1, Opening Year 2027 Plus Phases 1 & 2, and Opening Year 2040 Plus Phases 1 & 2 conditions, and there is no feasible mitigation to reduce these impacts. It should be noted, however, that as electric trucks and passenger vehicles become more commercially available in accordance with California's Advanced Clean Truck (ACT) and zero emission vehicle (ZEV) rules, the truck fleets and passenger vehicles accessing the Project site would generate lower traffic noise levels compared to a business-as-usual scenario. Nonetheless, off-site traffic noise impacts from the Project would be significant and unavoidable. (**Draft EIR, p. 4.13-23 to 4.13-24**).

Mitigation Measures

No feasible mitigation measures are available to avoid or substantially lessen the significant off-site traffic noise impact identified in the EIR.

Cumulative Impacts. As indicated in **Draft EIR Table 4-1: Cumulative Projects List, Section 4.0: Environmental Impact Analysis**, there are several cumulative projects within the immediate vicinity of the Project site. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. However, construction activities at other planned and approved projects near the Project site would be required to comply with applicable County rules related to noise including limiting construction to daytime hours with no construction on Sundays or Federal holidays.

Further, projects requiring County discretionary approvals would be required to evaluate construction noise impacts, comply with the County's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. The Project's construction impacts were determined to be less than significant. Therefore, Project construction would not result in a cumulatively considerable contribution to a significant cumulative impact related to construction noise. **(Draft EIR, p. 4.13-28).**

Operational noise from stationary sources caused by the proposed Project would be less than significant as operational noise would be within the County's standards. As stationary noise sources are generally localized, there is a limited potential for other projects to contribute to cumulative noise impacts in the Project vicinity. Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant. Similar to the proposed Project, other planned and approved projects would also be required to mitigate for any potentially significant stationary noise impacts at nearby sensitive receptors, if necessary, and comply with applicable County regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the Project would not make a cumulatively considerable contribution to significant cumulative operational noises. **(Draft EIR, p. 4.13-31).**

The Project would result in a cumulatively considerable contribution to a cumulatively significant operational traffic noise impact at several roadway segments in the Project area including: Randall Avenue from Cherry Avenue to Beech Avenue, Randall Avenue from Beech Avenue to Citrus Avenue, Randall Avenue from Citrus Avenue to Sierra Avenue, Cherry Avenue from Foothill Boulevard to Arrow Route, Cherry Avenue from Whittram Avenue to Merrill Avenue, Cherry Avenue from Randall Avenue to San Bernardino Avenue, and Cherry Avenue from San Bernardino Avenue to Valley Boulevard. **(Draft EIR, p. 4.13-29 to 4.13-31).** No additional feasible mitigation measures are available that can reduce cumulative off-site mobile traffic noise impacts to a less than significant level.

5.4 ALTERNATIVES TO THE PROJECT

Section 6.0 of the Draft EIR analyzes the following three (3) alternatives to the Project as proposed, and evaluates these alternatives for their ability to meet the Project's goals and objectives. CEQA requires the EIR to include in its evaluation a No Project Alternative. Additionally, CEQA requires the EIR to describe a reasonable range of alternatives to the Project which would feasibly attain the basic Project objectives but would avoid or substantially lessen any of the identified significant impacts.

Alternatives considered within this analysis include:

- No Project Alternative/No Build Alternative
- Reduced Footprint Alternative
- Commercial Project Alternative

A fourth alternative, the Alternative Site Alternative, was considered but rejected. An alternative site was not considered applicable or feasible, as the Project Applicant does not control other undeveloped property of similar size within the County or in the immediate area. Additionally, there are minimal remaining developable sites in the urban portions of the County that are approximately commensurate in size to the Project. Further, an alternative site in a comparable location would not be likely to substantially reduce any potential impact created by Project implementation. For these reasons, the Alternative Site Alternative was rejected from further consideration and is not discussed further.

The analysis included in the Draft EIR describes each Alternative, analyzes the impacts of the Alternative as compared to the Project, identifies significant impacts of the Project that would be avoided or lessened by the Alternative, assesses the Alternative's ability to meet most of the Project objectives, and evaluates the comparative merits of the Alternative and the Project. In making the following findings relating to Project alternatives, the County certifies that it has independently reviewed and considered the information included in the Draft EIR.

Significant and Unavoidable Impacts of the Project.

Sections 4.1 through 4.20 of the Draft EIR address the environmental impacts of implementation of the Project. The analyses contained in these sections identified the following significant and unavoidable environmental impacts resulting from the Project:

Air Quality

The Project would result in the following significant and unavoidable air quality impacts, despite the implementation of all feasible mitigation measures: (1) conflict with or obstruct implementation of the applicable air quality plan, due to construction and operational emissions; (2) result in a cumulatively considerable net increase in criteria pollutants for which the region is non-attainment, due to construction and operational emissions; and (3) although localized impacts would be less than significant for both Project-related construction and operational emissions, a significant and unavoidable cumulative impact would occur due to regional criteria pollutant emissions.

Energy

The Project would result in a significant unavoidable impact due to the volume of fuel that will be consumed by the Project once operational. While the Project is consistent with applicable State and local plans for renewable energy or energy efficiency, the size of the Project and the potential for the Project to increase San Bernardino County's consumption of diesel fuel by more than five percent is conservatively considered significant and unavoidable. Although Project demands for diesel fuel are anticipated to decrease over time as ZE (zero emission) and NZE (near-zero emission) trucks become more available, the volume of fuel that will be consumed for Project operations in the interim means that energy use involved in Project implementation may not remain consistent with applicable energy-related plans at all times.

Greenhouse Gas Emissions

The Project would result in the following significant and unavoidable greenhouse gas (GHG) emissions impacts, despite the implementation of all feasible mitigation measures: (1) generation of 207,327 MTCO_{2e} per year (mitigated) of GHG emissions that could have a significant impact on the environment, 86 percent of which are from mobile sources which are subject to State and Federal standards and therefore cannot be reduced by the Project; and (2) the Project would result in a potentially significant cumulative GHG impact.

Noise

Project-level Noise impacts would be less than significant with the exception of off-site traffic noise along Randall Avenue from Cherry Avenue to Citrus Avenue and Randall Avenue from Beech Avenue to Citrus Avenue. Cumulative traffic noise impacts would also occur as a result of increased traffic on local roadways due to buildout of the proposed Project and other projects in the vicinity along the following roadways: Randall Avenue from Cherry Avenue to Beech Avenue, Randall Avenue from Beech Avenue to Citrus Avenue, Randall Avenue from Citrus Avenue to Sierra Avenue, Cherry Avenue from Foothill Boulevard to Arrow Route, Cherry Avenue from Whittram Avenue to Merrill Avenue, Cherry Avenue from Randall Avenue to San Bernardino Avenue, and Cherry Avenue from San Bernardino Avenue to Valley Boulevard. There is no feasible mitigation to reduce Project-level or cumulative off-site traffic noise impacts to less than significant.

Alternative 1. No Project/No Build Alternative.

Findings: The No Project/No Build Alternative allows decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project by leaving the Project site in its existing condition with the existing development. No development would occur under this alternative. (**Draft EIR, p. 6-6**). All impact areas which were anticipated to result in a less than significant impact, less than significant with mitigation measures, or a significant and unavoidable impact due to implementation of the Project would be eliminated under the No Project/No Build Alternative. The No Project/No Build Alternative would avoid all potential significant impacts and significant and unavoidable impacts that would occur from Project construction and operation. The lack of significant impacts associated with the No Project/No Build

Alternative would be mostly consistent with the conclusions made for the Project, with the exception of air quality, energy, GHG emissions, and noise, for which significant unavoidable impacts would occur under the Project. This Alternative would fail to improve infrastructure that includes public and private transportation, sewer, water, drainage, solid waste disposal (Objective 5) or to maximize the efficient movement of goods throughout the region (Objective 1). Further, this Alternative would not maximize the use of one of the few remaining large industrial sites in Southwestern San Bernardino County (Objective 2), nor would it develop and operate a large format high-cube logistics and e-commerce center that positively contribute to the economy (Objective 11), nor would 261,360 SF of ancillary commercial be developed for the nearby businesses/residents. Lastly, this Alternative would not develop and operate employee-intensive facilities to serve the region (Objective 12). (**Draft EIR, p. 6-13**).

Aesthetics. Under the No Project/No Build Alternative, the site would continue to operate with the existing ACS facility that is located on-site. With the No Project/No Build Alternative, no visual changes to the site as seen from off-site viewers including residents to the east and north or motorists around the site would occur due to the new development, as compared to the existing development on the property that currently exists. It is anticipated that the Project would result in an increase in nighttime lighting from security lights and parking lot lighting which is expected to be more than the existing on-site surface parking lots because of the increased need associated with the new high-cube logistics/e-commerce and ancillary commercial uses. Therefore, under this Alternative, impacts regarding aesthetics, light, and glare would be reduced when compared to the Project. (**Draft EIR, p. 6-7**).

Agriculture and Forestry. The Project would result in no impacts to Agriculture and Forestry Resources. Under the No Project/No Build Alternative, the site would continue to operate with the existing ACS facility. The No Project/No Build Alternative would be environmentally equivalent to the Project regarding Agriculture and Forestry Resources. (**Draft EIR, p. 6-7**).

Air Quality. Short-term air quality impacts from grading and construction activities associated with the Project would not occur with the No Project/No Build Alternative, as no land uses would be disturbed, and the Project's high-cube logistics/e-commerce and ancillary commercial uses and associated streets, parking, and landscaping would not be constructed. The Project's construction-related emissions, which would be significant and unavoidable, would be avoided. Operational emissions from the Project would be associated with area sources, energy sources, mobile sources (i.e., motor vehicle use), off-road emissions, and transport refrigeration units (TRUs). Operational emissions associated with this Project would be significant and unavoidable. Operational impacts associated with the existing use (continued use of the ACS facilities on site), would remain due to mobile sources (i.e., motor vehicle use). However, operational emissions of the existing use would be less than that of the Project. Therefore, the No Project/No Build Alternative would result in reduced air quality impacts as compared to the Project. (**Draft EIR, p. 6-7**).

Biological Resources. The Project would result in less than significant environmental impacts to special-status species, riparian habitats, and jurisdictional waters with mitigation measures implemented. The Project would have no impact on wetlands or wildlife movement/migration. Under this Alternative, none of the Project's impacts would occur, and no habitat modification or tree removal would occur. The No Project/No Build Alternative would result in no change to existing conditions to biological resources when compared to the Project, as no habitat, or plant or wildlife species would be impacted. (**Draft EIR, p. 6-7**).

Cultural Resources. The Project would result in no impacts to historical resources and less than significant impacts to as-yet undiscovered archaeological resources, with mitigation incorporated. Under this Alternative, these potential Project impacts would be avoided, as no ground disturbing activities would occur. This Alternative would also avoid the Project's potential for disturbing human remains, which would be less than significant through compliance with the established regulatory framework as outlined in **Mitigation Measure (MM) CUL-2**. The No Project/No Build Alternative would result in reduced impacts to cultural resources as no change would occur to existing conditions, as compared to the Project. There would be no potential for impacting resources since no ground disturbing activities would occur. (**Draft EIR, p. 6-8**).

Energy. The energy consumption associated with Project construction which includes electricity use associated with water utilized for dust control, diesel fuel from on-road hauling trips, vendor trips, and off-road construction diesel equipment, as well as gasoline fuel from on-road worker commute trips would not occur with this Alternative, since the Project would not be constructed. Project construction impacts, which would be significant and unavoidable, would not occur. Under this Alternative, energy use associated with operations of the existing uses on-site would continue. However, when compared to the Project, this

Alternative would consume far less energy for operational use. The No Project/No Build Alternative would result in reduced energy impacts as compared to the Project, as no increase in long-term energy consumption associated with the Project would occur. **(Draft EIR, p. 6-8).**

Geology and Soils. The soil erosion or loss of topsoil from grading and excavation operations that would occur with the Project would not occur with this Alternative, since the Project would not be constructed. This Alternative would avoid the impacts associated with the Project, which would be less than significant with mitigation incorporated. Continuation of the existing uses at the Project site would intermittently expose users to seismic, geologic, and soils hazards, similar to what would occur under the Project. Since no Project improvements would be constructed under the No Project/No Build Alternative, this Alternative would avoid the Project's potential for unique paleontological or geologic resources to be impacted from ground disturbing activities, which would be less than significant with mitigation incorporated. The No Project/No Build Alternative would result in reduced geological, soils, and paleontological resources impacts, as no change would occur to existing conditions, as compared to the Project. **(Draft EIR, p. 6-8).**

Greenhouse Gas Emissions. Under the No Project/No Build Alternative, GHG emissions would not increase as would occur under the Project. Emissions resulting from short-term construction and long-term operations would not occur under this Alternative. Although operation of the site would continue with the existing facilities on-site and would include automobile trips and other operational activities that would generate GHGs; however, development of the Project would generate a far greater number of daily and peak trips and construction emissions that would make a greater contribution to GHG emissions. The Project's significant and unavoidable GHG emissions impacts would be eliminated under this Alternative because the high-cube logistics/e-commerce and ancillary commercial buildings would not be constructed. Therefore, the No Project/No Build Alternative would result in reduced GHG emissions as compared to the Project since no increase in GHG emissions would occur. **(Draft EIR, p. 6-9).**

Hazards and Hazardous Materials. Under this Alternative, all of these impacts would be avoided since short-term construction and long-term operations associated with the Project would not be implemented. No high-cube logistics/e-commerce or ancillary commercial facilities, landscape improvements, and other associated on-site and off-site improvements would occur, which would eliminate the potential for the Project to result in any release of hazardous materials off-site. However, under this Alternative, operation of the site for the existing ACS facility uses would continue and there is a continued potential for the release of hazardous materials associated with these uses. The No Project/No Build Alternative would result in reduced impacts related to hazards and hazardous materials as compared to the Project, since no ground disturbing activities would occur, and no new buildings or structures would be constructed or operated. **(Draft EIR, p. 6-9).**

Hydrology and Water Quality. The No Project/No Build Alternative would not result in short-term impacts to water quality, since no grading, excavation, or construction activities would occur. The less than significant short-term water quality impacts that would occur with the Project would be avoided with this Alternative. The No Project/No Build Alternative would not substantially change the hydrologic conditions, compared to development of the site with high-cube logistics/e-commerce and ancillary commercial facilities. Project implementation would increase the rate and amount of stormwater runoff, and effects on water quality, by increasing impervious surfaces and land uses. The Project's potential long-term hydrology and water quality impacts, which were concluded to be less than significant, would be avoided with this Alternative. The Project's impacts concerning groundwater supplies would be less than significant, although Project implementation would increase demands on groundwater resources through the addition of proposed land uses. This Alternative would leave the Project area with permeable surfaces which would facilitate more groundwater infiltration. Under the No Project/No Build Alternative, no impact would occur to groundwater supplies, as no land uses would be added, and Project impacts concerning groundwater supplies would be avoided. The No Project/No Build Alternative would result in reduced impacts to hydrology and water quality as compared to the Project, since no increase in stormwater capacity would occur, impervious surfaces would not increase, and land uses would not be added. **(Draft EIR, p. 6-9 to 6-10).**

Land Use and Planning. Under this Alternative, the Project site would remain in its current condition, and as such, no high-cube logistics/e-commerce and ancillary commercial facilities and associated Project components would be developed. In addition, there would be no need for the County to issue the land use approvals requested by the Project. Land use and planning impacts under the Project would be less than significant without the need for mitigation. This Alternative would result in reduced impacts to land use and planning as compared to the Project. **(Draft EIR, p. 6-10).**

Mineral Resources. Under the No Project/No Build Alternative, potential short-term impacts to Mineral Resources would be eliminated since there would be no grading, excavation, or construction activities associated with the Project. The Project site is currently disturbed with existing motorsports, commercial, and entertainment uses, and the site is located within an urbanized commercial, industrial, and residential area. These uses would continue with this Alternative. No aggregate recovery is practiced in the area. Therefore, this Alternative would have no impact and be environmentally equivalent to the Project regarding Mineral Resources. **(Draft EIR, p. 6-10).**

Noise. The Project's construction-related noise impacts would be less than significant. The Project's construction-related vibration impacts are also anticipated to be less than significant. The Project's construction-related noise and vibration impacts would not occur with the No Project/No Build Alternative, as no high-cube logistics/e-commerce or ancillary commercial facilities would be constructed. Therefore, the construction-related noise and vibration impacts that would occur with the Project would be avoided with this Alternative. Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project include the following: mechanical equipment; truck travel on the Project site; activities at the loading areas; parking areas; and off-site traffic noise. Off-site traffic noise generated by the Project would exceed County standards, and therefore have a significant and unavoidable impact on sensitive receptors. Once operational, the Project would be a source of ground-borne vibration; however, the impact would be less than significant. Noise and vibration impacts associated with the existing use of the ACS facilities would continue, although at a lesser frequency and duration than that of the Project, as the race events do not reoccur on a daily basis. Under the No Project/No Build Alternative, significant and unavoidable increases due to traffic noise levels would be eliminated since no off-site traffic noise associated with the Project would occur. Therefore, the No Project/No Build Alternative would result in reduced noise and vibration impacts. **(Draft EIR, p. 6-10 to 6-11).**

Population and Housing. Under this Alternative, the Project would retain the site in its current condition, and as such, no logistics/e-commerce or ancillary commercial facilities and associated Project components would be developed. The site is currently developed with facilities associated with the ACS and surface parking lots and would continue to be used for commercial, entertainment, and motorsports uses consistent with the County's General Plan and Municipal Code. In addition, if the high-cube logistics/e-commerce or ancillary commercial facilities are not constructed on this site, it is likely they would be constructed on another site to fulfill the demand for such a use. This would result in a similar demand for new workers potentially needing housing within the County. Therefore, this Alternative would be environmentally equivalent to the Project regarding population and housing. **(Draft EIR, p. 6-11).**

Public Services and Recreation. Under the No Project/No Build Alternative, the development of the Project site would not occur. The site is currently developed with ACS supporting facilities and surface parking lots and would continue to be used for commercial, entertainment, and motorsport uses. Although some demand for public services from the existing development would occur, this demand would be less under this Alternative than the Project. There would be a continued demand for public services including fire protection and emergency medical services, law enforcement, and other general governmental services under this Alternative, but to a lesser degree than the Project. Impacts to public services and recreation would be less than significant under the Project, and the Project would pay applicable fees to ensure an adequate level of services. However, this Alternative would result in reduced impacts to public services and recreation as compared to the Project. **(Draft EIR, p. 6-11).**

Transportation. During Project construction, the Project would generate construction-related traffic. Under this Alternative, since no construction would occur, no temporary construction-related increase in traffic would occur. This Alternative would avoid the Project's construction impacts, which would be less than significant. While the Project would remove the existing land uses such as surface parking lots and ACS supporting facilities, it would not reduce traffic or trips. Project implementation is anticipated to result in 47,352 daily passenger car equivalent (PCE) trips on a daily basis, with 2,188 PCE trips during the morning peak hour (1,425 inbound and 763 outbound) and 4,114 PCE trips (2,118 inbound and 1,997 outbound) during the evening peak hour. While the existing use generates vehicular trips associated with race events, this occurs at a lesser frequency and duration than would occur under the Project. Construction of the Project may require off-site circulation improvements to support operations through 2040. Payment of a fair-share contribution toward future improvements may also be required. The No Project/No Build Alternative would not require said roadway improvements or fair share contributions. The No Project/No Build Alternative would result in reduced transportation impacts as compared to the Project, as no increase in construction and operational trips would occur under this Alternative. **(Draft EIR, p. 6-11 to 6-12).**

Tribal Cultural Resources. The Project would result in less than significant potential impacts to undiscovered tribal cultural resources, with mitigation incorporated. Under this Alternative, these potential Project impacts would be avoided, as no ground disturbing activities would occur. The No Project/No Build Alternative would result in reduced impacts to tribal cultural resources as compared to the Project. There would be no potential for impacting tribal cultural resources since no ground disturbing activities would occur. (**Draft EIR, p. 6-12**).

Utilities and Service Systems. The No Project/No Build Alternative would avoid the Project's temporary increase in demand for utilities and service systems during construction. Project operations would create a demand for water, and increase demand for wastewater conveyance and treatment, electricity and natural gas, and solid waste disposal. This Alternative would eliminate the demand for additional water, wastewater, solid waste disposal, and gas and electricity services. The No Project/No Build Alternative would retain the Project site in its current condition. The site is currently served by utilities and requires water, wastewater, electricity and natural gas, and solid waste disposal services. Those utilities would continue to serve the buildings on site. The No Project/No Build Alternative would result in reduced impacts to utilities and service systems as compared to the Project, since there would be no increase in demand for water, wastewater, electricity, natural gas, and solid waste disposal services relative to existing conditions and no new utilities or facilities would be needed. (**Draft EIR, p. 6-12**).

Wildfire. Neither this Alternative nor the Project would interfere with any emergency plan or evacuation plan. This Alternative also would not exacerbate any existing fire hazards associated with slopes or spreading of wildfire. Lastly, neither the Project nor this Alternative would require construction of any infrastructure that could exacerbate fire hazards. Therefore, this Alternative would be environmentally equivalent to the Project regarding Wildfire. (**Draft EIR, p. 6-12 to 6-13**).

Attainment of Project Objectives. The No Project/No Build Alternative would not meet any of the Project objectives identified above with the exception of partially meeting Objective 6, which is to Facilitate the continued operation of the existing Speedway uses at the Next Gen motorsports facility. The No Project/No Build Alternative Fails to meet all other Project objectives such as maximizing the efficient movement of goods throughout the region through developing and operating a large format high-cube logistics and e-commerce center, as the site would remain in its current condition and would not undergo any development.

Alternative 2. Reduced Footprint Alternative.

Findings: The Reduced Footprint Alternative focuses on redesigning the Project to reduce the building area by 25 percent. (**Draft EIR, p. 6-6**). The up to approximately 6.6 million square feet of high-cube logistics/e-commerce use that would be constructed under the Project would be reduced by 1,650,000 square feet to 4,950,000 square feet. The 261,360 square feet of ancillary commercial use would be reduced by 65,340 square feet to 196,020 square feet. Parking fields/drop lots would remain at 98 acres, providing parking for the Auto Club Speedway/future Next Gen in California Project. Open space associated with the water basin and existing storm channel would remain the same at 9.4 acres. Public right-of-way requirements would also remain the same at 33.7 acres. Alternative 2 would meet the Project Objectives to a lesser degree than the Project because the Reduced Footprint Alternative would not allow for the same level of development of the larger high-cube logistics and e-commerce facilities and would still require the same level of infrastructure costs; therefore, the Alternative would not fully meet all the project objectives. The Reduced Footprint Alternative would provide a reduced fiscal return to the County as a result of the smaller buildings, reduced County fees (Development Impact Fees, etc.), and result in a reduction in the number of employees. (**Draft EIR, p. 6-21 to 6-22**).

Aesthetics. Aesthetic impacts of the Project were determined to be less than significant. Under this Alternative, the site's visual character/quality would be altered similar to the Project, since the existing uses would be removed and replaced with high-cube logistics/e-commerce, ancillary commercial, and parking facilities. With this Alternative, the degree of visual alteration during construction and operations would be slightly less than with the Project, because this Alternative would involve less construction activities to construct smaller buildings within a reduced Project footprint. This Alternative would reduce the high-cube logistics/e-commerce and ancillary commercial space and parking area by 25 percent; thus, aesthetic impacts from light and glare would be proportionately less under this Alternative compared to the Project.

As with the Project, this Alternative would result in less than significant light and glare impacts. The Reduced Footprint Alternative would result in reduced aesthetics and light/glare impacts as compared to the Project. This Alternative would reduce the Project size by 25 percent; thus, proportionately less light/glare would be generated. **(Draft EIR, p. 6-14).**

Agriculture and Forestry. The Project would result in no impacts to Agriculture and Forestry Resources. Under this Alternative, the site would be developed with new high-cube logistics/e-commerce and ancillary commercial uses similar to the Project. The Reduced Footprint Alternative would have no impact to agriculture and forestry resources the same as the Project. **(Draft EIR, p. 6-14).**

Air Quality. This Alternative would reduce the construction and operations air emissions when compared to the Project. Impacts to air quality under the Project for both construction and operation would exceed applicable thresholds for ROG, NOx, CO, and PM₁₀ emissions and even with **MM AQ-1** through **MM AQ-10** applied, impacts would remain significant and unavoidable. Under this Alternative, development would be constructed with a reduced intensity of high-cube logistics/e-commerce and ancillary commercial uses, which would result in reduced emissions during short-term construction and long-term operations. This is because the overall development footprint would be reduced by 25 percent. This Alternative would create lower concentrations of air contaminants, odor, and particulate matter than the Project. However, even if Project construction and operations emissions are reduced by 25 percent, the following pollutants would still exceed SCAQMD thresholds under the Reduced Footprint Alternative with mitigation:

- Phase 1a Construction: NOx, PM₁₀
 - Phase 2 Construction: NOx
- Phase 1a Operations: ROG, NOx, PM₁₀
 - Phase 1b Operations: ROG, NOx
 - Phase 2 Operations: NOx
- Project Buildout: ROG, NOx, CO, PM₁₀, PM_{2.5}

Therefore, although the Reduced Footprint Alternative would generate a reduction in air pollutants associated with construction and operation, the impact would remain significant and unavoidable even with implementation of the Project's mitigation measures, the same as the Project. **(Draft EIR, p. 6-14 to 6-15).**

Biological Resources. Under this Alternative, impacts to special species, riparian habitats, and nesting birds would occur, but to a lesser degree than the Project. Project impacts to biological resources would be less than significant in consideration of compliance with existing laws, ordinances, regulations and standards, and implementation of proposed **MM BIO-1**. Under this Alternative, modification to the existing basin outlet structure to convert the existing detention basin to an infiltration basin to address and treat for storm water quality would still occur. The modifications to the outlet structure would be contained within the footprint of the existing concrete apron and outlet structure and would not impact areas outside the existing concrete footprint area the same as the Project. Therefore, the Reduced Footprint Alternative would result in reduced impacts to biological resources as compared to the Project. **(Draft EIR, p. 6-15).**

Cultural Resources. This Alternative would reduce the high-cube logistics/e-commerce and ancillary commercial space and parking area by 25 percent; thus, creating lesser impacts to Cultural Resources regarding archeological, historic, and human remains. However, like the Project, **MMs CUL-1** and **- MMs CUL-2** would still be required because under this Alternative there still would be subsurface ground disturbance. Therefore, **MMs CUL-1** and **TCR-4** pertaining to undiscovered archaeological resource and human remains, would still be required to reduce potential impacts to a less than significant level. Overall, the Reduced Footprint Alternative would result in reduced impacts to Cultural Resources as compared to the Project because less area would be disturbed. **(Draft EIR, p. 6-15).**

Energy. Energy usage during construction associated with water usage for dust control, diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips would result in significant and unavoidable impacts under the Project. Under the Reduced Footprint Alternative there would be a reduction in construction; therefore, there would be an overall reduction in impacts. This Alternative would result in less than significant impacts concerning energy usage because the annual operation energy expenditure for diesel use would be reduced 25 percent and therefore would not exceed the five percent of the County's annual energy usage. Additionally, the 25 percent reduction would also reduce the installation of 25 percent less solar and/or renewable sources of energy. The Reduced Footprint Alternative would therefore result

in reduced energy impacts and avoid the significant and unavoidable impact that would occur under the Project, as less energy usage would occur under this Alternative as compared to the Project. **(Draft EIR, p. 6-16).**

Geology and Soils. This Alternative would reduce the high-cube logistics/e-commerce and ancillary commercial space and parking area by 25 percent; thus, reducing soil erosion or loss of topsoil from grading and excavation operations, compared to the Project. The Project is susceptible to seismic, geologic, and soils related hazards. The Project would create new land uses, increasing the exposure of people and structures to potential adverse effects associated with seismic, geologic, or soil hazards. In terms of exacerbating geologic hazards, construction and operation under this Alternative would reduce the risk of seismic hazards including faults and seismicity, liquefaction, subsidence, collapse, expansive soils, landslides, soil stability, or slopes, compared to the Project. This Alternative would result in a greater area being designated as open space, leading to a reduction in potential impacts to geological and paleontological resources. With regard to soil disturbance and erosion, this Alternative would also be required to implement an approved SWPPP and BMPs, similar to the Project, which would ensure impacts remain less than significant. Ultimately, this Alternative would not change the existing geologic conditions under which the site would be developed. Both the Project and this Alternative would be required to implement mitigation measures, such as **MM GEO-1** through **MM GEO-6**, to reduce impacts to less than significant levels. The Project would result in less than significant potential impacts to paleontological resources, with mitigation incorporated. These potential Project impacts would also occur with the Reduced Footprint Alternative, but to a lesser degree, as site development/redevelopment would result in less ground disturbing activities due to a reduced development footprint. Mitigation measures would still be required under this alternative. Therefore, the Reduced Footprint Alternative would result in reduced geology and soil, and paleontological resource impacts as compared to the Project. **(Draft EIR, p. 6-16).**

Greenhouse Gas Emissions. Project-related GHG emissions would be significant and unavoidable despite implementation of Project Design Features (PDFs), Standard Conditions (SCs), GHG Reduction Measures, and **MMs GHG-1** through **MM GHG-5**. Since this Alternative would construct smaller high-cube logistics/e-commerce and ancillary commercial facilities, incrementally less GHG emissions would occur during construction of this Alternative. These high-cube logistics/e-commerce and ancillary commercial uses would continue to generate vehicle trips and corresponding GHG emissions, but during operations, this Alternative would generate proportionately less GHG as the development footprint would be reduced. However, the Project's mitigated GHG emissions would exceed the County's 3,000 MTCO₂e per year review standard, at 207,327 MTCO₂e. Even if the emissions were reduced 25 percent under this Alternative, to 155,495 MTCO₂e, it would still far exceed the County's review standard. Therefore, the Reduced Footprint Alternative would be environmentally equivalent to the Project regarding the increase of GHG emissions in both construction and operations phases, although there would be a slight reduction in emissions under this Alternative the impact would remain significant and unavoidable GHG to the same as the Project. **(Draft EIR, p. 6-17).**

Hazards and Hazardous Materials. The Project's potential construction-related impacts involving increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste, were considered to be less than significant with **MMs HAZ-1** through **MM HAZ-3** incorporated. Under the Reduced Footprint Alternative impacts would be slightly reduced since less construction would occur, due to the 25 percent reduction. This would result in a greater area being left in its current state, leading to a reduction in potential discovery of hazardous materials and decreased generation of hazards and hazardous materials. The Project's potential construction-related impacts involving demolition of buildings or structures with asbestos or lead-based paint were also considered to be less than significant with **MM HAZ-3** incorporated. Under this Alternative the impacts would be the same and **MMs HAZ-1** through **3** would still be required to reduce the impact to less than significant. While the operation of the Project site is not anticipated to generate significant impacts, mitigation proposed for the Project's construction phase would be necessary to reduce potential impacts to less than significant levels. The Project's potential operational impacts from transport, handling, and disposal of hazardous materials and waste would be similar with this Alternative, although slightly less due to a reduced development footprint. The Reduced Footprint Alternative would result in reduced hazards and hazardous materials impacts as compared to the Project, since less construction and operational activities would occur. **(Draft EIR, p. 6-17).**

Hydrology and Water Quality. The Reduced Footprint Alternative would reduce the total building square footage by 25 percent; however, the area of impervious surfaces would be similar compared to the proposed Project as the area would either be paved or would remain paved as the majority of the site is currently paved and improved. Therefore, this alternative would result in similar runoff and potential for

impacts to drainage, erosion, and water quality. Like the Project, this alternative would introduce new sources of water pollutants from construction and operation activities. Additionally, this alternative would be required to include storm drain facility improvements, LID, source control, site design, a SWPPP, and treatment control BMPs. As with the Project, mitigation measures would not be required to reduce hydrology and water quality impacts to a level of less than significant. Therefore, the Reduced Footprint Alternative would result in lesser impacts to hydrology and water quality. **(Draft EIR, p. 6-17 to 6-18).**

Land Use and Planning. The Reduced Footprint Alternative assumes similar development as the Project; however, this Alternative would construct smaller high-cube logistics/e-commerce and ancillary commercial facilities. Comparatively, this Alternative proposes approximately 25 percent less overall development. Project impacts were determined to be less than significant. Same as the Project, this Alternative would also require the same land use approvals by the County. This Alternative would similarly be consistent with the Countywide Plan policies and development code standards. The Reduced Footprint Alternative would be environmentally equivalent to the Project regarding land use and planning. The same use would occur on the Project site and be similarly consistent with the Countywide Plan policies. **(Draft EIR, p. 6-18).**

Mineral Resources. No impacts to mineral resources were determined to occur under the Project. Under the Reduced Footprint Alternative, short-term impacts to Mineral Resources due to construction activities would be reduced since there would be less grading and excavation, associated with this Alternative. The Project site is currently disturbed with existing motorsports, commercial, and entertainment uses, and the site is located within an urbanized commercial, industrial, and residential area. No aggregate recovery is practiced in the area. Therefore, this Alternative would be environmentally equivalent to the Project regarding Mineral Resources. **(Draft EIR, p. 6-18).**

Noise. This Alternative's construction-related noise impacts would be 25 percent less than the Project, given that this Alternative involves a smaller development. Due to a smaller development, construction noise impacts under this Alternative would be less than significant, similar to the Project. Once operational, the Project would result in a source of ground-borne vibration; however, the impact would be less than significant. This would be the same under the Reduced Footprint Alternative. During operation off-site traffic noise generated by the Project would exceed County standards (60 dBA CNEL for residential uses), and would therefore have a significant and unavoidable impact on sensitive receptors. Opening Year 2024 Plus Phase 1 traffic noise Levels would range between 57.2 dBA CNEL and 73.9 dBA CNEL. Opening Year 2027 Plus Phases 1 & 2 traffic noise levels would range between 57.4 dBA CNEL and 74.3 dBA CNEL. Under Horizon Year 2040 conditions, traffic noise levels would range between 61.8 dBA CNEL and 74.9 dBA CNEL. Under this Alternative there would be a 25 percent reduction in the size of the new facilities. Reducing the maximum noise levels by 25 percent would result in an overall reduction in noise impacts below the County's standard, thereby avoiding the significant unavoidable operational noise impact that would occur under the Project. The Reduced Footprint Alternative would result in reduced noise impacts compared to the Project. **(Draft EIR, p. 6-18 to 6-19).**

Population and Housing. Under this Alternative, impacts would be less than the Project because this Alternative would include smaller high-cube logistics/e-commerce and ancillary commercial facilities than the Project; therefore, it is anticipated that the demand for employees would be less. It is anticipated that most employees would come from within this unincorporated portion of the County and surrounding areas, and this would result in a similar demand for new workers potentially needing housing within the area. Overall, this Alternative would have slightly reduced impacts to Population and Housing as compared to the Project. **(Draft EIR, p. 6-19).**

Public Services and Recreation. Project impacts to public services would be less than significant, as the Project is not expected to significantly increase the number of residents in the community or increase demands on public services. The Project would construct up to approximately 6.6 million square feet of high cube logistics/ecommerce uses and approximately 261,360 square feet of ancillary commercial uses with a proportionate increase in population and demands for fire, police, medical, schools, and library services, as well as parks and recreational facilities. The Reduced Footprint Alternative would result in a 25 percent smaller development footprint, resulting in proportionately less demand for these public services and recreational facilities than the Project. The Reduced Footprint Alternative would result in reduced impacts to public services and recreational facilities as compared to the Project, as smaller high-cube logistics/e-commerce and ancillary commercial facilities and associated supporting structures would be constructed, resulting in less demand for public services and recreational facilities. **(Draft EIR, p. 6-19).**

Transportation. During Project construction, the Project would generate construction-related traffic resulting in a less than significant impact. Under this Alternative, there would be a reduced amount of construction-related traffic generated because there would be a 25 percent reduction in the size of the Project. Under this Alternative, operational traffic impacts including VMT and trip generation would be less than the Project due to the smaller Project size and corresponding reduction in vehicle trips. This Alternative would not introduce any new curves or dangerous roadway segments and all intersections would be appropriately signalized and/or controlled to ensure safe vehicle movements, the same as the Project. Lastly, this Alternative would conform to all design requirements ensuring safe access for emergency responses, fire lanes, and needed radius for turning large vehicles, similar to the Project. Therefore, this Alternative would result in reduced construction and operational transportation impacts, which would be less than significant under the Project with appropriate planning and design. In sum, the Reduced Footprint Alternative would result in reduced transportation impacts as compared to the Project. **(Draft EIR, p. 6-19 to 6-20).**

Tribal Cultural Resources. The Project would result in less than significant impacts to as-yet undiscovered tribal cultural resources, with MMs TCR-1 thru MM TCR-3 incorporated. Under this Alternative, potential impacts to tribal cultural resources would be reduced when compared to the Project due to the smaller development footprint. However, the same mitigation measures would be required to ensure impacts to any undiscovered TCRs would be less than significant. **(Draft EIR, p. 6-20).**

Utilities and Service Systems. Project impacts to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. Both this Alternative and the Project would result in an increased demand for utilities. Demand for services including natural gas, electricity, water, wastewater treatment, and solid waste disposal would be less than that of the Project. Existing utilities would be extended and upgraded as needed during construction of the Project or this Alternative to serve the anticipated demands and to accommodate operation of each. While the Project and this Alternative would increase the overall demand for services, adequate capacity to serve this Alternative and the Project is anticipated. This Alternative would tie into existing utility lines within the existing roadways and within the existing already disturbed rights-of-way adjacent to the site, similar to the Project. No additional impacts to listed resources, including electricity, natural gas, sewer, water, and telecommunications infrastructure, would occur. Impacts under this Alternative would be reduced as compared to the Project, but would remain less than significant under both this Alternative and the Project. **(Draft EIR, p. 6-20).**

Wildfire. This Alternative also would not exacerbate any existing fire hazards associated with slopes or spreading of wildfire. Lastly, neither the Project nor this Alternative would require construction of any infrastructure that could exacerbate fire hazards. Therefore, this Alternative would be environmentally equivalent to the Project regarding Wildfire and no impacts would occur. **(Draft EIR, p. 6-20 to 6-21).**

Attainment of Project Objectives. The Reduced Footprint Alternative would generally meet the Project objectives, including: (Objective 1) Maximize the efficient movement of good through the region; (Objective 3) Provide a land use plan that is sensitive to the environment through avoidance of sensitive resources; (Objective 4) Develop a high-cube logistics and e-commerce center that is close to Interstate I-10; (Objective 5) Provide a system of infrastructure that includes public and private transportation, sewer, water, drainage, solid waste disposal; (Objective 6) Facilitate the continued operation of the existing Speedway uses at the Next Gen motorsports facility; (Objective 7) Develop and operate an attractive large format high-cube logistics and e-commerce center in Southwestern San Bernardino County; (Objective 8) Develop a location for siting clean industry; (Objective 9) Facilitate the establishment of design guidelines and development standards; (Objective 10) Develop and operate a large format logistics center that limit truck traffic disruption to residential areas; and (Objective 13) Establish guidelines for energy efficiency that promote the conservation of energy resources. However, the Reduced Footprint Alternative would not allow for the level of development of the larger high-cube logistics and e-commerce center and still require the same level of infrastructure costs, and therefore would not meet project objectives. Specifically, this Alternative with smaller buildout of high-cube logistics and e-commerce center would not meet Project objectives including: (Objective 2) Develop and operate a large format high-cube logistics and e-commerce center that maximizes the use of one of the few remaining large industrial sites; and would only partially meet (Objective 11) Develop and operate a large format high-cube logistics and e-commerce center that positively contribute to the economy; and (Objective 12) Develop and operate employee-intensive facilities as this Alternative would have a smaller footprint and revenue-generating capacity.

Alternative 3. Commercial Project Alternative.

Findings: The Commercial Project Alternative replaces the high-cube logistics/e-commerce uses with commercial uses. (**Draft EIR, p. 6-6**). The Project site is located in the General Plan Commercial (C) Land Use Category and in the Special Development - Commercial (SD-COM) Zoning Designation. Commercial development under this Alternative would be developed consistent with this land use category and zoning designation. Under this Alternative, the Project site would develop a commercial and light office warehouse/industrial development that would allow general retail and other uses permitted under this zoning. It is anticipated that the commercial buildings would provide more square footage than the Project with a larger lot coverage, but would have lower building elevations, more store front glazing with parking that would be dispersed to accommodate shoppers and visitors. (**Draft EIR, p. 6-23**). The commercial buildings proposed under Alternative 3 would cover a greater square footage than Project, as commercial and warehouse retail traditionally cover more lot coverage and are spread out to accommodate commercial storefronts with parking to accommodate shoppers and visitors. The increased Project size would likely create greater air quality, GHG, energy and transportation impacts due to increased building footprint and corresponding vehicle trips and emissions. However, the Alternative's noise impacts are anticipated to be equivalent to those of the Project. (**Draft EIR, p. 6-30**).

Aesthetics. Under the Commercial Project Alternative and similar to the Project, the site would be developed with multiple buildings. With this Alternative, visual changes to the site as seen from off-site viewers including residents to the east and north or drivers around the site, would be less intensive than the Project, due to the reduced size of the building height for the Alternative. Commercial buildings typically have lower elevations and are smaller in size, but this Alternative would include more buildings. Total site coverage would be more than the overall site coverage of the project. Light and glare impacts would be increased as there would be more glazing for windows, wall lighting, and wall elevations, as commercial/retail uses generally have more windows than high-cube logistics/e-commerce and industrial buildings. It is anticipated that with this Alternative there would be an increase in nighttime lighting from security lights and parking lot lighting which is expected to be greater than the Project because commercial uses would typically have a higher level of evening activity than industrial uses. Impacts associated with visual changes to the site with regard to building height and architectural/visual elevations would be less than the Project, but site coverage and potential light and glare would be potentially greater than the Project requiring mitigation to reduce impacts associated with light and glare. Therefore, under this Alternative, impacts regarding aesthetics, light, and glare would be environmentally equivalent to the Project. (**Draft EIR, p. 6-23**).

Agriculture and Forestry. The Project site is within SD-COM zoned land and there are no agricultural, forest land, or timberland zoning designated resources in this unincorporated portion of the County. Consistent with the Project no mitigation would be required. This Alternative would be environmentally equivalent to the Project regarding Agriculture and Forestry Resources. (**Draft EIR, p. 6-24**).

Air Quality. Under this Alternative, both short-term construction-related air quality emissions and long-term operational air emissions are anticipated to be greater than the Project due to the increased project square footage and traffic associated with patrons and delivery trucks. The Commercial Project Alternative would be environmentally equivalent to the Project regarding air quality impacts, due to an anticipated increase in both short-term and long-term emissions and similar significant and unavoidable impact. Consistent with the Project, impacts related to both construction and operation would exceed applicable thresholds for ROG, NOx, CO, and PM10 emissions and even with mitigation impacts would remain significant and unavoidable. (**Draft EIR, p. 6-24**).

Biological Resources. Under this Alternative, the Project site would introduce similar impacts to special bird species, nesting birds, and riparian habitats as the Project. Consistent with the Project, implementation of this Alternative would be required to utilize mitigation measures to reduce all potential impacts to less than significant levels. Therefore, this Alternative would result in the same potential impacts to special-status species, nesting birds, and use of the site as habitat or foraging habitat. Similar to the Project, direct and indirect impacts on biological resources would be mitigated to less than significant under this Alternative. The Commercial Project Alternative would be environmentally equivalent to the Project regarding biological resources. (**Draft EIR, p. 6-24**).

Cultural Resources. Under this Alternative, impacts to archeological and historic resources and the potential to disturb human remains would be similar to those of the Project. Similar to the Project, mitigation measures would continue to be required for development under this Alternative. Mitigation measures MMs CUL-1 and MM TCR-4 pertaining to undiscovered archaeological resource and human remains, would still be required to reduce potential impacts to a less than significant level. Therefore, the Commercial Project Alternative would be environmentally equivalent to the Project regarding archeological and historic resources, and human remains. **(Draft EIR, p. 6-24).**

Energy. Due to the projected operational energy consumption, potential energy impacts from the Project are considered significant and unavoidable. Under this Alternative, energy use associated with operations of the 7.8 million square feet of commercial space would likely be greater than the Project, due to the larger project size compared to the Project's up to approximately 6.6 million square feet of high-cube logistics/ e-commerce use and 261,360 square feet of ancillary commercial use. Therefore, this Alternative result in greater energy impacts than the Project. **(Draft EIR, p. 6-25).**

Geology and Soils. The soil erosion or loss of topsoil from grading and excavation operations that would occur with the Project would also occur with this Alternative, since the entire site would be fully improved with either buildings, site paving, walkways, or landscaping. This Alternative would utilize the same mitigation as that associated with the Project and would similarly result in a less than significant impact. The Project site is susceptible to loss of topsoil, impacts from strong seismic activity, and impacts on paleontological resources. This Alternative would likely introduce more people to the area that could be impacted by hazardous geologic conditions. As such, this Alternative would be required to implement enhanced mitigation measures to reduce significant impacts, similar to the Project. In terms of exacerbating geologic hazards, construction and operation of this Alternative would not increase the risk of or from hazards including faults and seismicity, liquefaction, subsidence, collapse, expansive soils, landslides, soil stability, or slopes, compared to the Project. This Alternative would not exacerbate any of the listed existing geologic conditions. With regard to soil disturbance and erosion, although this Alternative would result in a greater area of soil disturbance, this Alternative also would implement an approved SWPPP and BMPs which would ensure these impacts remain less than significant. Ultimately, this Alternative would not change the existing geologic conditions under which the site would be developed. Therefore, the Commercial Development Alternative would result in slightly increased impacts regarding seismicity, geology, and soils as compared to the Project. **(Draft EIR, p. 6-25).**

Greenhouse Gas Emissions. Project-related GHG emissions would be significant and unavoidable despite implementation of Project Design Features (PDFs), Standard Conditions (SCs), GHG Reduction Measures, and MMs GHG-1 through MMs GHG-5. Under this Alternative, GHG emissions are anticipated to be greater than the Project during long-term operations due to the increased project square footage and traffic associated with patrons of the commercial development. This Alternative is anticipated to promote increased production of GHG emissions, and increased vehicular emissions from an increase of employees and patrons when compared to the Project. Like the Project, the Commercial Development Alternative's GHG emissions would remain significant and unavoidable despite the implementation of all feasible mitigation. **(Draft EIR, p. 6-25).**

Hazards and Hazardous Materials. The Project's potential construction-related impacts involving increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste, were considered to be less than significant with **MM HAZ-1** through **MM HAZ-3** incorporated. It is anticipated that this Alternative would produce similar hazards and hazardous material impacts as the Project, because the proposed buildings constructed within the SD-COM zoning designation are not anticipated to utilize, produce, or emit unusual quantities of hazardous materials during short-term construction or long-term operations. All findings of the Summary Assessment of Environmental Conditions and Land Use Restrictions prepared for the Project would be applicable to the Alternative. Commercial uses are anticipated to use some volume of materials such as cleaners, pesticides and fertilizers for landscaping, and other materials for machinery and equipment under this Alternative and the Project. These impacts also would be similar, and substantial differences in the potential risk of upset would not occur. Impacts compared to the Project would be equivalent. Therefore, the Commercial Development Alternative would be environmentally equivalent to the Project. **(Draft EIR, p. 6-26).**

Hydrology and Water Quality. The Commercial Development Alternative would be subject to the same hydrology and water quality regulations as the Project. This alternative would result in similar short-term

impacts to water quality, since grading, excavation, and construction activities would occur. Similar to the Project, Impacts to hydrology and water quality would be less than significant and no mitigation measures would be required. Both the Alternative and the Project would change the hydrologic conditions of the site through development of the Project site. The development of the Alternative would result in a decrease of the rate and amount of stormwater runoff and change its quality, by adding pervious surfaces and land uses in the form of 86.6 acres of landscaped areas. The Project's potential long-term hydrology and water quality impacts, which were concluded to be less than significant, would be the same with this Alternative. Any development under this Alternative would be subject to a water quality management plan and SWPPP with BMPs to minimize impacts from erosion and run-off water. Therefore, the Commercial Development Alternative would be environmentally equivalent to the Project regarding hydrology and water quality impacts. **(Draft EIR, p. 6-26).**

Land Use and Planning. Although the Development Code currently encourages Zoning districts with a suffix with a "COM" to include a focus on commercial Planned Development, development of the site under this Alternative would be incompatible with the surrounding industrial and heavy industrial uses to the west and south of the Project site and the existing ACS and Next Gen motorsport facility. Furthermore, based on the site's size, orientation (association to Cherry Avenue and lack of street frontage) and proximity to other shopping facilities, the viability of supporting 7.8 million square feet of commercial space with General Retail, restaurant uses, etc. may not be feasible. Similar to the Project, this Alternative would not divide an established community. Although Alternative 3 would be in compliance with all applicable development standards, this Alternative would be in conflict with adjacent uses. Therefore, this Alternative would result in greater impacts than the Project regarding land use and planning. **(Draft EIR, p. 6-27).**

Mineral Resources. The Project would result in no impacts regarding Mineral Resources as the Project site is not currently identified for future mining recovery by the County. Under this Alternative, impacts to Mineral Resources would be similar to the Project since the site has already been evaluated for the Project. The Project is within an area designated as MRZ-3. Despite the Project's location within this zone, the site's previously disturbed and developed nature would make any impact to significant mineral resources unlikely. The Project site is currently disturbed with existing motorsports facility uses and the site is located within an urbanized commercial, industrial, and residential area. No aggregate recovery is practiced in the area. Therefore, this Alternative would be environmentally equivalent to the Project regarding Mineral Resources. **(Draft EIR, p. 6-27).**

Noise. The Project's construction-related noise impacts would be less than significant. The Project's construction-related vibration impacts are also anticipated to be less than significant. The Project's construction-related noise and vibration impacts would similarly occur with the Commercial Development Alternative, albeit to a greater extent, as construction of the commercial buildings with an increased total square footage compared to that of the Project would occur. The major noise sources associated with the Project include the following: mechanical equipment (i.e., trash compactors, air conditioners, etc.); slow-moving trucks on the Project site, approaching and leaving the loading areas; activities at the loading areas (i.e., maneuvering and idling trucks, equipment noise); parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise. Noise associated with slow-moving trucks and activities at loading areas would be decreased under this Alternative, while noise associated with parking areas and off-site traffic are assumed to be increased. Therefore, the Alternative is anticipated to result in similar operational noise impacts when compared to the Project, similarly resulting in a significant unavoidable impact. Therefore, this Alternative would be environmentally equivalent to the Project. **(Draft EIR, p. 6-27).**

Population and Housing. Under this Alternative, the Project impacts would be similar to the Project. The Project site is located in the Policy Plan Commercial (C) Land Use Category and in the Special Development - Commercial (SD-COM) Zoning Designation. Because this Alternative would include several commercial buildings with an increased total square footage compared to the Project, it is anticipated that the demand for employees for the Alternative would be greater than the Project. It is anticipated that most employees would come from within the County and surrounding areas, and this would result in a similar demand for new workers potentially needing housing within the County and surrounding areas. Therefore, this Alternative would potentially result in greater impacts than the Project regarding population and housing. **(Draft EIR, p. 6-28).**

Public Services and Recreation. Project impacts to public services would be less than significant, as the Project is not expected to significantly increase the number of residents in the community or increase

demands on public services. Under the Commercial Development Alternative, the development of the Project site would occur similar to the Project. Demand for public services including fire protection and emergency medical services, law enforcement, and other general governmental services under this Alternative, would be similar to the Project. Under this Alternative and the Project, the Applicant would pay applicable fees to ensure an adequate level of services. Therefore, this Alternative would be environmentally equivalent to the Project regarding public services and recreation. **(Draft EIR, p. 6-28).**

Transportation. During Project construction, the Project would generate construction-related traffic. Under this Alternative, an increased amount of construction-related traffic would be generated. This Alternative's impact would be greater than the Project's construction impacts. Under this Alternative, operational traffic impacts including VMT and trip generation would be greater than the Project due to the increased traffic volume associated with patrons of the commercial businesses. This Alternative would be required to be evaluated by the County to ensure that it would not introduce any new curves or dangerous roadway segments and all intersections would be appropriately signalized and/or controlled to ensure safe vehicle movements, similar to the Project. Lastly, this Alternative would conform to all design requirements ensuring safe access for emergency responses, fire lanes, and needed radius for turning large vehicles. Therefore, this Alternative would result in similar impacts associated with transportation, and with appropriate planning and design it is anticipated that impacts would remain less than significant. Under this Alternative, the rate of passenger vehicle trips would be higher, but truck trips would be lower than the Project. Therefore, the Commercial Development Alternative would result in increased impacts to transportation as compared to the Project. **(Draft EIR, p. 6-28).**

Tribal Cultural Resources. The Project would result in less than significant impacts to undiscovered tribal cultural resources, with MMs TCR-1 to MM TCR-4 incorporated. Under this Alternative, similar to the Project, development would be subject to the same mitigation as this Alternative would have similar impacts to tribal cultural resources. This Alternative would be environmentally equivalent to the Project regarding tribal cultural resources and would require the same mitigation measures. **(Draft EIR, p. 6-29).**

Utilities and Service Systems. Both this Alternative and the Project would result in an increased demand for utilities. This Alternative's demands for services including natural gas, electricity, water, wastewater treatment, and solid waste disposal are anticipated to be greater than that of the Project. Existing utilities would be extended and upgraded as needed during construction of the Project and this Alternative to serve the anticipated demands and to accommodate operation of each. While the Project and this Alternative would increase the overall demand for services, adequate capacity to serve this Alternative and the Project is anticipated. Project impacts to utilities and service systems would be less than significant in compliance with existing laws, ordinances, regulations, and standards. No additional unmitigated impacts to utilities and service systems including, electricity, natural gas, sewer, water, and telecommunications infrastructure, are anticipated to occur. It is anticipated that the Alternative would tie into existing utility lines within close proximity to the Project site. Therefore, this Alternative would result in increased impacts to utilities and service systems as compared to the Project. **(Draft EIR, p. 6-29).**

Wildfire. This Alternative also would not exacerbate any existing fire hazards associated with slopes or spreading of wildfire. Lastly, neither the Project nor this Alternative would require construction of any infrastructure that could exacerbate fire hazards. Therefore, this Alternative would be environmentally equivalent to the Project regarding Wildfire. **(Draft EIR, p. 6-29 to 6-30).**

Attainment of Project Objectives. The Commercial Project Alternative is not anticipated to meet all Project objectives to the same degree as the Project. Specifically, the this Alternative would generally meet the following Project objectives, including: (Objective 3) Provide a land use plan that is sensitive to the environment through avoidance of sensitive resources; (Objective 5) Provide a system of infrastructure that includes public and private transportation, sewer, water, drainage, solid waste disposal; (Objective 6) Facilitate the continued operation of the existing Speedway uses at the Next Gen motorsports facility; (Objective 9) Facilitate the establishment of design guidelines and development standards; and (Objective 13) Establish guidelines for energy efficiency that promote the conservation of energy resources.

However, the Commercial Project Alternative would not meet Project objectives including: (1) Maximize the efficient movement of good through the region; (Objective 2) Develop and operate a large format high-cube logistics and e-commerce center that maximizes the use of one of the few remaining large industrial sites; and would partially meet; (Objective 4) Develop a high-cube logistics and e-commerce center that is close to Interstate I-10; (Objective 7) Develop and operate an attractive large format high-cube logistics and e-

commerce center in Southwestern San Bernardino County; (Objective 8) Develop a location for siting clean industry; (Objective 10) Develop and operate a large format logistics center that limit truck traffic disruption to residential areas; (Objective 11) Develop and operate a large format high-cube logistics and e-commerce center that positively contribute to the economy; and (Objective 12) Develop and operate employee-intensive facilities as this Alternative would have a smaller footprint and revenue-generating capacity.

Environmentally Superior Alternative.

Based on the summary of information presented in *Draft EIR Table 6-1, Comparison of Project Alternatives Environmental Impacts with the Project*, the environmentally superior Alternative is Alternative 1: No Project/No Build Alternative. Because Alternative 1 would leave the Project site essentially unchanged and would not have the construction or operational impacts that would be associated with the Project, this Alternative would avoid all impacts than the Project or any of the other alternatives. State CEQA Guidelines § 15126.6(e)(2) states that if the No Project/No Build Alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives.” Aside from the No Project/No Build Alternative, Alternative 2: Reduced Footprint Alternative would have the least environmental impacts because it would develop less of the Project area, resulting in a reduction in construction and operation-related impacts and would incrementally reduce impacts to resource areas, such as aesthetics, biological resources, energy, and noise. However, while the No Project/No Build Alternative is the Environmentally Superior Alternative, it is not capable of meeting the basic objectives of the Project. (*Draft EIR, p. 6-31 to 6-32*).

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

6.1 INTRODUCTION

The California Environmental Quality Act (CEQA) and the CEQA Guidelines provide in part the following:

- (a) CEQA requires that the decision maker balance the benefits of a Project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the decision of the public agency allows the occurrence of significant effect that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the findings under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (Section 15093 of the CEQA Guidelines).

The County of San Bernardino, having reviewed and considered the information contained in the Final EIR for the Project, Responses to Comments and the public record, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this Project.

6.2 OVERRIDING CONSIDERATIONS

To the extent that the significant effects of the Project are not avoided or substantially lessened to below a level of significance, the County of San Bernardino, having reviewed and considered the information contained in the EIR and the public record, and having balanced the benefits of the Project against the unavoidable effects which remain, finds that such unmitigated effects to be acceptable in view of the following overriding considerations. The County finds that any one of these project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations:

1. All feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the Project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the Project,

- or are otherwise socially or economically infeasible when compared to the Project, as described in the Statement of Facts and Findings.
2. The Project will provide electric passenger car charging infrastructure, including charging infrastructure for a future autonomous truck charging area.
 3. The Master Developer will provide grant funding for the purchase of seven (7) Class 8 heavy duty electric trucks; six (6) grants for the purchase of Class 4 through Class 7 medium duty trucks; six (6) grants for Project tenants to purchase light-duty delivery vehicles (generally referred to Class 1, 2, and 3 trucks) for use for deliveries in western San Bernardino County and the immediately proximate area; and a \$75,000 community clean vehicle grant program that will provide up to 75, \$1,000 electric vehicle car grants to San Bernardino County residents and/or fund other programs to advance zero emission transportation. In total, Master Developer has committed to provide \$1,005,000 in electric truck and car grant funding in connection with the Project.
 4. All buildings in the Project will be designed to Leadership in Energy and Environmental Design (LEED™) building standards which promote healthy, highly efficient, and sustainable green buildings.
 5. The Project will provide all necessary infrastructure to enable solar photovoltaic systems on the roofs of the buildings built at the Project. Within two years after the commencement of operations in each such building, the occupant will be required to either install a photovoltaic or other renewable energy system which is sufficient to provide 50% of the power needs of such building.
 6. The Project will provide important open space and recreational amenities in the form of a multi-use trail connection that will provide a 10-foot-wide connection along Street “A” and provide the opportunity for non-motorized transportation, potentially removing some automobiles from area roadways as people opt to bike/walk instead of taking personal automobiles. The Project will also provide a “wellness walk” which includes a designated walking path for employees with five exercise stations along the multi-use trail, along with informal seating areas and nodes of enhanced landscaping at major intersections in the Project.
 7. The Project shall provide an art and signage program, consisting of a NASCAR-themed art walk along the portion of the Property that abuts the Next Gen Motorsports Facility.
 8. The Project is consistent with, and will contribute to achieving the goals and objectives established by the General Plan. Implementing the County’s General Plan as a policy is a legal and social prerogative of the County.
 9. Approval of the Project will create maximum local and regional employment-generating opportunities for citizens of the County and surrounding communities. Specifically, approval of the Project will create approximately 3,732 new jobs, in addition to temporary construction jobs.
 10. Construction spending will create a one-time stimulus to the local and regional economies.
 11. The Project will employ local members of Laborers International Union of North America to ensure the presence of a well-trained, high-quality construction workforce at the Project.
 12. The Master Developer will partner with the Chaffey College INTECH Center (“INTECH”) and contribute \$250,000 to INTECH for job training.
 13. Approval of the Project will contribute towards maximizing employment opportunities within the County to improve the jobs-housing balance and to reduce systemic unemployment within the County. The Project will attract businesses that can expedite the delivery of essential goods to consumers and businesses in the County and region.
 14. Approval of the Project will enhance the fiscal performance of the County and help stabilize the County’s fiscal health, including by way of the payment of a Community Benefit Fee in the amount of \$1.00 per leasable square foot of buildings built at the Project.
 15. Approval of the Project will result in improved infrastructure to keep pace with development, and will enhance the quality of life for the County’s residents by linking land use, transportation and infrastructure development.

16. The Project is strategically located in close proximity to freeways, roads, nearby airports and the ports of Los Angeles and Long Beach, thereby ensuring efficient movement of goods and a reduction in vehicle miles traveled.
17. The Project will provide a network of fully improved streets for the mobility of all users, including future electric trucks.
18. The Project will pay fair share contributions towards future regional circulation improvements.
19. The structures developed for the Project would reduce light and glare effects associated with the bright lighting that would be put in place for the proposed NextGen short track races and events, by forming a physical barrier around three sides of the short track.
20. The Master Developer will contribute \$150,000 to Redwood Elementary School for the repair of its sidewalks.

Although significant impacts will remain, the County will mitigate any significant adverse impacts to air quality, energy, greenhouse gas emissions, and off-site traffic noise to the maximum extent practicable. In its decision to approve the Project, the County has considered the Project benefits to outweigh the environmental impacts.

7.0 CERTIFICATION OF THE FINAL EIR

7.1 FINDINGS

The County certifies that the Revised Final EIR was prepared in compliance with CEQA and the CEQA Guidelines and that the County has complied with CEQA's procedural and substantive requirements.

The County further certifies that it has reviewed and considered the EIR in evaluation the Project and that the EIR reflects the independent judgment and analysis of the County. The County further finds that no new significant information as defined by CEQA Guidelines Section 15088.5, has been received by the County after the circulation of the Draft EIR that would require further recirculation.

Accordingly, the County certifies the Final EIR for the Speedway Commerce Center II Specific Plan Project.

As the decision-making body for approval, the County has reviewed and considered the information contained in the Findings and supporting documentation. The County determines that the Findings contain a complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the County. The following significant environmental impacts have been identified in the Final EIR and will require mitigation but cannot be mitigated to a level of insignificance:

Air Quality

The Project would result in the following significant and unavoidable air quality impacts, despite the implementation of all feasible mitigation measures: (1) conflict with or obstruct implementation of the applicable air quality plan, due to construction and operational emissions; (2) result in a cumulatively considerable net increase in criteria pollutants for which the region is non-attainment, due to construction and operational emissions; and (3) although localized impacts would be less than significant for both Project-related construction and operational emissions, a significant and unavoidable cumulative impact would result due to regional criteria pollutant emissions.

Energy

The Project would result in a significant unavoidable impact due to the volume of fuel that will be consumed by the Project once operational. While the Project is consistent with applicable State and local plans for renewable energy or energy efficiency, the size of the Project and the potential for the Project to increase San Bernardino County's consumption of diesel fuel by more than five percent is conservatively considered significant and unavoidable. Although Project demands for diesel fuel are anticipated to decrease over time as ZE (zero emission) and NZE (near-zero emission) trucks become more available, the volume of fuel that will be consumed for Project operations in the interim means that energy use involved in Project implementation may not remain consistent with applicable energy-related plans at all times.

Greenhouse Gas Emissions

The Project would result in the following significant and unavoidable greenhouse gas (GHG) emissions impacts, despite the implementation of all feasible mitigation measures: (1) generation of 207,327 MTCO_{2e} per year (mitigated) of GHG emissions that could have a significant impact on the environment, 86 percent of which are from mobile sources which are subject to State and Federal standards and therefore cannot be reduced by the Project; and (2) the Project would result in a potentially significant cumulative GHG impact.

Noise

Project-level Noise impacts would be less than significant with the exception of off-site traffic noise along Randall Avenue from Cherry Avenue to Citrus Avenue and Randall Avenue from Beech Avenue to Citrus Avenue. Cumulative traffic noise impacts would also occur as a result of increased traffic on local roadways due to buildout of the proposed Project and other projects in the vicinity along the following roadways: Randall Avenue from Cherry Avenue to Beech Avenue, Randall Avenue from Beech Avenue to Citrus Avenue, Randall Avenue from Citrus Avenue to Sierra Avenue, Cherry Avenue from Foothill Boulevard to Arrow Route, Cherry Avenue from Whittram Avenue to Merrill Avenue, Cherry Avenue from Randall Avenue to San Bernardino Avenue, and Cherry Avenue from San Bernardino Avenue to Valley Boulevard. There is no feasible mitigation to reduce Project-level or cumulative off-site traffic noise impacts to less than significant.

Details of these significant unavoidable adverse impacts were discussed in the Final EIR and are summarized, or were otherwise provided in Section 5.3, *Environmental Effects Which Remain Significant and Unavoidable After Mitigation and Findings*, in the Statement of Facts and Findings.

The County has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the County determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the Statement of Overriding Considerations (See Section 6.0).

CONCLUSIONS

1. Except as to those impacts stated above relating to air quality, energy, greenhouse gases and noise, all other significant environmental impacts from the implementation of the Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Alternatives to the Project, which could potentially achieve the basic objectives of the Project, have been considered and rejected in favor of the Project.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

8.0 ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the County hereby adopts, as Conditions of Approval of the Project, the Mitigation Monitoring and Reporting Plan (MMRP) provided as Resolution Exhibit D. In the event of any inconsistencies between the mitigation measures set forth herein and the attached MMRP,

the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

EXHIBIT H

Development Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

(SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE)

APNs: _____

DEVELOPMENT AGREEMENT NO. 22-01

BY AND BETWEEN

SAN BERNARDINO COUNTY

AND

SPEEDWAY SBC DEVELOPMENT, LLC

DEVELOPMENT AGREEMENT NO. 22-01
BY AND BETWEEN
SAN BERNARDINO COUNTY AND
SPEEDWAY SBC DEVELOPMENT, LLC

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into this ____ day of _____, 2022, by and between SAN BERNARDINO COUNTY, a political subdivision of the State of California (the "County"), and SPEEDWAY SBC DEVELOPMENT, LLC, a Delaware limited liability company (the "Master Developer"), respecting the development of real property in the County. This Agreement is made pursuant to the authority of Section 65864 et seq. of the Government Code of the State of California. This Agreement refers to the County and the Master Developer collectively as the "Parties" and singularly as the "Party."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, et seq. of the Government Code which authorizes any city, county or city and county to enter into a development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application.

B. The Master Developer owns in fee or has a legal or equitable interest in certain real property consisting of approximately 433 acres of land located west of Cherry Avenue and north of San Bernardino Avenue, in the County of San Bernardino, State of California described in Exhibit "A" attached hereto and incorporated herein by this reference and located in the unincorporated area of San Bernardino County (the "Property").

C. The Master Developer intends to develop on the Property up to approximately 6.6 million square feet of high-cube logistics and e-commerce uses and approximately 261,360 square feet of ancillary commercial use, as well as approximately 98 acres of parking field/drop lots which is available to the public, together with the on-site and off-site improvements, facilities and landscaping in connection therewith (the "Project").

D. This Agreement assures development in accordance with the provisions of this Agreement, the Speedway Commerce Center II Specific Plan (the "Specific Plan"), other applicable regulations of the County, and other governmental agencies and regulations having jurisdiction over the Property and the Project.

E. This Agreement is voluntarily entered into by the Master Developer in order to implement the County's Policy Plan (the "General Plan") and the Specific Plan and in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by the County in the exercise of its legislative discretion in order to implement the General Plan and the Specific Plan and in consideration of the agreements and undertakings of the Master Developer hereunder.

F. The County has granted the Master Developer the land use entitlement approvals (the "Project Approvals") which are itemized on Exhibit "B" attached hereto and incorporated and made a part of this Agreement by reference.

G. This Agreement will eliminate uncertainty in planning for and securing orderly development of the Project, provide the certainty necessary for the Master Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and provide public services appropriate to each stage of development.

H. In exchange for the benefits to the County, the Master Developer desires to receive the assurance that it may proceed with the Project in accordance with the existing land use ordinances, subject to the terms and conditions contained in this Agreement and to secure the benefits afforded the Master Developer by Government Code Section 65864.

AGREEMENT

IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES AND THE FORGOING RECITALS WHICH ARE HEREBY INCORPORATED HEREIN, THE COUNTY AND THE MASTER DEVELOPER AGREE AS FOLLOWS:

ARTICLE 1. General Provisions.

A. Property Description and Binding Covenants. The Property is that property described in Exhibit "A", which consists of a map showing its location and boundaries and a legal description, and which is incorporated herein by this reference. The Master Developer represents that it has a legal or equitable interest in the Property and agrees to be bound by this Agreement. The Parties intend and determine that the provisions of this Agreement shall constitute covenants which shall run with said Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties hereto. Until released pursuant to the provisions of this Agreement, or until this Agreement is terminated pursuant to its terms, no portion of the Property shall be released from this Agreement.

B. Effective Date and Term. The effective date of this Agreement shall be the date the Ordinance adopting this Agreement is effective. The term of this Agreement (the "Term") shall commence upon the effective date and shall extend for a period of twenty (20) years thereafter, unless said Term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect and the County shall cause a written notice of termination to be recorded with the County Recorder. If this Agreement is terminated by the Board of Supervisors prior to the end of the Term or if it is deemed terminated as provided below, the County shall cause a written notice of termination to be recorded with the County Recorder. This Agreement shall also be deemed terminated and of no further effect upon entry, after all appeals have been exhausted, of a final judgment or issuance of a final order directing the County to set aside, withdraw or abrogate the Board of Supervisors' approval of this Agreement or any material part of the Project Approvals. Notwithstanding anything to the contrary herein, this

Agreement shall terminate as to, and be of no further force or effect as to, any legal parcel within the Property that contains a building with regard to which a certificate of occupancy has been issued, except such termination shall not discharge Master Developer's obligation to provide community benefits required after the date of an issuance of certificate of occupancy for such building as provided in Article 2 Section J of this Agreement.

C. Equitable Servitudes and Covenants Running With the Land. Any successors in interest to the County and the Master Developer shall be subject to the provisions set forth in Government Code Section 65865.4. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do, or refrain from doing, some act with regard to the development of the Property: (a) is for the benefit of and is a burden upon the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each Party and each successor in interest during ownership of the Property or any portion thereof. Nothing herein shall waive or limit the provisions of Section D below, and no successor owner of the Property, any portion of it, or any interest in it shall have any rights except those assigned to the successor by the Master Developer in writing pursuant to Section D below. Notwithstanding anything to the contrary herein, this Agreement shall terminate as to, and be of no further force or effect as to, any legal parcel within the Property that contains a building with regard to which a certificate of occupancy has been issued except such termination shall not discharge Master Developer's obligation to provide community benefits required after the date of an issuance of a certificate of occupancy for such building as provided in Article 2 Section J of this Agreement.

D. Right to Assign.

1. The Master Developer shall have the right to sell, encumber, convey, assign or otherwise transfer (collectively "assign"), in whole or in part, its rights, interests and obligations under this Agreement to a third party during the Term. Without limiting the generality of the foregoing, the Master Developer's right shall include, without limitation, the transfer/assignment of finished parcels and/or completed buildings and the grant of easements, licenses and the like.

2. The Master Developer shall give written notice to the County of any assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person to whom any notice relating to this Agreement shall be given.

E. Notices. Formal written notices, demands, correspondence and communications between the County and the Master Developer shall be sufficiently given if dispatched to the principal offices of the County and the Master Developer by the means set forth in Article 8 hereof. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either Party may from time to time designate.

F. Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the Parties, in accordance with the provisions of Government Code Sections 65867 and 65868 and San Bernardino County Code Section 86.13.050.

G. Major Amendments and Minor Revisions.

1. Any amendment to this Agreement which affects or relates to (a) permitted uses of the Property; (b) provisions for the reservation or dedication of land; (c) conditions, terms, restrictions or requirements for subsequent discretionary actions; (d) the density or intensity of use of the Property or the maximum height or square footage of proposed buildings; or (e) monetary contributions by the Master Developer, shall be deemed a "Major Amendment" and shall require approval pursuant to a public hearing before the Board of Supervisors, along with approval of modifications of any Project Approvals which are affected by the amendment to this Agreement pursuant to San Bernardino County Code Section 86.13.050. County and Master Developer acknowledge that the provisions of this Agreement require a close degree of cooperation between them and that minor or insubstantial changes to the Project may be required from time to time in order to accommodate design changes, engineering changes, and other refinements. Any amendment which is not a Major Amendment shall be deemed a Minor Revision subject to Section 2 below. The Chief Executive Officer of the County (the "Chief Executive Officer") or his or her delegee shall have the authority to determine if an amendment is a Major Amendment subject to this section or a Minor Revision subject to Section 2 below. The Chief Executive Officer's determination may be appealed to the Board of Supervisors.

2. The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment under Section 1, they shall effectuate such clarifications, minor changes or minor adjustments through a written Minor Revision approved in writing by the Master Developer and the Chief Executive Officer or his or her delegee. Unless otherwise required by law, no such Minor Revision shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement.

ARTICLE 2. Development of the Property.

A. Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Master Developer shall have the vested right to develop the Property for the uses and in accordance with and subject to the terms and conditions of this Agreement and the Project Approvals, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement. If the Master Developer exercises its vested right to develop the Project or any portion thereof, the Master Developer hereby agrees to develop the Project in accordance with this Agreement, the Project Approvals, including the conditions of approval and the mitigation measures for the Project as adopted by the County, and any amendments to the Project Approvals or Agreement as may, from time to time, be approved pursuant to this Agreement.

B. Rules, Regulations and Official Policies.

1. During the Term, the General Plan, the Specific Plan, zoning codes, rules, regulations, ordinances and official policies governing the permitted uses of land, the density and intensity of

use, the maximum height and size of proposed buildings, conceptual architecture, improvement of the Property shown in the Specific Plan approved contemporaneously with this Agreement (“Applicable Rules”) shall be those rules, regulations and official policies in force on the effective date of the ordinance enacted by the Board of Supervisors approving this Agreement. Except as otherwise provided in this Agreement, to the extent any future changes in the Applicable Rules, adopted by the County purport to be applicable to the Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail. To the extent that any future changes in the Applicable Rules adopted by the County are applicable to the Property and are not inconsistent with the terms and conditions of this Agreement or are otherwise made applicable by other provisions of this Article 2, such future changes in the Applicable Rules shall be applicable to the Property. This section shall not preclude the application to development of the Property of changes in County laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in state or federal laws or regulations. In the event state or federal laws or regulations enacted after the date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the County, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction in accordance with Government Code Section 65869.5. To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the County, required by federal or state agencies) have the effect of preventing, delaying or modifying development of the Property, the County shall not in any manner be liable for any such prevention, delay or modification of said development. The Master Developer is required, at its cost and without cost to, or obligation on the part of the County, to participate in such regional or local programs and to be subject to such development restrictions as may be necessary or appropriate by reason of such actions of federal or state agencies (or such actions of regional and local agencies, including the County, required by federal or state agencies). Nothing herein shall be construed to limit the authority of the County to adopt and apply codes, ordinances and regulations which have the legal effect of protecting persons or property from conditions which create a health, safety or physical risk, or prevent the County from denying or conditionally approving any subsequent discretionary approvals on the basis of existing Applicable Rules or new rules, regulations, and policies, which do not conflict with Applicable Rules applicable to the Property at the time of this Agreement.

2. Any final map for the Project shall comply with the rules, regulations and design guidelines in effect at the time the final map is approved. All County ordinances, resolutions, rules regulations and official policies governing the design and improvement and all construction standards and specifications applicable to the Project shall be those in force and effect at the time the applicable permit is granted, unless inconsistent with the Project. County ordinances, resolutions, rules, regulations and official policies governing the design, improvement and construction standards and specifications applicable to public improvements to be constructed by the Master Developer shall be those in force and effect at the time the applicable permit approval for the construction of such improvements is granted, unless inconsistent with the Project Approvals and/or subsequent discretionary approvals, in which event such final map shall comply with the applicable Project Approvals and/or subsequent discretionary approvals. If no permit is required for the public improvements, the date of permit approval shall be deemed the date construction for the public improvements is commenced.

3. This Project shall be constructed in accordance with the standards and prohibitions of the Uniform Building, Mechanical, Plumbing, Electrical, and Fire Codes, county standard construction specifications and details and Title 24 of the California Code of Regulations as adopted or modified by the County, relating to Building Standards, in effect at the time of approval of the appropriate building, grading, encroachment or other construction permits for the Project. If no permits are required for the infrastructure improvements, such improvements shall be constructed in accordance with the provisions of the codes delineated herein in effect at the start of construction of such infrastructure.

4. This section shall not be construed to limit the authority or obligation of the County to hold necessary public hearings before the Planning Commission or the Board of Supervisors as required by state and local law, to limit discretion of the County or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by the County or any of its officers or officials, provided that subsequent discretionary actions shall not conflict with the terms and conditions of this Agreement.

C. Subsequent Discretionary Approvals.

1. The Master Developer's vested right to develop pursuant to this Agreement may be subject to subsequent discretionary approvals for portions of the Project. In reviewing and acting upon these subsequent discretionary approvals, and except as set forth in this Agreement, the County shall not impose any conditions that preclude the development of the Project for the uses or the density and intensity of use set forth in this Agreement. Any subsequent discretionary approvals shall become part of the Project Approvals once approved and after all appeal periods have expired or, if an appeal is filed, if the appeal is decided in favor of the approval. In reviewing and approving applications for subsequent discretionary approvals, the County may exercise its discretionary review and may attach such conditions and requirements as may be deemed reasonably necessary or appropriate to carry out the policies, goals, standards and objectives of the General Plan and the Specific Plan and to comply with legal requirements and policies of the County pertaining to such reserved discretionary approvals, including any new rules, regulations, and policies which do not conflict with the rules, regulations and policies applicable to the Property as set forth in this Agreement and so long as such conditions and requirements do not preclude the uses or the density and intensity of use set forth in this Agreement. This Agreement shall not prevent the County from denying or conditionally approving any subsequent discretionary approvals on the basis of the existing or new rules, regulations, and policies as provided in this Agreement.

2. Pursuant to California Government Code Section 66452.6(a), the expiration of any tentative parcel map pertaining to the Property shall automatically be extended to the date of expiration of the Term.

3. To the maximum extent permitted by law and subject to compliance with all laws governing notice, hearing and deliberation, the County agrees to expedite processing for consideration by the appropriate approving authority; provided, however, that nothing in this section shall, or shall be construed to, constitute a promise or commitment by the County to approve such subsequent discretionary approvals with or without any particular requirements or

conditions, and provided further that prior to the date that such subsequent discretionary approvals may be so approved, the County reserves its full legislative police power authority with respect thereto consistent with its obligations set forth elsewhere in this Agreement. To the extent a subsequent discretionary approval is approved that pertains to the Property, such subsequent discretionary approval shall constitute for all purposes a Project Approval. Subsequent discretionary approvals include, but are not limited to, permits, development plan reviews, tentative maps, final maps, use permits, variances, grading permits, building permits, and occupancy permits that are required for Master Developer to develop all or any portion of the Project

D. Further Assurances to Master Developer. The Parties further acknowledge that the public benefits to be provided by the Master Developer to the County pursuant to this Agreement are in consideration for and in reliance upon assurance that the Project Approvals allow the Project to be developed. Accordingly, while recognizing that the development of the Project may be affected by the exercise of the authority and rights reserved and excepted as provided for herein, the Master Developer is concerned that the judiciary has historically extended to local agencies significant deference in the adoption of rules, regulations, and policies and that in the absence of an express provision set forth in this Agreement, such judicial deference might be construed to permit the County, in violation of the limitations on its reserved authority, to attempt to apply rules, regulations, and policies that are inconsistent with the Project and the Project Approvals. Accordingly, the Master Developer desires assurances that the County shall not, and except as otherwise provided herein, the County agrees that it shall not, further condition, restrict or limit the development of the Property in a manner that is inconsistent with the intent of this Agreement. In this regard, from and after the date that the County approves the Project, as contemplated by this Agreement, if the Master Developer judicially (including by way of a reference proceeding) challenges the County's purported exercise of its reserved authority as being inconsistent with the intent of this Agreement, the Master Developer shall bear the burden of alleging that such purported exercise by the County of its reserved authority is inconsistent with the intent of this Agreement and the County thereafter shall bear the burden of proof in establish by a preponderance of the evidence that such exercise of its reserved authority is consistent with the intent of this Agreement.

E. Development Timing. If the Master Developer exercises its vested right to develop the Project, the Master Developer shall be obligated to comply with the terms and conditions of the Project Approvals and this Agreement. Except as otherwise contemplated in the Project Approvals, the Parties acknowledge that the Master Developer cannot at this time predict with certainty when or the rate at which phases of the Property would be developed. Such decisions depend upon numerous factors which are not all within the control of the Master Developer, such as market orientation and demand, interest rates, competition and other factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development controlling the parties' agreement, it is the intent of the County and the Master Developer to hereby acknowledge and provide for the right of the Master Developer to develop the Project in such order and at such rate and times as the Master Developer deems appropriate within the exercise of its sole and subjective business judgment, subject to the terms, requirements and conditions of the Project Approvals and this

Agreement. The County acknowledges that such a right is consistent with the intent, purpose and understanding of the Parties to this Agreement, and that without such a right, the Master Developer's development of the Project would be subject to the uncertainties sought to be avoided by the Development Agreement Statute, (Government Code Section 65864 et seq.), and this Agreement. The Master Developer shall use commercially reasonable efforts, in accordance with its (sole and subjective) business judgment and taking into consideration market conditions and other economic factors influencing the Master Developer's (sole and subjective) business judgment, to commence or to continue development, and to develop the Project in a regular, progressive and timely manner in accordance with the provisions and conditions of this Agreement and with the Project Approvals. Subject to applicable law relating to the vesting provisions of development agreements, the Parties acknowledge that new rules, regulations, and policies, which do not conflict with those rules, regulations, and policies applicable to the Property at the time of this Agreement, may apply to subsequent discretionary approvals, the Master Developer and the County intend that this Agreement shall vest the Project Approvals against subsequent County resolutions, ordinances, growth control measures and initiatives or referenda, other than a referendum that specifically overturns County's approval of the Project Approvals, that would directly or indirectly limit the rate, timing or sequencing of development, or would prevent or conflict with the land use designations, permitted or conditionally permitted uses on the Property, design requirements, density and intensity of uses as set forth in the Project Approvals, and that any such resolution, ordinance, initiative or referendum shall not apply to the Project Approvals and the Project. The orderly and measured build-out of the Project will allow for the absorption of the new development into the community and the integration of the Project into the community.

Consistent with this Agreement and the Project Approvals each final map shall include a detailed description of the infrastructure improvements and other requirements for the phase shown in the particular final map. As necessary for orderly development, the County may modify the infrastructure requirements, such as water, sewer, utilities, and roads and road improvements, necessary to serve each phase as shown on particular final maps so long as such modifications substantially comply with this Agreement. The County agrees that the Master Developer may employ phased final maps, in order to implement the approved tentative parcel map.

F. Property Acquisition for Off-site Infrastructure. If the Master Developer exercises its vested right to develop the Project or a portion thereof, the Master Developer shall, in a timely manner as reasonably determined by the County and consistent with the Project Approvals and this Agreement, acquire the property rights necessary to construct or otherwise provide the public improvements contemplated by this Agreement and the Project Approvals. In any instance where the Master Developer is required to construct any public improvement on land to which neither the Master Developer nor the County has sufficient title or interest, including an easement or license that the County reasonably determines is necessary, the Master Developer shall make a good faith effort to acquire such title or interest. If the Master Developer is unable to acquire such title or interest, the County shall consider in good faith the acquisition of the required title or interest by negotiation or condemnation. If the County is unable to acquire such title or interest by negotiation or condemnation within the time frame provided for in Government Code Section 66462.5, the County may require the Master Developer to enter into a separate agreement to complete the offsite improvement pursuant to Government Code Section 66462 after the County acquires an interest in the land necessary for the offsite improvements to be made and, subject to

the requirement of a separate agreement as provided herein, the County shall continue to issue the Project Approvals, entitlements and subsequent discretionary approvals (if any) for the Property, despite the fact that the offsite improvement has not been completed.

G. [Intentionally Omitted].

H. Fees, Exactions, Conditions and Dedications.

1. Unless otherwise specified herein, the County-imposed development impact fees and sewer and water connection and capacity fees shall be those in effect at the time of the issuance of a building permit and due and payable by the Master Developer prior to the issuance of the building permit for the building in question.

2. As to the fees required to be paid, the Master Developer shall pay those fees in effect and in the amount in effect at the time the building permit is issued. The County retains discretion to prospectively revise such fees and adopt new fees as the County deems appropriate, in accordance with applicable law.

3. The County may charge and the Master Developer shall pay processing fees for land use approvals, building permits, and other similar permits and entitlements which are in force and effect on a county-wide basis at the time the application is submitted for those permits.

4. The County shall apply subsequently adopted development exactions to the Project if the exaction is applied uniformly to development either throughout the county or with a defined area of benefit that includes the Property. The Master Developer shall likewise be required to pay the regional development impact fees in effect and in the amount due at the time of applying for a building permit.

I. Completion of Improvements. The Parties hereto acknowledge that some of the backbone or in-tract improvements associated with the development of the Project may not need to be completed to adequately service phases of the Project as such development occurs. Therefore, and except as provided below, as and when phases of the Project are developed, all backbone or in-tract infrastructure improvements required to service such phase of the Project in accordance with the Project Approvals (*e.g.*, pursuant to specific tentative map conditions or other land use approvals) shall be completed prior to issuance of any certificate of occupancy for such phase of the Project. However, the Land Use Services Director in consultation with the Public Works Director may approve the issuance of building permits prior to completion of all such backbone or in-tract improvements if the improvements necessary to provide adequate service to the phases of the Project being developed are substantially complete to the satisfaction of the Land Use Services Director prior to the issuance of any temporary certificate of occupancy, or in certain cases at the discretion of the County, adequate security has been provided to assure the completion of the improvements in question prior to the issuance of any final certificate of occupancy.

J. Community Benefits. In the interest of providing maximum benefit to the community by way of implementation of the Project, if the Master Developer exercises its vested right to develop the Project or any portion of the Project, the Master Developer shall provide the following community benefits:

1. **Project Characteristics.** The Project design features proposed by Master Developer, the Environmental Impact Report mitigation measures accepted by Master Developer and the conditions on Project approval accepted by Master Developer (especially those related to air quality, noise, greenhouse gases and energy) will ensure to the community an environmentally sensitive project.
2. **Electric Vehicle Charging.** The Project shall provide electric passenger car charging infrastructure as required by all applicable codes and regulations, including infrastructure for a future autonomous truck area.
3. **Solar Energy.** The Project shall provide all necessary infrastructure to enable solar photovoltaic systems on the roofs of the buildings built at the Project. Within two years after the commencement of operations in each such building, Master Developer shall either install or require each occupant of a building to either install a photovoltaic system which is sufficient to provide 50% of the power needs of such building or some other renewable energy system which provides an equivalent percentage of the power needs of such building.
4. **Leadership in Energy and Environmental Design Standards.** All buildings in the Project shall be designed to Leadership in Energy and Environmental Design (“LEED”) building standards.
5. **Job Training Program Contribution.** The Master Developer shall partner with the Chaffey College INTECH Center (“INTECH”) and contribute \$250,000 to INTECH for job training. Such contribution shall be made prior to the issuance of a certificate of occupancy for the first building built at the Project.
6. **Union Labor.** The Master Developer shall cause its general contractor to use commercially reasonable efforts to employ members of Laborers International Union of North America in connection with the construction of the Project to ensure the presence of a well-trained, high-quality construction workforce at the Project.
7. **Open Space.** The Project shall provide a multi-use trail connection that shall provide a 10-foot-wide connection along Street “A”. The trail shall benefit the environment as it shall provide the opportunity for non-motorized transportation and potentially remove some automobiles from area roadways as people opt to bike/walk instead of taking a personal automobiles. The Project shall provide a wellness walk, which includes a designated walking path for employees with five exercise stations along a multi-use trail. The wellness walk shall provide signage regarding fitness and exercise opportunities. The Project shall also provide informal seating areas, and nodes of enhanced landscaping at major intersections in the Project. Finally, the Project shall provide approximately 3.3 acres of open space area within an existing stormwater basin in Planning Area 4b (shown on the Site Plan).
8. **Improved Streets and Fair Share Contribution.** The Project shall provide a network of fully improved streets on the Property (Streets A (Jimmie Johnson Drive), Street B (Dreamland Drive), Street C (Sunset Drive), Street D (Jeff Gordon Drive) and VIP Road) for the mobility of all users including electric trucks. The Project shall provide direct access to freeways/roads, and

nearby airports and the ports of Los Angeles and Long Beach. The foregoing shall provide access to job centers, emergency services, and commercial activities. The Project shall also pay fair share contributions representing its contribution to future regional circulation improvements.

9. **Art and Signage Program.** The Project shall provide an art and signage program, consisting of a NASCAR-themed art walk along the portion of the Property that abuts the Next Gen Motorsports Facility. Before issuance of a building permit for the third building built at the Project, the Master Developer shall provide a conceptual plan of such Art and Signage Program to the County and shall complete installation of the same, subject to all applicable County Code requirements, prior to the time that it receives a certificate of occupancy for the third building built at the Project.

10. **TDM Program.** The Master Developer shall encourage the occupants of the Project to implement a Transportation Demand Management (“TDM”) Program.

11. **Employee Wellness Program.** The Master Developer shall encourage tenants to implement an Employee Wellness Program, such as the Healthy San Bernardino County program for industrial developers-

12. **Public Services.** The Project shall be designed to incorporate Crime Prevention Through Environmental Design (“CPTED”) strategies to deter and prevent crime.

The Project shall include, without limitation:

- Strategic use of nighttime security lighting;
- Avoidance of landscaping and fencing that limit sightlines;
- Clear sightlines into the facility parking areas; and
- Use of clearly identifiable points of entry.

Improved roadways and new public roadways proposed throughout the Project site shall improve police access to the Project site and the surrounding area.

13. **Electric Truck and Car Grant Programs.** The Master Developer shall provide the Electric Truck and Car Grant Programs as set forth in Exhibit “C” attached hereto and incorporated herein by reference prior to the issuance of the certificate of occupancy for the first building built at the Project.

14. **Redwood Elementary School.** The Master Developer shall contribute \$150,000 to Redwood Elementary School for the repair of its sidewalks. Redwood Elementary School shall be responsible to make such repairs. Such contribution shall be made prior to the issuance of a certificate of occupancy for the first building built at the Project.

15. **Community Benefit Fee.** The Master Developer shall contribute to the County, as a community benefit fee, an amount of money equal to \$1.00 per leasable square foot of buildings built at the Project. Regarding each such building, the Master Developer shall make the

contribution (at the rate of \$1.00 per leasable square foot of such building) prior to the issuance of a certificate of occupancy for such building.

K. Cumulative Traffic Impacts of Project. Based on a level of service analysis for the Project prepared by the Master Developer and approved by the County, the total contribution of the Master Developer related to the cumulative impacts of the Project on traffic facilities in and around the Property is Seven Hundred Sixty-Six Thousand Two Hundred and Forty and No/100 Dollars (\$766,240.00). Prior to the issuance of a building permit for the first building at the Project, Master Developer shall provide the below payments to each of the respective agencies towards a Transportation Improvement Fund that shall be used solely for the purpose of enhancing traffic facilities at intersections listed in the level of service analysis and that may be utilized as needs are evaluated and determined at the sole discretion of the respective agency in which the traffic facility is located. However, each such agency shall hold the amount set forth below for the benefit of the California Department of Transportation (“Caltrans”) to cover upgrading of facilities owned or maintained by Caltrans within its jurisdiction. The distribution of the Seven Hundred Sixty-Six Thousand Two Hundred and Forty and No/100 Dollars (\$766,240.00) shall be as follows:

- **County:** Four Hundred Seventy-One Thousand One Hundred Thirty Three and No/100 Dollars (\$471,133.00) – **Caltrans** - \$22,564;
- **City of Fontana:** One Hundred Eighty-Five Thousand Nine Hundred and Five and No/100 Dollars (\$185,905.00) – **Caltrans** - \$48,268; and
- **City of Rancho Cucamonga:** One Hundred Nine Thousand Two Hundred and Two and No/100 Dollars (\$109,202.00) – **Caltrans** \$25,998.

Based on an understanding between the Master Developer and the affected agencies (County and Cities of Fontana and Rancho Cucamonga), Master Developer agrees that the total contribution to each affected agency may be increased, but in no event by more than thirty (30) percent, and such increase allocated to enhancing traffic facilities at intersections listed in the level of service analysis within the jurisdiction of the respective agency based on the judgement and agreement of the Master Developer and the affected agency. The Master Developer’s total contribution, after any adjustments (if any), shall be administered by each of the respective agencies and, following payment, the Master Developer will have no further involvement in the same. Proof of final total payment shall be provided to the County prior to issuance of a building permit for the first building at the Project.

ARTICLE 3. Obligations of the Master Developer.

A. Improvements. If the Master Developer exercises its vested right to develop the Project or any portion thereof, the Master Developer shall develop the Property in accordance with and subject to the terms and conditions of this Agreement, the Project Approvals and the subsequent discretionary approvals referred to in Article 2, Section B, if any, and any amendments or revisions to the Project Approvals or this Agreement. The failure of the Master Developer to comply with any term or condition of or fulfill any obligation of the Master Developer under this Agreement,

the Project Approvals or the subsequent discretionary approvals or any amendments or revisions to the Project Approvals or this Agreement, shall constitute a default by the Master Developer under this Agreement. Any such default shall be subject to cure by the Master Developer as set forth in Article 4 hereof.

B. Master Developer's Obligations. The Master Developer shall be responsible, at its sole cost and expense, to make the contributions, improvements, dedications and conveyances set forth in this Agreement and the Project Approvals.

C. Expedited Plan Check. The Master Developer may utilize an expedited plan check process for the review of improvement plans and building plans for the Project; provided, however, the Master Developer shall pay the cost of any expedited plan check process, including the cost of any outside consultant selected by the County to carry out the expedited plan check process. Upon written request, the Master Developer shall advance a deposit sufficient to cover the County's estimated costs of retaining the outside consultant. Such deposit shall be replenished as necessary, from time to time, to assure that the County shall not bear any of the cost of the outside consultant.

ARTICLE 4. Default, Remedies, Termination.

A. General Provisions. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either Party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of this Agreement, the Party alleging such default or breach shall give the other Party not less than thirty (30) days' notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured; provided, however, that a reasonable amount of time to cure shall be given considering the nature and extent of the default. During any such cure period, the Party charged shall not be considered in default for purposes of termination or institution of legal proceedings. After notice and expiration of the cure period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other Party to this Agreement may at its option and as its sole and exclusive remedy:

1. Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Property; or
2. Institute legal or equitable action to cure, correct or remedy any default, including but not limited to an action for specific performance of the terms of this Agreement; provided, however, that in no event shall either Party be liable to the other for money damages for any default or breach of this Agreement.

B. Master Developer's Default; Permit Issuance. No building permit shall be issued or building permit application accepted for the building shell of any structure on the Property if the permit applicant is in default under the terms and conditions of this Agreement, unless such default is cured.

C. Annual Review. The Chief Executive Officer, or his or her delegee shall, at least every twelve (12) months during the Term, review the extent of good faith substantial compliance by the Master Developer with the terms and conditions of this Agreement. Such periodic review shall be

limited in scope to compliance with the terms and conditions of this Agreement pursuant to Government Code Section 65865.1 and San Bernardino County Code Section 86.13.070. The Chief Executive Officer, or his or her delegee, shall provide thirty (30) days prior written notice of such periodic review to the Master Developer. Such notice shall require the Master Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other information as may be reasonably requested by the Chief Executive Officer, or his or her delegee, and deemed by him or her to be required in order to ascertain compliance with this Agreement. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Agreement. If, following such review, the Chief Executive Officer, or his or her delegee, is not satisfied that the Master Developer has demonstrated good faith substantial compliance with all the terms and conditions of this Agreement, or for any other reason, the Chief Executive Officer may refer the matter along with his or her recommendations to the Board of Supervisors which body may amend or terminate the Agreement in accordance with San Bernardino County Code Section 86.13.080. The Master Developer shall not be penalized in the event that the County fails to request periodic review as contemplated in this section.

D. Limitation of Legal Actions. In no event shall the County, or its public officials, officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed that the Master Developer's sole legal remedy for a breach or violation of this Agreement by the County shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement. Similarly, in no event shall the Master Developer or its officers, directors, owners, agents or employees be liable in damages for any breach or violation of the Agreement, it being expressly understood and agreed that the County's sole legal remedy for a breach or violation of this Agreement by the Master Developer shall be as set forth in Article 4.

E. Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California exclusive of its choice of law rules. The Master Developer acknowledges and agrees that the County has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the County. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, each Party shall bear its own costs and attorneys' fees regardless of who is the prevailing party. This section shall not apply to those costs and attorneys' fees directly arising from the hold harmless and indemnification provisions of this Agreement.

F. Invalidity of Agreement. If this Agreement shall be determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment. If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either Party in good faith determines that such provision is material to its entering into this Agreement, either Party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the other provisions of this Agreement. In all other cases, the

Parties shall negotiate in good faith for amendments to this Agreement that will cure the invalidity or unenforceability.

G. Effect of Termination on Master Developer Obligations. Termination of this Agreement shall not affect the Master Developer's obligations to comply with the General Plan, the Specific Plan and the terms and conditions of any and all Project Approvals and land use entitlements approved with respect to the Property, nor shall it affect any other covenants of the Master Developer specified in this Agreement to continue after the termination of this Agreement. In that event, the Master Developer reserves all of its rights under the law.

H. Hold Harmless and Indemnification Against Third Party Claims. The Master Developer hereby agrees to defend (with counsel reasonably approved by County), indemnify and save harmless the County, its Board of Supervisors, commissions, officers, employees and agents ("Indemnities"), from and against any and all claims, suits, actions, liability, loss, damage, expense, and cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, against Indemnities which may be brought by a third party to challenge, attack, set aside or void this Agreement, the Project Approvals or subsequent Project Approvals. The County shall notify the Master Developer promptly of any claim or action and cooperate fully in the defense.

ARTICLE 5. Prevailing Wages.

A. Prevailing Wages. Without limiting the foregoing, the Master Developer acknowledges the requirements of California Labor Code Section 1720, et seq., and 1770 et seq., as well as California Code of Regulations, Title 8, Section 1600 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects, as defined. If work pursuant to this Agreement is being performed by the Master Developer as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation under the contract in question is \$1,000 or more, the Master Developer agrees to fully comply with such Prevailing Wage Laws. Upon the Master Developer's request, the County shall provide a copy of the then current prevailing rates of per diem wages. The Master Developer shall make available to interested parties upon request, copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the work subject to Prevailing Wage Laws, and shall post copies at the Master Developer's principal place of business and at the Property. The Master Developer shall defend, indemnify and hold the County, its elected officials, officers, employees and agents free and harmless pursuant to the indemnification provisions of this Agreement from any claim or liability arising out of any failure or alleged failure by the Master Developer to comply with the Prevailing Wage Laws associated with any "public works" or "maintenance" projects associated with Project development.

ARTICLE 6. Project as a Private Undertaking.

A. Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Property is a separately undertaken private development. No partnership, joint venture or other association of any kind between the Master Developer and the County is formed by this Agreement. The only relationship between the County

and the Master Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

ARTICLE 7. Consistency with General Plan and Specific Plan.

A. Consistency with General Plan and Specific Plan. The County hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan and the Specific Plan.

ARTICLE 8. Notices.

A. Notices. All notices, demands, correspondence and payments required by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or overnight mail delivery service, to the addresses of the Parties as set forth below. Notices, demands, correspondence and payments required to be given to the County shall be addressed as follows:

San Bernardino County
County Administrative Center
385 North Arrowhead Avenue
San Bernardino, CA 92415
Attention: _____
Telephone: _____
Email: _____

Notice required to be given to the Master Developer shall be addressed as follows:

Speedway SBC Development, LLC
c/o 901 Via Piemonte, Suite 175
Ontario, California 91764
Attention: Scott Morse
Telephone: (909) 380-7292
Email: scott.morse@hillwood.com

With a copy to:

Speedway SBC Development, LLC
3000 Turtle Creek Boulevard
Dallas, Texas 75219
Attention: Scott Norman
Telephone: (972) 201-2836
Email: scott.norman@hillwood.com

Either Party may change the address stated herein by giving notice in writing to the other Party, and thereafter notices shall be addressed and transmitted to the new address.

ARTICLE 9. Recordation. Within ten (10) business days after the Parties enter into this Agreement, this Agreement shall be recorded in the Official Records of San Bernardino County,

California. Within ten (10) business days following the date that the Master Developer obtains record title to any other portion of the Property in the Project area, this Agreement shall also be recorded in the Official Records of San Bernardino County, California to said parcel(s). Any amendments to this Agreement shall also be recorded in the Official Records of San Bernardino County.

ARTICLE 10. Estoppel Certificates. Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that; to the knowledge of the certifying Party, (a) this Agreement is in full force and effect and a binding obligation of the Parties, (b) this Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Agreement to the knowledge of the responding Party, or if in default, to describe therein the nature and extent of any such defaults. The Chief Executive Officer or his or her delegees shall be authorized to execute any certificate hereunder.

ARTICLE 11. Special District Formation.

A. Community Facilities District for Public Facilities and/or Services. The Master Developer and the County may form a Community Facilities District or Districts (or other public finance district under State law, as appropriate) for the purpose of financing the construction and/or acquisition and/or maintenance of public infrastructure and facilities within the Project area or for the provision of services ("Project CFD(s)"). If requested by the Master Developer, the County may determine whether to form one or more Project CFD(s) for the purpose of providing services or financing the acquisition or construction of some or all of the improvements and facilities eligible for CFD financing within and associated with the Project, including those improvements which will mitigate impacts of the Project upon areas inside and outside of the Project with a useful life of 5 years or longer, and will be owned, operated or maintained by the County or the County's Special Districts or another public agency as authorized under Government Code Section 53311 et seq. and County policy. Nothing in this Agreement commits the County to approve any future Project CFDs.

ARTICLE 12. Provisions Relating to Lenders

A. Lender Rights and Obligations.

1. Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of all or any portion of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of the Master Developer or the Master Developer's successors-in-interest, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which Lender holds an interest. Nothing in this section shall be construed to grant to a Lender rights beyond those of the Master Developer hereunder or to limit any remedy the County has hereunder in the event of a breach by the Master Developer, including termination or refusal to grant subsequent additional land use approvals with respect to the Property.

2. Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of the Master Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive Approvals with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of the Master Developer hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of the Master Developer hereunder or entitled to enforce the provisions of this Agreement against the County unless and until such Lender makes payment of all delinquent and current county fees and charges pertaining to the Property.

3. Notice of Master Developer's Breach Hereunder. If the County receives notice from a Lender having a secured interest in the Project real property requesting a copy of any notice of breach given to the Master Developer hereunder and specifying the address for notice thereof, then the County shall deliver to such Lender, concurrently with service thereon to the Master Developer, any notice given to the Master Developer with respect to any claim by the County that the Master Developer have committed a breach, and if the County makes a determination of non-compliance, the County shall likewise serve notice of such noncompliance on such Lender concurrently with service thereof on the Master Developer.

4. Lender's Right to Cure. If the County receives notice from a Lender having a secured interest in the Project real property requesting a copy of any notice of breach given to the Master Developer hereunder, and specifying the address for notice thereof, such Lender having a security interest in the Project real property shall have the right, but not the obligation, for the same period of time given to the Master Developer to cure or remedy, on behalf of the Master Developer, the breach claimed or the areas of non-compliance set forth in the County's notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of the Master Developer hereunder.

5. Other Notices by County. A copy of all other notices given by the County to the Master Developer pursuant to the terms of this Agreement shall also be sent to any Lender who has requested such notices at the address provided to the County by the Lender.

B. Right to Encumber. The County agrees and acknowledges that this Agreement shall not prevent or limit the owner of any interest in the Property, or any portion thereof, at any time or from time to time in any manner, at such owner's sole discretion, from encumbering the Property, the improvements thereon, or any portion thereof with any mortgage, deed of trust, sale and leaseback arrangement or other security device.

ARTICLE 13. GENERAL

A. Entire Agreement. This Agreement is executed in duplicate originals, each of which is deemed to be an original. This Agreement constitutes the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement.

B. Venue. The Parties acknowledge and agree that this Agreement was entered into and intended to be performed in San Bernardino County, California. The Parties agree that the venue of any action or claim brought by any party to this Agreement will be the Superior Court of California, San Bernardino County, San Bernardino District. Each Party hereby waives any law or rule of the court, which would allow them to request or demand a change of venue. If any action or claim concerning this Agreement is brought by a third party and filed in another venue, the Parties hereto agree to use their best efforts to obtain a change of venue to the Superior Court of California, San Bernardino County, San Bernardino District.

C. Singular and Plural. As used herein, the singular of any word includes the plural.

D. Waiver. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to demand strict compliance by the other Party with the terms of this Agreement thereafter.

E. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right to action based upon any provision of this Agreement.

F. Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the Parties had executed the same instrument.

G. Captions. The captions of this Agreement are for convenience and reference only and shall not define, explain, modify, construe, limit, amplify or aid in the interpretation, construction or meaning of any of the provisions of this Agreement.

H. Not Construed Against Drafter. Each Party acknowledges that both Parties have participated in the negotiation, drafting and preparation of this Agreement. No provisions of this Agreement shall be construed by any court or other judicial authority against any Party hereto by reason of such Party's being deemed to have drafted this Agreement.

[SIGNATURES FOLLOW]

COUNTY:

SAN BERNARDINO COUNTY,
a political subdivision of the State of California

By: _____

Name: _____

Its: _____

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:

County Counsel

MASTER DEVELOPER:

SPEEDWAY SBC DEVELOPMENT, LLC,
A Delaware limited liability company

By: _____

Name: _____

Its: _____

**EXHIBIT “A”
(LEGAL DESCRIPTION)**

**EXHIBIT “B”
(PROJECT APPROVALS)**

**EXHIBIT “C”
(ELECTRIC TRUCK AND CAR GRANT PROGRAMS)**

Electric Truck and Car Grant Programs

a) **Grants and Administration.**

- i) **Heavy Duty Truck Grants.** Master Developer will provide funding for seven (7) grants for the purchase of Class 8 heavy duty electric trucks. The grants shall be provided pursuant to the attached table at Attachment A, Exhibit 1. The program shall prioritize applicants who will use the trucks in western San Bernardino County and along the Interstate 10 corridor and will give special priority for drayage trucks that will be used in western San Bernardino County along the Interstate 10 corridor. The grants will be made prior to the issuance of the Certificate of Occupancy (C of O) for the first building built at the Project.

These heavy duty grants will include the following two conditions: (1) a prohibition on the resale of the electric truck to an entity that will operate trucks outside of California; and (2) 85% of the mileage must occur in the SCAQMD region and be enforced using a geo-fencing electronic system on each truck.

Maximum aggregate sum of heavy duty grants - \$525,000

- ii) **Medium Duty Truck Grants.** Master Developer will provide six (6) grants for the purchase of Class 4 through Class 7 medium duty trucks. The grants shall be provided pursuant to the attached table at Attachment A, Exhibit 2. The program will prioritize (i) applicants who will use the trucks in western San Bernardino County and along the Interstate 10 corridor and (ii) Class 6 and 7 trucks. Only if there is no demand for the Class 6 and 7 truck classes shall grants be provided to Class 4 and 5 trucks with priority provided to Class 5 trucks over Class 4 trucks. The grants will be made prior to the issuance of the Certificate of Occupancy (C of O) for the first building built at the Project.

These medium duty grants will include the following two conditions: (1) a prohibition on the resale of the electric truck to an entity that will operate trucks outside of California; and (2) 85% of the mileage must occur in the SCAQMD region and be enforced using a geo-fencing electronic system on each truck.

Maximum aggregate sum of medium duty grants - \$243,000

- iii) **Local Delivery Truck Grants.** Master Developer will provide six (6) grants for their tenants to purchase light-duty delivery vehicles (generally referred to Class 1, 2, and 3 trucks) for use for deliveries in western San Bernardino County and the immediately proximate area. The grants shall be provided pursuant to the attached table at Attachment A, Exhibit 3. The program will prioritize the highest class of Class 1, 2, and 3 trucks and vehicles for which there is demand. The grants will be made prior to the issuance of the Certificate of Occupancy (C of O) for the first building built at the Project.

These local delivery grants will include a condition that 50% of the mileage must occur in western San Bernardino County and the Interstate 10 corridor and be enforced using a geofencing electronic system on each truck.

Maximum aggregate sum of local delivery grants - \$162,000

iv) Local Community Passenger Vehicle & Zero Emission Transportation Grants.

Master Developer shall (1) fund a \$75,000 community clean vehicle grant program that will provide up to 75, \$1,000 electric vehicle car grants to San Bernardino County residents and/or (2) fund other programs to advance zero emission transportation (as described in Items (b) and (c) below). Car grants for San Bernardino County residents shall be prioritized to households earning not more than 150% of the Area Median Income, as calculated by the U.S. Department of Housing and Urban Development. The grants will be made prior to the issuance of the Certificate of Occupancy (C of O) for the first building built at the Project.

Maximum aggregate grants - \$75,000

v) Grant Programs Administration and Education.

- (1) The electric truck and electric car grant programs shall be administered by one or more mutually agreeable third party(ies). Grant funds shall be entered into an escrow account until such time as an administrator is selected and administrator has established the necessary mechanisms to disburse funds.
- (2) The electric truck and electric car grant programs shall be phased proportionately with the grants made prior to the issuance of Certificate of Occupancy for the warehouse building per Sections i), ii), iii), and iv) above.
- (3) For all of the electric truck and electric car grant programs, the Parties may meet and confer regarding any mutually agreeable opportunity to seek more deployment of zero emission trucks through the augmentation of these grant funds with other funding sources. The Parties may also meet and confer to address conditions of grants that may inhibit applicants from using the programs, including but not limited to resale requirements and geofencing in sections 1(a)(i), 1(a)(ii), and 1(a)(iii) above.

Attachment A, Exhibit 1
Class 8, Heavy Duty Truck Grant Program

Truck Model Year	Grant (\$) per Truck
2024	24,391
2025	23,523
2026	22,823
2027	22,228
2028	21,687
2029	21,198
2030 and later	20,709

Notes and Source: All assumptions are based on CARB data developed in the Advanced Clean Trucks rulemaking. Class 8 trucks are defined by Federal Highway Administration as trucks with Gross Vehicle Weight Rating (GVWR) of more than 33,000 lbs. The grants specified in this table equal the down payments projected to be required to purchase a Class 8 heavy duty electric truck for each specified truck model year, using the CARB Total Cost of Ownership Calculator available at: *****ww2.arb.ca.gov/sites/default/files/2019-05/190508tcocalc_2.xlsx. Consistent with industry practice, the down payment represents 10% of the amount due at the truck purchase, which includes the truck purchase price, the taxes and the registration (but not the fuel and maintenance).

EV Heavy Duty Truck Grant



Helping Truckers Transition to EV by Eliminating Up-front Cash Needed

Biggest Barrier to EV Truck Conversion?

- Where does the buyer get the money for the down payment

Solution: Zero Cash Down for Zero Emissions Grant Program

- WLC will provide Grant to cover the projected down payment on new HD EV truck based on CARB data
- Grant program will continue throughout the construction period

Class 8 Model Year	Purchase Price ¹ (capital cost, registration, taxes)		Upfront Costs (capital cost, registration, taxes)				Benefits to Purchaser	
	Diesel (CARB)	Electric (CARB)	Diesel Down Payment ²	EV Down Payment (CARB) ²	WLC EV Truck Grant ³	EV Down Payment (net of grant)	Day 1 Cash Savings to Switch to Electric ⁴	Year 1 Fuel & Maintenance Savings vs Diesel ⁵
MY 2024	\$172,220	\$243,913	(\$17,222)	(\$24,391)	\$24,391	\$0	\$17,222	\$5,850

1. Cost data for diesel and electric trucks estimated using the CARB TCO Calculator, available at: https://ww2.arb.ca.gov/sites/default/files/2019-05/190508tccalc_2.xlsx. All assumptions are based on CARB data developed in the Advanced Clean Trucks rulemaking. The (lower) Tesla Semi price projections represent a less conservative scenario and accordingly the Tesla data was not used to set Grant levels.
2. Consistent with industry practice, the down payment represents 10% of the purchase price, tax and registration (but not fuel and maintenance).
3. The CARB price projections represent a conservative scenario and accordingly CARB data has been used to set Grant levels.
4. Incremental cost of EV Truck assumes no additional incentives or subsidies, which is highly conservative given the many existing EV subsidy programs. Note that no incentives are available for diesel trucks.
5. Annual maintenance and fuels costs (and savings) based on CARB data. This does not include revenues from the sale of LCFS credits.

Confidential Settlement Communication – Not for Dissemination

Attachment A, Exhibit 2
Medium Duty Truck Grant Program

Truck Model Year	Grant (\$) per Truck (Class 4-5)	Grant (\$) per Truck (Class 6-7)
2024	8,466	13,040
2025	8,274	12,728
2026	8,118	12,476
2027	7,983	12,261
2028	7,859	12,065
2029	7,746	11,887
2030 and later	7,632	11,710

Notes and Source: All assumptions are based on CARB data developed in the Advanced Clean Trucks rulemaking. Federal Highway Administration (FHA) defines Class 4, Class 5, Class 6 and Class 7 trucks as trucks with GVWRs as follows: (i) Class 4 between 14,001 lbs and 16,000 lbs; (ii) Class 5 between 16,001 lbs and 19,500 lbs; (iii) Class 6 between 19,501 lbs and 26,000 lbs; (iv) and, Class 7 between 26,001 lbs and 33,000 lbs. FHA classifies Class 4, Class 5 and Class 6 trucks as Medium Duty and classifies Class 7 trucks as Heavy Duty. In terms of emission standards, the U.S. Environmental Protection Agency (EPA) classifies Class 4-5 trucks as Light Heavy Duty and Class 6-7 trucks as Medium Heavy Duty. The grants specified in this table equal the down payments projected to be required to purchase either a Class 4-5 or Class 6-7 electric truck for each specified truck model year, using the CARB Total Cost of Ownership Calculator available at: *****ww2.arb.ca.gov/sites/default/files/2019-05/190508tcocalc_2.xlsx. Consistent with industry practice, the down payment represents 10% of the amount due at the truck purchase, which includes the truck purchase price, the taxes and the registration (but not the fuel and maintenance).

Attachment A, Exhibit 3
Local Delivery Truck Grant Program

Truck Model Year	Grant (\$) per Truck (Class 2B-3)
2024	8,949
2025	8,762
2026	8,607
2027	8,467
2028	8,336
2029	8,213
2030 and later	8,090

Notes and Source: All assumptions are based on CARB data developed in the Advanced Clean Trucks rulemaking. The EPA classifies Class 2B trucks as trucks with GVWR between 8,500 lbs and 10,000 lbs and Class 3 trucks as trucks with GVWRs between 10,001 lbs and 14,000 lbs. The grants specified in this table equal the down payments projected to be required to purchase a Class 2B-3 electric truck for each specified truck model year, using the CARB Total Cost of Ownership Calculator available at: *****ww2.arb.ca.gov/sites/default/files/2019-05/190508tcocalc_2.xlsx. Consistent with industry practice, the down payment represents 10% of the amount due at the truck purchase, which includes the truck purchase price, the taxes and the registration (but not the fuel and maintenance).

EXHIBIT I

Draft Environmental Impact Report

[www.sbcounty.gov/uploads/LUS/Environmental/SPEEDWAY_EIR/Speedway%20Commerce%20Center%20II%20Specific%20Plan%20DEIR%20\(1\).pdf](http://www.sbcounty.gov/uploads/LUS/Environmental/SPEEDWAY_EIR/Speedway%20Commerce%20Center%20II%20Specific%20Plan%20DEIR%20(1).pdf)

and Technical Studies for the Speedway
Commerce Center II Specific Plan
<https://lus.sbcounty.gov/planning-home/environmental/valley-region/>

EXHIBIT J

Development Code Amendment

EXHIBIT J

§ 82.23.030 Adopted Specific Plans.

(a) Available for Review. Specific plans are adopted by the Board and shall be shown on the appropriate land use zoning district map with a Specific Plan (SP) Land Use Zoning District designation. All adopted Specific Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).

(b) Adopted Plans. The following symbols appear as a prefix on the land use zoning district maps to identify the various specific plan areas that have been adopted by the Board:

- (1) Agua Mansa Industrial Corridor Specific Plan - AM
- (2) Glen Helen Specific Plan - GH
- (3) Kaiser Commerce Center Specific Plan - KC
- (4) Hacienda at Fairview Valley Specific Plan - HF.

(5) Speedway Commerce Center Specific Plan - SC.

(56) Valley Corridor Specific Plan - VC.

(Ord. 4011, passed - -2007; Am. Ord. 4245, passed - -2014; Am. Ord. 4319, passed - -2017)

§ 86.14.090 Adopted Specific Plans.

(a) Available for Review. All adopted specific plans are available for review at the Department.

(b) Adopted plans. The following specific plans have been adopted by the Board.

- (1) Agua Mansa Specific Plan.
- (2) Glen Helen Specific Plan.
- (3) Kaiser Commerce Center Specific Plan.
- (4) Hacienda at Fairview Valley.

(5) Speedway Commerce Center Specific Plan.

(56) Valley Corridor Specific Plan.

(Ord. 4011, passed - -2007; Am. Ord. 4229, passed - -2014; Am. Ord. 4319, passed - -2017)

EXHIBIT K

Comment Letters

From: Sandy Lundergan-Price <Sandy.Price@pomona.edu>
Sent: Friday, July 15, 2022 8:43 AM
To: Candyce.burnett@kimley-horn.com; Valdez, Steven
Subject: Concerned San Bernardino Resident

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

This is a disgrace. We are a family community and the raceway is for families.

The Fontana Speedway is being turned into 6.6 million square feet of warehouses. 🚧🚧🚧
This is a San Bernardino County Project!!!!
Kimley-Horn is killing our community.

Will the track be a tiny version more like kart racing? We deserve a place for entertainment! Great Cities have a place to spend money, why do we only deserve warehouses? We could increase revenue to San Bernardino county by setting the speedway as the hub of entertainment!!!
No more RV camping, history culture gone!
Kimley-Horn/Valdez build us an entertainment center!!!

From: Stephen May <stephenleemay@gmail.com>
Sent: Monday, July 18, 2022 1:16 PM
To: Valdez, Steven
Subject: Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Stephen May
7/18/2022

Dear Mr. Valdez:

My name is Stephen May and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

This project would bring nearly 10,000 more truck trips per day to poison our air without effective mitigation measures. As it stands, the Project is already located in an area which is one of the most impacted in the state per CalEnviroScreen, falling in the 93rd percentile overall, the 95th percentile for ozone, the 94th percentile for PM2.5, and the 90th percentile for diesel particulate matter. Yet, the Project proposes to pump staggering amounts of these very same pollutants into the community at levels which are up to more than 13 times the allowed limits. It is incomprehensible that this would be seen as an acceptable state of affairs and I demand that the County reject this Project.

Additionally, we are concerned about the impact that the large influx of traffic for this Project would have on the ability for the community to get around. With nearly 10,000 truck trips and more than 25,500 car trips per day, the Project threatens to overwhelm local roads with gridlock and although some mitigation options were presented, the plans do not go far enough toward truly reducing the scourge of traffic—simply widening roads is not a community benefit but instead creates streets which are less safe and more hostile to human use and activity. Given that transportation is also the primary reason behind the Air Quality and Greenhouse Gas emissions for the Project exceeding the thresholds even after mitigation measures were included, it is clear that the Project cannot be allowed to be built unless it does more to not just mitigate the increase, but actively prevent it from happening at all.

Instead of the proposed Project, we would like to see the County pursue a development more in line with the commercial uses of the existing zoning. This is an opportunity for the County to bring more attraction to the region with new developments like concert halls, retail plazas, malls, gardens, etc. This proposed project opposes the vision that the community has for a symbolic area like the Speedway. The meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Sincerely,
Stephen May

From: [President Ontario](#)
To: [Valdez, Steven](#)
Subject: Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan
Date: Monday, July 18, 2022 1:10:36 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Erma Gardner and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

This project would bring nearly 10,000 more truck trips per day to poison our air without effective mitigation measures. As it stands, the Project is already located in an area which is one of the most impacted in the state per CalEnviroScreen, falling in the 93rd percentile overall, the 95th percentile for ozone, the 94th percentile for PM2.5, and the 90th percentile for diesel particulate matter. Yet, the Project proposes to pump staggering amounts of these very same pollutants into the community at levels which are up to more than 13 times the allowed limits. It is incomprehensible that this would be seen as an acceptable state of affairs and I demand that the County reject this Project.

Additionally, we are concerned about the impact that the large influx of traffic for this Project would have on the ability for the community to get around. With nearly 10,000 truck trips and more than 25,500 car trips per day, the Project threatens to overwhelm local roads with gridlock and although some mitigation options were presented, the plans do not go far enough toward truly reducing the scourge of traffic—simply widening roads is not a community benefit but instead creates streets which are less safe and more hostile to human use and activity. Given that transportation is also the primary reason behind the Air Quality and Greenhouse Gas emissions for the Project exceeding the thresholds even after mitigation measures were included, it is clear that the Project cannot be allowed to be built unless it does more to not just mitigate the increase, but actively prevent it from happening at all.

Instead of the proposed Project, we would like to see the County pursue a development more in line with the commercial uses of the existing zoning. This is an opportunity for the County to bring more attraction to the region with new developments like concert halls, retail plazas, malls, gardens, etc. This proposed project opposes the vision that the community has for a symbolic area like the Speedway. The meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Erma Gardner

Ontario, CA 91762

909-851-7755

Dear Mr. Valdez:

My name is Martha Aragon and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

This project would bring nearly 10,000 more truck trips per day to poison our air without effective mitigation measures. As it stands, the Project is already located in an area which is one of the most impacted in the state per CalEnviroScreen, falling in the 93rd percentile overall, the 95th percentile for ozone, the 94th percentile for PM2.5, and the 90th percentile for diesel particulate matter. Yet, the Project proposes to pump staggering amounts of these very same pollutants into the community at levels which are up to more than 13 times the allowed limits. It is incomprehensible that this would be seen as an acceptable state of affairs and I demand that the County reject this Project.

Additionally, we are concerned about the impact that the large influx of traffic for this Project would have on the ability for the community to get around. With nearly 10,000 truck trips and more than 25,500 car trips per day, the Project threatens to overwhelm local roads with gridlock and although some mitigation options were presented, the plans do not go far enough toward truly reducing the scourge of traffic—simply widening roads is not a community benefit but instead creates streets which are less safe and more hostile to human use and activity. Given that transportation is also the primary reason behind the Air Quality and Greenhouse Gas emissions for the Project exceeding the thresholds even after mitigation measures were included, it is clear that the Project cannot be allowed to be built unless it does more to not just mitigate the increase, but actively prevent it from happening at all.

Instead of the proposed Project, we would like to see the County pursue a development more in line with the commercial uses of the existing zoning. This is an opportunity for the County to bring more attraction to the region with new developments like concert halls, retail plazas, malls, gardens, etc. This proposed project opposes the vision that the community has for a symbolic area like the Speedway. The meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Martha Aragon

Ontario, CA 91762

909-919-6358

From: [Melissa May](#)
To: [Valdez, Steven](#)
Subject: Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan
Date: Monday, July 18, 2022 12:54:49 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Melissa May and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

This project would bring *nearly 10,000 more truck trips per day* to poison our air without effective mitigation measures. As it stands, the Project is already located in an area which is one of the most impacted in the state per CalEnviroScreen, falling in the 93rd percentile overall, the 95th percentile for ozone, the 94th percentile for PM_{2.5}, and the 90th percentile for diesel particulate matter. Yet, the Project proposes to pump staggering amounts of these very same pollutants into the community at levels which are up to *more than 13 times the allowed limits*. It is incomprehensible that this would be seen as an acceptable state of affairs and I demand that the County reject this Project.

Additionally, we are concerned about the impact that the large influx of traffic for this Project would have on the ability for the community to get around. With nearly 10,000 truck trips and more than 25,500 car trips per day, the Project threatens to overwhelm local roads with gridlock and although some mitigation options were presented, the plans do not go far enough toward truly reducing the scourge of traffic—simply widening roads is not a community benefit but instead creates streets which are less safe and more hostile to human use and activity. Given that transportation is also the primary reason behind the Air Quality and Greenhouse Gas emissions for the Project exceeding the thresholds even after mitigation measures were included, it is clear that the Project cannot be allowed to be built unless it does more to not just mitigate the increase, but actively prevent it from happening at all.

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symbolic area like the Speedway. The meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Name: Melissa May

Date: July 18th, 2022

Address: Ontario, CA 91762

Contact: 909-519-7544



From: kellychase012 <kellychase012@gmail.com>
Sent: Friday, July 15, 2022 5:16 AM
To: Valdez, Steven; Candyce.burnett@kimley-horn.com
Subject: FOR YOU TOO! FW: Get your greedy ass out of fontana

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Be disappointed in yourself and your position held for allowing and supporting such a gross act to our city. You are a disgrace to the well being of this city in supporting this and will effect generations to come and history that has been left.

Your support of this project is a highlight to your lack community you hold in your position and shows true colors that money is your only motive. Not the city.

Your support of this project is ABSOLUTELY HORRIFIC

 The Fontana Speedway is being turned into 6.6 million square feet of warehouses. 
This is a San Bernardino County Project!!!!
Kimley-Horn is killing our community.
The track will be a tiny version more like kart racing! I don't understand why we don't deserve a place for entertainment! Great Cities have a place to spend your money, why do we only deserve warehouses.
We could increase revenue to San Bernardino county by setting the speedway as the hub of entertainment!!! When we asked the developer questions they literally gave us misinformation!!
No more RV camping, history culture gone!

Kimley-Horn build us an entertainment center!

Please send in comments to:

Candyce.burnett@kimley-horn.com

San Bernardino County Planner

—and—

Steven Valdez, Senior Planner

909-387-4421

County of San Bernardino

Land Use Services Department - Planning Division 385 North Arrowhead Avenue, First Floor

San Bernardino, CA 92415-0187

steven.valdez@lus.sbcounty.gov

<https://maps.kimley-horn.com/portal/apps/storymaps/stories/3f77c5d346a941dca99ab276d799d095>

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: kellychase012 <kellychase012@gmail.com>

Date: 7/15/22 5:08 AM (GMT-08:00)

To: Candyce.burnett@kimley-horn.com

Subject: Get your greedy ass out of fontana

WE DO NOT NEED MORE WAREHOUSES YOU BLIND CONTRACTING MONEY HUNGRY POS OF A COMPANY!

Be ashamed and disgusted with the position you hold

Sent from my Verizon, Samsung Galaxy smartphone

From: Relda Calhoun <reldacalhoun@hotmail.com>
Sent: Tuesday, July 19, 2022 2:42 PM
To: Valdez, Steven
Subject: No warehouses at speedway, stop the pollution

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Sent from my iPhone

From: Sara Teran <st9009597@gmail.com>
Sent: Monday, July 18, 2022 3:20 PM
To: Valdez, Steven
Subject: Public Comment: Draft EIR for the Speedway Commerce Center II Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Sara Teran and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

From: Lizette Mendoza <lm.mendoza0508@gmail.com>
Sent: Monday, July 18, 2022 4:10 PM
To: Valdez, Steven
Subject: Public Comment Draft FIR for the Speedway Commerce Center || Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Lizette Mendoza and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

From: Maria Mendoza <mm5890541@gmail.com>
Sent: Monday, July 18, 2022 4:04 PM
To: Valdez, Steven
Subject: Public Comment Draft FIR for the Speedway Commerce Center || Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Maria Mendoza and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

From: [Louis Mendoza](#)
To: [Valdez, Steven](#)
Subject: Public Comment Draft FIR for the Speedway Commerce Center || Specific Plan
Date: Monday, July 18, 2022 3:24:32 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez:

My name is Louis Mendoza and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

From: [Janet Bernabe](#)
To: [Valdez, Steven](#)
Subject: Public Comment: Draft EIR for the Speedway Commerce Center II Specific Plan
Date: Monday, July 18, 2022 3:26:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good afternoon, Mr. Valdez

My name is Janet Bernabe and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

--

Thank you,

Janet Bernabe
Organizing Director

Center for Community Action and Environmental Justice
Centro de Acción Comunitaria y Justicia Ambiental

P: (951) 543-1754

E: janet.b@ccaej.org | W: www.ccaej.org

Address: PO Box 33124 Riverside, CA 92519



“Every moment is an organizing opportunity, every person a potential activist, every minute a chance to change the world.” ~ Dolores Huerta

From: Gary Ho <ho@blumcollins.com>
Sent: Wednesday, August 31, 2022 9:26 AM
To: Valdez, Steven
Subject: Re: Speedway Commerce Center II EIR Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez,

I write on behalf of Golden State Environmental Justice Alliance to withdraw its comments on the proposed Speedway Commerce Center II Project. Please confirm that you have received this message.

Thank you,
Gary

From: Duke Fishman
Sent: Thursday, June 30, 2022 11:41:56 AM
To: Steven.Valdez@lus.sbcounty.gov
Cc: Gary Ho
Subject: Speedway Commerce Center II EIR Comments

Dear Steven,

Attached are comments on the Environmental Impact Report (EIR) for the proposed Speedway Commerce Center II Project. Please confirm you have received this message.

Sincerely,
Duke Fishman

--

Duke Fishman
Legal Assistant
Blum Collins & Ho, LLP

From: Susan Phillips <susan_phillips@pitzer.edu>
Sent: Monday, July 18, 2022 2:58 PM
To: Valdez, Steven
Subject: Speedway Comment letter
Attachments: RRC Speedway Letter.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Mr. Valdez,
Attached please find a comment letter for the Speedway Project on behalf of the Robert Redford Conservancy at Pitzer College.
Best wishes,
Susan

Susan A. Phillips

Professor of Environmental Analysis
Associate Dean, Pitzer College
Director, Robert Redford Conservancy for Southern California Sustainability

From: Marven Norman <mnorman@iebike.org>
Sent: Sunday, July 24, 2022 1:00 PM
To: Valdez, Steven
Cc: Planning@cityofrc.us; Engineering-Info@cityofrc.us; Chun, Arlene - DPW; brian@railpac.org; pnevins@fontana.org; Ginger Koblasz; cschindler@gosbcta.com; fornellij@scrra.net; Assemblymember.Reyes@assembly.ca.gov; Rizvi, Maha
Subject: Speedway Commerce Center II DEIR
Attachments: sb_county_speedway_commerce_ctr_ii_deir_24jul.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hi Mr. Valdez,

I apologize for not getting it in sooner, but please find attached a letter from IEBA responding to the DEIR for the Speedway Commerce Center II Specific Plan project. A response acknowledging receipt of this email would be appreciated.

Cheers,

Marven E. Norman (he/him/his)
Executive Director
IEbike.org | [@iebike](https://twitter.com/iebike) | P: 951-394-3223

[Donate today](#) to help make the IE a healthy, safe, and fun place to ride a bike and live!

PRIVACY AND CONFIDENTIALITY NOTICE: The information contained in this e-mail is privileged and confidential information intended only for the use of the individual or entity above named. If the reader of this message is not the intended recipient, or the agent or employee responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and destroy this entire communication.

From: Estela Ballon <egballon2@gmail.com>
Sent: Monday, July 18, 2022 12:29 PM
To: Valdez, Steven
Subject: Speedway commerce center II impact

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Date: 7/18/2022

Dear Mr. Valdez:

My name is Estela G Ballón and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Estela G Ballón

From: Bryant Marroquin <bmarroquin@sgvwater.com>
Sent: Monday, July 18, 2022 4:07 PM
To: Valdez, Steven
Cc: Matt Y. Yucelen; Kristofer J. Olsen; Josh M. Swift; Robert J. DiPrimio; Karolina Guzman
Subject: Speedway Commerce Center II Specific Plan - EIR Comments
Attachments: 20220718-EIR Comments-Speedway.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good afternoon Steven,

Please find attached with this email San Gabriel Valley Water Company's, Fontana Water Company division's comments on the subject EIR. A hard copy of the comments has also been mailed to you at the address indicated on the Notice of Availability. Please reply back to confirm you are in receipt of the comments provided.

Thanks

BRYANT MARROQUIN, P.E.
Engineering Manager | Engineering Department
San Gabriel Valley Water Company
15966 Arrow Route | Fontana, CA 92335
Direct: 909.201.7359 | Fax: 909.201.7377
Main: 909.201.7375

From: jbourg2271@aol.com
Sent: Friday, August 26, 2022 3:39 PM
To: Valdez, Steven
Cc: t.lucio57@gmail.com; jbourg2271@aol.com
Subject: Speedway Commerce Center II Specific Plan Project EIR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello Mr. Valdez,

Is the FEIR going to be available prior to the P/C Meeting on Sept. 8th?

Thank you,

Joe Bourgeois

-----Original Message-----

From: jbourg2271@aol.com
To: steven.valdez@lus.sbcounty.gov <steven.valdez@lus.sbcounty.gov>
Cc: jbourg2271@aol.com; t.lucio57@gmail.com <t.lucio57@gmail.com>
Sent: Fri, Aug 26, 2022 12:54 pm
Subject: Planning Commission Decision Appeal Process

Good afternoon Mr.Valdez,

Please provide the forms and fees necessary to appeal a Planning Commission decision.

Thank you,

Joe Bourgeois

From: A S <asalcido.07@gmail.com>
Sent: Friday, July 22, 2022 9:36 AM
To: Valdez, Steven
Cc: Unknown; jbourgeois029@gmail.com; Terrance Lucio; PATRICK HANINGER
Subject: Speedway Commerce Center II Specific Plan Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good Morning Mr. Valdez,

Please provide any updates to the above mentioned project.

I am requesting under Public Resource Code Section 21092.2 to add the email addresses and mailing address below to the notification list, regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project.

t.lucio57@gmail.com

phaninger1@gmail.com

jbourg2271@aol.com

jbourgeois029@gmail.com

asalcido.07@gmail.com

Mailing Address:

P.O. Box 79222

Corona, CA 92877

Please confirm receipt of this email.

Thank You,

Adam Salcido

From: Eddie Lopez <elopezihf@gmail.com>
Sent: Sunday, July 17, 2022 5:17 PM
To: Valdez, Steven
Subject: Speedway Commerce Center II Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Contact: Steven Valdez

County of San Bernardino

Senior Planner

Steven.Valdez@lus.sbcounty.gov

Name: Eddie Lopez

Date: July 17, 2022

Dear Mr. Valdez:

My name is Eddie Lopez and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

From: mariatenciso6@gmail.com
Sent: Saturday, July 16, 2022 7:47 PM
To: Valdez, Steven
Subject: Speedway Commerce Center II Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Att: Steven Valdez, Senior Planner

County of San Bernardino
Address 385 N. Arrowhead Avenue, First Floor San Bernardino, CA 92415-0187
Phone: (909) 387-4421

July 16, 2022

Dear Mr. Valdez,

My name is Maria Enciso. I am a resident of Fontana.

I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

This project would bring nearly 10,000 more truck trips per day to poison our air without effective mitigation measures. As it stands, the Project is already located in an area which is one of the most impacted in the state per CalEnviroScreen, falling in the 93rd percentile overall, the 95th percentile for ozone, the 94th percentile for PM2.5, and the 90th percentile for diesel particulate matter. Yet, the Project proposes to pump staggering amounts of these very same pollutants into the community at levels which are up to more than 13 times the allowed limits. It is incomprehensible that this would be seen as an acceptable state of affairs and I demand that the County reject this Project.

Additionally, we are concerned about the impact that the large influx of traffic for this Project would have on the ability for the community to get around. With nearly 10,000 truck trips and more than 25,500 car trips per day, the Project threatens to overwhelm local roads with gridlock and although some mitigation options were presented, the plans do not go far enough toward truly reducing the scourge of traffic—simply widening roads is not a community benefit but instead creates streets which are less safe and more hostile to human use and activity. Given that transportation is also the primary reason behind the Air Quality and Greenhouse Gas emissions for the Project exceeding the thresholds even after mitigation measures were included, it is clear that the Project cannot be allowed to be built unless it does more to not just mitigate the increase, but actively prevent it from happening at all.

Instead of the proposed Project, we would like to see the County pursue a development more in line with the commercial uses of the existing zoning. This is an opportunity for the County to bring more attraction to the region with new developments like concert halls, retail plazas, malls, gardens, etc. This proposed project opposes the vision that the community has for a symbolic area like the Speedway. The meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Respectfully,

Maria Enciso

From: mariatenciso6@gmail.com
Sent: Saturday, July 16, 2022 7:47 PM
To: Valdez, Steven
Subject: Speedway Commerce Center II Specific Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Att: Steven Valdez, Senior Planner

County of San Bernardino
Address 385 N. Arrowhead Avenue, First Floor San Bernardino, CA 92415-0187
Phone: (909) 387-4421

July 16, 2022

Dear Mr. Valdez,

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I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Respectfully,

Maria Enciso

From: Jo Ann Bollen <votemorongobasin@gmail.com>
Sent: Sunday, July 17, 2022 6:19 PM
To: Valdez, Steven
Subject: Speedway Commerce Center

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Mr. Steven Valdez
County of San Bernardino
Senior Planner
7/18/2022

Dear Mr. Valdez:

My name is Jo Ann Bollen and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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meetings held were not enough to ensure community participation which is ultimately demonstrated by the lack of community benefits from this project.

Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development.

Jo Ann Bollen (she/her/hers)
Founder, Vote Morongo Basin
President, Democrats of the Morongo Basin
Field Director, Field Team 6/CA-23
Chair, Voter Registration Committee for SB County Dem. Central Committee
(760)702-0639

Register to vote at <https://voterizer.org/>

DEIR documents: <https://ceqanet.opr.ca.gov/2021120259/2>

From: Nayri Tapia <ntapia1243@panther.chaffey.edu>
Sent: Monday, July 18, 2022 12:29 PM
To: Valdez, Steven
Subject: speedway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I have lived in Fontana my whole life and it is devastating watching you turn it into a warehouse. Because that all Fontana is now! We are just warehouses and the people that work there. Let's also mention how much more likely it is for people living around warehouses to get sick. You are ruining our city for money? Money that doesn't even go to helping our city. We have homeless that need help, we have no shelter for all the abandoned strays, and what help have we received from the city amidst a pandemic? NONE. If you tear down the speedway, may I add iconic speedway that has held multiple Hard Summers, races, and other events, you would have finished killing Fontana! Why even build new houses? Invite more people to stay in the city if it's just going to be warehouses. Not to mention once people realize what you are trying to do with our speedway I doubt people will continue to move here. Our city is growing, it is becoming suburban paradise for some and you are ruining that by introducing warehouses! And let's also talk about how most, if not all, the warehouses are in Central and South Fontana, the lower income areas! What you are doing is disgusting! How do you even sleep at night? Is it in this city? The city you are destroying? You probably take the money from this deal and screw over your city and move somewhere else where there are no factories/ warehouses because again who would want to live near that! If you want another warehouse so badly why don't you simply build on empty lots instead of tearing down our city!

Sent From My iPhone

From: Glenn Ferry <g.ferry001@gmail.com>
Sent: Thursday, July 14, 2022 8:18 PM
To: Candyce.burnett@kimley-horn.com; Valdez, Steven
Subject: The Fontana Speedway is being turned into 6.6 million square feet of warehouses

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello,

As a homeowner of Rancho Cucamonga, we really enjoy going to the speedway!

Please turn this into a family friendly destination.

That's just my take.

Thank you,
Glennie Ferry

From: SANDEEP SINGH <iamasikh@aol.com>
Sent: Thursday, July 14, 2022 11:04 PM
To: Valdez, Steven
Subject: Warehouses at speedway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I strongly oppose the building of more warehouse spaces where speedway is .
Please stop this as it will cause more pollution and traffic in the already crowded area.

Sandy singh
(Heritage area)

Sent from my iPhone

From: Maxine Bowden <mmccleerybowden@roadrunner.com>
Sent: Sunday, July 17, 2022 5:32 PM
To: Valdez, Steven
Subject: Warehouses

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

DEIR documents:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fceqanet.opr.ca.gov%2F2021120259%2F2&data=05%7C01%7Csteven.valdez%40lus.sbcounty.gov%7C53010818dc7248c02dae08da6854f577%7C31399e536a9349aa8caec929f9d4a91d%7C1%7C0%7C637937011358968333%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C&sdata=CQqhHdlcaV5B0A%2BIAaB4PhFFppZxz5it9Wi4z8OEn%2BM%3D&reserved=0>

Contact: Steven Valdez
County of San Bernardino
Senior Planner
Steven.Valdez@lus.sbcounty.gov

Name: _____ Maxine Bowden _____
Date: _____ 7/18/22 _____

Dear Mr. Valdez:

My name is ___Maxine Bowden___ and I am writing to respond to the Draft Environmental Impact Report for the Speedway Commerce Center II Specific Plan. I believe that this Project will be bad for the community. The Inland region is already overrun with logistics uses. In recent years, more and bigger warehouses have continued to be constructed in the radius of Fontana, Ontario, Rancho Cucamonga, and the county pocket where this Project would be located, leading to a dramatic increase in truck traffic and the resultant air pollution that they bring.

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Thank you for taking the time to receive this letter and address the concerns it raises. We hope that our comments will help shape the future of this development. Thank you, Maxine Bowden

Sent from my iPhone