



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** April 9, 2020

**AGENDA ITEM #2**

**Project Description**

**Vicinity Map -**

**APN:** 0229-082-14, 29, and 30  
**Applicant:** More Design Solutions, Inc.  
**Community:** Fontana / 2<sup>nd</sup> Supervisorial District  
**Location:** West side of Cottonwood Avenue, between approximately 320 feet and 650 feet north of Arrow Route, Fontana.  
**Project No:** P201800322/GPA/CUP  
**Staff:** Jim Morrissey, Contract Planner  
**Rep:** Cheryl Montanez  
**Proposal:** General Plan Amendment to change the Land Use District from Single Residential (RS) to Community Industrial (IC) on one of three parcels and a Conditional Use Permit to establish a 12,000 sq. ft. office building and 4,980 sq. ft. warehouse building on three parcels, totaling 4.77 acres.



**35 Hearing Notices Sent on : March 27, 2020**

Report Prepared By: Jim Morrissey, Contract Planner

**SITE INFORMATION:**

Parcel Size: 4.77 acres  
 Terrain: Relatively flat  
 Vegetation: Negligible, due to recent improvements for parking and access.

**TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:**

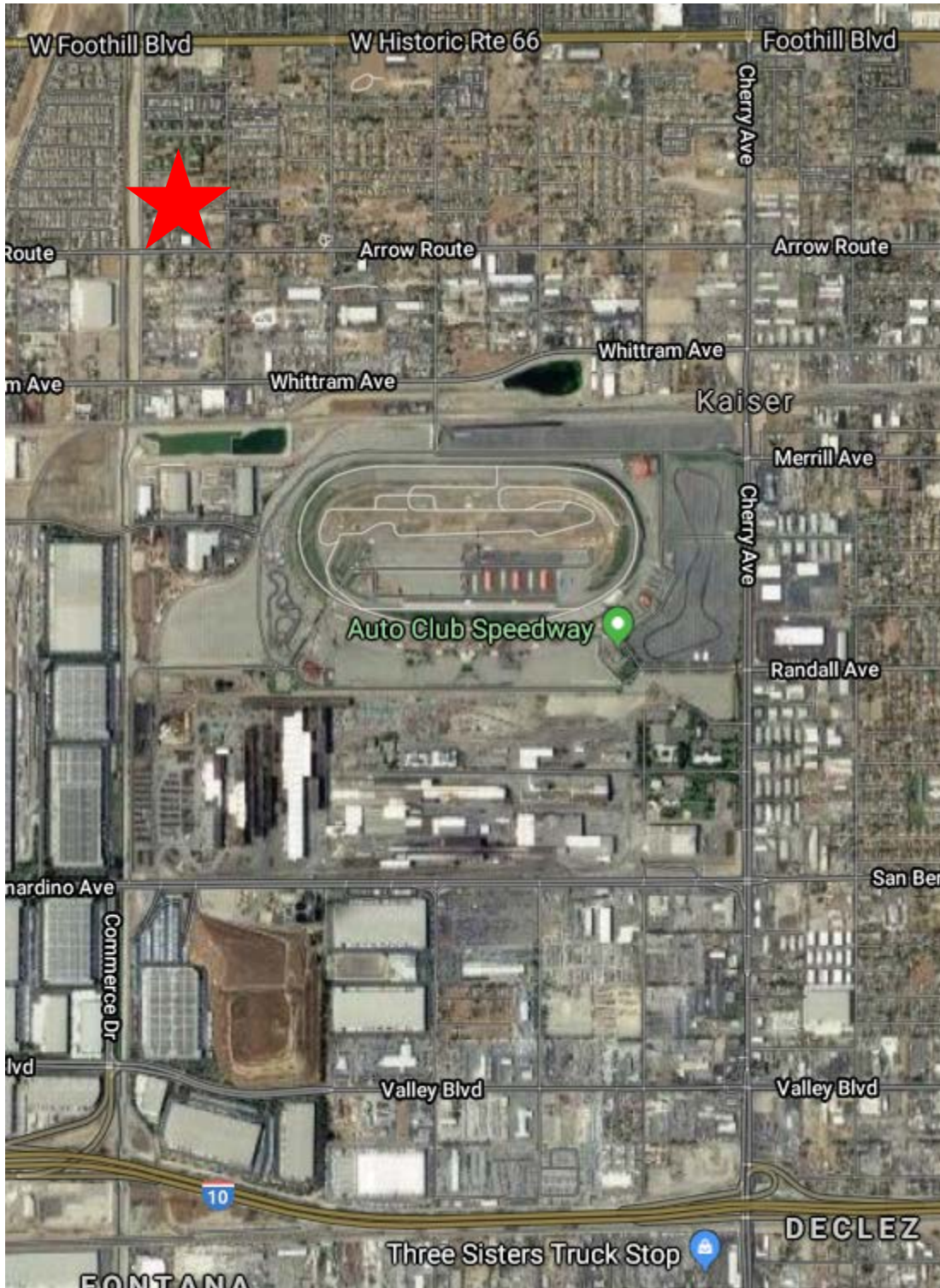
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Partially Improved for parking and storage	Community Industrial (IC) and Single Residential (RS)
North	Single Family	Single Residential (RS)
South	Industrial	Community Industrial (IC)
East	Single and Multiple Family	Multiple Residential (RM)
West	Industrial and Residential	Community Industrial (IC) and Single Residential (RS)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	Fontana	No Comments
Water Service:	San Gabriel Valley Water Co.	Can provide service
Sewer Service:	San Bernardino Municipal Water Department	Sewer Connection

**STAFF RECOMMENDATION:** That the Planning Commission recommend to the Board of Supervisors to **ADOPT** the Mitigated Negative Declaration, **ADOPT** the recommended Findings, **ADOPT** the General Plan Amendment; **APPROVE** the Conditional Use Permit based on the recommended Findings and subject to the Conditions of Approval, and **DIRECT** the Clerk to file a Notice of Determination.<sup>1</sup>

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission action is a recommendation to the Board of Supervisors and may only be appealed by the applicant in the event of disapproval.

**VICINITY MAP:**  
Aerial view of the Project Site



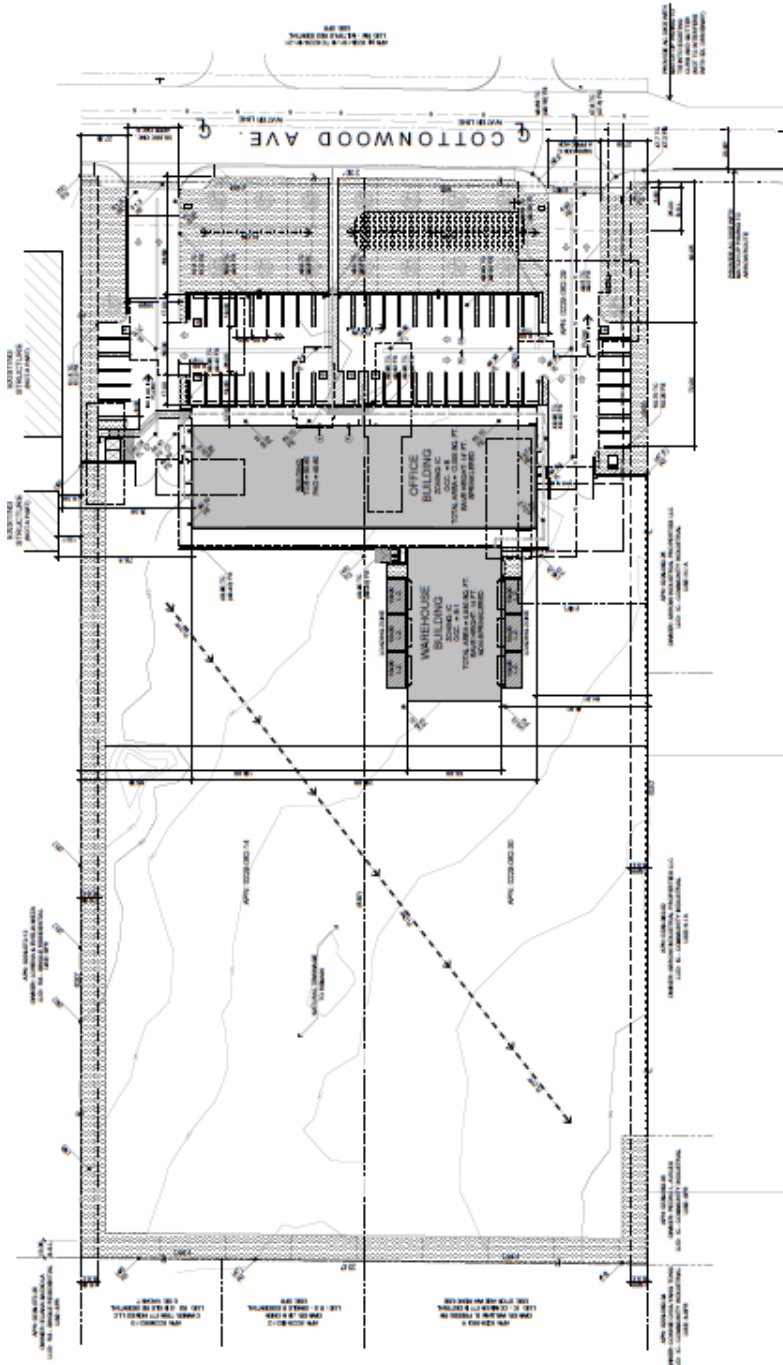
LAND USE DISTRICT MAP:



AERIAL MAP:



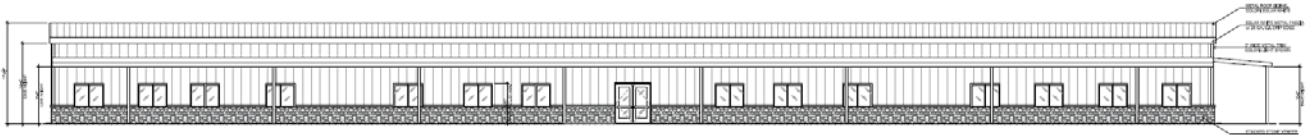
**SITE PLAN:**



**BUILDING ELEVATIONS:**

***PROPOSED OFFICE BUILDING***

**EAST ELEVATION AND RENDERING**



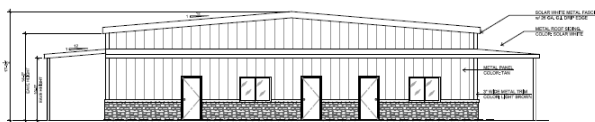
FRONT - EAST ELEVATION

*Note: The warehouse building is behind this office building which parallels Cottonwood Avenue.*

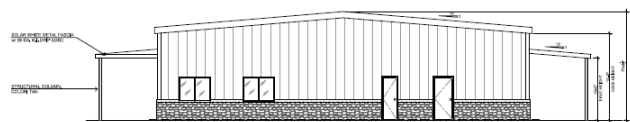


**NORTH SIDE ELEVATION**

**SOUTH SIDE ELEVATION**

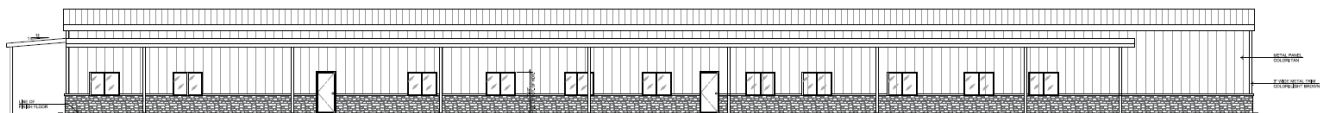


RIGHT - NORTH ELEVATION



LEFT - SOUTH ELEVATION

**WEST (REAR) ELEVATION – VISABLE FROM STREET**



REAR - WEST ELEVATION

## SITE PHOTOS

Looking north along Cottonwood Avenue from the Project Site to the west (left)



Looking northwest across the upper portion of the Project Site



Looking west across property from Cottonwood



Looking southwest across southerly portion of Project Site





Looking south on Cottonwood Avenue towards Arrow Route intersection.



## **PROJECT DESCRIPTION:**

The applicant requests approval of a General Plan Amendment (GPA) to change the Land Use Zoning District from Single Residential (RS) to Community Industrial (IC) on one of three parcels and a Conditional Use Permit (CUP) to establish a 12,000 square-foot office building and 4,980 square-foot warehouse building on three parcels, totaling 4.77 acres (Project). The proposed use will provide for administrative and management offices, but will not involve customer related office visits. The rear portion of the property will contain a small warehouse storage building, fiber optic spools, rock and dirt fill, and provide overnight utility truck parking.

The proposed GPA from RS to IC affects the northerly 2.4 acre parcel. At present the delineation line between the IC District and the RS District is a uniform distance of approximately 470 feet north of Arrow Route, between Cottonwood Avenue and Ilex Street. The proposed amendment would move the IC District approximately 165 feet north along the Cottonwood Avenue frontage and would align with the IC District across Cottonwood Avenue to the east.

The subject properties previously contained residential structures that have since been removed. Asphalt concrete dike and match up paving have been required from Arrow Route north to the subject properties, approximately 300 feet. The Project area is a mixture of industrial, multiple and single family residential uses. The applicant has presented a detailed Project description in a letter of intent (Exhibit A).

The scope of the proposed development will consist of some site clearing, site preparation, appurtenant improvements, and construction of the proposed facilities, with on-site parking and loading areas, circulation, appropriate landscaping and stormwater management improvements. Off-site street and drainage improvements will also be constructed. Access to the rear portion of the Project site will be gated.

## **PROJECT ANALYSIS:**

Site Planning: The proposed Project includes separate office and warehouse buildings. The expansive rear yard area will allow for truck maneuvering and material storage. The rear portions of the property will be screened from view with a six-foot high block wall and adjoining landscaping along that portion of the property adjacent to the RS Land Use Zoning District. Landscaping is required in the setback areas, including the 25 foot front yard and 10 foot side yard adjacent to residential uses. The front yard landscape area will also be utilized for on-site water retention and compliance with water quality criteria. The applicant has also proposed asphalt paving that meanders around the warehouse building and the rear of a portion of the office building for Fire Department access and maneuvering. The Project site plan provides adequate area to accommodate all parking, loading areas, access and circulation requirements needed to comply with County requirements (See Table 2 below).

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the IC Land Use Zoning District, as illustrated in Table 2 below:

**Table 2: PROJECT CODE COMPLIANCE**

Project Component	Development Code Standard/Community Industrial		Project Plans
Manufacturing Operations	CUP		CUP
Parking	Office: 12,000 sq. at 1/250 = 48 vehicles Warehouse: 4,980 sq. ft. at 1/1,000 = 4 vehicles Loading spaces = 4 vehicles maximum		57 vehicle spaces, including handicapped spaces 6 loading spaces around the warehouse building
Landscaping	Minimum 15% Landscaping		15.6% (55,243 sq. ft.)
Building Setbacks	Front	25'	142'
	Side	25' or 0'	65'
	Rear	10' or 0'	327'
Building Height	75 feet maximum		17' 6" feet
Floor Area Ratio	.45:1		.26:1
Drive Aisles	26' minimum		30' minimum

Landscaping: The applicant proposes a significant front yard landscape setback of approximately 68 feet. Only 25 feet is required. The required water quality basin is located within this front yard landscape area. Landscaping is proposed in the rear and side yard portions of the property, primarily adjacent to residentially designated properties, consistent with the Development Code.

Site Access: Access to the rear yard portion of the property is controlled with decorative wrought iron gates on either side of the office building.

Rear Yard Improvements: Most of the rear yard area will be covered with crushed volcanic rock to cover existing native soil for dust control purposes.

Hours of Operation: Hours of operation will be from 6 am to 6 pm with 15-20 employees in the office building and the same number in the field. No customer vehicle trips are to occur.

**California Environmental Quality Act Compliance:**

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA) (Exhibit B). The IS concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended Conditions of Approval and mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval (Exhibit C). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised and distributed to initiate a 20-day public comment period, which concluded on February 18, 2020. No comment letters or electronic correspondence was received.

Following are summaries of topics addressed in the IS/MND:

Biological Resources: A General Biological Assessment was completed for the Project site, including a records/data base search and field survey. No sensitive habitats exist, including for burrowing owl. No federal or State listed species were observed, no notable drainage courses traverse the property, and no wetlands or vernal pools were identified. A mitigation measure and condition of approval has been incorporated to address the transitory nature of the burrowing owls and nesting birds and the need for a pre-construction survey for both, consistent with State and Federal requirements.

Cultural/Tribal Resources: A Phase I Cultural Resources Assessment was completed for the Project site, including a records search and field survey. The site has been utilized for residential and trucking related activities for many years and has been disturbed. The Assessment did not identify any resources nor did it require mitigation measures.

The San Manuel Band of Mission Indians and Kizh Nation responded to the Tribal Notification process (also known as AB 52), with both Tribes requesting measures for inadvertent finds that could occur during the construction phase. The Kizh Nation has also requested site monitoring by the Tribe during land disturbance activities. All items have been included within the Conditions of Approval.

Noise: The Initial Study identified the potential for elevated noise levels during construction. In an attempt to minimize this potential effect, mitigation measures have been recommended and incorporated into the Conditions of Approval. These measures reflect and expand upon County Development Code requirements.

Traffic: A traffic generation analysis was undertaken to evaluate potential Project-related traffic impacts. The Project is estimated to generate 225 daily trips, with 39 trips occurring during the am and pm peak hours. The County will require a traffic analysis if 100 or more hourly trips occur. As such, a traffic study was not prepared.

#### **Public Comments:**

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. One comment letter (Exhibit D) was received from an adjoining landowner who expressed the following concerns:

- The value of the property would decrease, necessitating a decrease in rental rates and revenue.
- The quality of life of the residents would decrease, due to dust, noise, and traffic during construction and operation of the use.
- Aesthetics would change from residential to industrial.

Conditions of Approval are intended to reduce potential dust, noise, and traffic concerns. The proposed office and warehouse buildings are both less than 18 feet in height and over 320 feet from the rear property line and 65 feet from the north property line.

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

1. **ADOPT** the Mitigated Negative Declaration (Exhibit B);
2. **ADOPT** the recommended Findings as contained in the Staff Report (Exhibit E);
3. **ADOPT** the General Plan Amendment to change the Land Use Zoning District from Single Residential (RS) to Community Industrial (IC) on the most northerly of the three Project related parcels;
4. **APPROVE** a Conditional Use Permit to establish a 12,000 sq. ft. office building and a 4,980 sq. ft. warehouse building on all three Project related parcels, totaling 4.77 acres, subject to the recommended Conditions of Approval (Exhibit C); and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination.

**ATTACHMENTS:**

- EXHIBIT A: Letter of Intent
- EXHIBIT B: Initial Study/Mitigated Negative Declaration
- EXHIBIT C: Conditions of Approval
- EXHIBIT D: Comment Letter
- EXHIBIT E: Findings
- EXHIBIT F: Site Plan

# **EXHIBIT A**

## **Letter of Intent**



## DESIGN SOLUTIONS

### Letter of Intent

Project Information: 8440 and 8424 Cottonwood Ave  
Fontana, CA  
APN 0229-082-14, 20 & 21

The intended use of this property is to construct a yard for the fiber optic installation company, HP Telecommunication. The houses have been demolished and a 60'x200' building will be constructed. This building will house the administrative and management offices, training and meeting areas as well as three large storage areas. The Back portion of the property will have a 90'x55' warehouse storage building and the remaining property will be covered with crushed volcanic rock for dust control. The back lot will store fiber optic spools, rock and dirt fill as well as overnight truck parking. The property will be fully fenced and secured. The standard hours of operations will be 6am to 6pm with 15-20 employees in the building and 15-20 employees working in the field. Traffic will be from those employees entering and leaving the premise; there will be no customer traffic.

Cheryl Montanez

More Design Solutions Inc

760-715-3382

# **EXHIBIT B**

## **Initial Study/Mitigated Negative Declaration**



## SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

### PROJECT LABEL:

<b>APNs:</b>	0229-082-14, 29, and 30	<b>USGS Quad:</b>	Guasti		
<b>Applicant:</b>	BOC Enterprises, LLC				
<b>Community:</b>	Fontana	<b>T, R, Section:</b>	T: 01S	R: 06W	Sec: 9
<b>Location:</b>	8416 to 8440 Cottonwood Avenue, west side of Cottonwood Avenue, north of Arrow Route.	<b>Thomas Bros.:</b>	Page 603, Grid: J-2		
<b>Project No:</b>	P201800322	<b>Planning Area:</b>	Fontana		
<b>Staff:</b>	Jim Morrissey, Project Planner	<b>Land Use Zoning:</b>	IC (Community Industrial) RS (Single Residential)		
<b>Rep:</b>	More Design Solutions, Inc.				
<b>Proposal:</b>	General Plan Amendment to change the Land Use Zoning District from RS (Single Residential) to IC (Community Industrial) on the most northerly of three parcels that comprise the project site and a Conditional Use Permit for the establishment of a 12,000 square foot office building and a 4,980 square foot warehouse building on all three parcels encompassing 4.77 acres.	<b>Overlays:</b>	Burrowing Owl (SE) Zone X		

### PROJECT CONTACT INFORMATION:

**Lead Agency:** County of San Bernardino  
Land Use Services Department  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

**Contact Person:** Jim Morrissey, Planner  
**Phone No:** (909) 387-4234  
**E-mail:** [jim.morrissey@lus.sbcounty.gov](mailto:jim.morrissey@lus.sbcounty.gov)

**Project Sponsor:** Cheryl Montanez  
More Design Solutions, Inc.  
17189 Bear Valley Road, #180  
Hesperia, CA 92345  
**Phone No:** (760) 715-3382

### PROJECT DESCRIPTION:

General Plan Amendment to change the Land Use Zoning District from RS (Single Residential) to IC (Community Industrial) on the most northerly of three parcels that comprise the project site and a Conditional Use Permit for the establishment of a 12,000 square foot office building and a 4,980 square foot warehouse building on all three parcels encompassing 4.77 acres.

#### Public Roadway Improvements

The Project would improve the west side of Cottonwood Avenue to its ultimate half-width along the Project site's frontage, including the construction of a 6-foot-wide curb sidewalk, repaving of the existing roadway, and constructing two (2) thirty-foot wide driveways.

### Water Improvements

Water service would be provided to the Project site by the Fontana Water Company. Under existing conditions, water service is available to the Project area via an existing water line in Cottonwood Avenue. To provide water service to the Project site, the Project would connect to the existing water line.

### Sewer Improvements

Wastewater conveyance and treatment services are provided to the Project site by the City of San Bernardino. Under existing conditions, sewer service is available in the Project area via an existing sewer line beneath Cottonwood Avenue. To provide sewer service to the Project site, the Project would connect to the existing sewer line.

### Drainage Improvements

Proposed hydrology involves dividing the site into two (2) drainage management areas. Natural drainage will remain in DA1. Runoff from DA2 will be conveyed via a 24" wide x 4" thick concrete drainage swale to be constructed on the parking lot. It will start at the northwest and southwest corners, run to the east to the center of the site then along the length of the parking lot. Runoff from DA2 will sheet flow towards a concrete drainage swale then drain to a 1,972 sq. ft. - infiltration trench located in the landscape area within the front yard landscape area near the southeast portion of the project site.

### Construction Duration

Project construction is anticipated to occur over an approximately 113 day period.

### Operational Characteristics

At buildout, the facility will provide administrative/management offices and training/meeting areas for HP Telecommunication. The rear portion of the property will provide overnight truck parking and store fiber optic spools and rock/dirt fill. Hours of operation will be from 6:00 AM to 6:00 PM, with 15-20 employees in the building and 15-20 employees working in the field.

### **ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]).

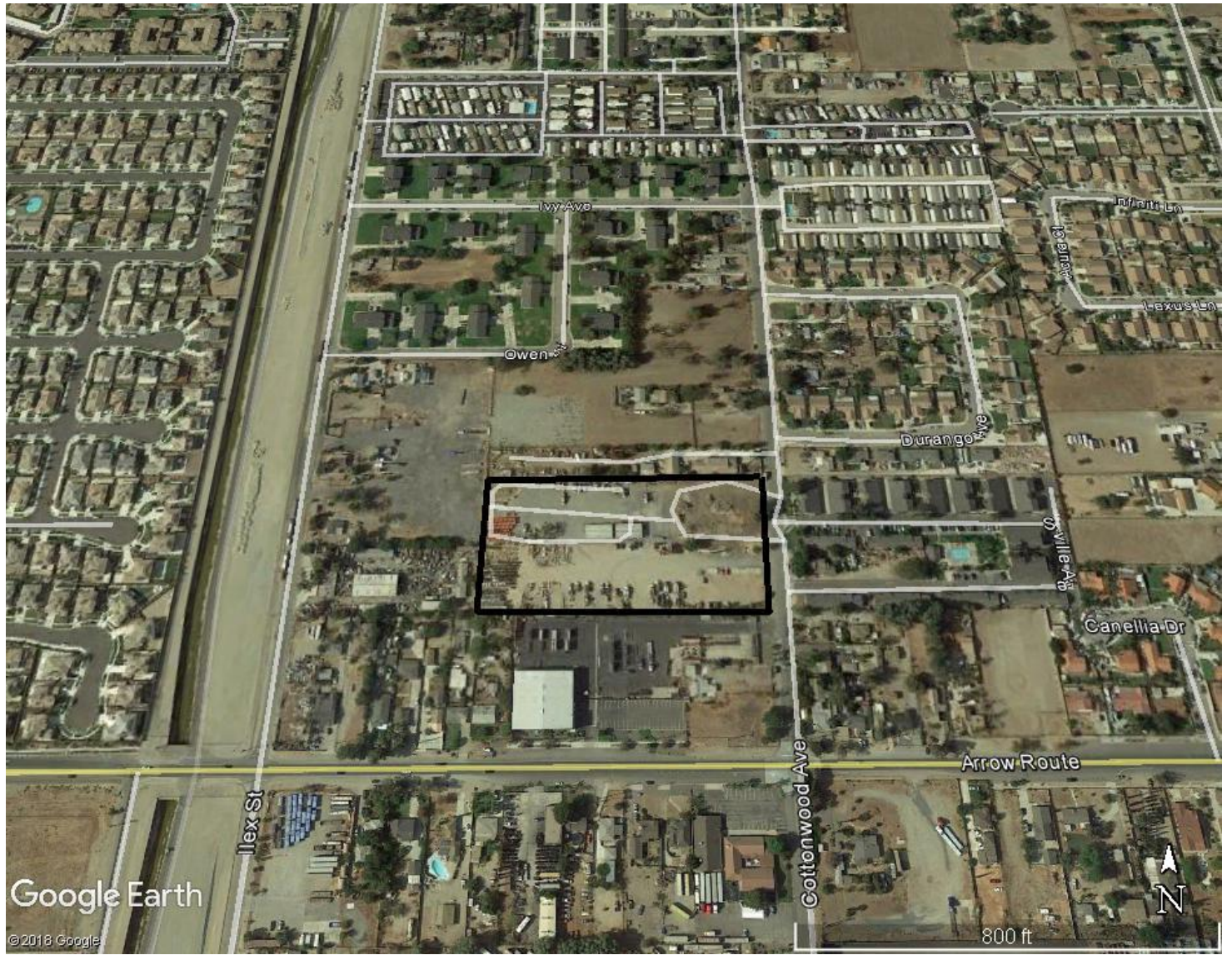
The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the Project's Initial Study commenced in February 2019.

The property is approximately 5-acres in size. The site has been recently modified through the removal of existing structures to create large flat gravel surfaces. Some portions of the site currently contain cable related materials as part of the proposed operation. Due to these improvements, little native vegetation exists throughout the site. The site is bordered on the north, east, south, and west by developed land. Brome grasses (*Bromus* sp.) and schismus (*Schismus* sp.) are the dominant species throughout the project site. A few palm trees were also present on the site.

Cottonwood Avenue along the site frontage is a paved roadway with no curb, gutter, or sidewalk.

Surrounding Land Uses and Setting

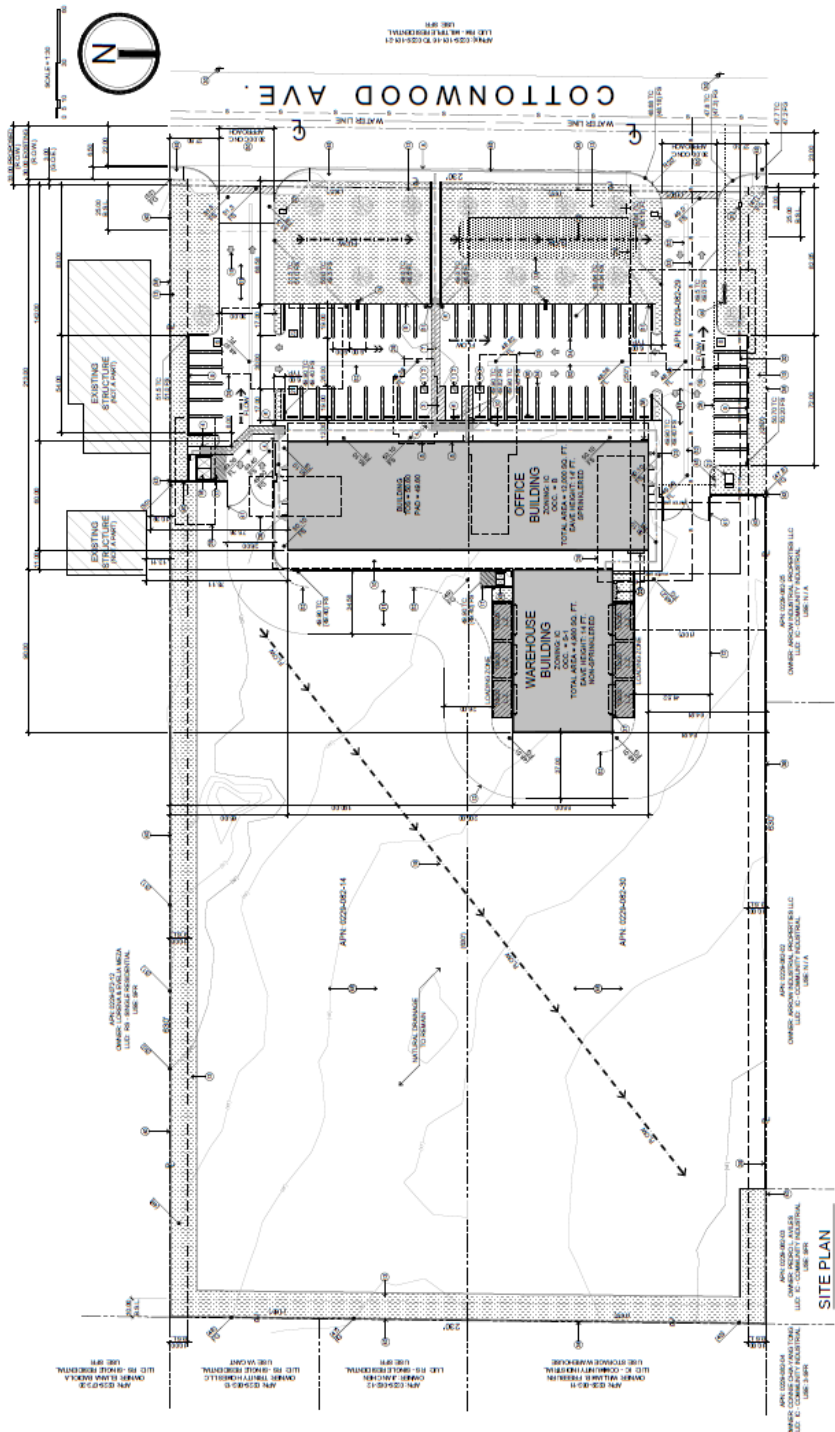
<b>Existing Land Use and Land Use/Overlay Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Industrial (primarily outdoor storage)	IC (Community Industrial) RS (Single Residential)
North	Residential	RS (Single Residential)
South	Industrial	IC (Community Industrial)
East	Residential	RM (Multiple Residential)
West	Industrial	IC (Community Industrial) RS (Single Residential)



P201800322

Location /Aerial Photo

Exhibit 1



P201800322

Site Plan

Exhibit 2

## CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Tribal Consultation has occurred with the San Manuel Band of Mission Indians and the Colorado River Indian Tribes. On March 6, 2019, The Colorado River Indian Tribes sent a letter to the County expressing concern about the potential removal of artifacts and requested to be notified if any remains were identified as part of ground disturbance. Recommended mitigation measures were provided by both the San Manuel Tribe and Gabrieleño Band of Mission Indians – Kizh Nation and incorporated into this document as both mitigation measures and conditions of approval.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on twenty (20) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology /Soils            | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning                | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**Because none of the environmental factors above are "checked", the Project does not require the preparation of an Environmental Impact Report.**


**DETERMINATION: (To be completed by the Lead Agency)**


On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature (Jim Morrissey, Planner)

  
Signature (Chris Warrick, Supervising Planner)

  
Date

  
Date

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>I.</b>	<b>AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located within the view-shed of any Scenic Route listed in the General Plan)

la) **Less Than Significant Impact.** County of San Bernardino General Plan Open Space Element, Policy OS 5.1. states that a feature or vista can be considered scenic if it:

- Provides a vista of undisturbed natural areas;
- Includes a unique or unusual feature that comprises an important or dominant portion of the viewshed; or,
- Offers a distant vista that provides relief from less attractive views of nearby features such as views of mountain backdrops from urban areas.

The San Gabriel Mountains located approximately 5 miles north of the site and the San Bernardino Mountains located approximately 12 miles northeast of the Project site meet the criteria of a scenic vista pursuant to County of San Bernardino General Plan Open Space Element Policy OS 5.1.

The public views of the San Gabriel Mountains and the San Bernardino Mountains are from the public right-of-way of Cottonwood Avenue adjacent to the project site. The scenic features of the San Gabriel Mountains and the San Bernardino Mountains are not prominently visible from the Project site because of distance and intervening development.

Based on the analysis above, public views of the San Gabriel Mountains and San Bernardino Mountains will not be impacted and the Project will have a less than significant impact on a scenic vista.

lb) **No Impact.** According to the County of San Bernardino General Plan the Project site is not within a scenic route (SB County 2007a). Therefore, no impact is anticipated.

lc) **Less than Significant impact.** According to the Census 2010 Urbanized Area Outline Maps (US,



2019), the project site is located in the Riverside-San Bernardino Urbanized Area. The Project is subject to mandatory Development Code requirements governing scenic quality that stipulate that new land uses and structures shall be designed, constructed, and established in compliance with the requirements in Development Code Chapter 82.06.060-Industrial and Special Purpose Land Use Zoning District Site Planning and Buildings. Compliance with these mandatory Development Code requirements will ensure that the Project will not degrade the existing visual character or quality of public views of the site and its surroundings.

- ld) **Less Than Significant Impact.** The Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting and other outdoor lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07-Glare and Outdoor Lighting of the Development Code (SB County, 2007b) ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required, as a condition of Project approval, to ensure the standards are met.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURE and FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located in the Important Farmlands Overlay)

- IIa) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program (DOC, 2008). As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.
- IIb) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is currently zoned IC (Community Industrial) and RS (Single Residential) which is primarily intended for industrial and residential development and not agricultural use. There are no agricultural uses on the Project site nor the general area.

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The Project site is not under a Williamson Act Contract, based upon an on-line review of Department of Conservation Williamson Act Maps FY 2015/2016. As such, there is no impact with

respect to a Williamson Act Contract.

- IIc) **No Impact.** The Project site has two separate zoning districts, IC (Community Industrial) for the southerly two parcels and RS (Single Residential) for the northerly parcel. The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.
- IIId) **No Impact.** The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.
- IIe) **No Impact.** “Farmland” is defined in Section II(a) of Appendix G of the CEQA Guidelines to mean “Prime Farmland,” “Unique Farmland” or “Farmland of Statewide Importance.” According to the Department of Conservation (DOC), the Project site does not contain any soils mapped by the DOC as “Farmland.” The Project site is located in an area largely characterized by residential development and industrial development and designated “Urban and Built-Up” by the DOC. Surrounding land uses are residential development to the north, industrial development to the south, residential development to the east, and industrial development to the west.

The Project site is planned for industrial development by the County’s General Plan and this type of development has been anticipated for the Project site.

Based on the analysis above, the Project would not result in conversion of Farmland to non-agricultural use or forest land to non-forest use and no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>III.</b>	<b>AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION** : (Discuss conformity with the South Coast Air Quality Management Plan, if applicable)  
The following analysis is based in part on the *CalEEMod Printouts*, (Appendix A).

III a) **Less than Significant Impact.** The Project site is located within the South Coast Air Basin (SCAB or "Basin"). The SCAB encompasses approximately 6,745 square miles and includes Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to reduce air emissions in the Basin. The 2016 AQMP is based on assumptions provided by both the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG) in the latest available EMFAC (Emissions Factor) model for the most recent motor vehicle and demographics information, respectively. The 2016 AQMP assumes that development associated with general plans, specific plans, residential projects, and wastewater facilities will be constructed in accordance with population growth projections identified by SCAG. For purposes of evaluation and to determine if the Project would conflict with or obstruct implementation of the applicable air quality plan, consistency with the 2016 AQMP is discussed below.

The SCAQMD has established criteria for determining consistency with the AQMP. These criteria are defined in Chapter 12, Sections 12.2 and 12.3 of the SCAQMD *CEQA Air Quality Handbook* and discussed below.

**Consistency Criterion No. 1:** *The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). As evaluated under Issues III (b), (c), and (d), below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation. Accordingly, the Project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

**Consistency Criterion No. 2:** *The proposed project will not exceed the assumptions in the AQMP*

or increments based on the years of project build-out phase.

The growth forecasts used in the AQMP rely on regional population growth projections to forecast, inventory, and allocate regional emissions from land use and development-related sources.

The Project is proposing a General Plan Amendment to change the Land Use and Zoning District for the north northerly of the three affected parcels from RS (Single Residential) to IC (Community Industrial) consisting of 2.38 acres. Given that the current unemployment rate for the Riverside-San Bernardino-Ontario area is approximately 4.5%, it is reasonably assured that the jobs would be filled by people living within the region. (Bureau of Labor Statistics, 2019) As such, the Project is not expected to result in an increase in population.

Based on the above data, the change in land use to industrial uses will not substantially change the assumptions in the 2016 AQMP based upon the years of project build-out. As such, impacts are less than significant.

**IIIb) Less than Significant Impact.**

Both construction and operational emissions for the Project were estimated by using the *California Emissions Estimator Model (CalEEMod)* which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District (“District”).

**Regional Impact Analysis**

*Construction Emissions*

Construction activities associated with the Project will result in emissions of CO, VOCs, NOX, SOX, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction related emissions are expected from the following construction activities:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

Project construction is anticipated to occur over an approximately 3-month period. The estimated maximum daily construction emissions are summarized on Table 3 below.

**Table 3. Construction Emissions (Rule 401 & 403 Compliance)**

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	VOC	CO	SOx	PM10	PM2.5
	10.68	17.26	8.46	0.015	0.91	0.70
<b>Regional Threshold</b>	<b>100</b>	<b>75</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Regional Threshold?</b>	NO	NO	NO	NO	NO	NO
<b>Source:</b> SCAQMD and CalEEMod						

As shown in Table 3 above, emissions resulting from the Project construction would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during construction activity and no mitigation is required.

### Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOC, NOX, CO, SOX, PM<sub>10</sub>, and PM<sub>2.5</sub>. Operational emissions would be expected from the following primary sources:

- Area Source Emissions (architectural coatings, consumer products, landscape maintenance equipment);
- Energy Source Emissions (combustion emissions associated with natural gas and electricity);and
- Mobile Source Emissions (vehicles, fugitive dust related to vehicular travel).

The estimated maximum daily worst case peak operational emissions without mitigation are summarized on Table 4 below.

**Table 4. Operational Emissions**

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	VOC	CO	SOx	PM <sub>10</sub>	PM <sub>2.5</sub>
	1.36	0.67	3.72	0.013	0.99	0.28
<b>Regional Threshold</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Regional Threshold?</b>	NO	NO	NO	NO	NO	NO
<b>Source:</b> SCAQMD and CalEEMod						

As shown in Table 4 above, emissions resulting from Project operation would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during on-going operational activity and no mitigation is required

### Localized Impact Analysis

As part of the South Coast Air Quality Management District’s environmental justice program, attention has been focusing more on the localized effects of air quality. Although the region may be in attainment for a particular criteria pollutant, localized emissions from construction and operational activities coupled with ambient pollutant levels can cause localized increases in criteria pollutant that exceed national and/or State air quality standards. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST) which were developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities.

Localized Significance Thresholds are only applicable to the following criteria pollutants: oxides of nitrogen (NOX), carbon monoxide (CO), particulate matter less than 10 microns in aerodynamic diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>). Localized Significance Threshold’s represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor. The estimated maximum daily LST emissions are summarized on Table 5 below.

**Table 5. Localized Emissions**

<b>Pollutant</b>	<b>LST Significance Threshold Lbs/Day*</b>	<b>Project Emissions (mitigated)</b>	<b>Exceeds Threshold?</b>
(NO <sub>x</sub> ) for Construction and Operation	118	10.68	<b>NO</b>
(CO) for Construction and Operation	674	8.46	<b>NO</b>
PM 10 for Operation	1	>0.1	<b>NO</b>
PM10 for Construction	4	0.91	<b>NO</b>
PM 2.5 for Operation	1	>0.1	<b>NO</b>
PM2.5 for Construction	3	0.70	<b>NO</b>
*Based on LST SRA #34 1-acre @ 25 meters			

As shown in Table 5 above, emissions resulting from the Project operation would not exceed the LST thresholds established by the District. As such, the Project will have a less than significant impact during on-going operational activity and no mitigation is required.

*CO Hot Spots*

CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the Project site which exceed the 100,000 vehicle per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, Project-related vehicular emissions would not create a Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Based on the analysis above, impacts would be less than significant and no mitigation measures are required.

- IIIc) **Less Than Significant Impact.** Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. The closest sensitive receptors would be the residential homes to the north of the Project site.

*Localized Impacts*

As shown in Table 5 above under the discussion of Issue IIIb), the Project would not exceed any of the South Coast Air Quality Management District’s Localized Significance Thresholds. In addition, the Project would not create a CO Hot Spot. Accordingly, Project-related localized emissions would not expose sensitive receptors to substantial pollutant concentrations during construction or long-term operation and impacts would be less than significant.

*Toxic Air Contaminants (TAC)*

In regard to air quality hazards, Toxic Air Contaminants (TACs) are defined as substances that may cause or contribute to an increase in deaths or in serious illness or that may pose a present or potential hazard to human health.

During construction, diesel particulate matter (DPM) emissions from heavy equipment use would temporarily add to the health risk from DPM in the Project area. Heavy-duty construction equipment is subject to an ARB Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions. As described above for the LST analysis, PM<sub>10</sub> (representative of DPM, which is a TAC) emissions and exposure would be minimal and below the SCAQMD LSTs.

The nearest sensitive receptors to the Project site are residences located adjacent to the northern boundary of the Project site and the residences located to the east of the Project site across Cottonwood Avenue. According to the Office of Environmental Health Hazard Assessment, health risks should be based on a 70-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the Project. Due to the temporary nature of construction (that would only occur over approximately 113 days) exposure to the proposed Project involves approximately 113 days. As such, the exposure of any proximate individual sensitive receptor to TACs would be limited and TACs generated during construction would not be expected to result in concentrations causing significant health risks.

At buildout, the Project will provide administrative/management offices and training/meeting areas for HP Telecommunication. The rear portion of the property will provide overnight truck parking and store fiber optic spools and rock/dirt fill. Hours of operation will be from 6:00 AM to 6:00 PM, with 15-20 employees in the building and 15-20 employees working in the field. As such, operation of the proposed Project would not result in any non-permitted direct emissions (e.g., those from a point source such as diesel generators) or result in a substantial increase in diesel vehicles (i.e., delivery trucks). Overall, the proposed Project would not result in exposure of sensitive receptors in the vicinity of the project site to substantial TAC concentrations and would not exacerbate pre-existing health risk hazards.

Therefore, impacts would be less than significant and no mitigation is required.

- IIIId) **Less Than Significant Impact.** According to the South Coast Air Quality Management District *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project will provide administrative/management offices and training/meeting areas for HP Telecommunication. The rear portion of the property will provide overnight truck parking and store fiber optic spools and rock/dirt fill. This type of development is a land use that typically is not associated with emitting objectionable odors.

Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is, thus, considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**



ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database) The following analysis is based in part on the *General Biological Resources Assessment*, RCA Associates, December 27, 2018, (Appendix B).

IVa) **Less Than Significant Impact With Mitigation Incorporated.** The site supports a disturbed grassland community which covers most of the property. Birds observed included ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), rock pigeon (*Columba livia*), northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), white-crowned sparrow (*Zonotrichia leucophrys*), and Anna's hummingbird (*Calypte anna*).

California ground squirrels (*Spermophilus beecheyi*) and cottontail (*Sylvilagus auduboni*) were the only mammals observed on the site. No distinct wildlife corridors were identified on the site or in the immediate area.

Reptiles common in the region which is expected to inhabit the site include alligator lizard (*Elgaria*

sp.), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*).

#### *Federal and State Listed Species*

No federal or State-listed species were observed on the site or within the Project's zone of influence during the field investigations nor are any listed species expected to inhabit the site.

#### *Wildlife Species of Special Concern*

There are multiple species that are of Special Concern within the vicinity of the Project area; however, the site does not support habitats typically associated with most of the sensitive species in the region. The only sensitive species which could potentially occur on the site is the burrowing owl and no owls were detected during the surveys conducted on the site. In addition, the site is not expected to support any populations of any other sensitive wildlife species. However, as per California Department of Fish and Wildlife (CDFW) protocol, the burrowing owl survey results are valid for only 30 days. Therefore, the following mitigation measure is required:

**Mitigation Measure -BIO-1: Pre-Construction Burrowing Owl Survey.** Prior to the issuance of a grading permit for any phase the following action shall occur:

1) The following quoted note shall be included on grading plans submitted to the City for review and approval:

*"Within 30 calendar days prior to grading for any phase, a qualified biologist shall conduct a survey of the Project's proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit and subject to the following provisions:*

*a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.*

*b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit."*

2) The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.

Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

#### *Sensitive Plants*

There are numerous plants that have been documented in the region. As mentioned above, about twelve sensitive plants have been documented within Ontario quadrangle. However, the site does not support habitats typically associated with the sensitive plants known to occur in the region. Therefore, no sensitive plant species are expected to inhabit the site and the Project is not expected to impact any sensitive species.

**Based on the above analysis, with implementation of Mitigation Measure BIO-1, impacts are less than significant with respect to 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.**

IVb) **No Impact.** There is no surface water on site or any riparian habitat or other sensitive natural community. As such, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

IVc) **No Impact.** No state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) exist on the site.

IVd) **Less Than Significant Impact With Mitigation incorporated.** The Project site is disturbed and does not support a diversity of native wildlife. Paved roads, fencing, and developed land surrounding the Project site block terrestrial wildlife movement from all directions. Accordingly, the site is not expected to serve as a wildlife movement corridor. Notwithstanding this fact, development of the Project site has some potential to impact avian species that are protected by the federal Migratory Bird Treaty Act or nesting birds protected by California law. As such, the following mitigation measure is required:

**Mitigation Measure - BIO-2: Nesting Bird Survey.** Prior to the issuance of a grading permit for any phase the following action shall occur: 1) The following quoted note shall be included on grading plans submitted to the City for review and approval:

*“Vegetation clearing and ground disturbing activities occur outside of the migratory bird nesting season (February 1 to August 31). If avoidance of the nesting season is not feasible, then the Project Applicant shall retain a qualified biologist to conduct a nesting bird survey no greater than three (3) days prior to any ground disturbance activities at the Project site, including disking, demolition activities, and grading. If active nests are identified during the nesting bird survey, the biologist shall establish suitable buffers around the nests (depending on the level of activity within the buffer and species detected), and the buffer areas shall be avoided by construction personnel until the biologist makes a determination that the nests are no longer occupied and that the juvenile birds can survive independently from the nests.”*

2) The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.

Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

**Based on the above analysis, with implementation of Mitigation Measure BIO-2, impacts are less than significant**

- IVe) **Less Than Significant Impact.** The removal of trees on the Project site would be subject to Section 88.01.070 (b) of the San Bernardino County Municipal Code (SB County, 2007b) which contains regulations related to the protection and management of trees. Mandatory compliance with standard regulatory requirements would preclude any potentially significant impacts caused by conflict with local policies or ordinances protecting trees.
- IVf) **No Impact.** The Project site is not located within any Habitat Conservation Plan or Natural Community Conservation Plan (CDFW 2019). Therefore, the Project would have no potential to conflict with any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES</b> - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Cultural  Resources overlays or cite results of cultural resource review) The following analysis is based in part on the *Phase I Cultural Resources Assessment*, RCA Associates, March 5, 2019, (Appendix C).

- Va) **No Impact.** Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

On February 18, 2019, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and

cultural resource surveys and studies conducted on the property and within a one mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the Project area.

The Project area was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to historical resources as a result of the Project and no mitigation measures are required.

- Vb) **No Impact:** Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As noted under Issue Va) above, a record search and field survey were conducted for the Project site. No archaeological resources pursuant to §15064.5 were discovered. As such, there will be no impact with respect to archaeological resources as a result of the Project and no mitigation measures are required.

- Vc) **Less Than Significant Impact.** The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable mandatory provisions of California Health and Safety Code §7050.5, as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours of being granted access to the site, and discuss and confer concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<b>ISSUES</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VI. ENERGY - Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**VIa) Less Than Significant Impact.**

*Short-Term Construction Impacts*

Construction of the Project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions. Construction of the Project would require electricity use to power some of the construction-related equipment. The electricity use during construction would vary during different phases of construction, where the majority of construction equipment during grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered, such as interior construction and architectural coatings.

Table 6 below shows the estimated energy consumption for Project construction.

**Table 6. Energy Consumption Estimate for Project Construction.**

Construction Phase	Number of Construction Days	Average Worker and Vendor Trips Per Day	Horse Power Hours per Construction Phase	Construction Equipment		Worker and Vendor Trips Gas & Fuel Use (3)
				Energy Use (1)	Gas & Fuel Use (2)	
Site Preparation	1	5	2,272		54	3
Grading	2	8	1,411		76	9
Building Const., Paving, Architectural Coating.	100	37	3,544		192	2,032
			<b>TOTALS</b>	<b>24.78 kWh</b>	<b>322 Gal.</b>	<b>2,044 Gal.</b>

1: Calculation is based on an average construction energy cost of \$2.28 per month of energy use per 1,000 square feet of building space (16,980 s.f.) over the total duration of construction (8 months), at the rate of 8 cents per kilowatt hour (kWh).  
2: Calculation is based on expected horsepower (HP) hours and an average factor of 1 gallon of fuel per 18.5 horsepower-hour.  
3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 14.7 miles and based on the average fuel economy of a light duty automobile of 26.77 miles per gallon.  
4: This calculation overstates the HP hours per construction phase because it does not apply a load factor.

Since the Project site is already served by onsite electrical infrastructure, adequate electrical infrastructure capacity is available to accommodate the electricity demand during construction would not require additional or expanded electrical infrastructure. The construction contractors are

anticipated to minimize idling of construction equipment during construction and reduce construction and demolition waste by recycling. Such required practices would limit wasteful and unnecessary fuel and electrical energy consumption. Thus, impacts from energy use during short-term construction activities would be less than significant.

#### *Long-Term Operational Impacts*

Operation of the Project would create additional demands for electricity as compared to existing conditions, and would result in increased transportation energy use. Operational use of energy would include heating, cooling, and ventilation of buildings; operation of electrical systems, security and control center functions, use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting.

Based on the CalEEMod Printouts (Appendix A), the Project would create a net increase in electricity demand of approximately 133,973 kWh per year. This net increase is well within SCE's systemwide net increase in electricity supplies of approximately 18,084 GWh during the 2017 period (CEC, 2017). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies.

Based on CalEEMod Printouts (Appendix A), the Project would generate a net increase in natural gas demand of approximately 51,749 KBTU/yr. This net increase is well within the Southern California Gas Company's systemwide natural gas supplies of approximately 923 million of therms during the 2017 period. (CEC, 2017). Therefore, there are sufficient planned natural gas supplies in the region for the estimated net increase in natural gas demands, and buildout under the proposed Project would not require expanded natural gas supplies.

Additionally, plans submitted for building permits of development projects in the Project area would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards. The Project would also be required adherence to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

Based on the above analysis, the proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation

- Vlb) **Less Than Significant Impact:** The County of San Bernardino General Plan Renewable Energy and Conservation Element RE Policy 1.1 states: "*Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan. The County's Greenhouse Gas Emissions Reduction Plan is considered a "local plan" for renewable energy or energy efficiency.*" As noted in the analysis for Issue VIIIa-b, *Greenhouse Gas Emissions*, the Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan*, will be included as Conditions of Approval for the Project. As such, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant impact</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the 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? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located in the Geologic Hazards Overlay District)

- VIIai) **No Impact.** According to the Southern California Earthquake Data Center (SCEDC, 2018) and San Bernardino County Geologic Hazard Mapping, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.
- VIIaii) **Less Than Significant Impact.** The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of



the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code. The County's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the buildings during construction, which would ensure that all required California Building Code seismic safety measures are incorporated into the buildings. Compliance with the California Building Code as verified by the County's review process, would reduce impacts related to strong seismic ground shaking.

- VIIa) **Less Than Significant Impact.** According to the County's Geologic Hazards Overlay Maps, the Project site is not located in an area that is susceptible to landslides or liquefaction (SB County, 2010). However, detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Division. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process. This would reduce the low potential for liquefaction to a less than significant level.
- VIIaiv) **No Impact.** The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.
- VIIb) **Less Than Significant Impact.** During construction, the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. A Construction General Permit would be obtained and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction. Potential impacts would be mitigated for through sediment, erosion, and non-storm water control methods identified in the SWPPP pursuant to the requirements of the NPDES General Construction Permit. Implementation of a SWPPP would ensure the project does not result in significant impacts to water quality due to construction-related activities.

The Project includes installation of landscaping throughout the Project site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section X, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater on the Project site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, the Project requires a Water Quality Management Plan (WQMP), which would ensure that appropriate operational Best Management Practices (BMPs) are implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur during operation of the Project. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

- VIIc) **Less Than Significant Impact.**

*Landslide*

As noted in the response to Issue VIIaiv above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides.

*Lateral Spreading*

Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that

have rapid fluid-like flow horizontal movement. Most lateral spreading is caused by earthquakes but it is also caused by landslides. As noted in the response to Issue VIIaiv above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to lateral spreading.

### *Subsidence*

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code, as identified in a site specific geotechnical design, would be reviewed by the County for appropriate inclusion during the building plan check and development review process, thereby reducing the potential for subsidence to a less than significant level.

### *Liquefaction*

As noted in the response to Issue VIIaiii above, the potential for exposure to liquefaction is not expected.

### *Collapse*

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures. The site is subject to low to moderate potential for collapse. Collapse is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code, as identified in a site specific geotechnical design, would be reviewed by the County for appropriate inclusion during the building plan check and development review process, thereby reducing the low to moderate potential for collapse to a less than significant level.

- VIIId) **Less Than Significant Impact.** The soil of the project site is composed of Soboba stony loamy sand. The sandy loam series are well drained and have moderately rapid permeability. This soil type has high infiltration rates and is not identified as having a high shrink-swell potential (USDA, 2019). Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions is a standard practice and would be required by the County Building and Safety Department and will ensure impacts are less than significant.
- VIIe) **Less Than Significant Impact.** The Project does not propose the use of septic tanks or alternative waste water disposal systems. The Project will connect to a sewer system operated by the City of San Bernardino. As such, there is no impact.

VIIIf) **Less Than Significant Impact With Mitigation Incorporated.** Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

No known paleontological resources or unique geologic features are present on the Project site. Notwithstanding this fact, the San Bernardino County General Plan EIR states that unknown paleontological resources have the potential to exist on properties that have not been disturbed by prior development activities involving excavation (such as portions of the Project site). (SB County, 2007a). Accordingly, the Project has the potential to result in significant adverse impacts to paleontological resources that may exist beneath the ground surface on the Project site during site excavation and/or grading activities that would occur on the property during Project construction activities. To minimize the effects of this potential impact, Mitigation Measure GEO-1 is required.

**Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.**

Prior to the issuance of a grading permit, the following note shall be included on grading plans:

*“If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:*

*1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.*

*2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.*

*3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”*

**With implementation of Mitigation Measure GEO-1, impacts are less than significant.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS - Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** The following analysis is based in part on the *CalEEMod Printouts*, (Appendix A).

VIIIa) **Less Than Significant Impact.** In December September 2011, the County of San Bernardino adopted the "*Greenhouse Gas Emissions Reduction Plan*" ("GHG Plan"). SB County, 2011). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020, consistent with State climate change goals adopted pursuant to AB32. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan.

Section 5.6 of the GHG Plan identifies the procedures for reviewing development projects for consistency with the GHG Plan. The GHG Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the Plan pursuant to Section 15183.5 of the State CEQA Guidelines. The initial screening procedure is to determine if a project will emit 3,000 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>E) per year or more. Projects that do not exceed this threshold require no further climate change analysis but are required to implement mandatory reducing measures in the project's conditions of approval.

Projects exceeding this threshold must meet a minimum 31 percent emissions reduction in order to garner a less than significant determination. This can be met by either (1) achieving 100 points from a menu of mitigation options provided in the GHG Plan or (2) quantifying proposed reduction measures. Projects failing to meet the 31 percent reduction threshold would have a potentially significant impact related to climate change and greenhouse gas emissions.

A GHG emissions inventory was conducted for the Project utilizing the California Emissions Estimator Model (CalEEMod) as shown on Table 7 below.

**Table 7. Project Greenhouse Gas (GHG) Emissions**

Source	GHG Emissions MT/yr			
	N2O	CO2	CH4	CO2e
Mobile Sources	0.000	156.74	0.008	156.94
Area	0.000	0.002	0.00	0.002
Energy	0.0004	45.45	0.002	45.62
Solid Waste	0.000	3.22	0.19	7.97
Water/Wastewater	0.003	19.29	0.11	22.79
30-year Amortized Construction GHG				1.74
<b>TOTAL</b>				<b>235.06</b>
<b>SCAQMD Threshold</b>				<b>3,000</b>
<b>Exceed Threshold?</b>				<b>NO</b>

As shown on Table 7 above, the Project's GHG emissions are less than the initial screening threshold of 3,000 MTCO<sub>2</sub>E per year. Projects that do not exceed this threshold require no further climate change analysis. However, Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project. Therefore, impacts are less than significant, and no mitigation would be required.

VIIIb) **Less Than Significant Impact.** The State and local regulatory programs for GHG emissions and climate change are described in the response to Issue VIIIa above. The Performance Standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts are less than significant, and no mitigation would be required.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

ISSUES		<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>					
a)	Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within 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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

**IX a-b) Less Than Significant Impact.**

*Construction Activities*

Heavy equipment used during construction of the Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would

be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the Project than would occur on any other similar construction site.

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

#### *Operational Activities*

The Project will provide administrative/management offices and training/meeting areas for HP Telecommunication. The rear portion of the property will provide overnight truck parking and store fiber optic spools and rock/dirt fill. It is not anticipated that the Project will store or use substantial amounts of hazardous materials. In any event, the Project will be subject to the requirements of the Hazardous Materials Division of the San Bernardino County Fire Department. Typical conditions applied to planning projects include obtaining permits, filing a business emergency/contingency plan, preparing a Risk Management Plan, filing construction plans and obtaining construction permits for the installation of underground storage tanks if necessary.

With mandatory regulatory compliance imposed by the Hazardous Materials Division of the San Bernardino County Fire Department, potential hazardous materials impacts associated with long-term operation of the gas station and convenience store is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment.

- IXc) **No Impact.** The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. The nearest school is East Heritage Elementary School located approximately 1.20 miles northeast of the Project site. In addition, as discussed in the responses to issues IXa-b above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials.
- IXd) **No impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.
- IXe) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Ontario International Airport located approximately 5.0 miles to the southwest of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses. No impact is anticipated.
- IXf) **No Impact.** Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.
- IXg) **No Impact.** The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S.

Forest Service, and the County Fire Department. According to the San Bernardino County Hazards Overlay Map (SB County, 2010), the Project Site is not located within a Fire Safety Overlay District.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
i) Result in substantial erosion or siltation on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) (iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** The following analysis is based in part on the *San Gabriel Valley Water Company Fontana Water Company Division, Final 2015 Water Management Plan*.

Xa) **Less Than Significant Impact.**

*Construction Impacts*



Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board ("Board") and the County of San Bernardino, the Project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit (MSP) for construction activities. The NPDES permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project will be required to comply with the Santa Ana Regional Water Quality Control Board's Basin Plan. Compliance with the NPDES permit and the Basin Plan involves the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, including grading. The SWPPP would specify the Best Management Practices (BMP's) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the Project site.

#### *Operational Impacts*

Storm water pollutants commonly associated with the type of land uses that could occupy the proposed buildings include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the County's NPDES permit, a Water Quality Management Plan (WQMP) is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A WQMP describes the BMP's that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

Proposed hydrology involves dividing the site into two (2) drainage management areas. Natural drainage will remain in DA1. Runoff from DA2 will be conveyed via a 24" wide x 4" thick concrete drainage swale to be constructed on the parking lot. It will start at the northwest and southwest corners, traversing easterly to the center of the site then along the length of the parking lot. Runoff from DA2 would sheet flow towards a concrete drainage swale then drain to a 1,972 sq. ft. infiltration trench located at the front, south end of the parking lot.

Based on the analysis above, impacts are less than significant.

- Xb) **Less Than Significant Impact.** The Project site will be provided water by the Fontana Water Company (FWC). FWC is a division of the San Gabriel Valley Water Company and is a retail water supplier for the City of Fontana, and portions of the City of Rialto, City of Rancho Cucamonga, and adjacent unincorporated areas of San Bernardino County. FWC operates within the service area of the Inland Empire Utilities Agency (IEUA) and the San Bernardino Valley Municipal Water District (SBVMWD) wholesale water agencies. FWC purchases imported water supplies from IEUA and SBVMWD, both wholesale water agencies.

FWC receives groundwater supplies from three adjudicated basins which includes the Chino Basin, Rialto-Colton Basin, and the Lytle Basin, and one un-adjudicated basin known as the No Man's Land Basin.

### *Chino Basin*

The Chino Basin is the main source of water for FWC. The Chino Basin is an adjudicated basin. According to the DWR [Department of Water Resources] Bulletin 118 (California's Groundwater), DWR has not identified the Chino Basin as being in "*critical condition of overdraft.*"

### *Rialto-Colton Basin*

FWC pumps groundwater from four active wells in the Rialto-Colton Basin. The Rialto-Colton Basin is an adjudicated basin. DWR has also not identified the Rialto-Colton Basin as being in "*critical condition of overdraft.*"

### *Lytle Basin*

FWC pumps groundwater from ten active wells in the Lytle Basin. The Lytle Basin is an adjudicated basin. DWR has also not identified the Lytle Basin as being in "*critical condition of overdraft.*"

### *No Man's Land Basin*

FWC pumps groundwater from three active wells in the No Man's Land Basin. The No Man's Land Basin is not an adjudicated basin. DWR has also not identified the No Man's Land Basin as one of the basins in "*critical condition of overdraft.*" Average groundwater production of approximately 4,000 AFY from the No Man's Land Basin is estimated to be available for pumping and diversion by FWC during normal, single dry and multiple dry years in the next twenty years.

The adopted groundwater management plans for the adjudicated Chino Basin, Rialto-Colton Basin, and Lytle Basin are contained within the Chino Basin Judgment, Rialto-Colton Basin Court Decree, and McKinley Decree, respectively. FWC has the legal right to pump groundwater from these basins.

Historical average groundwater withdrawal from 2011 through 2015 from these basins over the last 21 years has been about 33,900 AFY; however, during the last five years, average pumping has only been about 29,000 AFY.

The Project is proposing a General Plan Amendment to change the Land Use and Zoning District from RS (Single Residential) to IC (Community Industrial) on the most northerly of three Project parcels covering 2.38 acres. According to the California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2019, with 2010 Benchmark*, under the RS District, the Project would generate a population of approximately 47 persons (assuming all the residents came from outside the region). Given that the current unemployment rate for the Riverside-San Bernardino-Ontario area is approximately 4.1%, it is reasonably assured that the jobs would be filled by people living within the region. (Bureau of Labor Statistics, 2018). As such, the Project is not expected to result in an increase in population.

Based on the above data, the change in land use will not substantially change the assumptions in the *San Gabriel Valley Water Company Fontana Water Company Division, Final 2015 Water Management Plan*.

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

- Xci) **Less Than Significant Impact.** Development of the Project site will create impervious surfaces and increase the amount of surface runoff. Surface runoff will be directed via pipes, curbs, or

concrete ribbons/gutters to a water quality retention basin to be located in the northeast corner of the site which will manage erosion or siltation on- or offsite.

- Xcii) **Less Than Significant Impact.** The site will be developed with structures and pavement. Proposed hydrology involves dividing the site into two (2) drainage management areas. Natural drainage will remain in DA1. Runoff from DA2 will be conveyed via a 24" wide x 4" thick concrete drainage swale to be constructed on the parking lot. It will start at the northwest and southwest corners, run to the east to the center of the site then along the length of the parking lot. Runoff from DA2 will sheet flow towards a concrete drainage swale then drain to a 1,972 SF- infiltration trench located at the front, south end of the parking lot. As such, the Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Xiv) **Less Than Significant Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C8635) and is not subject to flooding. The Project site is also not impacted by offsite storm water runoff. As such, the Project will not impede or redirect flood flows
- Xd) **No Impact.** The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 06071C8635), identified as areas "outside the 0.2% annual chance floodplain" and, therefore, is not subject to flooding. According to the California Department of Conservation, California Official Tsunami Inundation Maps, the site is not located within a tsunami inundation zone. The Project would not be at risk from seiche, because there are no nearby water bodies large enough to cause a seiche.
- Xe) **Less Than Significant Impact.** Upon construction of the proposed water quality retention basin, the Project will not conflict with or obstruct implementation of the *Santa Ana Region Basin Plan*.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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<b>XI. LAND USE AND PLANNING</b> - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- XIa) **No Impact.** The Project site is located adjacent to an existing roadway and is a logical and orderly extension of the planned and existing land uses within the surrounding area.
- XIb) **No Impact.** As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the Project would not conflict with any applicable policy document, including, without limitation, the South Coast Air Quality Management District's *Air Quality Management Plan* and the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan*. The purpose of these plans is to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and resulting impacts would be less than significant.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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<b>XII. MINERAL RESOURCES</b> - Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located within the Mineral Resource Zone Overlay)

- XIIa) **Less Than Significant Impact.** The California Department of Conservation (DOC) designates portions of the Project site within Mineral Resource Zone (MRZ)- 2, which is known to contain

significant mineral deposits or have a high likelihood of containing significant deposits (DOC, 2008). However, the mineral resource zone classifications assigned by the DOC focus solely on geologic factors and the potential value and marketability of a mineral resource, without regard to existing land use and ownership or the compatibility of surrounding land uses. The County of San Bernardino General Plan currently identifies the Project site for both IC (Community Industrial) and RS (Single Residential) land uses. This means that the County has determined that non-mining land uses on-site are more valuable to the region than potential mineral extraction uses. The project proposes a General Plan Amendment to change the Land Use Zoning District from RS (Single Residential) to IC (Community Industrial) on the most northerly of the three parcels that comprise the Project site. If the General Plan Amendment is approved, this is also indicative that the County believes that non-mining land uses on-site are more valuable to the region than potential mineral extraction use.

Additionally, due to small size of the Project site and the residential uses in close proximity to the site, mineral resources extraction would not be feasible. Lastly, the County's General Plan does not identify any important mineral resource recovery sites on or in the proximity to the Project site. Accordingly, the Project would result in a less than significant impact related to the loss of availability of a known mineral resource.

XIIb) **No Impact.** The Project site is not identified as a recourse recovery site on the General Plan, a specific plan or other land use plan. Therefore, no impact is anticipated.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XIII. NOISE - Would the project:</b>				
a) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the General Plan Noise Element )

**XIIIa) Less Than Significant Impact With Mitigation Incorporated.**

*Construction Noise*

Noise generated by construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The number and mix of construction equipment is expected to occur in the following stages:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

As shown on Table 8 below, noise levels generated by heavy construction equipment can range from approximately 68 dBA to 99 dBA when measured at 50 feet.

**Table 8. Typical Construction Equipment Noise Levels**

Type of Equipment	Range of Sound Levels Measured (dBA at 50 feet)
Pile Drivers	81 to 96
Rock Drills	83 to 99
Jack Hammers	75 to 85
Type of Equipment	Range of Sound Levels Measured (dBA at 50 feet)
Pneumatic Tools	78 to 88
Pumps	68 to 80
Dozers	85 to 90
Tractors	77 to 82
Front-End Loaders	86 to 90
Graders	79 to 89
Air Compressors	76 to 86
Trucks	81 to 87
Source: "Noise Control for Buildings and Manufacturing Plants", Bolt, Beranek & Newman, 1987,	

Noise from construction activities are typically limited to the hours of operation established under a jurisdiction's Municipal Code. Section 83.01.080(g) (3) of the *County of San Bernardino Development Code* indicates that construction activity is considered exempt from the noise level standards between the hours of 7:00a.m. to 7:00 p.m., except on Sundays and Federal holidays.

Regardless of the Project's consistency with the *Development Code* as described above, construction activities would increase noise levels at potentially affected off-site sensitive receiver locations (i.e. residential uses to the north and east). In order to reduce construction noise levels to the maximum extent feasible, the following mitigation measure is required.

**Mitigation Measure NOI-1: Construction Noise.** Prior to the issuance of grading and building permits, the following note shall be included on the grading plans and building plans and provided to the Planning Division in letter form:

*"In order to reduce noise impacts during construction, construction contractors shall do the following:*

*a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.*

*b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

*c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday excluding holidays.*

*d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.*

*e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings."*

#### *Operational Noise (Stationary)*

Existing residences near the Project may be subjected to periodic noise associated with on-site operation of the facility. On-site operational noise would include noise from HVAC equipment, vehicle traffic, and business activities.

**The Project is not allowed to generate noise in excess of standards established by the County's General Plan and § 83.01.080 of the County's Development Code. Mandatory compliance with the General Plan and Development Code will ensure that noise impacts are less than significant.**

#### *Traffic Noise*

The proposed Project is expected to generate approximately 225 trips (39 trips in the AM peak hours and 39 trips in the PM peak hours respectively). Typically, a doubling of traffic volumes is required to result in an increase of 3 dBA, which is considered to be a barely audible change. Project generated traffic will not result in a doubling of traffic volumes along any affected roadway segment. As such, the proposed Project traffic would not result in a substantial permanent increase in ambient roadway noise levels. Off-site transportation-related noise impacts created by the Project are less than significant and mitigation is not required.

XIIIb) **Less Than Significant Impact.**

*Construction Vibration*

The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

Development Code Section 83.01.090 Vibration states:

**“(a) Vibration standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.”

A large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 15 feet a bulldozer would yield a worst-case 0.027 PPV (inch/sec) which is within the threshold of perception and below any risk or architectural damage. (DOT, 2013). There are single family residences located near the Project site. The level of anticipated vibration does not exceed 0.20 PPV inch/second. As such, vibration would not result in the excessive groundborne vibration or groundborne noise levels.

*Operational Vibration*

Typically, groundborne vibration sources that could potentially affect nearby properties include rail roads and trucks traveling at higher speeds on freeways and highways. The Project does not have rail access nor is it a major transportation facility or roadway. Therefore, the operational impacts associated with ground-borne vibration would be less than significant at nearby sensitive uses

XIIIc) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest airport is Ontario International Airport located approximately 4.5 miles to the northwest of the Project site. As such, the Project would not expose people residing or working in the project area to excessive noise levels. No impact is anticipated.

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

XIVa) **Less Than Significant Impact.** The proposed Project would not directly result in population growth because it does not propose any residential dwelling units. It is anticipated that employees



generated by the Project would be within commuting distance and would not generate a need for housing. As such, impacts are less than significant.

- XIVb) **No Impact.** The Project would not displace substantial numbers of existing people or existing housing units, or require the construction of replacement housing, as no housing units currently exist on the site.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				

- a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- a) **Less Than Significant Impact.**

Fire Protection: Fire protection for the proposed Project would be provided by San Bernardino County Fire Department. The nearest fire station is County Fire Station #73 located less than one mile, measured in a direct line, to the northeast at 8143 Banana Avenue, Fontana. To offset the increased demand for fire protection services, the proposed Project would be conditioned to provide a minimum of fire safety and support fire suppression activities, including compliance with applicable State and local fire codes, fire sprinklers, a fire hydrant system, and paved access.

Police Protection: The San Bernardino County Sheriff Department provides the police protection for unincorporated areas of San Bernardino County. The appropriate station for dispatch of personnel is the Fontana Patrol Station at 17780 Arrow Boulevard, Fontana, approximately 5.4 miles from the Project site, measured in a direct line. The proposed Project's demand on police protection services

would not be significant on a direct basis as the proposed Project site is a small warehouse facility on a major roadway within a developed area and would not create the need to construct a new police station or physically alter an existing station.

Schools: The Project site is located in the Fontana Unified School District. A warehouse facility of this type would not create an additional need for housing that would directly increase the overall population of the District’s attendance area, since the proposed use is not residential. However, the project would be required to contribute fees to the San Bernardino City Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Non-residential school fees would be applied to the proposed project. According to the District Web Site per square foot fees for Industrial Parks/Warehousing is \$1.76. Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for project related impacts to school services.

Parks: The proposed Project will not create a demand for additional park service in that the project is a warehouse and no housing is proposed.

Other Public Facilities: As noted above under Issue XIV above, Population and Housing, development of the Project would not result in a direct increase in the population of the project area. As such, the Project would not increase the demand for public services, including public health services and library services, which would require the construction of new or expanded public facilities.

Based on the above analysis, the proposed project will not result in substantial adverse physical impacts associated with the provision of 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, including fire and police protection, schools, parks or other public facilities. Construction of the project will increase property tax revenues to provide a source of funding that is sufficient to offset increases in the anticipated demands for public services generated by this project.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

- XVIa) **Less Than Significant Impact.** The proposed Project would increase the use of park facilities or other recreational facilities in the region, because it does not result in a direct increase in the population that would use parks.
- VIIb) **No Impact.** The proposed Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION - Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, taking into account all modes of transportation including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** The following analysis is based in part on the *Trip Generation Analysis*, Ganddini Group, Inc., January 22, 2019 (Appendix E).

XVIIa) **Less Than Significant Impact.**

***Motor Vehicle Analysis***

The proposed Project involves the construction of a 4,980 square foot warehouse building and a 12,000 square foot office building for HP Telecommunication administrative/management and training/meeting areas. The back portion of the property will provide overnight truck parking and store fiber optic spools and rock/dirt fill. Hours of operation will be from 6:00 AM to 6:00 PM, with 15-20 employees in the building and 15-20 employees working in the field. Those employees that work in the field will drive to the Project site in their personal vehicle then leave the yard in a work truck, return to the site at the end of shift, and leave in their personal vehicle at the end of their work shift.

The Project trip generation forecast is based upon trip generation rates obtained from the Institute of Transportation Engineers (ITE), *Trip Generation Manual, 10th Edition, 2017*. Trip generation rates were determined for daily trips and morning/evening peak hour trips for the proposed land use. The number of trips forecast to be generated by the proposed Project is determined by multiplying the trip generation rates by the land use quantity. To provide a conservative assessment, no trip generation credit has been assumed for displacement of trips currently generated by existing uses. The proposed Project is forecast to generate approximately 225 daily trips, including 39 trips during the AM peak hour and 39 trips during the PM peak hour.

According to the County of San Bernardino Traffic Impact Study Guidelines (April 2014), the requirement to prepare a traffic impact study is based upon, but not limited to, one or more of the following criteria:

- If a project generates 100 or more trips without consideration of pass-by trips during any peak hour.
- If the project is located within 300 feet of the intersection of two streets designated as Collector or higher in the County's General Plan or the Department's Master Plan, or (an) impacted intersection as determined by the Traffic Division.
- The project creates safety or operational concerns.

If a project generates less than 100 trips without consideration of pass-by trips during any peak hour, a focused study may still be required if there are special concerns.

The proposed Project is forecast to generate fewer than 100 peak hour trips and it is not located within 300 feet of an intersection of two streets designated as Collector or higher. Roadway improvements will be constructed to the satisfaction of the County Public Works Department. There are no apparent safety or operational concerns with implementation of the Project. Therefore, the Project was not required to prepare a traffic impact study. Based on the low volume of traffic trips, it is not anticipated that the Project would impact the performance of the circulation system.

### **Transit Service Analysis**

Omnitrans, a public transit agency serves the Project area. There is no bus service adjacent to the Project site. However, Route 66 operated by Omnitrans traverses along Foothill Boulevard, approximately 1/3 mile north of the Project site. In addition, the proposed Project is not proposing to construct any improvements that would interfere with any future bus service.

### **Bicycle & Pedestrian Facilities Analysis**

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. The Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Cottonwood Avenue and bicycle and pedestrian access will be facilitated with the construction of these improvements. In addition, bicycle parking will be provided on the Project site. Therefore, the Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.

XVIIb) **No Impact.** CEQA Guidelines Section 15064.3 (b) describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. For purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Vehicle miles traveled

exceeding an applicable threshold of significance may indicate a significant impact.

*Note: On September 27, 2013, SB 743 was signed into law. SB 743 fundamentally changed the way the transportation impact analysis as part of CEQA compliance is conducted. Automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment. There will be an opt-in period until July 1, 2020. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. To date, the County of San Bernardino has not adopted a VMT threshold, although Transportation Impact Study Guidelines, dated July 9, 2019, have been adopted. As such, this threshold is not applicable to the Project.*

The *Transportation Impact Study Guidelines*, referenced above, provides that a Transportation Impact Study (TIS) is not necessary for projects that generate less than 100 trips during the peak hour. Documentation provided by Ganddini, dated January 22, 2019, indicated 39 peak hour trips occur during the morning and evening periods.

In the event such criteria is not available to provide a VMT analysis, Section 15064.3 allows a qualitative analysis to be utilized, which “would evaluate factors such as the availability of transit, proximity to other destinations, etc.” In this instance the proposed use is industrial related and adjacent to single and multiple family residential uses on the opposite side of Cottonwood Avenue. The purpose of the VMT analysis is to identify and potentially reduce vehicle miles traveled. Due to the proximity of residential uses adjacent the Project site, the property’s proximity to the I-15 Freeway (1.1 miles to the west) and I-10 Freeway (2.2 miles to the south), and public transit within close proximity to the property, the Project site is easily accessible from transportation routes and housing.

- XVIIc) **No Impact.** The Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Cottonwood Avenue, which is a straight north/south roadway. As such, the Project will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections). The Project site is located in an area developed with residential and industrial land uses. There are no major agricultural uses in the vicinity of the site which would increase incompatible uses with farm equipment.
  
- XVIIId) **No Impact.** The proposed Project will not result in inadequate emergency access because there are a minimum of two access points and the Project will construct frontage improvements (curb, gutter, and sidewalk) to County standards along Cottonwood Avenue.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES</b> - Would 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

XVIIIi) **No Impact.** Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.*
2. *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.*
3. *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.*

On March 20, 2018, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within one mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the Project area.

A Cultural Resources Assessment was prepared for the Project by RCA Associates in March 2019, which included a field survey of the Project site. During the field survey, the Project area was carefully examined for the presence of any cultural resources, including prehistoric or historic

archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

Based on the analysis above, there are no resources 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). As such, there is no impact and no mitigation measures are required. (Also refer to analysis under *Cultural Resources*, Issue V).

ii) **Less Than Significant Impact With Mitigation Incorporated** Tribal Cultural Resources are either of the following:

*(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*

*(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.*

*(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*

*(2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

As required by Public Resources Code Section 21080.3.1(b), the County Land Use Services Department contacted the California Native American tribes that requested to be formally notified of proposed projects in the geographic area that is traditionally and culturally affiliated with certain tribes. The County Land Use Services Department received comments from the following tribes:

- San Manuel Band of Mission Indians.
- Gabrieleño Band of Mission Indians – Kizh Nation.

The San Manuel Band of Mission Indians indicated "...due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI [San Manuel Band of Mission Indians] does not have any concerns with the project's implementation, as planned, at this time. Gabrieleño Band of Mission Indians – Kizh Nation indicated that there is a possibility that Tribal Cultural Resources may be encountered and has requested the following mitigation measures:

**TCR-1 Retain a Native American Monitor.** The project Applicant will be required to obtain the services of a tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation and will be present on-site during the construction phases that involve any ground disturbing activities. Ground disturbance is defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete monitoring logs on a daily basis that will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

**TCR-2 Unanticipated Discovery of Tribal Cultural and Archaeological Resources.** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**TCR-3 Public Resources Code Sections 21083.2(b).** Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**TCR-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects.** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

**TCR-5 Resource Assessment & Continuation of Work Protocol.** Upon discovery, the tribal and/or archaeological monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

**TCR-6 Kizh-Gabrieleno Procedures for burials and funerary remains.** If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In



ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**TCR-7 Treatment Measures.** Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

**TCR-8 Professional Standards.** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

**With implementation of Mitigation Measures TCR-1 through TCR-8, impacts are less than significant.**

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water, drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

IXa) **Less Than Significant Impact.** The relocation or construction of new water, wastewater, storm water drainage facilities, electric power, and telecommunications facilities are required to serve the Project. The installation of these facilities as proposed by the Project would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study. In instances where significant impacts have been identified, Mitigation Measures have been required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study would not be required.

IXb) **Less Than Significant Impact.** The following analysis is based in part on the *San Gabriel Valley Water Company Fontana Water Company Division, Final 2015 Water Management Plan (FWC, 2015)*:

The Project site will be provided water by the Fontana Water Company (FWC). FWC is a division of the San Gabriel Valley Water Company and is a retail water supplier for the City of Fontana, and portions of the City of Rialto, City of Rancho Cucamonga, and adjacent unincorporated areas of San Bernardino County. FWC operates within the service area of the Inland Empire Utilities Agency

(IEUA) and the San Bernardino Valley Municipal Water District (SBVMWD) wholesale water agencies. FWC purchases imported water supplies from IEUA and SBVMWD, both wholesale water agencies.

FWC receives groundwater supplies from three adjudicated basins which includes the Chino Basin, Rialto-Colton Basin, and the Lytle Basin, and one un-adjudicated basin known as the No Man's Land Basin.

#### *Chino Basin*

The Chino Basin is the main source of water for FWC. The Chino Basin is an adjudicated basin. According to the DWR Bulletin 118 (California's Groundwater), DWR has not identified the Chino Basin a basin in "*critical condition of overdraft.*"

#### *Rialto-Colton Basin*

FWC pumps groundwater from four active wells in the Rialto-Colton Basin. The Rialto-Colton Basin is an adjudicated basin. DWR has also not identified the Rialto-Colton Basin as a basin in "*critical condition of overdraft.*"

#### *Lytle Basin*

FWC pumps groundwater from ten active wells in the Lytle Basin, The Lytle Basin is an adjudicated basin. DWR has also not identified the Lytle Basin as a basin in "*critical condition of overdraft.*"

#### *No Man's Land Basin*

FWC pumps groundwater from three active wells in the No Man's Land Basin. The No Man's Land Basin is not an adjudicated basin. DWR has also not identified the No Man's Land Basin as being in "*critical condition of overdraft.*" Average groundwater production of approximately 4,000 AFY from the No Man's Land Basin is estimated to be available for pumping and diversion by FWC during normal, single dry and multiple dry years in the next twenty years.

The adopted groundwater management plans for the adjudicated Chino Basin, Rialto-Colton Basin, and Lytle Basin are contained within the Chino Basin Judgment, Rialto-Colton Basin Court Decree, and McKinley Decree, respectively. FWC has the legal right to pump groundwater from these basins.

Historical average groundwater withdrawal from these basins over the last 21 years has been about 33,900 AFY. However, during the last five years, average pumping has only been about 29,000 AFY.

The data in FWC's Urban Water Management Plan indicated the following:

- Normal Year supplies are adequate to meet projected Normal Year demands.
- With a reduction in demand as a result of water conservation, FWC's Single Dry Year supplies are adequate to meet projected Single Dry Year demands.
- FWC's Multiple Dry Year supplies are adequate to meet projected Multiple Dry Year demands.

The Project is proposing a General Plan Amendment to change the Land Use and Zoning District from RS (Single Residential) to IC (Community Industrial) on the most northerly of the three Project parcels consisting of 2.38 acres. Given that the current unemployment rate for the Riverside-San

Bernardino-Ontario area is approximately 4.5%, it is reasonably assured that the jobs would be filled by people living within the region. (Bureau of Labor Statistics, 2018). As such, the Project is not expected to result in an increase in population. As such, the change in land use will not substantially change the population assumptions in the *San Gabriel Valley Water Company Fontana Water Company Division, Final 2015 Water Management Plan*.

Based on the analysis above, the Project will have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple years and impacts are less than significant.

- XIXc) **Less Than Significant Impact.** The San Bernardino Municipal Water Department operates the Water Reclamation Plant (WRP). The WRP is a 33 MGD Regional Secondary Treatment facility that provides wastewater treatment services for the City of San Bernardino, Loma Linda, East Valley, San Bernardino International Airport, Patton State Hospital, and unincorporated San Bernardino County areas.

Wastewater use for the Project was estimated by using The California Emissions Estimator Model (CalEEMod). The model can be used to estimate wastewater usage for analysis in CEQA documents. The Project is estimated to have an indoor water demand of 3.64 million gallons per year (or 9,972 gallons per day) which includes wastewater. Assuming that all the water is discharged to the sewer system, the increase in wastewater from the proposed Project would be 0.03% of the 33 MDG operational capacity of the WRP. The capacity of existing wastewater treatment plant would be able to accommodate this increase within the existing capacity. Therefore, implementation of the proposed Project would not result in impacts related to wastewater treatment provider capacity and impacts are less than significant.

- XIXd) **Less Than Significant Impact.** Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities.

Waste generated during the operation of the Project is estimated to be 16 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model which can be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents

Solid waste generated in the Fontana area is generally transported to the Mid-Valley Landfill. According to the Cal Recycle Facility/Site Summary Details website accessed on February 14, 2019 the Mid-Valley Landfill has a maximum capacity of 101,300,000 CY and is not anticipated to reach capacity until 2033 (CalRecycle, 2019). As such, the Project will not 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.

- XIXe) **No Impact.** The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the *County of San Bernardino Countywide Integrated Waste Management Plan* which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The Project operator(s) will be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional,

and State programs. Recyclable materials that would be recycled by the commercial facility include paper products, glass, aluminum, and plastic.

Additionally, the Project’s waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the facility are reduced in accordance with existing regulations.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant Impact with Mitigation Incorp.</i>	<i>Less than Significant impact</i>	<i>No Impact</i>
<b>XX. WILDFIRE</b> - If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

The State Responsibility Areas (SRA) dataset on the Cal Fire website identifies areas of legal responsibility for fire protection, including State Responsibility Areas (SRA), Federal Responsibility Areas (FRA), and Local Responsibility Areas (LRA). CAL FIRE has a legal responsibility to provide fire protection on all State Responsibility Area (SRA) lands, which are defined based on land ownership, population density and land use.

- a) **No Impact.** The Project site is adjacent to an existing two-lane paved roadway with existing businesses and residential development. The proposed Project would obtain access from this roadway, which is relatively flat with good visibility.
- b) **Less Than Significant Impact.** The State Responsibility Areas (SRA) dataset on the Cal Fire website identifies areas of legal responsibility for fire protection, including State Responsibility Areas (SRA),

Federal Responsibility Areas (FRA), and Local Responsibility Areas (LRA). CAL FIRE has a legal responsibility to provide fire protection on all State Responsibility Area (SRA) lands, which are defined based on land ownership, population density and land use.

The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. The Project site is located within an area not classified as very high fire hazard severity zone, as displayed on CAL FIRE *Hazard Severity Zones Maps*, although the County's Hazard Map FH28B does not identify the area as such.

The development of the proposed fiber optic facility could potentially expose occupants to smoke if a fire occurred in the mountains and prevailing winds blew to the south. However, the mountains are over the five miles to the north and substantially elevated above the Project area. As such, smoke from the fire would likely be lifted high into the atmosphere reducing the potential for unhealthy air quality at the Project site.

- c) **No Impact.** The proposed Project would improve an existing roadway used by area residents and businesses. New power lines are not required to service the use.
  
- d) **Less Than Significant Impact.** The Project site is on relatively flat land and, therefore not susceptible to landslides. The property is not a mapped flood plain, based upon existing County flood hazard mapping and its designation as FEMA Flood Zone D, which is defined as "Area of undetermined but possible flood hazard."

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- XXIa) **Less Than Significant Impact With Mitigation Incorporated.** In instances where significant impacts have been identified, Mitigation Measures BIO-1, BIO-2, and TCR-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- XXIb) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures BIO-1, BIO-2, GEO-1, NOI-1, and TCR-1 through TCR-8 are required to reduce impacts to less than significant levels. Therefore, the proposed Project does not have impacts that are cumulatively considerable.
- XXIc) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measure NOI-1 is required to reduce impacts to less than significant levels. Therefore, the proposed Project does not have impacts which will cause substantial adverse effects on human beings, either directly or indirectly.

## **XVIII MITIGATION MEASURES.**

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval)

### **BIOLOGICAL RESOURCES MITIGATION MEASURES:**

**Mitigation Measure -BIO-1: Pre-Construction Burrowing Owl Survey.** Prior to the issuance of a grading permit for any phase the following action shall occur:

1) The following quoted note shall be included on grading plans submitted to the City for review and approval:

*“Within 30 calendar days prior to grading for any phase, a qualified biologist shall conduct a survey of the Project’s proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit and subject to the following provisions:*

*a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.*

*b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit.”*

2) The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.

3) Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

**Mitigation Measure - BIO-2: Nesting Bird Survey.** Prior to the issuance of a grading permit for any phase the following action shall occur:

1) The following quoted note shall be included on grading plans submitted to the City for review and approval:

*“Vegetation clearing and ground disturbing activities occur outside of the migratory bird nesting season (February 1 to August 31). If avoidance of the nesting season is not feasible, then the Project Applicant shall retain a qualified biologist to conduct a nesting bird survey no greater than three (3) days prior to any ground disturbance activities at the Project site, including diskings, demolition activities, and grading. If active nests are identified during the nesting bird survey, the biologist shall establish suitable buffers around the nests (depending on the level of activity within the buffer and species detected), and the buffer areas shall be avoided by construction personnel until the biologist makes a determination that the nests are no longer occupied and that the juvenile birds can survive independently from the nests.”*



2) The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.

3) Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

**GEOLOGY AND SOILS MITIGATION MEASURE:**

**Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.** Prior to the issuance of a grading permit, the following note shall be included on grading plans:

*“If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:*

*1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.*

*2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.*

*3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”*

**NOISE MITIGATION MEASURE:**

**Mitigation Measure NOI-1: Construction Noise.** Prior to the issuance of grading and building permits, the following note shall be included on the grading plans and building plans and provided to the Planning Division in letter form:

*“In order to reduce noise impacts during construction, construction contractors shall do the following:*

*a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.*

*b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.*

*c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday excluding holidays.*

*d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.*

*e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.”*

#### **TRIBAL CULTURAL RESOURCES MITIGATION MEASURES:**

**TCR-1 Retain a Native American Monitor.** The project Applicant will be required to obtain the services of a tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation and will be present on-site during the construction phases that involve any ground disturbing activities. Ground disturbance is defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete monitoring logs on a daily basis that will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

**TCR-2 Unanticipated Discovery of Tribal Cultural and Archaeological Resources.** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**TCR-3 Public Resources Code Sections 21083.2(b).** Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**TCR-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects.** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

**TCR-5 Resource Assessment & Continuation of Work Protocol.** Upon discovery, the tribal and/or archaeological monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

**TCR-6 Kizh-Gabrieleno Procedures for burials and funerary remains.** If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**TCR-7 Treatment Measures.** Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

**TCR-8 Professional Standards.** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

## GENERAL REFERENCES

The following information sources were used during the preparation of this Initial Study:

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## PROJECT SPECIFIC REFERENCES

### Appendices: (Under Separate Cover or on Compact Disk)

- A. *CalEEMod Printouts*, May 19, 2019.
- B. RCA Associates, *General Biological Resources Assessment*, December 27, 2018.
- C. RCA Associates, *Phase I Cultural Resources Assessment*, March 5, 2019.
- D. DZNE Inc. *Hydrology and Hydraulic Calculations*, April 11, 2019.
- E. Ganddini Group, Inc., *Trip Generation Analysis*, January 22, 2019.

# **EXHIBIT C**

## **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

Cheryl Montanez  
Conditional Use Permit

### **GENERAL REQUIREMENTS** Ongoing and Operational Conditions

#### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. **Project Approval Description.** This Conditional Use Permit is conditionally approved to establish a 12,000 square-foot office building and a 4,980 square-foot warehouse building on three parcels on approximately 4.77 acres. The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0229-082-14, 29, AND 30, Project No. P201800322.
2. **Project Location.** The Project site is located at 8416, 8424, and 8440 Cottonwood Avenue, in unincorporated Fontana.
3. **Revisions.** Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify, and hold harmless the County or its “indemnitees” (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 a 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 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 indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

5. **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)

- 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. 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.
7. 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.
8. 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)
9. Project Account. The Project account number is P201800322. 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 \$2,000.00 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.
10. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.



11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Additional Permits. The developer shall comply 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. These may include but not limited to:
  - a. FEDERAL: N/A;
  - b. STATE: Santa Ana RWQCB;
  - c. COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire/HazMat, Public Works – County Surveyor, Environmental Health Services, and;
  - d. LOCAL: N/A
13. 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 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. 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 ensure 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 water efficient irrigation.
  - 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. 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.
  - j. 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” and “Fire Lane” designations.
14. 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.
15. Lighting. Lighting shall comply with Glare and Outdoor Lighting – Valley Region of the County’s Development Code. 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, or by light inside the sign.

16. 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).
17. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
18. 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.
19. 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 Federal holidays.
20. 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.
21. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation 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.
  - 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.

**LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311**

22. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance

with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 (Development Code), Chapter 86.09 – Enforcement.

23. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

24. 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.
25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
26. 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.
27. 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.
28. 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. This includes but is not limited to, filter material replacement and sediment removal, as required to ensure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
29. 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.

#### **PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

30. Refuse Storage/Removal. 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 DEHS/LEA at: (800) 442-2283.

## **COUNTY FIRE DEPT.–Community Safety Division (909)386-8465**

31. **Construction Permits.** 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 with 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.
32. **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 developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

## **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

33. **Recycling Storage Capacity.** The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
34. **Franchise Hauler Service Area.** This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
35. **Mandatory Commercial Recycling.** Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
36. **Mandatory Trash Service.** This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
37. **Mandatory Organics Recycling.** As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction’s franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction’s franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that**

**contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

**DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149**

38. Survey Monumentation. 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 (Section 8771(b) Business and Professions Code).
39. 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 ISSUANCE OF GRADING PERMITS  
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

40. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a. Implement the approved Coating Restriction Plans.
  - b. Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
  - c. Grading contractor shall provide and implement the following when possible:
    - 1) training operators to use equipment more efficiently.
    - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
    - 3) replacing older, less fuel-efficient equipment with newer models.
    - 4) use GPS for grading to maximize efficiency.
  - d. Grading plans shall include the following statements:
    - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
    - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
  - e. Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
  - f. Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
  - g. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
41. Air Quality. The Project proponent is required to comply with all applicable rules and regulations of the South Coast Air Quality Management District (SCAQMD). To limit dust production, the Project proponent must comply with Rules 402 and 403, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities, and shall implement the following:
    1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
    2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
    3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

- b. To minimize the impacts of exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, the Project proponent will be required to implement the following requirements:
  - 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
  - 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

42. **Diesel Regulations.** The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

43. **Mitigation Measure -BIO-1: Pre-Construction Burrowing Owl Survey.** *Prior to the issuance of a grading permit for any phase the following action shall occur:*

1) *The following quoted note shall be included on grading plans submitted to the City for review and approval:*

*“Within 30 calendar days prior to grading for any phase, a qualified biologist shall conduct a survey of the Project’s proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino Land Use Services Department-Planning Division prior to the issuance of a grading permit and subject to the following provisions:*

*a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.*

*b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall provide evidence in writing to the Planning Division that the species has fledged or been relocated prior to the issuance of a grading permit.”*

2) *The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.*

3) *Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.*

44. **Mitigation Measure - BIO-2: Nesting Bird Survey.** Prior to the issuance of a grading permit for any phase the following action shall occur:

1) The following quoted note shall be included on grading plans submitted to the City for review and approval:

“Vegetation clearing and ground disturbing activities occur outside of the migratory bird nesting season (February 1 to August 31). If avoidance of the nesting season is not feasible, then the Project Applicant shall retain a qualified biologist to conduct a nesting bird survey no greater than three (3) days prior to any ground disturbance activities at the Project site, including diking, demolition activities, and grading. If active nests are identified during the nesting bird survey, the biologist shall establish suitable buffers around the nests (depending on the level of activity within the buffer and species detected), and the buffer areas shall be avoided by construction personnel until the biologist makes a determination that the nests are no longer occupied and that the juvenile birds can survive independently from the nests.”

2) The applicant shall provide a letter to the Planning Division detailing the actions stipulated above have occurred and the results of that investigation identified.

3) Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

45. **Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.** Prior to the issuance of a grading permit, the following note shall be included on grading plans:

“If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”

46. **Mitigation Measure NOI-1: Construction Noise.** Prior to the issuance of grading and building permits, the following note shall be included on the grading plans and building plans and provided to the Planning Division in letter form:

“In order to reduce noise impacts during construction, construction contractors shall do the following:



a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.

b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday excluding holidays.

d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.”

47. **TCR-1 Retain a Native American Monitor.** The project Applicant will be required to obtain the services of a tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation and will be present on-site during the construction phases that involve any ground disturbing activities. Ground disturbance is defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete monitoring logs on a daily basis that will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

48. **TCR-2 Unanticipated Discovery of Tribal Cultural and Archaeological Resources.** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

49. **TCR-3 Public Resources Code Sections 21083.2(b).** Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a

public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

50. **TCR-4 Unanticipated Discovery of Human Remains and Associated Funerary Objects.** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.
51. **TCR-5 Resource Assessment & Continuation of Work Protocol.** Upon discovery, the tribal and/or archaeological monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).
52. **TCR-6 Kizh-Gabrieleno Procedures for burials and funerary remains.** If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.
53. **TCR-7 Treatment Measures.** Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure

container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

54. **TCR-8 Professional Standards.** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

#### **LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

55. **Retaining Wall Plans.** Submit plans and obtain separate building permits for any required walls or retaining walls.
56. **Geotechnical (Soil) Report.** A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading permits.
57. **Demolition Permit.** 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 DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

58. **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.
59. **FEMA Flood Zone.** The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8635J dated 9/2/2014. No elevation requirements. 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.
60. **Topo Map.** A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
61. **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.
62. **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](http://www.swrcb.ca.gov)

63. 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.
64. On-site Flows. On-site flows need to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
65. 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) Total net developed acreage is 2.73 acres and the fee shall be \$12,025.65.
66. 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>
67. 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.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

68. 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 Appendix B of the Uniform Fire Code.
69. Fire Fee. The required fire fees are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. (909) 386-8400)

**DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149**

70. Boundary Survey. These parcels are portions of Lot 341 of the Fontana Arrow Route Tract No. 2102, Book 31, Pages 11 to 15. A proposed masonry wall along the northerly and westerly property boundaries, and a proposed fence to be constructed along the southerly property boundaries. A boundary survey, with an accompanying Record of Survey map, shall be completed to identify these property boundaries prior to the start of these proposed improvements.
71. Survey Monumentation. 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 (Section 8771(b) Business and Professions Code).
72. 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 ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

#### **LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311**

- 73. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
- 74. Lighting Plans. The 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.
- 75. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit a landscape and irrigation plan to County Planning at EZ Online Permitting <http://wp.sbcounty.gov/ezop>.
- 76. Lot Merger. A lot merger for these three parcels shall be filed with and reviewed and approved by the County Surveyor and recorded prior to installation of any improvements.
- 77. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
  - a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
    - Incorporate dual paned or other energy efficient windows,
    - Incorporate energy efficient space heating and cooling equipment,
    - Incorporate energy efficient light fixtures, photocells, and motion detectors,
    - Incorporate energy efficient appliances,
    - Incorporate energy efficient domestic hot water systems,
    - Incorporate solar panels into the electrical system,
    - Incorporate cool roofs/light colored roofing,
    - Incorporate other measures that will increase energy efficiency.
    - Increase insulation to reduce heat transfer and thermal bridging.

- Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
  - b. Plumbing. All plumbing shall incorporate the following:
    - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
    - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
    - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
  - c. Lighting. Lighting design for building interiors shall support the use of:
    - Compact fluorescent light bulbs or equivalently efficient lighting.
    - Natural day lighting through site orientation and the use of reflected light.
    - Skylight/roof window systems.
    - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
    - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
    - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
  - d. Building Design. Building design and construction shall incorporate the following elements:
    - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
    - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
    - Roofing materials shall have a solar reflectance index of 78 or greater.
    - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
    - Energy Star or equivalent appliances shall be installed.
    - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
  - e. Landscaping and Irrigation. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to meet the requirements of the State Model Water Efficient Landscaping Ordinance.
  - f. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
  - g. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
78. 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 Building and Safety at <http://wp.sbcounty.gov/ezop/> 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.

## **LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311**

79. Demolition Permit. 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.
80. 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.
81. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

## **LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

82. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

### **Cottonwood Street (Collector – 66')**

- Road Dedication. A 3 foot grant of easement is required to provide a half-width right-of-way of 33 feet.
  - Street Improvements. Design curb and gutter with match up paving 22 feet from centerline along project property frontage.
  - Offsite Street Improvements. Design AC dike with match up paving east of centerline in line with existing curb and gutter at APN: 0229-101-21, and design AC dike with match up paving 22 feet west of centerline from Arrow Route north to the southerly property line of the project as required by Department of Public Works, Traffic Division and agreed upon by the Applicant to address the truck restriction resolution.
  - Sidewalks. Design sidewalks per County Standard 109 Type “C” along project property frontage.
  - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
83. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
  84. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility 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.

85. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, 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.
86. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
87. 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.
88. Slope Easements. Slope rights shall be dedicated, where necessary.
89. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
90. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
91. 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.
92. 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.
93. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
94. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
95. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Fontana Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid 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 the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$9.28 per square foot for Office Use, which includes the 12,000 sq. ft. building and the fee is \$5.12 per square foot for Industrial Use, which includes the 4,980 sq. ft. building per the site plan dated 6/6/18. Therefore, the estimated Regional Transportation Fees for the Project is \$136,857.60. [9.28 x 12,000 + 5.12 x 4,980]. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>



**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

96. Building Plans. Building plans shall be submitted to the Fire Department for review and approval via EZ Online Permitting. [F42]
97. 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 either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied.
98. 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. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than one hundred fifty (150) feet from any portion of a structure. [F54]
99. Access. The development shall have a minimum 2 point of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

Single Story Road Access Width: All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum of thirty (3) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

100. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
101. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
102. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.
103. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1
104. 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 three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. 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.

- 105. 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. [F59A]
- 106. Fire Alarm. 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 detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F62A]
- 107. Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch (Know ®) is required.
- 108. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- 109. High Piled Storage. This review did not include an analysis of any rack or high piled combustible storage to be present. If there is to be any high piled or rack storage present (including plastics storage greater than 6 feet), the applicant must provide storage plans and a letter to identify the commodities to the present.
- 110. Flammable Liquids. This review did not include an analysis of any flammable liquids or hazardous materials to be present. If there is to be any hazardous materials present in excess of exempt amounts, the applicant must provide a letter to identify the materials to be stored and/or used and return it to the Fire Department for review and approval prior to introduction to such materials into the building.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

- 111. Construction and Demolition Waste Management Plan (CDWMP) Part 1. The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

**PUBLIC HEALTH – Environmental Health Services (800) 442-2283**

- 112. Water Purveyor. Water purveyor shall be DEHS approved. (i.e. approved water agency/district, water source and/or well). Applicant shall procure a verification letter from the water agency with jurisdiction. The letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall also reference the project name and assessor's parcel number. For projects with a current active water connection, a copy of the water bill with project address may suffice. For more information contact DEHS.
- 113. Onsite 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 DEHS standards, properly sealed and certified as inactive OR (3) constructed to DEHS 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.

114. Water System Permit. If an approved water company cannot service the project a water systems permit will be required. The source of water shall meet water quality and quantity standards pursuant to Title 22 Drinking Water Standards. For more information contact DEHS Drinking Water Section.
115. RWB. Written clearance shall be obtained from the designated California Regional Water Quality Control Board and a copy forwarded to DEHS: Lahontan Region, 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583.
116. Sewer Purveyor. Sewage disposal shall be EHS approved. (i.e. approved sewage/wastewater agency/district and/or Onsite Wastewater Treatment System (OWTS)). Applicant shall procure a verification letter from the sewerage agency with jurisdiction. The letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall also reference the project name and assessor's parcel number. For projects with a current active sewer connection, a copy of the sewer bill with project address may suffice. For information, call DEHS/Plan Check at: 1-800-442-2283.
117. Wastewater Systems. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall reference the Assessor's Parcel Number.
118. OWTS. If sewer connection and/or service are unavailable, Onsite Wastewater Treatment System(s) (OWTS) may then be allowed under the following conditions: A percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For more information, contact DEHS Wastewater Section.
119. Acoustical Study. Preliminary acoustical information must be submitted demonstrating that the proposed project maintains noise levels at/or below County Noise Standard(s), San Bernardino Development Code (§ 83.01.080, 87.0905). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For more information and request an acoustical checklist contact DEHS. (800) 442-2283
120. Recycling Center. The refuse generated shall comply with San Bernardino County Code §33.0801 et. seq. The recycling center shall maintain an amount of less than 10% residual solid waste (by weight) from the separated waste and less than 1% putrescible waste (by weight) from the separated waste material pursuant to the Transfer/Processing Regulatory Requirements of Title 14 CCR (§17402.5). If the facility exceeds the above stated limitations, a Solid Waste Facility Permit will be required. For more information, contact DEHS Local Enforcement Agency (LEA).

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**  
The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

121. 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 P201800322.
122. 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).
123. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
124. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
125. 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.
126. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
127. 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.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

128. 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.
129. 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.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

130. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
131. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
132. 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.

133. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
134. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

135. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
136. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
137. 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.
138. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
139. Inspection by the Fire Department. Permission to occupy or use the building (Certification 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 the "fire final".
140. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of the 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.

#### **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

141. Construction and Demolition Waste Management Plan (CDWMP) Part 2. The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

**END OF CONDITIONS**

# EXHIBIT D

## Comment Letter

December 1<sup>st</sup>, 2018

Dear San Bernardino County Land Use Services:

I am writing to comment against the proposal of the project number P201800322/MUP, which seeks to change the zoning code, located at 84440 Cottonwood Avenue, Fontana 92335, from a single residential to a community industrial. My property, located at 8417 Ilex Street, Fontana 92335, has one side facing the property proposing the zoning change.

The reasons are as follows:

1. The value of my property would decrease.
2. Following the decrease of my property value, I would have to decrease my tenant's rent per month, thereby decreasing my income.
3. The quality of life of the residents in my property would decrease and be negatively impacted by: dust that will be raised from the proposed construction, noise from construction and warehouse activities, noise and traffic from workers in the proposed warehouse and office building and a scenery change from a lower stress residential area to higher stress community industrial environment.

For these reasons – which apply to my property and the residential property of all others in the area – I respectfully request the petition be denied.

Thank you.

  
Jian Chen

# EXHIBIT E

## Findings



**FINDINGS - GENERAL PLAN AMENDMENT.** A General Plan Amendment (GPA) to change the Land Use Zoning District on a portion of the proposed Project site from Single Residential (RS) to Community Industrial (IC) on one of three parcels and a Conditional Use Permit to establish a 12,000 sq. ft. office building and a 4,980 sq. ft. warehouse building on three parcels, totaling 4.77 acres (Project).

**1. The proposed Community Industrial (IC) GPA is internally consistent with all other provisions of the respective plan and the General Plan.**

The purpose of the IC land use zoning district is to provide opportunities for the concentration of industrial uses to enable efficient use of transportation, circulation, and energy facilities. The proposed amendment satisfies this purpose and is consistent with the following goals and polices of the County General Plan:

- **POLICY LU 1.1** – Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

Policy Implementation: The proposed amendment from RS to IC affects the northerly 2.4 acre parcel of the Project site. At present the delineation line between the IC Zoning District and the RS Zoning District is a uniform distance of approximately 470 feet north of Arrow Route, between Cottonwood Avenue and Ilex Street. The proposed amendment would move the IC Zoning District approximately 165 feet north along the Cottonwood Avenue frontage and would align with the IC Zoning District across Cottonwood Avenue to the east. The amendment would not displace existing people or housing units since the residences on the parcels have been removed and the site has been prepared for the development of the proposed use. The existing residential areas to the north and east, that include both single and multiple family residential, would remain. As such, the proposed amendment would not change the number of residences in the area and will instead provide additional business opportunities in close proximity to residential areas, thereby potentially reducing the length and number of vehicle trips. The proposed amendment is consistent with the General Plan Housing Element. The subject site was not needed to accommodate the County's share of the Regional Housing Needs Assessment, which has been fulfilled in the current planning period.

- **POLICY LU 2.3** – Ensure that all commercial and industrial development that is adjacent to residential uses is adequately buffered by utilizing transitional land uses and/or design features such as enhanced setbacks and landscaping and/or other screening materials.

Policy Implementation: The proposed Project provides six foot high block walls and adjoining landscaping wider than 10 feet along the perimeter of the property adjoining residential land uses to reduce potential noise and obscure Project operations.

- **GOAL LU 5** – Reduce traffic congestion and air pollution and improve the quality of life for County residents by providing employment and housing opportunities in close proximity to each other.

Goal Implementation: The proposed Project site is located in an area with industrial-related use to the south and west and residential uses to the north and east. As such, the development of the subject property for industrial uses would locate potential employment opportunities in close proximity to single and multiple family properties.

- **GOAL LU 9** – Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further countywide economic development goals.

Goal Implementation: The Project site represents a transitional land use change and infill development property in which several single family residences were removed within an existing development area. Existing services and utilities are located in the area and development would minimize potential environmental impacts due to the prior use of the property.

- **GOAL S 4** – The County will minimize damage due to wind and water erosion where possible.

Goal Implementation: The Project's approved drainage study and water quality management plan (WQMP) and their associated improvement designs will ensure future construction will not adversely affect drainage patterns, the use of adjacent properties, or result in the discharge of erosive drainage flows or pollutants from the property. Although the rear portion of the property will not be paved, it will be covered by crushed rock to reduce the potential to generate dust.

- **POLICY ED 1.1** – Support commercial and industrial development that is compatible with surrounding development and does not disrupt the land use patterns and environment of the Valley Region.

Policy Implementation: The proposed expansion of the industrial district will provide additional employment opportunities in close proximity to residential

areas and not adversely affect those surrounding residential land uses due to the type of use proposed, the design of the proposed Project site, including the limited building height, extensive building setbacks, and buffering features that include a block wall and landscaping long the property line to reduce noise and potential aesthetic conflicts.

2. **The proposed GPA would not be detrimental to the public interest, health, safety, convenience, or welfare of the County** because the amendment facilitates a project that has incorporated appropriate requirements of the County Development Code, Conditions of Approval, and mitigation measures to protect and enhance public health and safety.
3. **The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.** The proposed Project will provide the opportunity for new employment in the area. The surrounding residential properties to the north and northwest will be at least 65 feet from the new buildings and further buffered through the use of masonry walls and adjoining landscaping along adjoining property lines. The amendment does not compromise existing or other planned uses, because the Project includes appropriate mitigation measures and Conditions of Approval to ensure performance standards are met.
4. **The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area** because the proposed rezoning from RS to IC is a reasonable and logical expansion in the zoning designation boundary given the adjacency of the current IC Zoning District and the various combined residential/industrial uses located on some of the nearby properties in the RS district.
5. **The proposed land used zoning district change does not conflict with the provisions of the Development Code.** The applicant is proposing a GPA to rezone property from RS to IC. The design of the Project will be compatible with the County Development Code, including but not limited to adequate ingress/egress and circulation throughout the property, landscaping, parking for vehicles and loading areas, street improvements, water and sewage disposal, and solid waste facilities.
6. **The proposed land use zoning district change will not have a substantial adverse effect on surrounding property** because the Project includes appropriate mitigation measures and Conditions of Approval to ensure required performance standards are met.

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 will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.**

In accordance with the CUP Conditions of Approval and mitigation measures, the site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the County Fire Protection District which has reviewed the Project and provided appropriate Conditions of Approval. The Project will have sufficient permitted solid waste storage and landfill capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified design criteria.

**FINDINGS: CONDITIONAL USE PERMIT.** Conditional Use Permit (CUP) to establish a 12,000 sq. ft. office building and a 4,980 sq. ft. warehouse building on three parcels, totaling 4.77 acres.

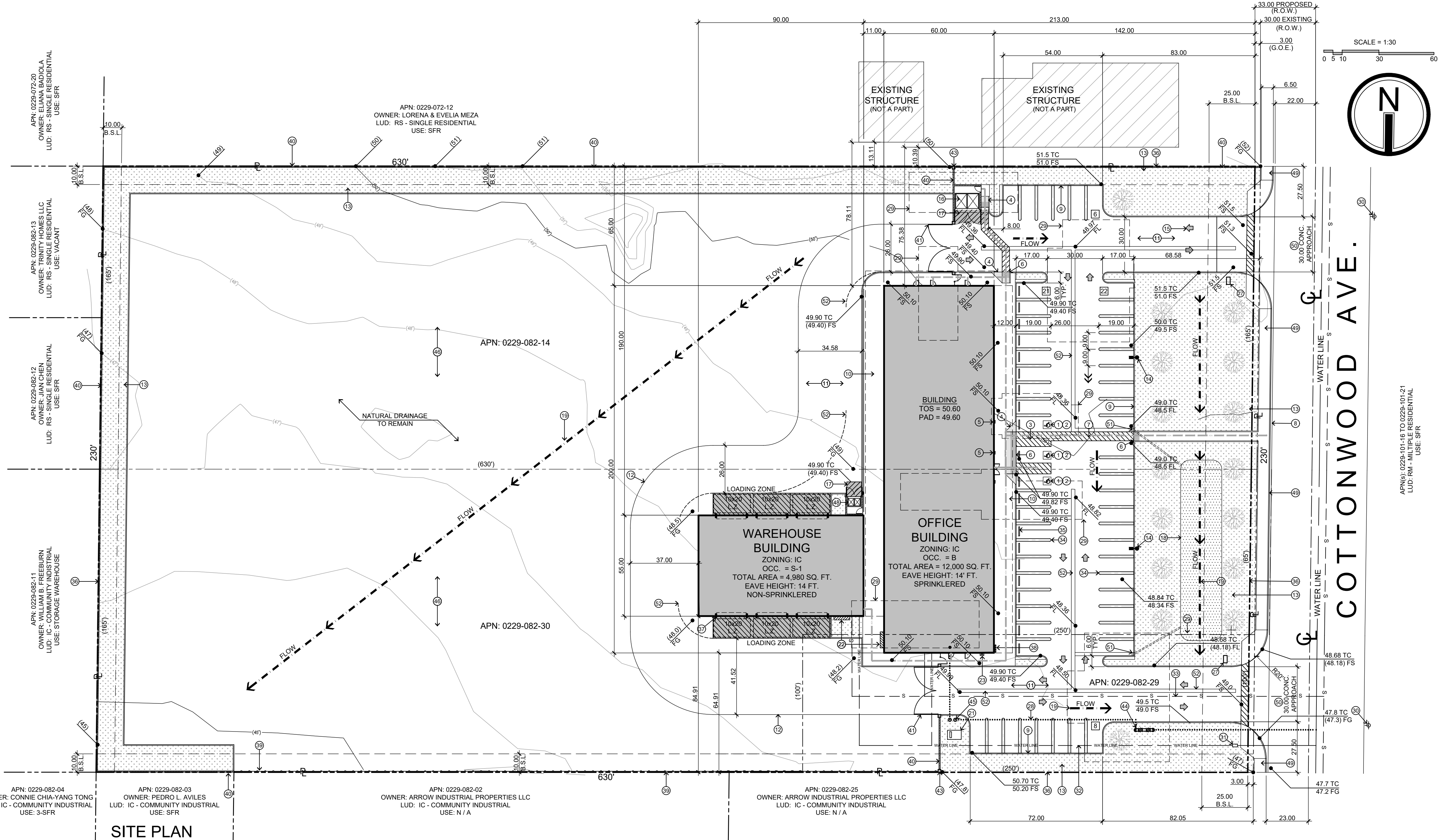
1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application** because the subject property is of adequate size and configuration to accommodate the proposed use and permit all proposed structures and activity areas to meet required setbacks, provide an adequate number of on-site parking spaces, allow for required vehicle maneuvering, and provide adequate landscape areas and features consistent with the requirements of the Development Code for the proposed land use.
2. **The site for the proposed use has adequate access** because Cottonwood Avenue is a paved two-lane roadway that provides physical access to the Project site, and the proposed Conditions of Approval will require additional road improvements to ensure safe pedestrian access and vehicular transit across the street.
3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance** because the proposed Project incorporates sufficient improvements, including a surrounding block wall and adjoining landscaping to buffer adjacent

residential properties. In addition, the Conditions of Approval ensure that the Project will conform to performance standards, including those for noise and vibration, to reduce potential impacts to the nearby residences.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan** as enumerated in the General Plan Amendment Findings.
5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct appropriate road improvements and extend/provide adequate water and sewer facilities from existing utilities, in accordance with the Conditions of Approval.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare** because the Conditions of Approval include mitigation measures to reduce impacts to the environment, including biological resources, cultural resources, paleontological, and noise. In addition, the conditions will ensure the Project will meet the adopted County performance standards.
7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities** because the proposed Project has the ability to incorporate solar energy features into the Project.
8. **The Mitigated Negative Declaration (MND) adequately describes the environmental impacts that will result from the Project and reflects the County's independent judgment.** The completed MND has determined that all Project impacts will be less than significant with the incorporation of identified mitigation measures. The mitigation measures have been included in the Conditions of Approval to ensure that all impacts are reduced to a level of less than significant.

# EXHIBIT F

## Site Plan



**\*\*OFFICIAL USE ONLY\*\***

SCALE = 1:30

N

COTTONWOOD AVE.

WATER LINE

APN(S): 0229-082-14 TO 0229-082-29  
LUD: RM - MULTIPLE RESIDENTIAL  
USE: SFR

**PREPARED BY**  
**MO+RE**  
 DESIGN SOLUTIONS  
 17189 BEAR VALLEY RD SUITE #100  
 HESPERIA, CA 92345  
 WWW.GETMOREDESIGNSOLUTIONS.COM  
 EMAIL: CONTACT@GETMOREDESIGNSOLUTIONS.COM  
 PH: (760) 715-3382

**PROJECT DATA**  
 BOC ENTERPRISES LLC  
 PROJECT NO. 2018-C-007  
 CONTACT INFO:  
 CHERYL MONTANEZ  
 (760) 715-3382  
 PROJECT ADDRESS:  
 8424 COTTONWOOD AVE.  
 FONTANA, CA 92335  
 APN(S):  
 0229-082-14-0000  
 0229-082-29-0000  
 0229-082-30-0000

**LEGAL DESCRIPTION:**  
 TRACT NO. 2102 FONTANA  
 ARROW ROUTE TR S 1/2  
 LOT: 341 EX S 75 FT E 250 FT  
 THEREOF MEAS TO ST CENTER

**GOVERNING**  
 THESE PLANS SHALL COMPLY WITH  
 THE 2016 CALIFORNIA BUILDING CODE  
 WHICH ADOPTS THE 2016 CMC, 2016  
 CPC, 2016 CEC, 2016 CGC, 2016 CRC  
 AND THE 2016 ENERGY STANDARDS  
 AS WELL AS MUNICIPAL CODE ON  
 WHICH THE PROJECTS IT'S  
 DEVELOPED

No.	REVISION DATE

**PROJECT: COMMERCIAL OFFICES & STORAGE BUILDING**

**CONTENT: CUP - HP FONTANA HQ AND YARD**

THE USE OF THESE DESIGNS, DRAWINGS, SPECIFICATIONS, AND/OR STRUCTURAL CALCULATIONS IS RESTRICTED TO THE ORIGINAL PURPOSE FOR WHICH THEY WERE PREPARED AND FURNISHED TO THE HOLDER. PUBLICATION IS EXPRESSLY LIMITED TO SUCH USE. OWNERSHIP OF THIS DOCUMENT AND ALL INFORMATION OR DESIGNS CONTAINED HEREIN REMAINS WITH ESPACIO DESIGN ASSOCIATES. REUSE OR OTHER PUBLICATION BY ANY METHOD IS PROHIBITED EXCEPT WITH THE WRITTEN PERMISSION OF ESPACIO DESIGN ASSOCIATES.

- KEYED NOTES**
- 1' X 20' VAN ACCESSIBLE PARKING SPACE
  - ACCESSIBILITY STALL EMBLEM PAINTED AS SHOWN
  - 8' X 20' WIDE ACCESSIBILITY ACCESS BAY AREA W/ 4" WD. BLUE STRIPES
  - 4" WD. MIN. A.D.A. RAMP PER 2016 C.B.C. STANDARD, NOT TO EXCEED 5% OF SLOPE ON THE DIRECTION OF TRAVEL AND 2% OF CROSS SLOPE.
  - WARNING SIGNAGE REGARDING UNAUTHORIZED USE OF DISABLED PARKING SPACES
  - TRUNCATED DOMES, 36" DEEP ON DIRECTION OF TRAVEL x "WIDTH" OF RAMP
  - 4" WD. MIN. A.D.A. PATH OF TRAVEL PER 2016 C.B.C. STANDARD, NOT TO EXCEED 5% OF SLOPE ON THE DIRECTION OF TRAVEL AND 2% OF CROSS SLOPE.
  - PROPOSED 8" CONCRETE CURB & GUTTER PER S.B. COUNTY STANDARDS
  - PROPOSED 6" WD. CONCRETE CURB
  - 4" NOMINAL THICK CONCRETE WALKWAYS
  - PROPOSED 3" THK. A.C. PAVING OVER 3" BASE, SEE GEOTECHNICAL REPORT
  - PROPOSED EDGE OF PAVEMENT
  - PROPOSED LANDSCAPED AREA
  - 20" HI SITE LIGHT STANDARD, SEE PLAN FOR NUMBER OF HEADS w/ LIGHT SHIELDING
  - TRAFFIC FLOW DIRECTIONAL ARROWS PAINTED ON PAVING AS SHOWN ON PLAN
  - PROPOSED 96 SQ. FT. X 6" HI. ACCESSIBLE TRASH ENCLOSURE PER S.B. STANDARD 84.24.040 (MIN. 48 SQ. FT. REFUSE & MIN. 48 SQ. FT. RECYCLING)
  - 8" THK. REINFORCED CONCRETE LOADING PAD W/ 2% MAXIMUM SLOPE AWAY FROM T/E.
  - AREA OF RETENTION PER HYDROLOGY
  - WATER RUN OFF DIRECTION
  - KEY NOTE NOT IN USE
  - PROPOSED LOCATION OF ELECTRICAL TRANSFORMER
  - LOCATION OF OUTDOOR SWITCH GEAR WITH WATER PROOF CASE
  - PROPOSED LOCATION OF GAS METER
  - LOCATION OF MECHANICAL CONDENSER UNIT
  - PROPOSED MONUMENT SIGN LOCATION (TYPE & TEXT NOT SPECIFIED - SIGN INFORMATION IS TO BE PROVIDED AT A LATER DATE)
  - UNDERGROUND 6" Ø FIRE LINE

- 29 LOCATION OF EXISTING STRUCTURES TO BE REMOVED @ DASHED LINES
- 30 EXISTING OFF-SITE FIRE HYDRANT
- 31 PROPOSED WATER METER
- 32 DOMESTIC WATER LINE, SEE UTILITY PLAN FOR SIZE
- 33 PROPOSED PROPERTY SEWER LATERAL
- 34 HAIRPIN PARKING STRIPE PER S.B. COUNTY STANDARDS (TYP.)
- 35 PROPOSED CONCRETE WHEEL STOP
- 36 PROPERTY LINE
- 37 6" Ø STEEL PROTECTION BOLLARD FILLED WITH CONCRETE
- 38 PROVIDE PERMANENTLY ANCHORED BICYCLE RACK WITH-IN 200' OF THE ENTRANCE W/ CAPACITY FOR 5% OF PARKING STALLS & A MIN. OF (1) TWO-BIKE CAPACITY RACK.
- 39 PROPOSED 8' HI. CHAIN LINK FENCE WITH SCREENING AS REQ'D.
- 40 6" HI. MASONRY WALL W/ DECORATIVE 8" WD. BLOCK
- 41 26" LG. AUTOMATED GATE W/ DECORATIVE WROUGHT IRON
- 42 PROPOSED GATE OPENER MOTOR LOCATION
- 43 16" SQ. DECORATIVE PILLAR WITH STACKED STONE VENEER
- 44 DOUBLE DETECTOR CHECK VALVE LOCATION
- 45 P.I.V. & F.D.C. PER CITY AND COUNTY FIRE DEPARTMENT STANDARDS
- 46 PROVIDE CRUSHED VOLCANIC ROCK TO COVER EX. NATIVE SOIL FOR DUST CONTROL MEASURES
- 47 PROPOSED 3/4" MIN. GRAVEL AREAS W/ 6" CURBING
- 48 PROPOSED 24 SQ. FT. MIN. TRASH ENCLOSURE PER S.B. STANDARD 84.24.040 (MIN. 12 SQ. FT. REFUSE & MIN. 12 SQ. FT. RECYCLING)
- 49 PROPOSED SIDEWALK PER COUNTY STANDARD 109 TYPE "C"
- 50 PROPOSED 30' DRIVEWAY APPROACH PER COUNTY STANDARD 129B
- 51 CURB DRAINAGE INLET WITH TRAFFIC RATED GRATE
- 52 24" WIDE X 4" THICK CONCRETE DRAINAGE SWALES
- 53 FIRE TURNING RADIUS PER SB COUNTY FIRE DEPARTMENT STANDARD # A-1

**UTILITIES**

**ELECTRIC UTILITY**  
 SOUTHERN CALIFORNIA EDISON CO.  
 4951 REDWOOD AVENUE  
 FONTANA, CA 92338  
 PH: 800-655-4555

**DISPOSAL**  
 BURRTEC WASTE INDUSTRIES 1150 S.  
 TIPECANOE AVENUE  
 SAN BERNARDINO, CA 92408  
 PH: 909-804-4222

**SEWER UTILITY**  
 CITY OF SAN BERNARDINO  
 1350 SOUTH EAST STREET  
 SAN BERNARDINO, CA 92408  
 PH: 760-247-6484

**WATER UTILITY**  
 FONTANA WATER COMPANY  
 15966 ARROW ROUTE  
 FONTANA, CA 92335  
 PH: 909-822-2201

**TELEPHONE UTILITY**  
 AT & T  
 16232 EAST FOOTHILL BOULEVARD  
 FONTANA, CA 92335  
 PH: 866-750-2355

**GAS UTILITY**  
 SOUTHERN CALIFORNIA GAS CO.  
 1136 NORTH MT. VERNON AVENUE  
 SUITE 3305 SAN BERNARDINO CA, 92411  
 PH: 800-427-2200

**PARKING DATA**

REQUIRED PARKING PER G.F.A.	BUILDING AREA	SQ. FT.	OCCUPANCY	RATIO	SPACES
OFFICE AREA	12,000 SQ. FT.	B (BUSINESS)	1 : 250	48 SPACES	
WAREHOUSE AREA	4,980 SQ. FT.	S-1 (STORAGE)	1:1000	5 SPACES	
<b>TOTAL PARKING REQUIRED =</b>	<b>53 PARKING STALLS</b>				
<b>PARKING PROVIDED</b>	<b>57 PARKING STALLS</b>				
9' x 19' ACCESSIBLE DISABLED PARKING STALLS	3 SPACE				
9' x 19' STANDARD PARKING STALLS	54 SPACES				
<b>TOTAL PARKING PROVIDED =</b>	<b>57 PARKING STALLS</b>				
<b>OTHER PARKING REQUIREMENTS</b>	LOADING ZONES PROVIDED (MINIMUM 10'-0" x 20'-0") 3 SPACES				
LOCATED @ NORTH & SOUTH OF WAREHOUSE BUILDING					

**PROPOSED AREA TABULATION**

AREA	SQ. FT.	% COVERAGE
GROSS LAND AREA (1.63 ACRES)	207,840 SQ. FT.	
NET LAND AREA (AFTER ROAD DEDICATION)	N/A	
<b>PROPOSED LAND AREA &amp; COVERAGE</b>		
AREA	SQ. FT.	% COVERAGE
BUILDING AREA (FOOTPRINT)	16,980 SQ. FT.	8.17%
A/C PAVING	59,689 SQ. FT.	28.77%
CONCRETE HARDSCAPE & CURBING	9,903 SQ. FT.	4.7%
<b>PROPOSED MAXIMUM LAND COVERAGE =</b>	<b>85,570 SQ. FT.</b>	<b>41.59%</b>
<b>MAXIMUM ALLOWED LAND COVERAGE =</b>	<b>93,528 SQ. FT.</b>	<b>45.00%</b>
LANDSCAPING AREAS (WITHIN PROPERTY LINE)	32,435 SQ. FT.	15.6%
LANDSCAPE BEYOND PROPERTY LINE	430 SQ. FT.	NOT-A-PART
UNDEVELOPED AREA	88,835 SQ. FT.	42.7%

**SCOPE OF WORK**  
 TO OBTAIN BUILDING PERMITS FOR CONSTRUCTION OF TWO (2) METAL BUILDING TO INCLUDE A 12,000 SQUARE FOOT BUILDING FOR OFFICE SPACE AND A 4,980 STORAGE BUILDING. THE PROPERTY IS TO FOLLOW CURRENT CYCLE CODES, CALIFORNIA GREEN CODE AND ENERGY STANDARDS. TO PROPOSE A CHAIN LINK FENCE @ SIDES OF THE PROPERTY ADJOINING COMMERCIAL PROPERTIES W/ MASONRY FENCING @ REMAINDER OF PROPERTY AND A MASONRY FENCE WITH DECORATIVE WROUGHT IRON AUTOMATED GATES ENTRANCES AT THE FRONT OF THE PROPERTY.

**VICINITY MAP**

**PROPERTY DATA**

OCCUPANCY'S: B / S-1  
 CONSTRUCTION TYPE: II B  
 STORIES: SINGLE STORY  
 ZONE: IC  
 FIRE SPRINKLERS: YES (CBC 903.2.4.1)

AP.N.(S): 0229-082-14, 0229-082-29, 0229-082-30  
 PROPERTY ADDRESS: 8424 COTTONWOOD AVE, FONTANA, CA, 92335

APPLICANT: CHERYL MONTANEZ, 17189 BEAR VALLEY RD, HESPERIA, CA 92345  
 PROPERTY OWNER: BOC ENTS, LLC, 13341 TEMESCAL CANYON RD, CORONA, CA