



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: August 18, 2022

AGENDA ITEM #3

Project Description

APN: Recommendation No. 1: 0259-161-45
 Recommendation No. 2: 0257-071-03, 04, and 39

Applicant: Nasser Mustafa / ASG Development

Community: Bloomington/5th Supervisorial District

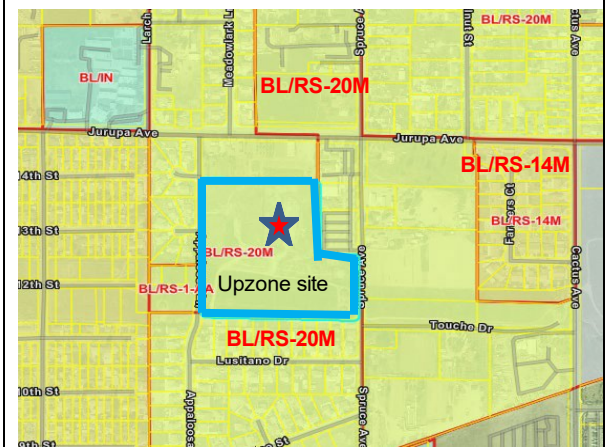
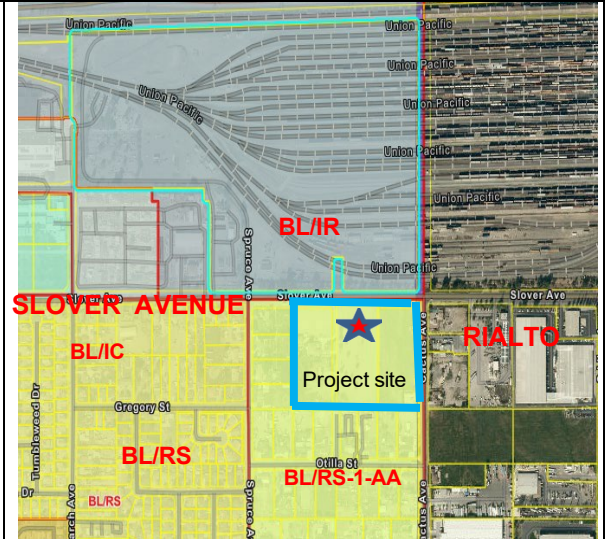
Location: Recommendation No. 1: 300 feet south of Jurupa Avenue, east of Appaloosa Lane
 Recommendation No. 2: Southwest corner Slover and Cactus Avenues

Project No: PROJ-2020-00127 and PROJ-2021-00131

Staff: Aron Liang
Rep: Dave Mlynarski

Proposal: Recommendation No. 1: a) Policy Plan Amendment from Very Low Density (VLDR) to Low Density Residential (LDR), and b) Zoning Amendment from Single Residential Minimum 20,000 Lot Size (RS-20M) to Single Residential Minimum 14,000 Lot Size (RS-14M) for a 18.1-acre upzone site located 300 feet south of Jurupa Avenue, east of Appaloosa Lane.
 Recommendation No. 2: a) Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI), b) Zoning Amendment from Single Residential-1-Acre Minimum Lot Size with Additional Agriculture (RS-1-AA) to Community Industrial (IC) for three parcels on 13.27 acres, and c) Conditional Use Permit to construct a 257,855-square foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility, on 13.27 acres.

Vicinity Map -



73 Hearing Notices sent on August 5, 2022

Report prepared by: Aron Liang, Senior Planner

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

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant property	Very Low Density Residential (VLDR)	Single Residential (BL/RS-20M)
North	Single family structures	Very Low Density Residential (VLDR)	Single Residential (BLRS-20M)
South	Single family structures	Very Low Density Residential (VLDR)	Single Residential (B/RS-20M)
East	St. Charles Borromeo Church and vacant properties	Very Low Density Residential (VLDR)	Single Residential (B/RS-20M)
West	Single family structures	Very Low Density Residential (VLDR)	Single Residential (BL/RS-1-AA) and (BLRS-20M)

In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors

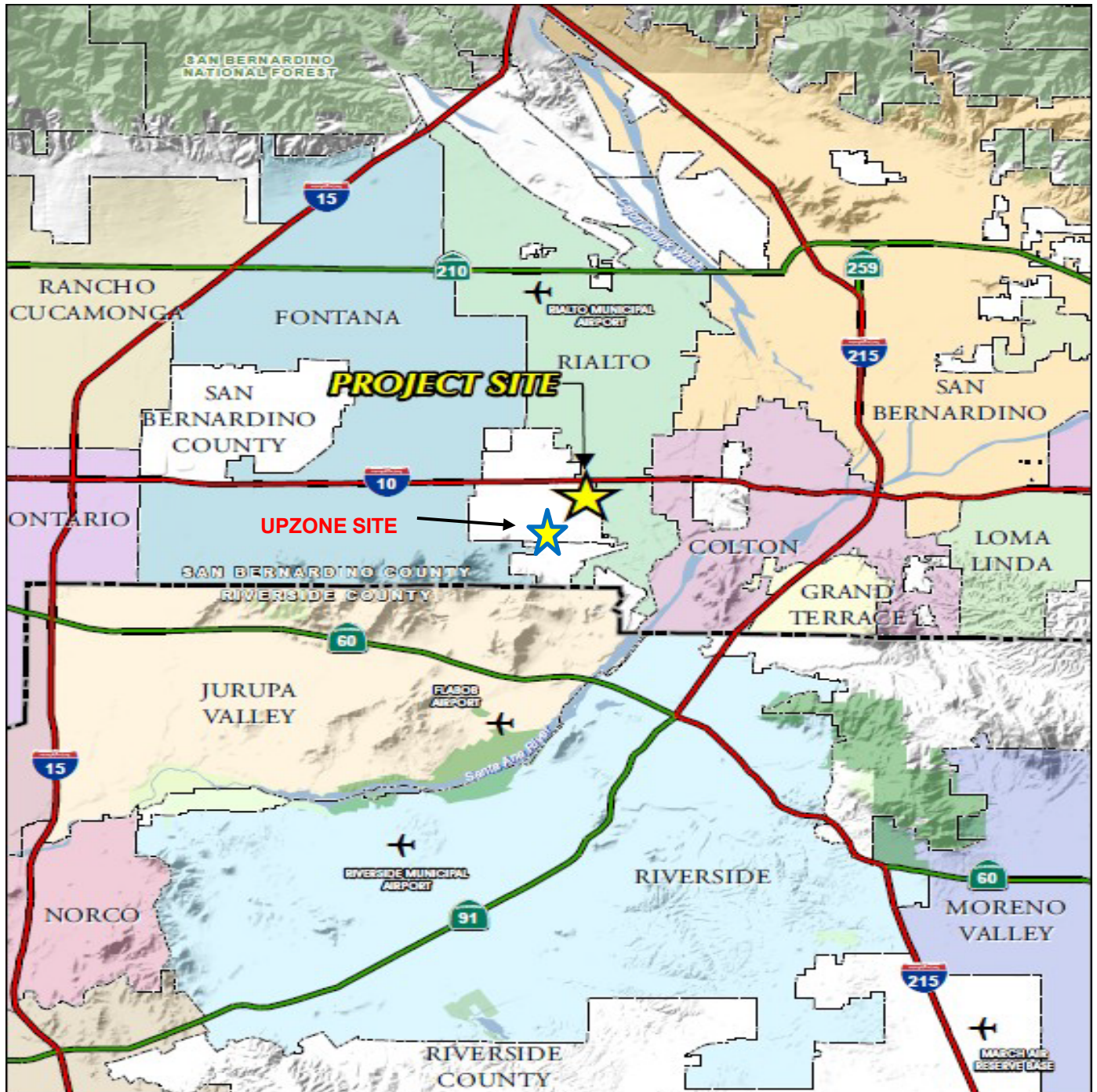
TABLE 2 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Single family structures	Very Low Density Residential (VLDR)	Limited Industrial (LI)
North	Southern Pacific Railroad	General Industrial (GI)	Regional Industrial (IR)
South	Single family structures	Very Low Density Residential (VLDR)	Single Residential 1-acre Min Lot Size with Additional Agriculture (RS-1-AA)
East	Industrial structures	City Of Rialto	City of Rialto - Light Industrial (M-1)
West	Single family structures and Nursery	Very Low Density Residential (VLDR)	Single Residential 1-acre Min Lot Size with Additional Agriculture (RS-1-AA)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	Rialto	None
Water Service:	West Valley District	Will serve Letter Received
Sewer Service:	City of Rialto	Will-serve Letter Received

STAFF RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors take the following actions: Recommendation No. 1: **FIND** the Upzone Site is exempt from CEQA; **ADOPT** the findings for approval of the Policy Plan and Zoning Amendment; **ADOPT** the Policy Plan and Zoning Amendments; and **DIRECT** the Clerk of the Board of Supervisors to file the Notice of Exemption. Recommendation No. 2: **CERTIFY** the Environmental Impact Report; **ADOPT** the CEQA Findings, Statement of Overriding Considerations and MMRP; **ADOPT** the findings for approval of the Policy Plan Amendments, Zoning Amendments, and Conditional Use Permit; **ADOPT** the Policy Plan and Zoning Amendments; **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval; and **DIRECT** Clerk of the Board of Supervisors to file a Notice of Determination.

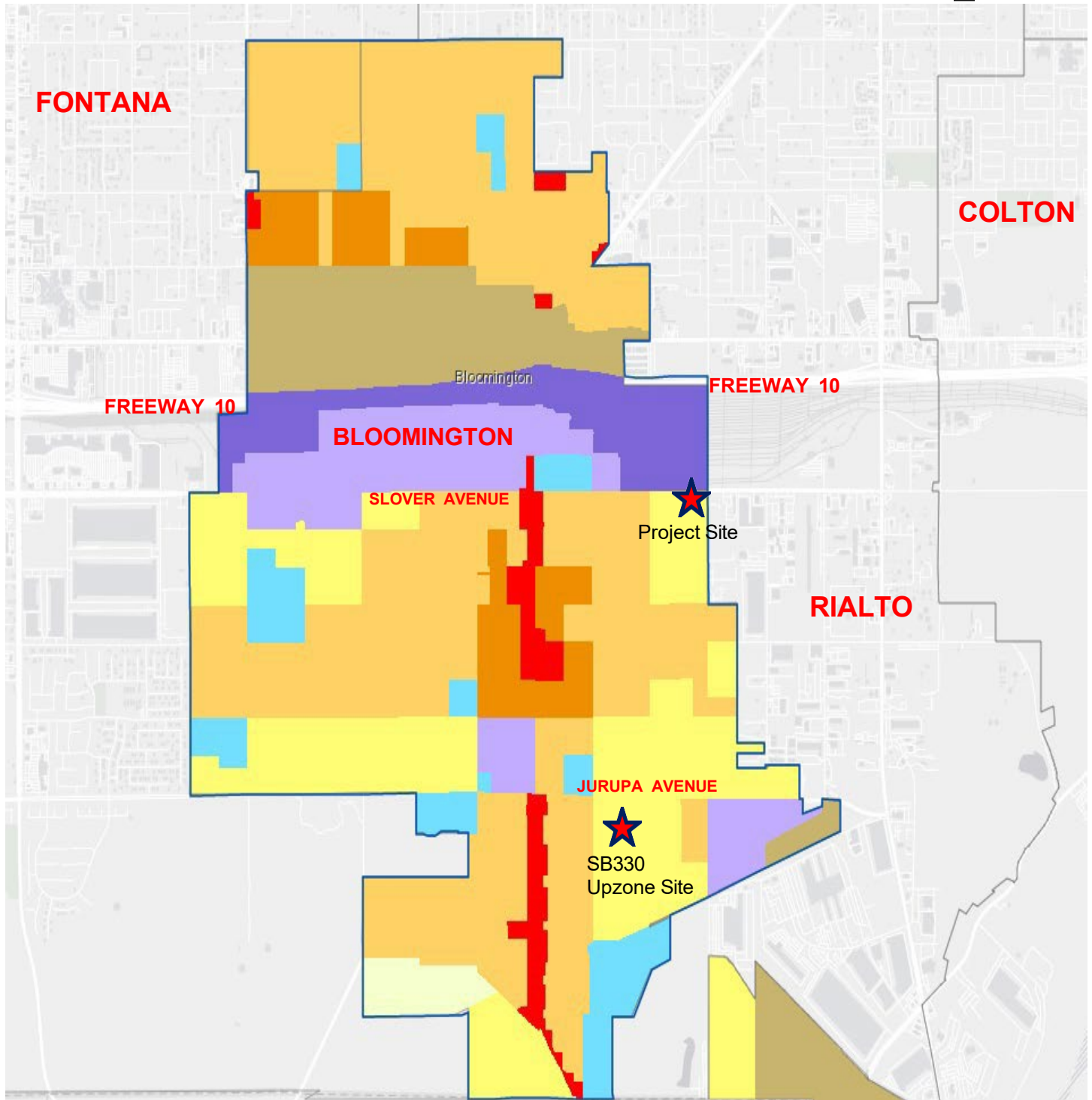
REGIONAL LOCATION



AERIAL VICINITY MAP



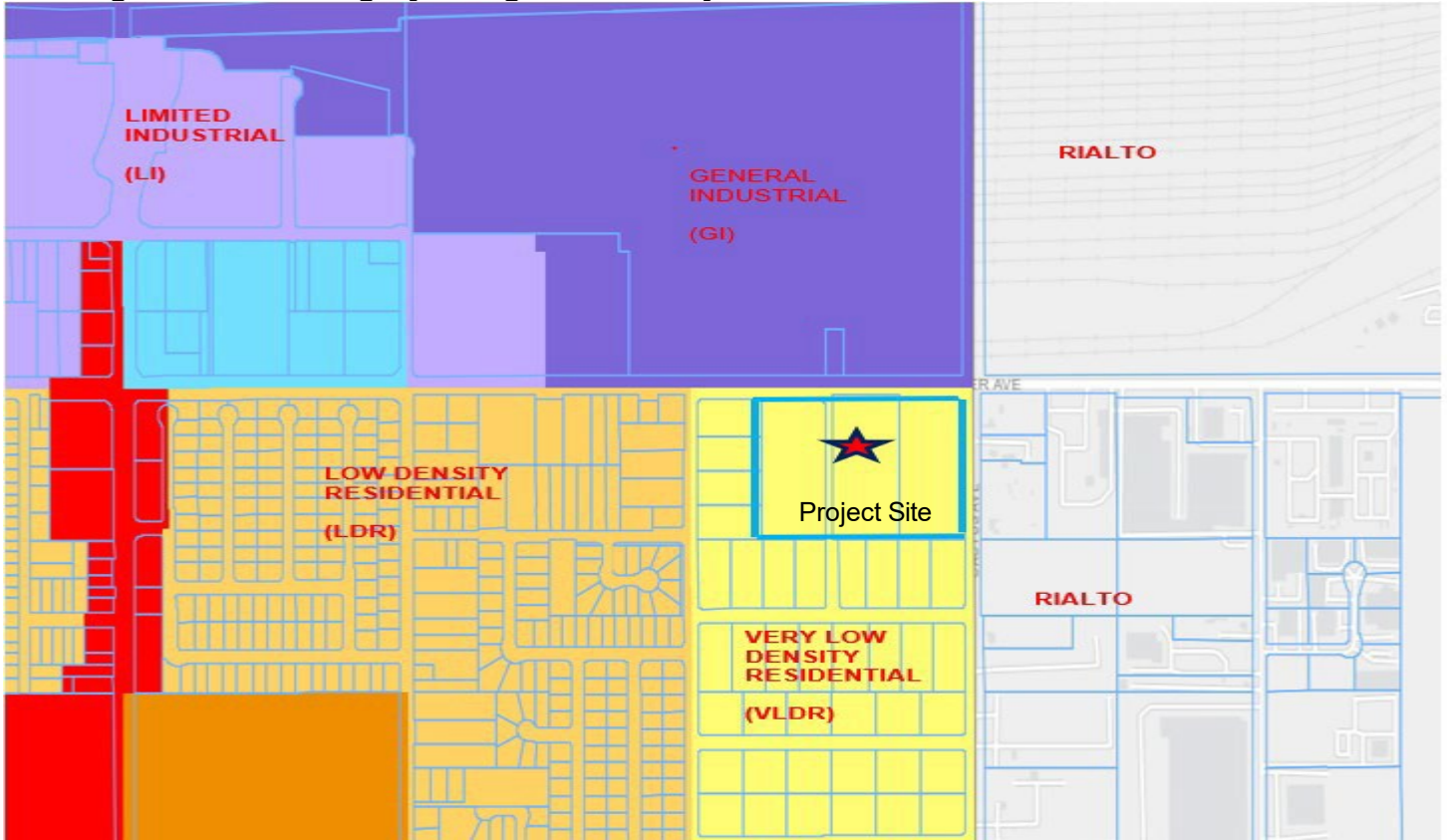
LAND USE CATEGORY: BLOOMINGTON



POLICY PLAN LAND USE CATEGORY



Existing Land Use Category Designation – Project Site



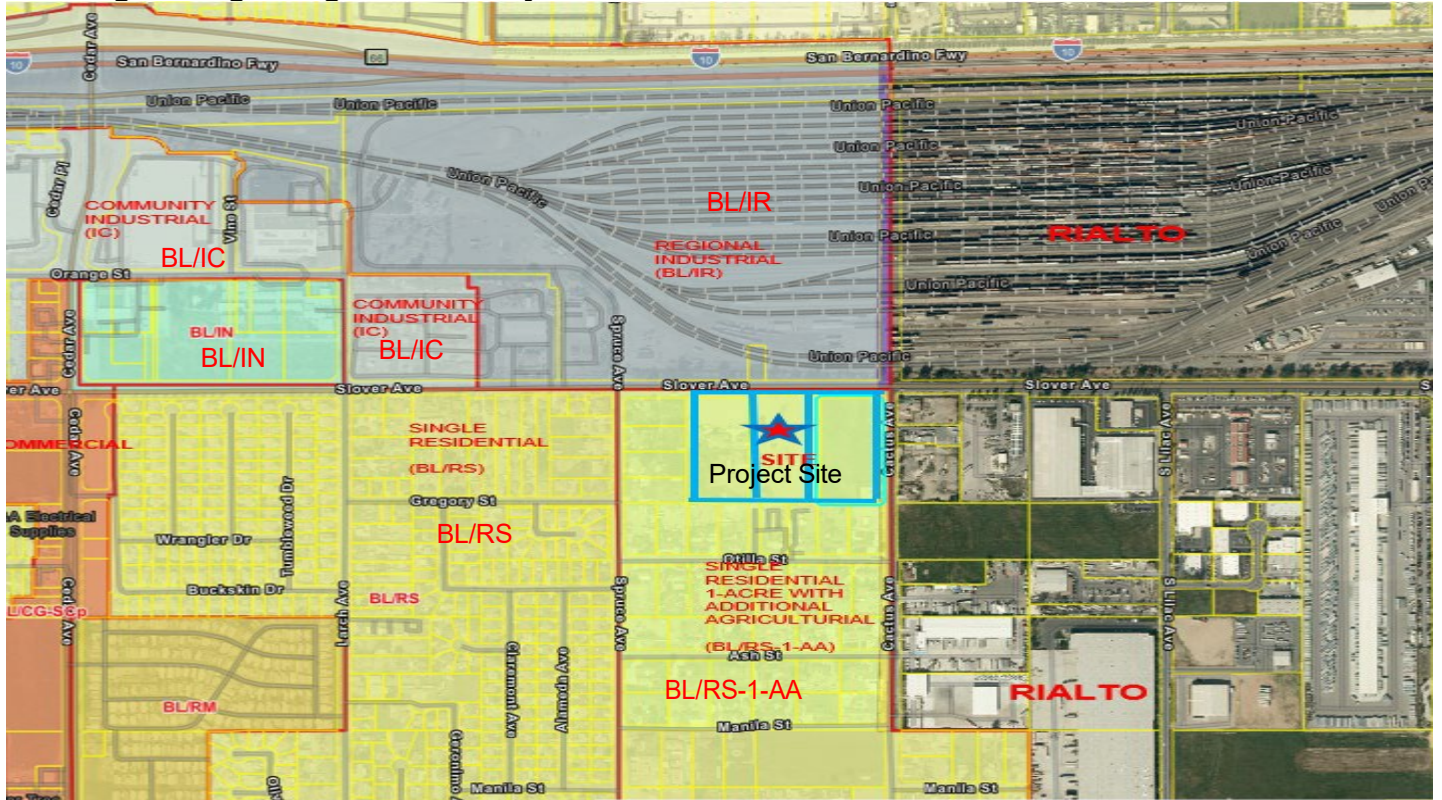
Existing Land Use Category Designation – Upzone Site (SB 330)



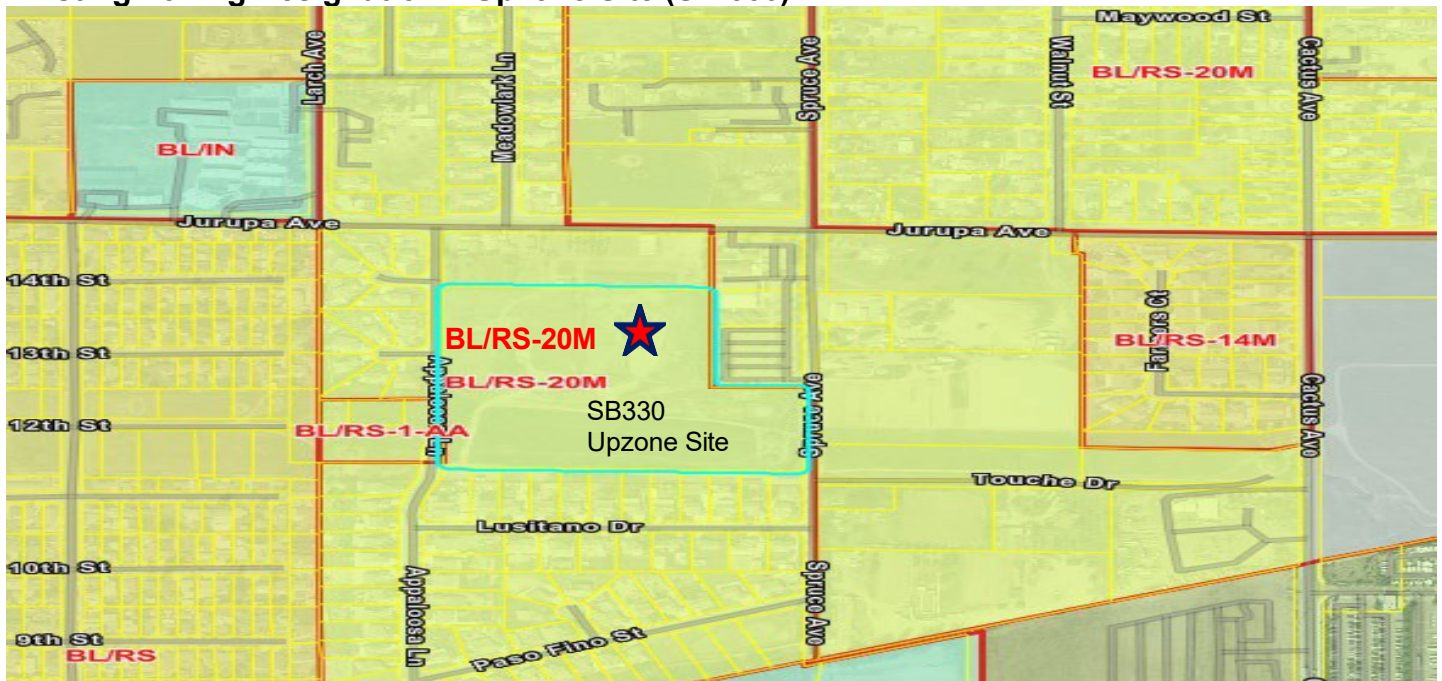
ZONING DESIGNATION



Existing Zoning Designation – Project Site



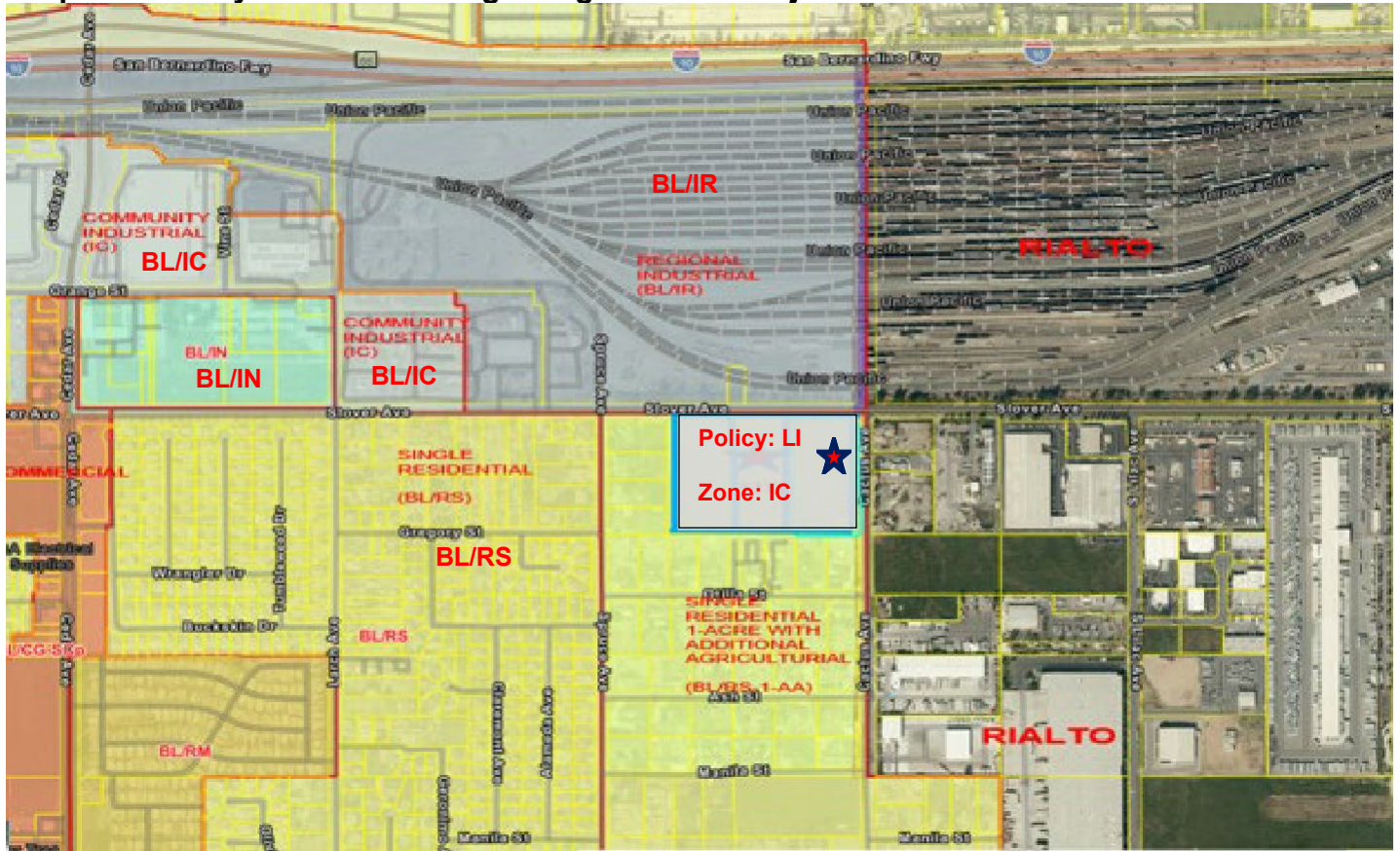
Existing Zoning Designation – Upzone Site (SB 330)



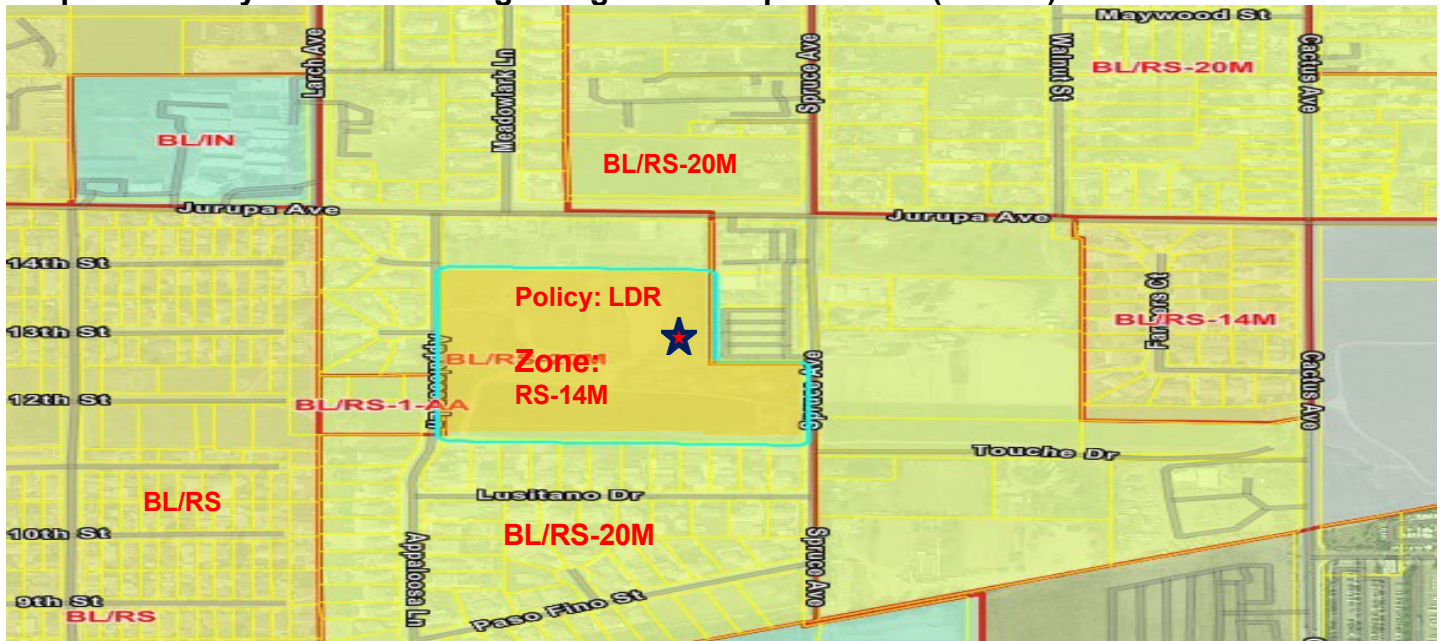
POLICY PLAN AND ZONING AMENDMENTS



Proposed Policy Plan and Zoning Designations – Project Site



Proposed Policy Plan and Zoning Designation – Upzone Site (SB 330)



Aerial Map: Project Site



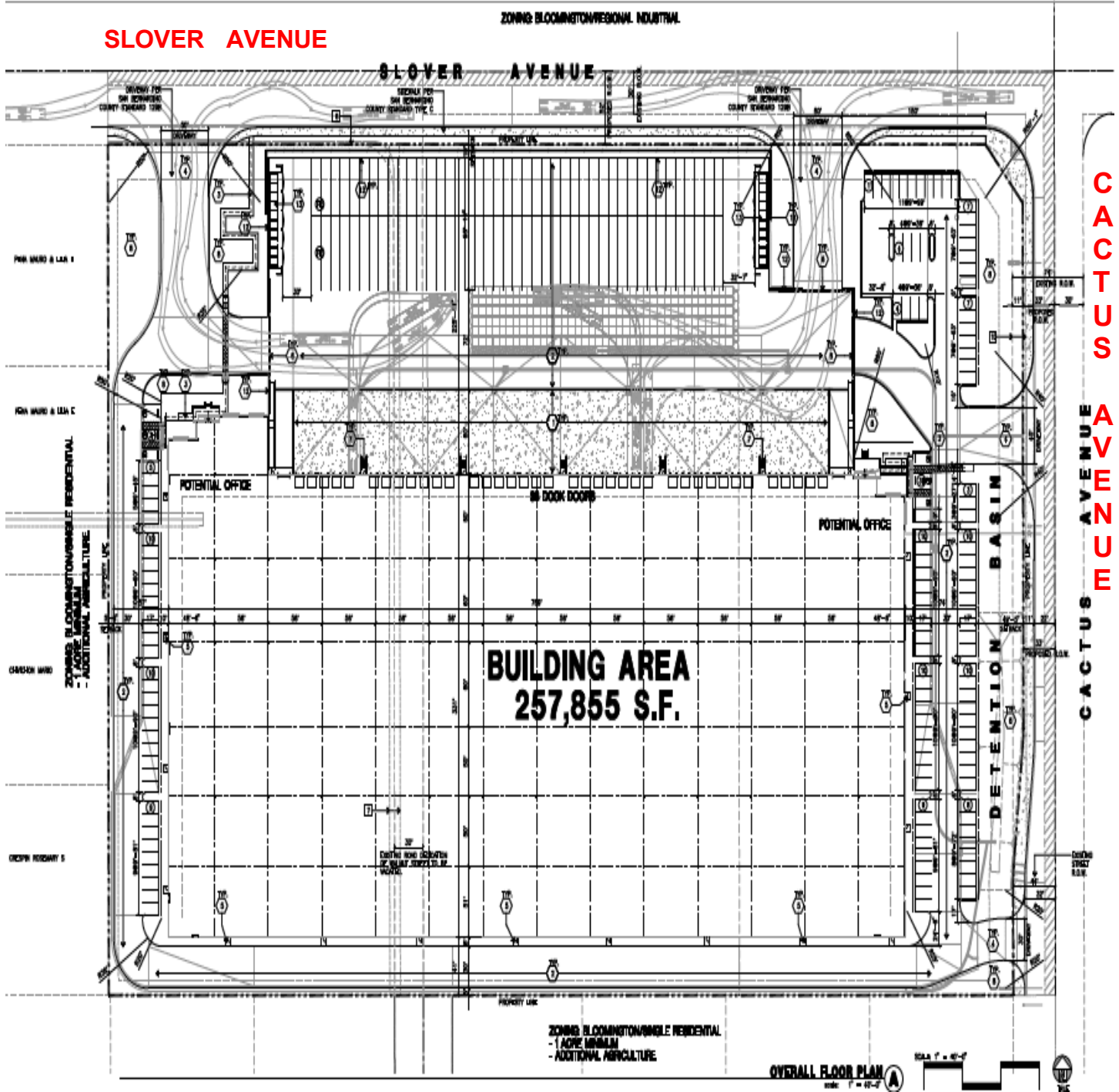
PROJECT SITE:



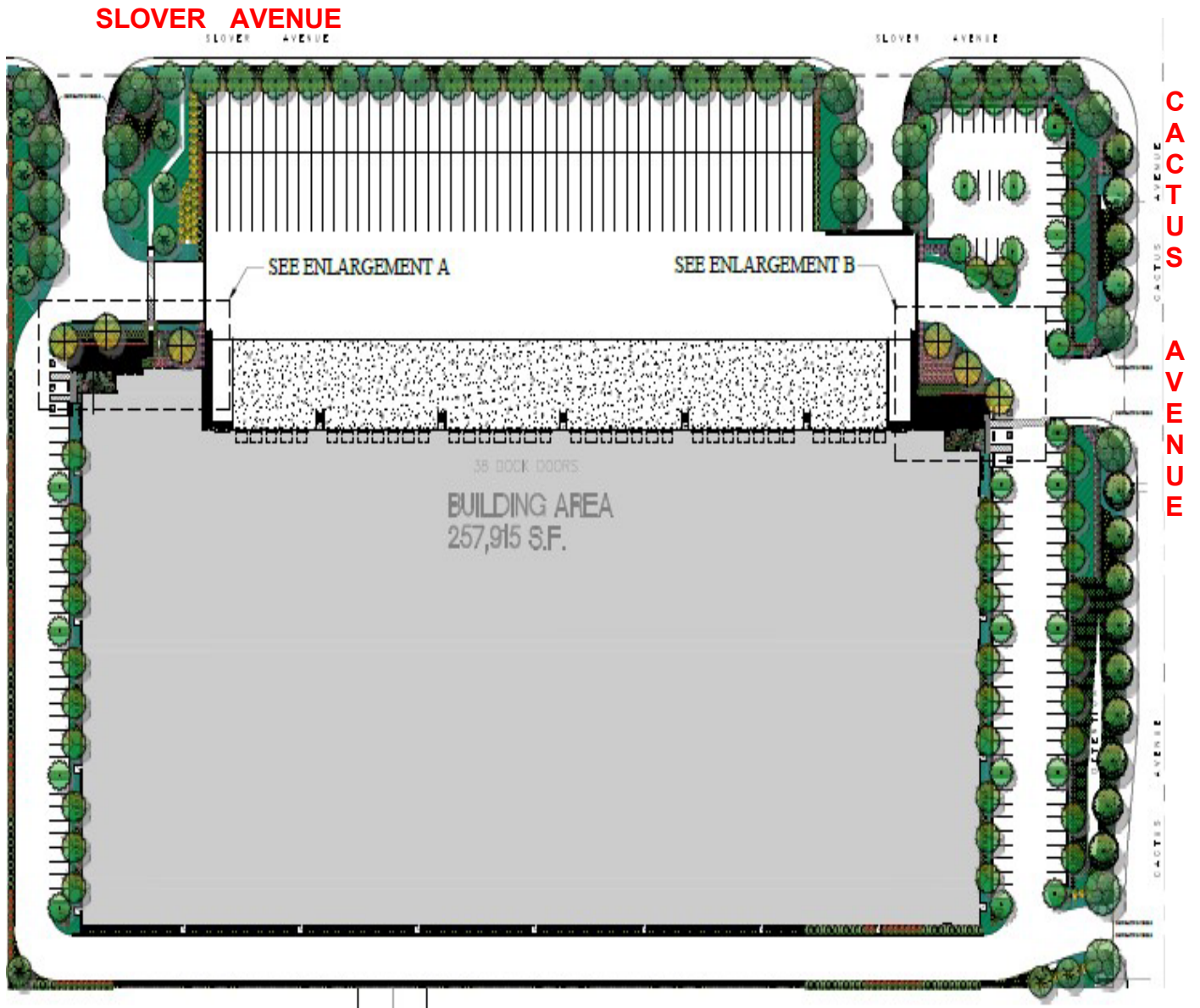
UPZONE SITE (SB330)



SITE PLAN:



CONCEPTUAL LANDSCAPE PLAN:



BUILDING ELEVATIONS:

NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



SITE PHOTOS (Project Site)

Southeast view from Slover Avenue



Southeast view from Slover Avenue



SITE PHOTOS (Project Site)

West view from Cactus Avenue



North view from Cactus Avenue



**SITE PHOTOS
(SB330 Site)**

South view from Appaloosa Lane



South view from Spruce Avenue



PROJECT DESCRIPTION

ASG Development (Applicant) requests approval of a conditional use permit to construct a 257,855 square-foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility on 13.27-acres. Due to the existing Policy Plan (General Plan) Land Use Category designation, Land Use Zoning District designation, and in order to comply with the requirements of Senate Bill 330 (SB 330), approval of the requested permit requires the following actions:

Upzone Site: 1) Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) on a single 18.1-acre parcel, 2) Zoning Amendment from Single Residential – 20,000 square-foot lots (RS-20M) to Single Residential – 14,000 square-foot lots (RS-14M) on a single 18.1-acre parcel (Upzone Site),

Project Site: 1) Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI) on three parcels totaling 13.27 acres, 2) Zoning Amendment from Single Residential-1-Acre Minimum Lot Size with Additional Agriculture (RS-1-AA) to Community Industrial (IC) on three parcels totaling 13.27 acres, and 3) Conditional Use Permit to construct a 257,855 square-foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility on a 13.27-acre parcel (Project). The Applicant has presented a detailed project description in a letter of intent (Exhibit A).

The Project site, located on the southwest corner of Slover and Cactus Avenues, consists of three separate parcels containing single family structures. The Project site is relatively flat, with slopes of less than two percent. The surrounding area is urbanized-- developed with industrial uses to the north, and east, and existing single-family structures to the west and south. The scope of the proposed development will consist of site clearing, site preparation, appurtenant improvements, and construction of the proposed warehouse building. Other activities associated with the development proposal include site grading, the construction of a large water quality basin and other water quality management improvements.

The Project will also include on-site parking and loading areas. The site has access to a public water supply, public sewer, electricity, and natural gas. Off-site street and drainage improvements will also be required. The Project will include drought-tolerant landscaping around the Project perimeter, as well as loading docks, parking stalls and four commercial/industrial driveways. The loading docks face the northerly property boundary. Access to the site for passenger cars, trucks, and other vehicles will be provided by four standard commercial driveways with two on Slover Avenue and two on Cactus Avenue.

UPZONE SITE - SB 330 COMPLIANCE

On January 1, 2020, SB 330, entitled the Housing Crisis Act of 2019, became effective, which declared a housing crisis in California and imposed requirements designed to streamline the construction of new housing and prevent the loss of existing housing and land available for future residential use. Among other things, SB 330 added Government Code Section 66300, which prevents an affected county from changing the general plan land use designation or zoning of a parcel to a less intensive use or reducing the intensity of land use for residential development capacity below what was allowed by the affected county's general plan or zoning in effect as of January 1, 2018. (Government Code Section 66300(b)(1)(A).) As an exception, SB 330 "... does not prohibit an affected county ... from changing a land use designation or zoning ordinance or a less intensive use if the ... county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity" (Government Code Section 66300(h)(2)(i)(1).)

The Project proposes a Policy Plan and Zoning Amendments to change the Project Site's Land Use Category and Zone Map designation from a residential classification to a non-residential classification, thereby resulting in a reduction of up to 13.2 planned housing units that could have been developed on the Project site under its current land use and zoning classification. Under the no net loss exception, SB 330 requires the County to make concurrent land use amendments to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project site.

The Upzone Site, which has been identified for compliance with SB 330, is owned by the Applicant and is located 300 feet south of Jurupa Avenue, east of Appaloosa Lane, one mile south of the proposed Project site in an area of the Bloomington Community. The area surrounding the Upzone Site has an established residential land use pattern integrated with a variety of lot sizes consisting of both older and newly constructed single-family residences. Immediately adjacent to the Upzone Site is a community faith-based Church facility, as well as a utility corridor located along the entire southerly property line. The utility corridor traverses east and west over 3 miles through the Bloomington Community, separating residential neighborhoods. Infrastructure, in particular sewer lines, are not currently available in this area of the community as private septic tanks are utilized to comply with sanitary sewer requirements. These septic systems are an impact to water quality throughout the region. With the eventual development of the Upzone Site, extensions of sewer mains, water mains, and other infrastructure would occur, thereby, inducing and supporting continued residential growth in this area of the Bloomington Community as contemplated in the Countywide Plan, and would enhance residential neighborhoods and their connection to community facilities such as faith-based organizations, schools and other activities. The continued growth and development of residential units would support the overall housing policies within the County and encourage future development of commercial retail businesses that would add to the local job market and potential added revenue sources within the community.

The Upzone Site consists of one parcel of approximately 18.1 acres, and is currently vacant, located in the Single Residential with 20,000-square foot Minimum Lot (RS-20M). The RS-20M zoning would allow the development of up to 39 residential units on the 18.1-acre Upzone Site. The proposed Single Residential with 14,000-square foot Minimum Lot (RS-14M) zoning designation would allow the development of up to 56 dwelling units, thereby offsetting the housing capacity that would be lost from rezoning of the 13.27-acre Project site to a non-residential zone and an increase of 3.62 additional units. The no net loss exception is satisfied and illustrated below:

Unit Density Calculations:

Project Site:

Current Zoning: RS-1-AA (1-acre Lot Minimum)

13.27 acres x 43,560 sq.ft. = 578,041.20 sq.ft.

578,041.20 sq.ft. / 43,560 sq. ft./1-acre Minimum Lot Size = 13.27 units (potential net loss)

Upzone Site:

Current Zoning: RS-20M (20,000 sq. ft. Minimum Lot Size)

18.1 acres x 43,560 sq.ft. = 788,436 sq.ft.

788,436 sq. ft. / 20,000-sq. ft. Minimum Lot Size= 39.42 units

Proposed Zoning: RS-14M (14,000-sq.ft. Minimum Lot Size)

18.1 acres x 43,560 sq.ft. = 788,436 sq.ft.

788,436 sq.ft. / 14,000 sq.ft. Minimum Lot Size = 56.31 units

56.31 units – 39.42 units = 16.89 units (parcel net gain)

16.89 units – 13.27 units = 3.62 units (total net gain)

PROJECT ANALYSIS

Site Planning: The Project is proposed on a speculative basis, with no tenant(s) currently identified. The Project site is located in a transitional area of the Bloomington Community immediately adjacent to the City of Rialto. Adjacent land uses ‘vary’ as is often times common in older transitional areas of community interface as witnessed by the heavy rail / industrial use north of Slover Avenue, the continued growth of the industrial corridor in the City of Rialto along Slover Avenue and Cactus Avenue (immediately east of the subject property), commercial nursery business immediately adjacent to the west, and large / rural sized residential lots immediately to the south. The interface of land uses to the west and south demonstrates the need for orienting the primary activity at the Project site to the north along the Slover Avenue truck route /Union Pacific Railroad (UPRR) switchyard corridor. This orientation ensures traffic to be directed into the designated Slover Avenue truck route corridor.

The orientation of the proposed building on site creates a buffer to avoid operational activities along the east, west and southern edges of the Project site. The nearest and only residential structures in proximity to the Project site (to the west and the south) range in distance from the proposed logistics use between 180 feet to 200 feet. Land uses located to the east, in the City of Rialto, consist of older industrial and a newly constructed logistics / high-cube development. The building is designed as a concrete tilt-up cross-dock facility with vertical lift dock-high roll up doors. There would be a total of 38 dock doors on the northern side of the warehouse. The truck loading and staging areas on the north side of the warehouse would be screened from public view from Slover Avenue with the combination of a drought-tolerant landscape setback area and 12-foot-high solid material (concrete) screen walls. The walls will incorporate reveal and other architectural details. The proposed facility will be constructed in accordance with development standards pursuant to Development Code, Table 92-19A, IC Land Use Zoning Development Standards. 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 District, as illustrated below:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard/East Valley Area Plan/Community Industrial Zone		Project Plans
Warehouse Distribution Facility	CUP		CUP
Parking	132		134
Landscaping	Trees Minimum Landscaping	13 trees in the parking lot 15% (87,097 sq.ft)	140 trees 15% (87,097 sq. ft.)
Building Setbacks	Front Street Side Rear	25' 25' 10'	235' 134' 41'
Building Height	75 feet maximum		46 feet
Floor Area Ratio	.45:1		.45:1
Drive Aisles	26'		30'

Landscaping: The conceptual landscape plan provides 15% site coverage in drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 83.10.060, Landscape Area Requirements. The Development Code only specifies a minimum number of trees in the parking area (one tree per 10 spaces). The Project exceeds that requirement and has ample tree planting in the perimeter landscaping, with a projected total of 134 trees.

Hours of Operation: The operator(s)/tenant(s) of the Project have yet to be identified, so the precise nature of the facility operation cannot be specified at this time. Technical studies performed for the environmental analysis assume a relatively intensive warehousing operation of seven days per week in two eight-hour shifts, with an estimate of 50 to 75 employees.

COMMUNITY OUTREACH

- March 21, 2019, the Applicant held an Environmental Impact Report (EIR) public scoping meeting at Walter Zimmerman Elementary School to present the Project and engage with residents, property owners, and key community stakeholders, to obtain community input on the proposal. One resident of the area expressed concerns and comments that the Project would have potential impacts relating to additional truck trips to the area.
- November 11, 2021, the Applicant sent bilingual public notification mailers to property owners in a 700-foot radius, as well as to key community stakeholders to solicit comments and public input. The bilingual mailers were also sent to the People's Collective for Environmental Justice (PCEJ) and Center for Community Action and Environmental Justice (CCA EJ).
- December 2, 2021, the Applicant held a community meeting with the Bloomington Municipal Advisory Council (MAC) to obtain input on the proposal. No comments of concern were expressed by the Bloomington MAC for the Project.
- The Applicant has reached out and met with property owners for parcels directly abutting the site and along Cactus Avenue to inform and advise them about the Project and to receive input. The Applicant has also had ongoing discussions, meetings, and communications with surrounding property owners between 2019 and June 2022 related to a number of topics, including, but not limited to, project design, street vacation and other topics of interest.
- The Applicant has and continues to engage with all community members who have sent e-mails and made phone calls requesting information on the proposed project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

Upzone Site:

The Policy Plan and Zoning Amendments proposed for the Upzone Site are intended solely to comply with SB 330. There is currently no proposed physical development and/or improvements to the Upzone Site. Any future development proposal for this property would require future submittal of entitlement application(s) to subdivide the existing single 18.1-acre lot into individual lots to accommodate the maximum 56 dwelling units allowed under the proposed land use designation of RS-14M. In addition to the Upzone Site being analyzed as part of the Project's Final Environmental Impact Report (Final EIR), County staff has determined that the activity associated with the Upzone Site are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states..... "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where

it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” As further detailed in the Final EIR, the addition of up to four additional residential dwelling units in the Blooming community that may occur as a result of the Policy Plan and Zoning Amendments would not result in any reasonably foreseeable environmental impacts. Further, implementing the proposed land use designations on the site would result in land uses very similar to those permitted under the RS-20M land use designation, and the subject area is not changing in size, that no significant difference in the effect on the environment can be anticipated.

Project Site:

A Draft Environmental Impact Report (Draft EIR) has been completed in compliance with the California Environmental Quality Act, Public Resources Code §21000 et seq. (CEQA) (Exhibit B). The Notice of Preparation (NOP) for the Draft EIR requesting input from interested parties and was submitted to the State Clearinghouse for distribution to State agencies on March 6, 2019. The Notice of Availability (NOA) was distributed to all agencies and published in the San Bernardino Sun beginning on November 21, 2019. The comment period ended on January 6, 2020. The NOA was sent to governmental agencies, neighboring cities, as well as non-governmental agencies/interested parties. The NOA and Notice of Completion were mailed to the State Clearinghouse for distribution to State agencies. Notification was also submitted to local Native American Tribal Governments, in accordance with CEQA.

The Draft EIR identified potentially significant impacts of the Project and discussed numerous mitigation measures proposed to address impacts identified as significant. Mitigation measures presented in the Draft EIR have been included in the Mitigation Monitoring and Reporting Program (MMRP), which is attached as Exhibit C, and also incorporated by reference in the Conditions of Approval (Exhibit D). The mitigation measures presented in the MMRP will reduce potentially significant impacts, which can be mitigated below a level of significance related to the following resource areas: Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, and Tribal Cultural Resources. However, the Draft EIR concluded that even with the incorporation of all feasible mitigation measures, the Project could result in significant, unavoidable impacts to traffic/transportation, as identified below:

- The Project could have a potential impact on traffic/transportation for (1) short-term cumulative impacts (Existing traffic Plus Ambient Growth Plus Project Traffic Plus Cumulative) and (2) long-term cumulative impacts (Policy Plan/General Plan Build-Out Year (2040) conditions).

Short-term Cumulative Impacts:

- a. Cedar Avenue and I-10 Eastbound ramps;
- b. Cedar Avenue and Slover Avenue;
- c. Riverside Avenue and I-10 Eastbound ramps; and
- d. Riverside Avenue and Slover Avenue

Long-term Cumulative Impacts:

- a) Riverside Avenue and I-10 Eastbound ramps; and
- b) Riverside Avenue and Slover Avenue

Traffic/Transportation: A Traffic Impact Analysis (TIA) Report was prepared in July 2019, for the Project. The trip generation rates for the Project land use are based on the fitted curve equation for trip generation provided in the Trip Generation manual (10th Edition) by the Institute of Transportation Engineers (ITE), 2017. The TIA Report projected daily trips of 587 daily passenger car equivalents (PCE) trip-ends, including 57 PCE trip-ends during the A.M. peak hour and 64 PCE trip-ends during the P.M. peak hour. The effect of these trips on the surrounding roadway

network was analyzed for both near-term Opening Year 2020 conditions, and long-term Horizon Year 2040 conditions. The forecast year 2020 and forecast year 2040 analysis included traffic associated with ambient growth and traffic generated by the proposed Project, in addition to a range of cumulative projects anticipated in the study area.

Due to existing traffic impacts in the study area, improvements are needed to bring the level of service (LOS) back to acceptable levels at various intersections. With the addition of the Project traffic, there are no additional intersections anticipated to operate at a deficient LOS. All of these intersections, however, are subject to the jurisdiction of San Bernardino County, Caltrans, and/or City of Rialto. Caltrans and/or Rialto do not have any plans to improve the impacted intersections that would be operational by the Project's opening year and the County has no control or jurisdiction over the implementation of the necessary improvements. Therefore, the recommended improvements needed for an acceptable LOS are not feasible and may not be included as mitigation measures. A fee program is in place to fund improvements to the regional transportation system. The Project's obligation under this fee program, based on floor area, is estimated to be \$469,296.10.

Fair share contribution for the short-term cumulative impacts: \$127,673.00

Fair share contribution for the long-term cumulative impacts: \$88,242.00

No Vehicle Miles Traveled Required:

CEQA document released for public review (e.g., draft EIRs and draft negative declarations) before July 1, 2020, are not required to incorporate a Vehicle Miles Traveled (VMT) analysis. Starting as of July 1, 2020, VMT analysis is required for all CEQA documents statewide. Automobile delay, as described solely by level of service (LOS) or similar measure of traffic congestion, is no longer considered a significant impact under CEQA, except in locations specifically identified in the CEQA Guidelines. (Public Resources Code Section 21099(b)(2).) This provision took effect when the update to the CEQA Guidelines was certified in late 2018. (CEQA Guidelines Section 15064.3.)¹

CEQA Guidelines Section 15007(c) states that CEQA documents that meet requirements in effect when the document is sent out for public review do not need to be revised to include new requirements taking effect before the document is fully approved. (CEQA Guidelines Section 15007(c).) Because the effective date for statewide implementation of the VMT metric was July 1, 2020, agencies that have published CEQA documents for public review prior to July 1, 2020, using an LOS metric do not need to revise these documents to include an VMT analysis.

As indicated above, the public review for the Draft EIR was circulated and occurred prior to July 1, 2020, and therefore does not require an VMT analysis. At the time applications for the Project were filed with the County, the County relied on a "LOS" methodology for evaluating transportation impacts and had not yet established a methodology for calculating VMT from private development projects, nor had the County established criteria for determining the significance of VMT impacts from private development projects. Further, at the time the County approved the Project's traffic report scoping agreement, which establishes an agreement by/between the applicant and the County regarding the parameters, methodology, and evaluation criteria to be used in the traffic analysis, the County utilized a LOS approach for analysis and did not have any guidelines for VMT analysis.

¹ A recent appellate court decision (*Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609) confirmed that traffic congestion is no longer an environmental impact under CEQA, and VMT is not a required element of transportation analyses until July 1, 2020.

No Recirculation of EIR Required:

CEQA Guidelines Section 15088.5 describes the conditions under which a Draft EIR that was circulated for public review is required to be re-circulated for additional public review and comment. CEQA Guidelines Section 15088.5 states that new information added to a Draft EIR is not significant unless the Draft EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and/or;
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the comment letters received by the County and the responses thereto (presented in Subsection F.2 of the Final EIR), there were no public comments or changes to the text or analysis presented in the Draft EIR that resulted in the identification of any new significant environmental effect or a substantial increase in the severity of an environmental effects that were disclosed in the Draft EIR. Although the Final EIR includes a discussion of the County's proposal to address SB 330 as part of the Project's approval, this discussion was added to the Final EIR to demonstrate how the County plans to comply with SB 330, which became effective law after the Draft EIR was released for public review. Furthermore, as demonstrated in Subsection F.4 of the Final EIR, the County's proposal to comply with SB 330 would not result in a substantial environmental impact, including, but not limited to, a new significant environmental impact that was not previously disclosed in the Draft EIR or the EIR for the Countywide Plan, or cause a substantial increase in the severity of an environmental impact previously disclosed in the Project Draft EIR or the EIR for the Countywide Plan. Based on the foregoing, recirculation of the Draft EIR is not warranted.

CEQA Findings & Statement of Overriding Considerations:

Pursuant to Section 15093 of the CEQA Guidelines, decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Because not all the Project's impacts² can be reduced to a level that is less than significant, Findings of Fact and a Statement of Overriding Considerations must be adopted to approve the Project as proposed. The CEQA Findings (Exhibit E) discuss the mitigation measures for the significant impacts and the rationale for making the Statement of Overriding Considerations for those impacts that are significant and unavoidable.

² Refer to Footnote No. 1. Existing law provides that automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA, except for roadway capacity projects. Accordingly, the Project's impacts on LOS (i.e., automobile delay) may be considered by the County as not constituting a significant environmental impact and therefore not requiring a statement of overriding considerations.

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

- Development and construction of the Project will create both temporary on-site jobs and indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies. Once the Project is completed, the facility will ultimately spur the creation of local and regional jobs, and there would be additional output and earnings to the local and regional economies.
- The Project will contribute towards maximizing employment opportunities in the County to improve the job-housing balance and to reduce systemic unemployment within the County and surrounding area. Jobs for residents at a variety of income levels will be provided.
- The Project will provide new development that will assist the County in obtaining fiscal balance in the years and decades ahead. Once construction is completed, the facility will annually generate additional County revenue. This increased revenue from the development will be driven by indirect sales tax, property tax and business license fees.
- The Project will help meet the existing demand for high-quality, largescale logistics warehouse within a geographic area that allows for access to a multi-modal transportation system.
- The Project will provide infrastructure improvements required to meet Project and vicinity needs in an efficient and cost-effective manner.
- The Project will result in substantial public benefits that include, but are not limited to, significant economic benefits for the Bloomington Community, as detailed in the Slover Distribution Center Economic and Fiscal Impact Report prepared by DPFPG.
- In addition to the economic benefits associated with the development of the proposed Project, the Developer/Land Owner has voluntarily offered to enter into a Memorandum of Understanding Regarding Public Benefits Contributions that commits the Land Owner to make a one-time contribution to a Bloomington Community Fund in the amount of \$902,493, which will be due and payable prior to the issuance of certificate of occupancy, as well as an annual contribution of \$87,671 for the life of Project to be used for service enhancement activities for the Bloomington area, including but not limited to code enforcement, recreational programming, park operations and maintenance and enhanced public safety specifically for Bloomington. Land Owner further agrees to secure the obligation to pay make the foregoing annual contribution for the life of the Project by executing and recording the Declaration of Restrictions against the Project site prior to the issuance of the certificate of occupancy for the Project.
- Land Owner agrees to require the lessee or purchaser of the Building to commit to work with the County Workforce Development Department for recruitment of local Bloomington residents for the future jobs created by the development.
- Land Owner irrevocably agrees, for itself and its successor(s) and assigns, to take any and all actions necessary to participate in a Street Light Community Facilities District to maintain public infrastructure, i.e., street lights, which is an essential traffic and public safety improvement. These benefits, as outlined in the project's 'Community Benefit Agreement' shall be approved along with the Project conditions and recorded with the San Bernardino County Recorder.

Public Comments:

A total of six written comment letters to the NOP were received from (1) Southern California Air Quality Management District (SCAQMD), (2) Southern California Association of Governments (SCAG), (3) California Air Resources Board (CARB) (4) Native American Heritage Commission, (5) City of Rialto, and (6) Randall and Jayn Elain Mills. In addition, one letter was received in response to the Draft EIR, from SCAQMD. These comments, which are attached collectively as Exhibit F, relate to:

- Regulatory agency guidance regarding the consideration and analysis of impacts (air quality, biological resources, traffic).
- Requests to be included on the circulation list for all Project notices, public review documents or public hearings.
- Use of the Southern California Association of Governments (SCAG) 2016 Regional Transportation Plan (RTS), including the Sustainable Communities Strategy (SCS) goals.
- Requests for early review of draft environmental documents prior to public circulation.
- Concern comments on hours of operation, external lighting, parking, traffic, and perimeter fencing.

The Final EIR (Exhibit G) includes all written correspondence received and written responses to all comments. An errata sheet was also prepared as part of the Final EIR to document changes to the Draft EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document, and instead represent changes to the Draft EIR that provide clarification, amplification and/or insignificant modifications, as needed as a result of public comments on the Draft EIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant Draft EIR recirculation pursuant to CEQA Guidelines Section 15088.5.

RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors take the following actions:

Recommendation No. 1:

1. **FIND** that the Policy Plan and Zoning Amendments to the 18.1-acre Upzone Site is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3);
2. **ADOPT** the Policy Plan Amendment to change the Land Use Category designation from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for the 18.1-acre Upzone Site;
3. **ADOPT** the Zoning Amendment from Single Residential with 20,000 square-foot Minimum Lot Size (RS-20M) to Single Residential with 14,000 square-foot Minimum Lot Size (RS-14M) for the 18.1-acre Upzone Site; and
4. **DIRECT** the Clerk of the Board of Supervisors to file the Notice of Exemption.

Recommendation No. 2

1. **CERTIFY** the Environmental Impact Report (SCH No. 2019039033)(Exhibits B and G);
2. **ADOPT** the CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit E) and Mitigation Monitoring and Reporting Program (Exhibit C);
3. **ADOPT** the Policy Plan Amendment to change the Land Use Category designation from Very Low Density Residential (VLDR) to Limited Industrial (LI) for three parcels totaling 13.27 acres;
4. **ADOPT** the Zoning Amendment from Single Residential with 1-Acre Minimum Lot Size Additional Agriculture (RS-1-AA) to Community Industrial (IC) for three parcels totaling 13.27 acres;
5. **APPROVE** the Conditional Use Permit for the construction of a 257,885 square-foot warehouse building with 10,000 square feet of office space, subject to the recommended Conditions of Approval (Exhibit D); and
6. **DIRECT** the Clerk of the Board of Supervisors to file the Notice of Determination.

ATTACHMENTS:

EXHIBIT A: Applicant's Letter of Intent

EXHIBIT B: Draft Environmental Impact Report

[http://www.sbcounty.gov/Uploads/LUS/Environmental/Alere%20Property%20Group/Slover%20and%20Cactus%20Avenue%20Warehouse%20-%20Public%20Review%20Draft%20EIR%20\(November%202019\).pdf](http://www.sbcounty.gov/Uploads/LUS/Environmental/Alere%20Property%20Group/Slover%20and%20Cactus%20Avenue%20Warehouse%20-%20Public%20Review%20Draft%20EIR%20(November%202019).pdf)

EXHIBIT C: Mitigation Monitoring and Report Program

EXHIBIT D: CUP Conditions of Approval

EXHIBIT E: CEQA Findings of Fact and Statement of Overriding Considerations

EXHIBIT F: Written Comments

EXHIBIT G: Final Environmental Impact Report and Errata

https://www.sbcounty.gov/uploads/LUS/Environmental/SLOVER_CACTUS_FEIR.pdf

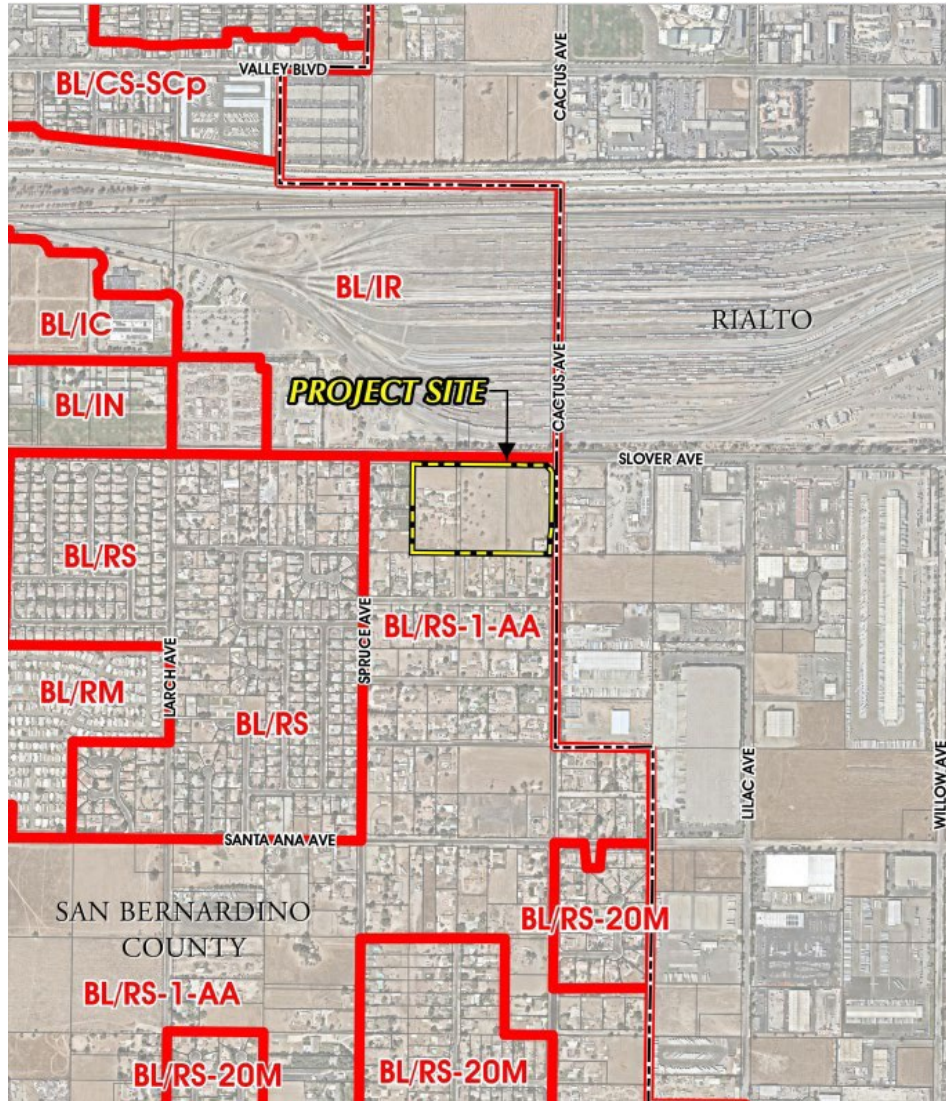
EXHIBIT H: Policy Plan, Zoning Amendments, and CUP Findings

EXHIBIT A

Applicant's Letter of Intent

Applicant’s Letter of Intent

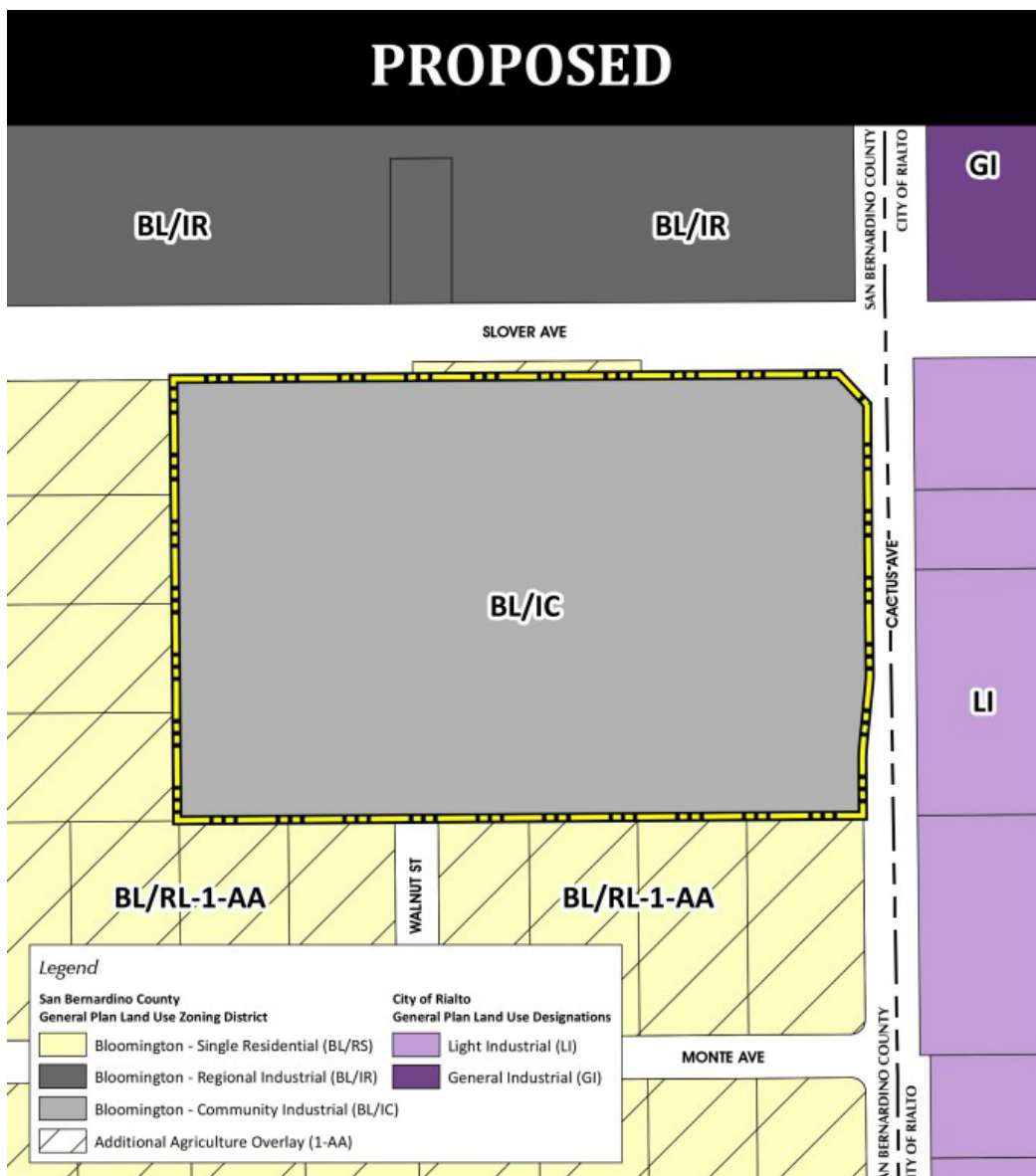
The Project Applicant proposes to develop a 257,855-square foot (sq. ft.) warehouse facility on an approximately 13.3-acre property located at the southwest corner of the Slover Avenue and Cactus Avenue intersection in the unincorporated community of Bloomington, San Bernardino County, California.



The warehouse facility also would include associated improvements such as truck and passenger vehicle parking areas, fences, gates, hardscape areas, and ornamental landscaping. The Project

Applicant has filed applications for the following discretionary actions, which are under consideration by the County of San Bernardino:

- General Plan Amendment (P201700564)** would amend the County of San Bernardino General Plan Land Use Map by changing the land use designation for the Project site from Single Residential (RS-1) with Additional Agriculture Overlay (BL/RS-1-AA) to Community Industrial (IC). According to the County’s General Plan, the Community Industrial (IC) designation provides for light industrial uses such as wholesale/warehouse services.

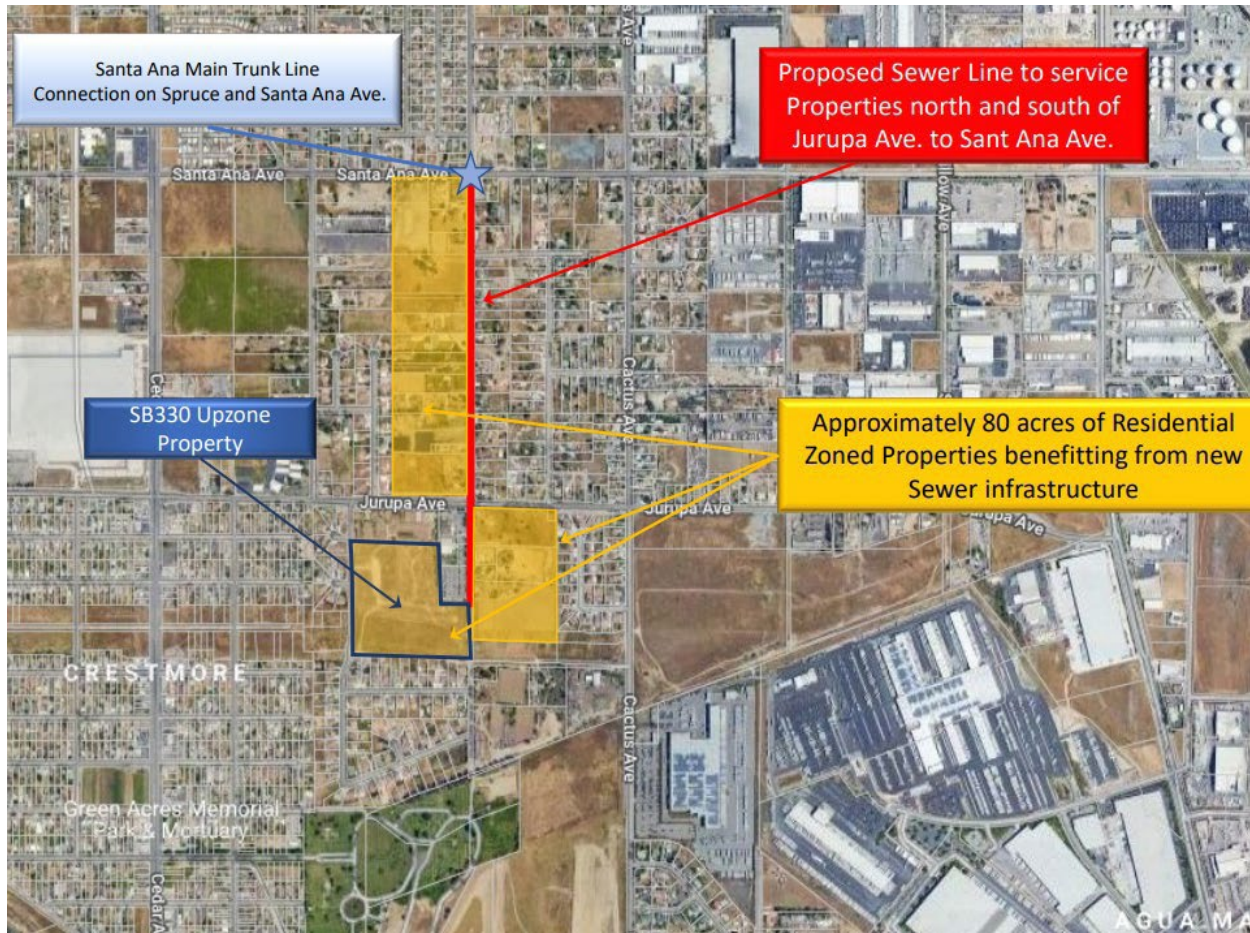


ASG Industrial Site Proposed Land Use

- **Conditional Use Permit (P201700563)** provides for the development and operation of a 257,855- sq. ft. warehouse facility on the subject property. The proposed building would contain 247,855 square feet (s.f.) of warehouse floor area and 10,000 s.f. of office space. Vehicular access to the Project site would be provided by two (2) driveways along Slover Avenue and two (2) driveways along Cactus Avenue. Automobile parking would be provided on the northeast, east, and west sides of the building; loading docks and truck parking areas would be located on the north side of the building. The Project also would include numerous site improvements, such as a storm water detention basin, ornamental landscaping, and utility infrastructure.
- **Land Use Zone Map Amendment / SB 330 Compliance (PROJ-2021-00131)** requires the San Bernardino County Board of Supervisors to make concurrent land use changes to development standards, policies, and/or conditions applicable to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project site. APN 0259-161-45 is the property that the County has identified for land use changes that would offset the loss of potential housing capacity at the Project site.

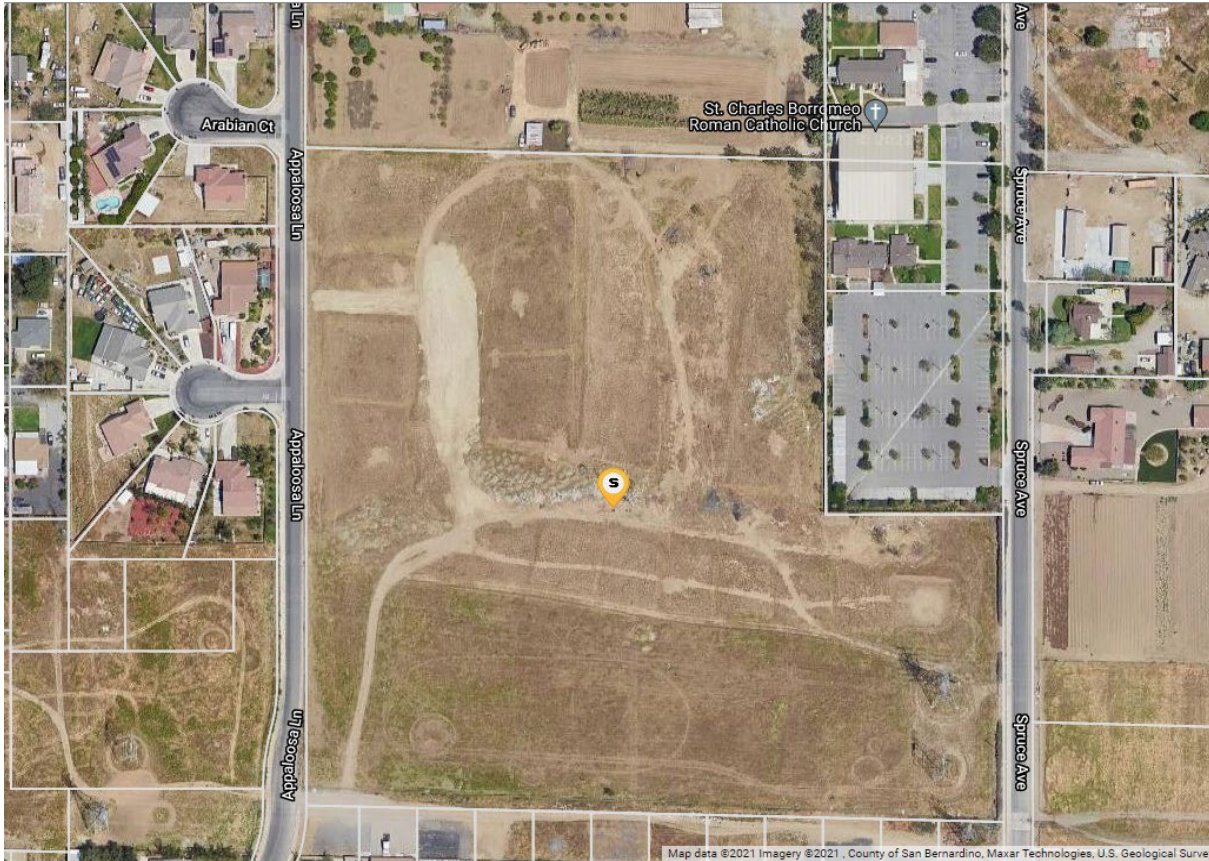


APN 0259-161-45 is the property that the County has identified for land use changes that would offset the loss of potential housing capacity at the Project site. This property is within the Bloomington community, located approximately 300 feet south of Jurupa Avenue, approximately 275 feet north of Lusitano Drive, east of Appaloosa Lane, and west of Spruce Avenue.



SB 330 Site (above) APN 0259-161-45

APN 0259-161-45 encompasses approximately 18.1 acres and is vacant/undeveloped under existing conditions. This property has an existing land use designation of “RS-20M,” which is a single-family residential classification that requires minimum 20,000 s.f. lots; under this designation the property can be developed with a maximum of 39 dwelling units under existing conditions. The proposed land use change to this property would change its land use designation to “RS-14M,” which would allow a maximum of 56 single-family dwelling units on minimum 14,000 s.f. lots. The land use change would be made via General Plan Amendment case number PROJ-2021-00131 which is sponsored by the owner of APN 0259-161-45.



SB 330 Site (above) APN 0259-161-45

No development would occur at APN 0259-161-45 as a direct result of GPA PROJ-2021-00131 and no applications for the development of this property are proposed or on file with the County. Any future development proposal for this property would require future submittal of entitlement applications; these entitlement applications would be subject to the County’s discretionary entitlement review process and require CEQA compliance. Regardless, it is reasonable to assume that whether 39 dwelling units on minimum 20,000 s.f. lot sizes or 56 dwelling units on minimum 14,000 s.f. lot sizes are developed on APN 0259-161-45, the same amount of land area would be disturbed. Because no development project is proposed for APN 0259-161-45, it is not possible to evaluate project-level environmental impacts that may result from the detailed aspects of an unknown future development plan. Notwithstanding, it is possible to evaluate and identify potential environmental impacts that could result from the future development of APN 0259-161-45 with 56 residential dwelling units instead of 39 dwelling units (an increase of 17 units at this location) at the program level.

The County recently certified an EIR for its General Plan Update (“Countywide Plan”) having State Clearinghouse (SCH) No. 2017101033. The EIR for the Countywide Plan evaluated the program-level environmental impacts that would result from buildout of the Countywide Plan

Land Use Plan, which provides for the development of up to 6,169 residential dwelling units within the Bloomington community. Approval of GPA (PROJ-2021-00131) for APN 0259-161-45 in conjunction with approval of the proposed Project would result in a maximum net increase of four (4) residential dwelling units within the unincorporated community of Bloomington, which would represent an approximately 0.06 percent increase in the number of dwelling units evaluated in the EIR for the Countywide Plan. (The Project site's residential development potential would be reduced by 13 planned dwelling units and the residential development potential of APN 0259-161-45 would be increased by 17 planned dwelling units.) The addition of four residential dwelling units in the Bloomington community would neither result in any reasonably foreseeable program-level environmental impacts that were not already identified in the EIR for the Countywide Plan nor substantially increase the severity of environmental impacts identified in the EIR for the Countywide Plan. The EIR for the Countywide Plan evaluated up to 6,169 dwelling units in the Bloomington community and the proposed 0.06 percent change (the addition of four planned dwelling units) would have a de minimis effect under all environmental topics. In other words, by increasing the residential development capacity by four residential dwelling units, the environmental conditions would essentially be the same with or without the proposed Project. Any site-specific considerations would be considered as part of the entitlement process at the time a development project is proposed on APN 0259-161-45.

Bloomington Community Goals and Objectives to be achieved with the Proposed Project and SB 330 site:

- Roads
Maintain roadways and expand roadways to reduce or alleviate traffic congestion.
- Sidewalks
Construct an interconnected sidewalk network in Bloomington, connecting residences with schools, parks, and places for shopping, dining, and entertainment.
- New Neighborhoods
Develop new residential neighborhoods with a mix of housing types and neighborhood parks.
- Infrastructure
Expand and upgrade existing infrastructure in areas lacking in service capability.

EXHIBIT B

Draft Environmental Impact Report (SCH No. 2019039033)

[http://www.sbcounty.gov/Uploads/LUS/Environmental/Alere%20Property%20Group/Slover%20and%20Cactus%20Avenue%20Warehouse%20-%20Public%20Review%20Draft%20EIR%20\(November%202019\).pdf](http://www.sbcounty.gov/Uploads/LUS/Environmental/Alere%20Property%20Group/Slover%20and%20Cactus%20Avenue%20Warehouse%20-%20Public%20Review%20Draft%20EIR%20(November%202019).pdf)

(Slover/Cactus Warehouse Project EIR)

EXHIBIT C

Mitigation Monitoring and Report Program



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.1 Aesthetics					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Project site does not comprise all or part of a scenic vista and does not contain any visually prominent scenic features. No unique views to scenic vistas are visible from the property. The Project would not substantially change a scenic view or substantially block or obscure a scenic vista.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: No Impact.</u> The Project site is not located within the viewshed of a scenic highway and, therefore, the Project site does not contain any scenic resources visible from a scenic highway.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold c: No Impact.</u> The Project would not conflict with applicable design regulations contained in the San Bernardino County Development Code.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d: Less-than-Significant Impact.</u> Compliance with County of San Bernardino Development Code requirements for artificial lighting would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.2 Air Quality					
Summary of Impacts					
<u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Project would violate the NAAQS and/or CAAQS during the short-term site preparation phase of Project construction, which would conflict with the SCAQMD's 2016 AQMP.	MM 4.2-1 Prior to grading permit issuance, the County of San Bernardino shall verify that a note is included on grading plans that requires all construction equipment used on the Project site during the site preparation phase and that exceeds 150 horsepower to be California Air Resources Board (CARB) Tier 3 equivalent or better. The Project contractor(s) shall be required to comply with this note and allow	County of San Bernardino; Project Construction Contractors	County of San Bernardino Land Use Services Department	Prior to grading permit issuance	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.</p> <p>MM 4.2-2 The Project shall comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the County of San Bernardino shall verify that the following notes are specified on the grading plan. The Project construction contractor(s) 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.</p> <p>a) During grading and ground-disturbing construction activities, the construction contractor shall ensure that all unpaved roads, active soil stockpiles, and areas undergoing active ground disturbance within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas by water truck, sprinkler system, or other comparable means, shall occur in the mid-morning, afternoon, and after work is done for the day. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site.</p> <p>b) Temporary signs shall be installed on the construction site along all unpaved roads indicating a maximum speed limit of 15 miles per hour (MPH). The signs shall be installed</p>	<p>County of San Bernardino; Project Construction Contractors</p>	<p>County of San Bernardino Land Use Services Department</p>	<p>Prior to grading permit issuance</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>before construction activities commence and remain in place for the duration of construction activities that include vehicle activities on unpaved roads.</p> <p>c) Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.</p> <p>d) Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, limit site access).</p> <p>e) When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.</p> <p>f) All street frontages adjacent to the construction site shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.</p> <p>g) Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and initiate corrective action to legitimate complaints within 24 hours.</p> <p>h) Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.</p> <p>i) Any on-site stock piles of debris, dirt, or other dusty material shall be covered or watered</p>				



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>as necessary to minimize fugitive dust pursuant to SCAQMD Rule 403.</p> <p>j) A high wind response plan shall be formulated and implemented for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.</p> <p>MM 4.2-3 Prior to building permit issuance, the County of San Bernardino shall verify that a note is provided on all building plans specifying that compliance with SCAQMD Rule 1113 is mandatory during application of all architectural coatings. Project contractors shall be required to comply with the note and maintain written records of such compliance that can be inspected by the County of San Bernardino upon request. This note also shall indicate that only “low-volatile organic compound” paint products (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used. All other architectural coatings shall comply with the VOC limits prescribed by SCAQMD Rule 1113.</p> <p>MM 4.2-4 Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged. Prior to the issuance of an occupancy permit, the County of San Bernardino shall conduct a site inspection to ensure that the signs are in place.</p>	<p>County of San Bernardino; Project Construction Contractors</p> <p>County of San Bernardino; Project Construction Contractors</p>	<p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p>	<p>Prior to building permit issuance</p> <p>Prior to the issuance of an occupancy permit</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	MM 4.2-5 All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be electric-powered or powered by non-combustion engines. This requirement shall be noted in the buildings' sale and lease agreements and also shall be noted on all tenant improvement plans submitted to the County of San Bernardino.	County of San Bernardino; Project Construction Contractors	County of San Bernardino Land Use Services Department		
<u>Thresholds b: Less-than-Significant Impact.</u> The Project's regional criteria pollution emissions during construction and operation would not exceed the applicable SCAQMD thresholds and would not contribute to an existing or projected air quality violation, on a direct or cumulatively-considerable basis.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Significant Direct and Cumulatively-Considerable Impact.</u> The Project would exceed the applicable SCAQMD localized thresholds for PM _{2.5} emissions during the Site Preparation stage of construction, which would result in a significant direct and cumulatively-considerable impact.	Refer to MM 4.2-1 through MM 4.2-5, above.				Less-than-Significant Impact with Mitigation Incorporated
<u>Threshold d: Less-than-Significant Impact.</u> The Project would not produce air emissions that would lead to unusual or substantial construction-related odors. Odors associated with long-term operation of the Project would be minimal and less than significant. The Project is required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.3 Biological Resources					
Summary of Impacts					
<p><u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Project site contains habitat that is suitable for the burrowing owl and there is the potential that the burrowing owl could migrate onto the property before Project construction commences; in this event, impacts to the burrowing owl would be significant on a direct and cumulatively-considerable basis. The Project would have no substantial impact, either directly or through habitat modifications, on any other candidate, sensitive, or special-status plant or wildlife species.</p>	<p>MM 4.3-1 Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site 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 prior to the issuance of a grading permit and subject to the following provisions:</p> <p>a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction.</p> <p>b) In the event that the pre-construction survey identifies the presence of the burrowing owl on the Project site, 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 passively or actively relocate any 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 and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.</p>	Project Biologist	County of San Bernardino Land Use Services Department	Within 30 days prior to grading	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Threshold b: <u>No Impact</u> . The Project impact area does not contain riparian and/or other sensitive natural habitats; therefore, the Project would have no impact on riparian or other sensitive habitats as classified by the CDFW or USFWS.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold c: <u>No Impact</u> . No State- or federally-protected wetlands are located within the Project impact area; therefore, no impact to wetlands would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
Threshold d: <u>Significant Direct and Cumulatively-Considerable Impact</u> . There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and California Fish and Game Code, should habitat removal occur during the nesting season and should nesting birds be present.	<p>MM 4.3-2 Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:</p> <p>a) A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.</p> <p>b) A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with</p>	Project Biologist	County of San Bernardino Land Use Services Department	Within three (3) days prior to initiating vegetation clearing or ground disturbance	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.				
<u>Threshold e: No Impact.</u> The Project would not conflict with any local policies or ordinances protecting biological resources.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold f: No Impact.</u> The Project impact area is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact
4.4 Cultural Resources					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> One (1) historic assemblage site is present on the Project site; however, the site is not considered a significant historical resource. The Project would remove the assemblage, which is not a historical resource pursuant to § 15064.5.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Significant Direct and Cumulatively-Considerable Impact.</u> No known prehistoric resources are present on the Project site and the likelihood of uncovering buried prehistoric resources on the Project site is moderate to low due to the magnitude of historic ground disturbance on the Project site (resulting from citrus grove production). Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological	MM 4.4-1 Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction. The CRMP shall outline the identification and treatment procedures that must be followed if archaeological resources are discovered that meet the definition of a significant cultural resource pursuant to CEQA Guidelines § 15064.5. Such procedures may include, but not be limited to	Project Applicant/Developer; Project Archaeologist	County of San Bernardino Land Use Services Department	Prior to the issuance of a grading permit	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
<p>resources should be discovered during construction activities.</p> <p>such resources to be discovered during Project-related construction activities.</p>	<p>data collection, recordation, and curation.</p> <p>MM 4.4-2 Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric archaeological monitoring during earthmoving activities on-site and excavation activities within the Project site. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (e.g., due to soil composition, level of disturbance). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease. If resources are discovered, the procedures outlined in the CRMP shall be followed.</p> <p>MM 4.4-3 Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources, and provide evidence that the resources were donated to and accepted for curation by the San</p>	<p>Project Applicant/Developer; Project Archaeologist</p> <p>Project Archaeologist</p>	<p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p>	<p>Prior to the issuance of a grading permit</p> <p>Prior to the issuance of a Certificate of Occupancy</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	Bernardino County Museum or other accredited repository.				
<p>Threshold c: Less-than-Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 and California Public Resources Code § 5097 <i>et seq.</i> Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.5 Energy					
Summary of Impacts					
<p>Threshold a: Less-than-Significant Impact. The amount of energy and fuel consumed by construction and operation of the Project would not be inefficient, wasteful, or unnecessary. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<p>Threshold b: Less-than-Significant Impact. The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State of California identified in State and local plans for renewable energy and energy efficiency.</p>	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.6 Geology and Soils					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> Implementation of the Project would not expose people or structures to substantial direct or indirect adverse effects related to liquefaction or fault rupture. The Project site is subject to seismic ground shaking associated with earthquakes; however, mandatory compliance with local and State regulatory requirements and building codes would ensure that the Project minimizes potential hazards related to seismic ground shaking to less-than-significant levels.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold b: Less-than-Significant Impact.</u> The Project Applicant would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities and adhere to a Storm Water Pollution Prevention Plan (SWPPP), SCAQMD Rule 403, and San Bernardino Municipal Code § 85.11.030 to minimize water and wind erosion. Following completion of development, the Project's owner or operator would be required by law to implement a WQMP during operation, which would preclude substantial long-term erosion impacts.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.
<u>Threshold c: Less-than-Significant Impact.</u> There is no potential for the Project's construction or operation to cause on- or off-site landslides or lateral spreading. Potential hazards associated with unstable soils would be precluded through mandatory adherence to the recommendations contained in the site-specific geotechnical report during Project construction.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact.



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
Threshold d: <u>No Impact</u> . The Project site contains soils with very low susceptibility to expansion; therefore, the Project would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.	No mitigation is required.	N/A	N/A	N/A	No Impact.
Threshold e: <u>No Impact</u> . No septic tanks or alternative wastewater disposal systems are proposed to be installed on the Project site. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.	No mitigation is required.	N/A	N/A	N/A	No Impact.
Threshold f: <u>Significant Direct and Cumulatively Considerable Impact</u> . The Project would not impact any known paleontological resource or unique geological feature. However, the Project site contains alluvium soils that may contain important paleontological resources. Accordingly, construction activities on the Project site have the potential to unearth and adversely impact paleontological resource that may be buried beneath the ground surface.	MM 4.6-1 Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure 4.6-2 shall apply.	Project Applicant; Project Construction Contractors; Project Paleontologist	County of San Bernardino Land Use Services Department	Prior to the issuance of a grading permit	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	MM 4.6-2 If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.	Project Paleontologist	County of San Bernardino Land Use Services Department	If a significant paleontological resource is discovered on the property	
4.7 Greenhouse Gas Emissions					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Project is calculated to generate approximately 2,958.27 MTCO ₂ e annually, which would not exceed the County's screening threshold of 3,000 MTCO ₂ e. As such, the Project would not generate substantial GHG emissions – either directly or indirectly – that would have a significant impact on the environment.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Project would be consistent with applicable regulations, policies, plans, and policy goals that would further reduce GHG emissions.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.8 Hazards and Hazardous Materials					
Summary of Impacts					
<u>Threshold a and b: Less-than-Significant Impact.</u> During Project construction and operation, mandatory compliance to	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.					
<u>Threshold c: No Impact.</u> The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold d: No Impact.</u> The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code § 65962.5.	No mitigation is required.	N/A	N/A	N/A	No Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Project site is located within a portion of the ONT AIA that does not impose any land use or design restrictions. As such, the Project would not result in an airport safety hazard for people residing or working in the Project area.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold f: Less-than-Significant Impact.</u> The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold g: No Impact.</u> The Project site is not located in close proximity to wildlands or areas with high fire hazards. Thus, the Project would not expose people or structures to a significant wildfire risk.	No mitigation is required.	N/A	N/A	N/A	No Impact



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
4.9 Hydrology and Water Quality					
Summary of Impacts					
<u>Threshold a: Less-than-Significant Impact.</u> The Project would not violate any water quality standards or waste discharge requirements on a direct or cumulatively-considerable basis. Compliance with a SWPPP and WQMP is required to address construction-related water quality issues.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold b: Less-than-Significant Impact.</u> The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The Project would retain the site's general drainage pattern and is required to incorporate design features to minimize erosion and sediment within surface water runoff. The Project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems, nor would development of the Project provide substantial additional sources of polluted runoff. The Project also would not construct structures within a 100-year flood hazard area that would impede or redirect flood flows.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> The Project would not be subject to seiches, tsunamis, or flood hazards; therefore, risk release of pollutants due to Project inundation would not occur.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold e: Less-than-Significant Impact.</u> The Project would not conflict with or obstruct implementation of a water quality	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
control plan or sustainable groundwater management plan.					
4.10 Land Use and Planning					
Summary of Impacts					
<u>Threshold a: No Impact.</u> The proposed Project would not physically divide an established community.	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold b: Less than Significant Impact.</u> The Project's proposed General Plan Amendment would eliminate inconsistencies between the land use proposed for the Project site and the site's existing General Plan land use designation. The Project would not result in significant land use and planning conflicts in the context of compliance with applicable environmental plans, policies, and regulations beyond those identified in other Subsections of this EIR.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
4.11 Noise					
Summary of Impacts					
<u>Threshold a: Significant Direct Impact.</u> The Project would expose noise-sensitive receptors along the southern Project site boundary (i.e., Receivers R3 and R4) to excessive construction noise. In addition, potential nighttime operational activities on the Project site would expose noise-sensitive receptors that abut the northwest corner of the Project site to excessive noise levels.	MM 4.11-1 A 12-foot-tall temporary noise barrier shall be installed along the southern Project site boundary for the duration of Project construction. The temporary noise barrier shall have a solid face from top to bottom and shall meet the following minimum standards: a) The temporary noise barrier shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g. vinyl acoustic curtains or quilted blankets) attached to a construction site perimeter fence or equivalent temporary fence posts or barrier materials; b) The noise barrier must be maintained, and	Project Construction Contractors	County of San Bernardino Land Use Services Department	Prior to grading permit issuance	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired; and</p> <p>c) The noise control barrier and associated elements shall be completely removed upon the conclusion of the construction activity.</p> <p>MM 4.11-2 Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer’s standards.</p> <p>MM 4.11-3 Construction contractors shall place all stationary construction equipment so that all emitted noise is generated toward the center of the site and away from the noise sensitive receivers nearest the Project site.</p> <p>MM 4.11-4 Construction contractors shall locate equipment staging areas on the Project site in locations that will create the greatest feasible distance between construction related noise sources and noise sensitive receivers nearest the Project site.</p> <p>MM 4.11-5 Construction contractors shall ensure that delivery trucks use designated truck route(s).</p> <p>MM 4.11-6 A minimum eight (8)-foot-tall noise barrier shall be constructed along the portion of the Project site’s northwest boundary that abuts property with occupied residences. The location and maximum extent of the construction noise barrier is illustrated on Exhibit ES-A from the report titled “Slover and Cactus Warehouse Noise Impact Analysis,” prepared by Urban</p>	<p>Project Construction Contractors</p> <p>Project Construction Contractors</p> <p>Project Construction Contractors</p> <p>Project Construction Contractors</p> <p>Project Construction Contractors</p>	<p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p>	<p>Prior to grading permit issuance</p> <p>Prior to grading permit issuance</p> <p>Prior to grading permit issuance</p> <p>Prior to grading permit issuance</p> <p>Prior to grading permit issuance</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	Crossroads and dated May 17, 2019. The noise barrier shall meet be constructed of masonry block, an earthen berm, or any combination of construction materials capable of achieving a minimum weight of four (4) pounds per square foot and a minimum transmission loss of 20 dBA.				
<u>Threshold b: Less-than-Significant Impact.</u> The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: No Impact.</u> The Project site is not located within two miles of a public airport or within an airport land use plan, nor is the Project site located within the vicinity of a private airstrip.	No mitigation is required.	N/A	N/A	N/A	No Impact.
4.12 Transportation					
Summary of Impacts					
<u>Threshold a: Cumulatively-Considerable Impact.</u> The addition of Project-related traffic would contribute to LOS deficiencies at Study Area intersections in the Opening Year and Horizon Year traffic conditions.	<p>MM 4.12-1 Prior to the issuance of building permits, the Project Applicant/Developer shall comply with the applicable requirements of County of San Bernardino Development Impact Fee Preserve (DIF) program, which requires fee payment to the County of San Bernardino (less any fee credits), a portion of which is used by the County to fund the installation of road and intersection improvements to reduce traffic congestion.</p> <p>MM 4.12-2 Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust, for the construction of the improvements at the intersections listed below. The County of San Bernardino shall only use the funds for the construction of the improvements listed in Table 1-5 of the "Slover and Cactus Warehouse Traffic Impact Analysis," prepared</p>	Project Applicant/Developer	County of San Bernardino Land Use Services Department	Prior to the issuance of building permits	Significant and Unavoidable Impact
		Project Applicant/Developer	County of San Bernardino Land Use Services Department	Prior to the issuance of an occupancy permit	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>by Urban Crossroads (dated April 12, 2019). The Project's fair-share obligations are listed in Table 1-6 of the same report. If within five years of the date of collection of the Project's fair-share fee payment, the County of San Bernardino has not completed the improvements or established a fair-share funding program for the specified improvements, then the County of San Bernardino shall return the funds to the Project Applicant/Developer.</p> <p>a) Cedar Avenue and I-10 Westbound ramps; b) Cedar Avenue and I-10 Eastbound ramps; c) Cedar Avenue and Slover Avenue; and d) Cactus Avenue and Slover Avenue.</p> <p>MM 4.12-3 Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust for conveyance to the City of Rialto and/or Caltrans, for the construction of the improvements at the intersections listed below. The City or Rialto and/or Caltrans shall only use the funds for the construction of the improvements listed in Table 1-5 of the "Slover and Cactus Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated April 12, 2019). The Project's fair-share obligations are listed in Table 1-6 of the same report. If within five years of the date of collection of the Project's fair-share fee payment, the City of Rialto and/or Caltrans has not established a fair-share funding program for the specified improvements that the County of San Bernardino is able to make contributions to, then the County of San Bernardino shall return the funds to the Project Applicant/Developer.</p> <p>a) Riverside Avenue and I-10 Eastbound</p>	<p>Project Applicant/Developer</p>	<p>County of San Bernardino Land Use Services Department</p>	<p>Prior to the issuance of an occupancy permit</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	ramps; and b) Riverside Avenue and Slover Avenue.				
<u>Threshold b: No Impact.</u> Pursuant to CEQA Guidelines Section 15064.3(c), the County has until July 1, 2020, to implement CEQA Guidelines Section 15064.3(b). At the time of writing this EIR, the County of San Bernardino had not implemented CEQA Guidelines Section 15064.3(b).	No mitigation is required.	N/A	N/A	N/A	No Impact.
<u>Threshold c: Less-than-Significant Impact.</u> No significant transportation safety hazards would be introduced as a result of the proposed Project.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: No Impact.</u> Adequate emergency access would be provided to the Project site during construction and long-term operation. The Project would not result in inadequate emergency access to the site or surrounding properties.	No mitigation is required.	N/A	N/A	N/A	No Impact.
4.13 Tribal Cultural Resources					
Summary of Impacts					
<u>Threshold a: Significant Direct and Cumulatively-Considerable Impact.</u> The Project site does not contain any recorded Native American cultural resources; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, construction activities on the Project site have the potential, however unlikely, to unearth and adversely impact tribal cultural resources that may be buried beneath the ground surface.	MM 4.13-1 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that a professional archaeologist (hereafter "Project Archaeologist") has been retained to conduct monitoring of all mass grading activities. The Project Archaeologist shall have the authority to redirect earthmoving activities in the event that suspected tribal cultural resources are unearthed during Project construction.	Project Applicant; County of San Bernardino; Project Archaeologist	County of San Bernardino Land Use Services Department	Prior to the issuance of a grading permit	Less-than-Significant Impact with Mitigation Incorporated



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>MM 4.13-2 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that the Native American Tribe(s) that requested consultation with the County during the SB 18 and AB 52 processes (hereafter referred to as “Native American Tribal Representatives”) received a minimum of 30 days’ advance notice of all mass grading and trenching activities. The Native American Tribal Representatives also shall be notified of and allowed to attend the pre-grading meeting with the County and Project construction contractors and/or monitor all Project mass grading and trenching activities. In the event that suspected tribal cultural resources are unearthed, the Native American Tribal Representatives shall have the authority to redirect earth moving activities in the affected area.</p> <p>MM 4.13-3 Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize archaeological and tribal cultural resources should such resources be unearthed during ground-disturbing construction activities. Any Native American Tribal Representatives shall be allowed to attend the training session. The training will include a brief review of the cultural sensitivity of the Project site and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are</p>	<p>Project Applicant; County of San Bernardino; Native American Tribal Representative; Project Construction Contractors</p> <p>Project Applicant; County of San Bernardino; Project Construction Contractors; Project Archaeologist; Native American Tribal Representative</p>	<p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p>	<p>Prior to the issuance of a grading permit</p> <p>Prior to the issuance of a grading permit</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel involved with grading and trenching operations that begin work on the Project site following the initial training session must take the training prior to beginning work on the Project site and the Project archaeologist and monitoring Native American Tribe(s) shall make themselves available to provide the training on an as-needed basis.</p> <p>MM 4.13-4 If a suspected significant tribal cultural resource is identified on the property, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by the Project Archaeologist and the Native American Tribal Representative. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. In consultation with the Native American Tribal Representatives, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section § 15064.5 and Section 21083.2. If the resource is significant, Mitigation Measure MM 4.13-5 shall apply.</p> <p>MM 4.13-5 If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 50 feet around the resource until a treatment plan is implemented. A treatment plan shall be prepared and implemented, subject to approval by the County of San Bernardino, to protect the</p>	<p>Project Construction Contractors; Project Archaeologist; County of San Bernardino; Native American Tribal Representative</p> <p>County of San Bernardino; Native American Tribal Representative; Project Construction Contractors</p>	<p>County of San Bernardino Land Use Services Department</p> <p>County of San Bernardino Land Use Services Department</p>	<p>If a suspected significant tribal cultural resource is identified on the property</p> <p>If a significant tribal cultural resource is discovered on the property</p>	



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
	<p>identified resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological or tribal cultural resource(s) in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered resource(s) shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the County of San Bernardino. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the County of San Bernardino, the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton, and the appropriate Native American Tribe(s).</p>				
4.14 Utilities and Service Systems					
Summary of Impacts					
<p>Threshold a: <u>Less-than-Significant Impact.</u> The Project's construction of new or expanded water, wastewater treatment or storm water drainage, electric power,</p>	<p>No mitigation is required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Less-than-Significant Impact</p>



Table S-1 Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE
natural gas, or telecommunications facilities, would not cause significant environmental effects.					
<u>Threshold b: Less-than-Significant Impact.</u> The WVWD is expected to have sufficient water supplies to service the Project. The Project would not exceed the WVWD's available supply of water during normal years, single-dry years, or multiple-dry years.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold c: Less-than-Significant Impact.</u> The City of Rialto would provide wastewater treatment services to the Project site via the Rialto Wastewater Treatment Plan. This facility has adequate capacity to service the Project.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold d: Less-than-Significant Impact.</u> There is adequate capacity available at the Mid-Valley and San Timoteo Landfills to accept the Project's solid waste during both construction and long-term operation. The Project would 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.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact
<u>Threshold e: Less-than-Significant Impact.</u> The Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	No mitigation is required.	N/A	N/A	N/A	Less-than-Significant Impact

EXHIBIT D

CUP Conditions of Approval



Conditions of Approval

Record: PROJ-2020-00127
APN: 0257-071-03, 04 and 39

Planning Commission Date: August 18, 2022
Application Name: Conditional Use Permit
Effective Date: August 29, 2022
Expiration Date: August 29, 2025

On-GOING AND OPERATIONAL CONDITIONS

LAND USE SERVICES – Planning Division

1. Project Description. This Conditional Use Permit approval is for the construction of a 257,855-square foot industrial warehouse with 10,000 square foot office space, on 13.27 acres in the Community Industrial (IC) Zoning District, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
2. Project Location. The Project site is located at the southwest corner of Slover Avenue and Cactus Avenue, in the Community Industrial (IC) Zoning District.
3. Conditions of Approval: The developer shall provide a copy of the approved conditions and the site plan to every current and future commercial tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0257-071-03, 04, and 39. Project Number: PROJ-2020-00127.
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its “indemnities” (herein collectively the County’s elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer’s indemnification obligation applies to the indemnitee’s “passive” negligence but does not apply to the indemnitee’s “sole” or “active” negligence” or “willful misconduct” within the meaning of Civil Code §2782.
5. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
6. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
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. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.



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9. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
10. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
 - The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - 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]

Occupancy of completed structures and operation of the approved 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:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the **ONLY** notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application

11. 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)
12. Lighting: Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
13. 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.
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. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: none. b. STATE: Regional Water Quality Control Board (RWQCB- Santa Ana Region. c. COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works. d. REGIONAL: South Coast Air Quality Management District. e. LOCAL: City of Rialto.
16. 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



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and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric powered.

17. **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.
18. **Project Account:** The Project account number is PROJ-2020-00127. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
19. **Continuous Maintenance:** The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but not limited to:
 - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated, it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements,



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including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.

I) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

20. Local Labor. The Developer and future operators of the Project shall make a good faith effort to employ residents of San Bernardino County for the construction and operation of the Project. Good faith efforts shall include but not be limited to utilizing local advertising and outreach for employee recruitment.

LAND USE SERVICES - Land Development – Drainage

21. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary for off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
22. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
23. 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.
24. 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.
25. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
26. 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

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



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DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division

30. 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- dba Edco Disposal).
31. 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 2176.
32. 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 are required 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.
33. Mandatory Trash Service. 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 are required 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.
34. Mandatory Commercial Organics Recycling As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. 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; however, they are 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 – Traffic Division

35. Project vehicles shall not back up into the project site nor shall they back out into the public roadway.
36. Access. Regular access points to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours. At no time shall the project allow vehicles to queue onto a County maintained road. Emergency access driveways are not considered regular access points and shall remain closed by an access gate or other means as approved by the County, except for emergencies.
37. Single Tenant Occupancy. The site shall operate based on a single tenant to remain consistent with established traffic impacts. If, at any time, multiple tenants occupy and/or operate on the proposed site, the project shall no longer be considered to meet the definition of “High Cube” and a revised traffic study shall be conducted using the current Highway Capacity Manual methodology and the current ITE trip generation for “Warehouse”. The project will be subject to any increased mitigation measures including but not limited to direct impacts, fair share contributions, and Regional Transportation Fees.



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Prior to Grading/Land Disturbance

LAND USE SERVICES – Planning Division

38. **AQ – Operational Standards.** The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
- County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
 - On-site electrical power connections shall be provided.
 - All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
 - The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.
39. **AQ – Coating Restriction Plan.** The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a condition that the contractors adhere to the requirements of the CRP. The CRP measures shall be following implemented to the satisfaction of County Building and Safety:
- Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
 - Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
 - High-Volume, Low Pressure (HVLP) spray guns shall be used to apply coatings.
 - Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
 - Comply with SCAQMD Rule 1113 on the use or architectural coatings
40. **AQ – 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 vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
- Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
 - Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.
 - Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
 - All gasoline-powered equipment shall have catalytic converters.
 - Provide onsite electrical power to encourage use of electric tools.
 - Minimize concurrent use of equipment through equipment phasing.
 - Provide traffic control during construction to reduce wait times.
 - Provide on-site food service for construction workers to reduce offsite trips.
 - Implement the County approved Dust Control Plan (DCP)
41. **AQ – Dust Control Plan.** The developer shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following requirements:
- Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
 - During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
 - Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
 - Storm water control systems shall be installed to prevent off-site mud deposition.



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- e) All trucks hauling dirt away from the site shall be covered.
 - f) Construction vehicle tires shall be washed, prior to leaving the project site.
 - g) Rumble plates shall be installed at construction exits from dirt driveways.
 - h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
 - i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday and after street sweeping.
42. Mitigation Measures. Comply with Mitigation Measures MM4.4.1 – MM4.4.3, MM4.6.1, MM4.11.1 – 4.11.6, MM4.13.1 – MM4.13.5 contained in the Mitigation Monitoring and Reporting Program (MMRP).

LAND USE SERVICES – Building and Safety Division

43. Geology Report: A geology 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 grading permits
44. 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 grading permits.
45. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.

LAND USE SERVICES - Land Development – Drainage

46. 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
47. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Numbers 06071C8659H and 06071C8667H dated 8/28/2008. There are no elevation requirements for building in Flood Zone X-Unshaded. 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.
48. 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.
49. 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.
50. 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.
51. On-site Flows: On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.



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52. 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>
53. WQMP Inspection. 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

54. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
55. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 4000 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 257,855-square foot structure.
56. Water System Large 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. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with one (1) two and one half (2 1/2) inch and two (2) four (4) inch outlet. 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.
57. Water System Residential. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single-family structure.

DEPARTMENT OF PUBLIC WORKS – Surveyor

58. 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.
59. If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PUBLIC HEALTH – Environmental Health Services

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



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PRIOR TO ISSUANCE OF BUILDING PERMIT

LAND USE SERVICES – Planning Division

61. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code, as well as the Blooming Community Plan requirements. The developer shall submit a landscape and irrigation plan to County Planning via the EZOP system, link: [EZ Online Permitting \(sbcounty.gov\)](https://ezop.sbcounty.gov)
62. Fencing. The applicant/developer shall construct a 10-foot screen wall along the southerly property boundary.
63. 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.
64. 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.
65. Lot Merger. Parcels 0257-071-03, 04 and 39 shall have been merged prior Building Permit Issuance.
66. GHG Reduction Measures/Requirements. The Project shall incorporate the following GHG Reduction Measures/Requirements as indicated below:
 - GHG Reduction Measure R2E7 – Commercial/Industrial Energy Efficiency Development
 - Insulation – Modestly Enhanced Insulation (15 points)
 - Windows – Modestly Enhanced Window (7 Points)
 - Cool Roof – Modest Cool roof (12 points)
 - Artificial Lighting – Efficient Lights (9 points)
 - Solar Roof Ready (sturdy roof and electric hookups (2 points)
 - GHG Reductio Measure R2WC1: R2WC-1 – Capita Water Use Reduction:
 - Water Efficient Landscaping – only low water using plants (4 points)
 - Water Efficient irrigation Systems – Weather based irrigation control systems (5 points)
 - Faucets – Water efficient faucets (1.28gpm) (3 points)
 - Toilets – Water Efficient toilets/urinals (1.5gpm) and Waterless urinals (7 points)
 - GHG Reduction Measure R2T5 – Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)
 - Electric Vehicles – Provide 4 public charging station for use by an electric vehicle (40 points)
 - GHG Reduction Measure R2W6: 75 Percent Solid Waste Diversion Program
 - Recycling – County initiated recycling program diverting 75% of waste requires coordination with commercial development to realize this goal (2 points)
67. Mitigation Measures. Comply with Mitigation Measures MM4.12.1 – MM4.12.3 contained in the Mitigation Monitoring and Reporting Program (MMRP).

LAND USE SERVICES – Building and Safety Division

68. 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.



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69. 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 - Land Development – Roads

70. 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.

Slover Avenue (Major Highway – 120')

- Road Dedication. A 22-foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. 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.
- Vacate Road Name/Easement. to receive recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), County Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7940 to obtain additional information.

Cactus Avenue (Controlled/Limited Access Collector Street - 66')

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
 - Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. 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.
71. 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.
72. 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.



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73. 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.
74. 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.
75. 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.
76. Slope Easements. Slope rights shall be dedicated, where necessary.
77. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
78. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
79. 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.
80. 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.
81. 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.
82. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid 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 \$6.01 per square foot for Industrial Use, which includes the 257,855 square foot Industrial Warehouse (this includes the 10,000 square feet of office space) per the site plan dated October 11, 2019.

Therefore, the estimated Regional Transportation Fees for the Project is \$469,296.10. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>
83. Utilities. 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.

PUBLIC HEALTH– Environmental Health Services

84. Water Purveyor. Water purveyor shall be West Valley Water District or EHS approved.



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85. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
86. Existing Wells: Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at 1-800-442-2283.
87. Sewage Disposal. Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
88. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
89. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
90. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
91. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
92. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. 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 the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
93. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.

DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division

94. Construction Waste Management Plan (CWMP) 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.



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COUNTY FIRE DEPARTMENT – Community Safety Division

95. Building plans. Building plans shall be submitted to the Fire Department for review and approval.
96. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
97. Vehicular Access. The development shall have a minimum of two or more points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
 - a. 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.
 - b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

DEPARTMENT OF PUBLIC WORKS – Traffic Division

98. Improvements: The applicant shall design their street improvement plans to include the following:

SLOVER AVENUE:

- The Westerly driveway. The Westerly driveway shall be for trucks only.
- Final Striping Concept. Design details for Slover Ave to transition traffic shall be coordinated with the County Traffic Division. This may include additional analysis and improvements to ensure proper site access.

CACTUS AVENUE:

- Northerly Driveway. The northerly driveway shall be for passenger vehicles only no truck access.
- Southerly Driveway. The southerly driveway shall be for passenger vehicles only no truck access.
- The Project shall install and maintain the appropriate signage outside the public road right of way to properly convey these restrictions.

99. The total fair share contribution for this project is required based on the traffic report traffic study from Urban Crossroads dated 11/11/2019. The fair share breakdown for these improvements is shown below:

County of San Bernardino

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
Cedar Avenue at I-10 Westbound Ramps			
- Add 2 nd northbound left turn lane			
Intersection Total	\$858,000	1.79%	\$15,345
Cedar Avenue at I-10 Eastbound Ramps			
- Add Eastbound right turn lane	\$350,000		\$7,148
- Add 2 nd southbound left turn lane	\$858,000		\$17,522
Intersection Total	\$1,208,000	2.04%	\$24,670



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Cedar Avenue at Slover Avenue			
- Restripe to add 2 nd Eastbound left turn lane	\$50,000		\$1,480
- Add Southbound right turn lane	\$50,000		\$1,480
- Add Westbound right turn lane	\$50,000		\$1,480
Intersection Total	\$150,000	2.96%	<u>\$4,440</u>
Cactus Avenue at Slover Avenue			
- Install a traffic signal	\$600,000		\$76,817
- Add Westbound Left turn lane	\$50,000		\$6,401
Intersection Total	\$650,000	12.80%	<u>\$83,218</u>

Total Fair Share to County of San Bernardino \$127,673

City of Rialto:

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
Riverside Avenue at I-10 Eastbound Ramps			
- Add 2 nd northbound right turn lane			
Intersection Total	\$16,936,800		\$86,532
Riverside Avenue at Slover Avenue			
- Add Southbound right turn lane			
- Add 2 nd Eastbound left turn lane			
- Modify the traffic signal to protect the Eastbound and Westbound left turns and run the eastbound and westbound left turns as lead-leg, with the westbound left turn running as leg.			
- Add 3 rd northbound through lane.			
Intersection Total	\$334,800		\$1,710

Total Fair Share to City of Rialto \$88,242



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The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works - Traffic Division. At the present time, the total estimated cost is \$215,915. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

The total fair share contribution to the County of San Bernardino is **\$127,673**

The total fair share contribution to the City of Rialto is **\$88,242**. Written acknowledgement (such as a paid receipt/invoice) from the City of Rialto shall be provided to the County to establish this requirement has been completed.

PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANCY

LAND USE SERVICES – Planning

- 100. 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).
- 101. Fencing. the applicant/developer shall construct a 10-foot block wall along the southerly property boundary for screening and the block wall shall incorporate reveal and other architectural details on both sides.
- 102. 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.
- 103. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
- 104. 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 PROJ- 2020-00193.
- 105. Project MOU for Public Benefits. The Memorandum of Understanding (MOU) regarding the Public Benefit Contributions shall have been recorded with the San Bernardino County Assessor-Recorder-County Clerk.

LAND USE SERVICES - Building and Safety Division

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

LAND USE SERVICES - Land Development – Drainage

- 107. 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.
- 108. 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.

109.



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LAND USE SERVICES - Land Development – Roads

110. Vacation. Vacation process shall be completed by a resolution through Highway Planning Technical Committee or other instrument as accepted by the Land Development Division. Proof of recordation and completion of the vacation process shall be provided to the Land Development Division prior to occupancy.
111. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
112. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
113. 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.
114. 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.

DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division

115. Construction 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.

COUNTY FIRE DEPARTMENT – Community Safety Division

116. 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.
117. An automatic fire sprinkler system complying with NFPA 13 and the Fire Department standards is required. The applicant shall hire a fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
118. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.
119. 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.
120. 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.
121. Mechanical smoke removal systems shall be provided for building protected by EFSR sprinkler systems as required by the Chief. The mechanical smoke removal systems shall meet the requirements of CFC and SBCOFD Standards.



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DEPARTMENT OF PUBLIC WORKS – Traffic Division

122. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

END OF CONDITIONS

DRAFT

EXHIBIT E

CEQA Findings of Fact and Statement of Overriding Considerations

Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects from the
Environmental Impact Report for the
Slover Avenue & Cactus Avenue Warehouse Project
State Clearinghouse No. 2019039033

SECTION 1

INTRODUCTION

San Bernardino County (the “County”), in approving the Slover Avenue & Cactus Avenue Warehouse project (hereafter referred to as the “Project” and as described in further detail on the following pages) makes the findings set forth below and adopts the Statement of Overriding Considerations presented in the findings. The findings are based on the entire record before the County, including the Final Environmental Impact Report (“FEIR” or “EIR”) prepared for the Project by the County as lead agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.). The record also includes the Initial Study, the technical reports, the Draft EIR, the Responses to Comments, and the Mitigation Monitoring and Reporting Program (which are part of the Final EIR).

The County, prior to taking action, has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the FEIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the County and is deemed adequate for purposes of making decisions on the merits of the Project and the County hereby adopts the facts and analyses set forth in the EIR, which are incorporated by reference herein and summarized below. The omission of some detail or aspect of the EIR does not constitute an overt or implied rejection by the County.

SECTION 2

THE PROJECT

A. Project Description

The Project consists of applications for a General Plan Amendment¹/Zoning Amendment (P20170564) and Conditional Use Permit (P201700563) to develop a 257,855 sq. ft. warehouse

¹ At the time of submitting the Project applications the County’s general plan and zoning designation were included as part of a one-map system. Accordingly, any zoning amendment would require a general plan amendment and vice versa. On October 27, 2020, the County amended its general plan by adopting the Countywide Plan, Policy Plan, which adopted to a two-map system where the general plan designation and the zoning designation are included as part of two different maps. Accordingly, the Project’s reference to a General Plan Amendment also includes the

building on an approximately 13.3-acre property located immediately southwest of the intersection of Slover Avenue and Cactus Avenue. Copies of the entitlement application materials for the proposed Project are herein incorporated by reference pursuant to CEQA Guidelines Section 15150 and are available for review at the County's Land Use Services Department, Planning Division, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415 (collectively referred to as the Project).

For purposes of the EIR, the term "Project" refers to the discretionary actions required to implement the proposed Slover/Cactus Avenue Warehouse Project and all of the activities associated with its implementation (including planning, construction, and ongoing operation). The Project would entail the construction and operation of a warehouse facility and, also, includes associated site improvements, including drive aisles, landscaping, utility infrastructure, water quality basins, exterior lighting, and signage. The principal discretionary actions requested by the Project Applicant to implement the proposed Project include a General Plan Amendment/Zoning Amendment (P201700564) and a Conditional Use Permit (P201700563). The Project also would include the vacation and abandonment of Walnut Avenue between Otilla Street and Slover Avenue.

The Project also includes compliance with Senate Bill 330 (SB 330). SB 330 Compliance requires the County Board of Supervisors to make concurrent land use changes to development standards, policies, and/or conditions applicable to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project Site.

On January 1, 2020, SB 330 became effective. SB 330 declared a housing crisis in California and imposed requirements designed to streamline the construction of new housing and prevent the loss of existing housing and land available for future residential use. Among other things, SB 330 added Government Code Section 66300, which includes a provision that: "... does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance or a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity" (refer to Government Code Section 66300(h)(2)(i)(1)).

Because approval of the proposed Project evaluated in the EIR and accompanying land use applications would involve a General Plan Amendment/Zoning Amendment to change the Project Site's Land Use Category designation and Land Use Zone Map designation from a residential classification to a non-residential classification (thereby resulting in a reduction of up to 13 planned housing units that could have been developed on the Project Site under its current land use and zoning classification), SB 330 requires the County Board of Supervisors to make concurrent land use changes to development standards, policies, and/or conditions applicable to another parcel (or parcels) within the County to offset the loss of potential housing capacity at the Project Site.

concurrent Zoning Amendment. All references to the "General Plan" shall be a reference to the Countywide Plan, Policy Plan.

APN 0259-161-45 is the property that the County has identified for land use changes that would comply with SB 330 and offset the loss of potential housing capacity at the Project Site. This property is within the Bloomington community, located approximately 300 feet south of Jurupa Avenue, approximately 275 feet north of Lusitano Drive, east of Appaloosa Lane, and west of Spruce Avenue.

B. Project Objectives

The fundamental goal of the Project is to accomplish the orderly development of an industrial warehouse facility on the Project Site. The Project would achieve this goal through the following objectives:

1. To develop a vacant or underutilized property with an industrial building to help meet the substantial and unmet regional demands for this type of building space.
2. To expand economic development and facilitate job creation in the County by establishing new industrial development adjacent to or near already-established industrial uses.
3. To attract new businesses to the County and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.
4. To develop Class A industrial buildings in the County that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar buildings in the local area and region.
5. To develop a property that has access to available infrastructure, including roads and utilities.
6. To develop an industrial building with loading bays in close proximity to the I-10 Freeway that can be used as part of the southern California goods movement network.
7. To develop light industrial uses in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways.

SECTION 3

FINDINGS

The County conducted an extensive review of this Project which included a Notice of Preparation, Initial Study, Notice of Availability, a Draft EIR, and a Final EIR, including technical reports; along with a public review and comment period. Hereafter, the Notice of Preparation, Initial Study, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the EIR.

Prior to taking action, the County has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all the meetings and hearings, all of which is incorporated herein by this reference. No comments made in the public hearings conducted by the County, or any additional information submitted to the County have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5, and all other legal prerequisites to the adoption of these findings have occurred. Therefore, the EIR reflects the independent judgment of the County, and the County finds that the EIR was prepared in compliance with CEQA.

The documents and other materials which constitute the record of proceedings for the County's approval of this Project are located at the County's Land Use Services Department Planning Division, 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182. The Planning Division is the custodian of all such documents. This information is provided pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

SECTION 4

LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the County hereby finds that the Project would have either no impact or a less than significant impact to the following resource areas:

A. Aesthetics

1. Scenic Vista:

Under existing conditions, views of the La Loma Hills, Jurupa Hills, and San Gabriel Mountains are available from the Project Site and its vicinity on clear days. The Project would involve the construction and operation of one warehouse building with a maximum height of approximately 45 feet above finished floor elevation. The proposed warehouse building would not be so tall as to obstruct public views or otherwise substantially detract from public views from the surrounding topographic features and landforms. Therefore, the Project would not result in a substantial adverse effect on view of scenic resources. (EIR, pp. 4.1-9 – 4.1-10)

2. Scenic Resources:

Under existing conditions, the Project Site does not have scenic resources, such as scenic trees, rock outcroppings, or buildings, and the Site is not visible from a scenic route or highway. The Project would not result in a substantial adverse effect on scenic resources. (EIR, p. 4.1-10)

3. Visual Character:

The Project Site is within an urbanized area and the Project would not conflict with applicable design regulations within the San Bernardino Development Code that govern visual quality and character. The Project would not result in a substantial adverse effect on local visual character. (EIR, p. 4.1-11)

4. Light and Glare:

The proposed Project would be required to adhere to the lighting requirements as set forth in the County of San Bernardino Development Code. The Development Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding public nuisances. The Project's mandatory compliance with the County of San Bernardino Development Code would ensure that the Project would not produce a new source of substantial light or glare from artificial lighting sources that would adversely affect day or nighttime views in the area. (EIR, p. 4.1-11)

B. Agriculture and Forestry Resources

1. Important Farmland:

According to the California Department of Conservation's Farmland Mapping and Monitoring Program, the Project Site does not have any lands mapped as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance." The Project would not convert any important farmland to non-agricultural use. (EIR, p. 5-4)

2. Agricultural Zoning and Williamson Act Contract:

The Project Site is zoned "Single Residential, one-acre minimum lot size, with Additional Agricultural Overlay." The Project would amend the San Bernardino County's Land Use Zone Map to remove the Additional Agricultural Overlay, which would conflict with the Site's existing zoning for agricultural use. However, the agricultural value of the Project Site was evaluated using the California Agricultural Land Evaluation and Site Assessment (LESA) Model. According to the LESA Model, the Project site is not considered to be an important agricultural resource and the conflict with the Site's existing zoning would not result in a significant environmental impact. (EIR, p. 5-4)

The Project Site is not under a Williamson Act Contract; therefore, the Project would not conflict with a Williamson Act Contract. (EIR, p. 5-4)

3. Forestland and Timberland Zoning:

The Project Site is not zoned as or in proximity to land zoned as forestland, timberland, or Timberland Production. Therefore, the Project would not result in the rezoning of any such lands. (EIR, p. 5-5)

4. Conversion of Forestland:

The Project Site does not have forest land and is not designated as forest land; therefore, the Project would not result in the loss of forestland or the conversion of forestland to non-forest use. (EIR, p. 5-5)

5. Other Changes:

The Project Site does not have soils mapped as “Farmland” (i.e., “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance”). Furthermore, the LESA Model concluded that the Project Site is not considered to be an important agricultural resource. There are no properties are designated for forest land uses. The implementation of the Project would not result in the conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use. (EIR, p. 5-5)

C. Air Quality

1. Cumulatively Considerable Increase of Criteria Pollutants:

Regional Criteria Pollutant Emissions During Construction

The Project’s construction emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), and particulate matter (PM₁₀ and PM_{2.5}) and would not exceed the applicable South Coast Air Quality Management District (SCAQMD) regional significance thresholds. Accordingly, the Project’s construction activities would not emit substantial concentrations of these pollutants. (EIR, p. 4.2-24)

While no significant impacts relating to emissions of VOCs during construction have been identified that require mitigation to less than significant levels, the Project will be required to implement the following guidance and performance standard to further minimize the Project’s less than significant effect. (EIR, p. 4.2-32)

MM 4.2-3, Prior to building permit issuance, the County of San Bernardino shall verify that a note is provided on all building plans specifying that compliance with SCAQMD Rule 1113 is mandatory during application of all architectural coatings. Project contractors shall be required to comply with the note and maintain written records of such compliance that can be inspected by the County of San Bernardino upon request. This note also shall indicate that only “low-volatile organic compound” paint products (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used. All other architectural coatings shall comply with the VOC limits prescribed by SCAQMD Rule 1113.

Regional Criteria Pollutant Emissions During Operation

The Project’s operational emissions of VOCs, NO_x, CO, SO_x, and particulate matter (PM₁₀ and PM_{2.5}) would not exceed the applicable SCAQMD regional significance thresholds. Accordingly, activities associated with operation of the Project would not emit substantial

concentrations of these pollutants and would not contribute to an existing or projected air quality violation. (EIR, pp. 4.2-24 – 4.2-25)

While no significant impacts relating to emissions of NO_x during construction have been identified that require mitigation to less than significant levels, the Project will be required to implement the following guidance and performance standard to further minimize the Project's less than significant effect. (EIR, p. 4.2-32)

MM 4.2-4. *Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include:*

- 1) *instructions for truck drivers to shut off engines when not in use;*
- 2) *instructions for drivers of diesel trucks to restrict idling to no more than five (5) minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged. Prior to the issuance of an occupancy permit, the County of San Bernardino shall conduct a site inspection to ensure that the signs are in place.*

MM 4.2-5. *All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be electric-powered or powered by non-combustion engines. This requirement shall be noted in the buildings' sale and lease agreements and also shall be noted on all tenant improvement plans submitted to the County of San Bernardino.*

2. Sensitive Receptors:

Localized Criteria Pollutant Emissions During Operation

Project operation would not exceed the applicable SCAQMD thresholds for localized NO_x, CO, and particulate matter (PM₁₀ and PM_{2.5}) emissions. Accordingly, operation of the Project would not expose any sensitive receptors in the vicinity of the Project site to substantial criteria pollutant concentrations. (EIR, p. 4.2-27)

Carbon Monoxide "Hot Spot"

A Project-specific CO "hot spot" analysis was not performed because CO attainment in the South Coast Air Basin (SCAB) was thoroughly analyzed as part of SCAQMD's 2003 AQMP and the 1992 Federal Attainment for Carbon Monoxide Plan (1992 CO Plan). As identified in the SCAQMD's 2003 AQMP and the 1992 CO Plan, peak CO concentrations in the SCAB were the byproduct of unusual meteorological and topographical conditions and were not the result of traffic congestion. Based on the relatively low traffic congestion levels, low existing ambient CO concentrations, and the lack of any unusual meteorological and/or topographical conditions in the Project site vicinity, the Project's operation is not expected to cause or contribute to a CO "hot spot." (EIR, pp. 4.2-27 – 4.2-28)

Toxic Air Contaminant Emissions

Based on the typical operations at logistics warehouse facilities, which do not include smoke stacks or other stationary point-sources of air pollutant emissions, the Project is not expected to result in stationary emissions of toxic air contaminants. However, the Project's operational activities would generate/attract diesel-fueled trucks. Diesel-fueled trucks produce diesel particulate matter (DPM), which is a toxic air contaminant and is known to be associated with acute and chronic health hazards, including cancer. Project operations would not expose residential, worker, or school child receptors in the vicinity of the Project Site and the Project's primary truck route to substantial carcinogenic or non-carcinogenic health hazards. (EIR, pp. 4.2-28 – 4.2-29)

3. Odors:

During Project construction, odors could be produced by construction equipment exhaust or from the application of asphalt and/or architectural coatings. However, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent; these activities would cease upon the completion of the respective phase of construction. Additionally, the Project would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. (EIR, p. 4.2-29)

During long-term operation, the Project would operate as a warehouse facility, which is not typically associated with the emission of objectional odors. Temporary outdoor refuse storage has the potential to be a source of odor; however, Project-generated refuse is required to be stored and covered containers and removed at regular intervals in compliance with the County's solid waste regulations, thereby precluding any significant odor impacts. Additionally, the Project would be required to comply with SCAQMD Rule 402. (EIR, p. 4.2-29)

D. Biological Resources

1. Riparian Habitat:

None of the habitat types within the Project Site are classified as riparian habitats, nor are these habitats identified as sensitive natural communities. Accordingly, the Project has no potential to result in a substantial adverse effect on any riparian habitat or other sensitive natural community. (EIR, p. 4.3-9)

2. Wetlands:

The Project Site does not have any protected wetland or aquatic resources, including, but not limited to natural drainages or water courses, wetland habitat, marsh, vernal pools, or coastal resources. Therefore, the Project would not result in a substantial adverse effect on State- or federally-protected wetlands. (EIR, p. 4.3-9)

3. Local Policies and Ordinances Protecting Biological Resources:

The Project is in conformance with the requirements of the provisions of the Biotic Resources Overlay, which is the only County policy or ordinance in place to protect biological resources that is applicable to the Project and/or the Project Site. (EIR, p. 4.3-10)

4. Conservation Plans:

The Project Site is not within the boundaries of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (EIR, p. 4.3-10)

E. Cultural Resources

1. Historical Resources:

One assemblage of historic artifacts is present on the Project Site; however, the assemblage was evaluated by a professional archaeologist and was determined to not be eligible for inclusion in the California Register of Historic Resources and is not considered a significant historical resource. (EIR, pp. 4.4-10 – 4.4-11)

2. Human Remains:

In the unlikely event that human remains are discovered during Project construction activities (i.e., grading or other ground disturbing activities), the Project contractor would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains. (EIR, p. 4.4-10)

F. Energy

1. Energy Use:

The Project's construction activities would consume electrical energy and fuel. Project-related construction would represent a "single-event" electric energy and fuel demand and would not require on-going or permanent commitment of energy or diesel fuel resources for this purpose. There are no unusual characteristics or construction processes for the Project that would result in inefficient, wasteful, or unnecessary consumption of energy. (EIR, p. 4.5-6 – 4.5-7)

Energy consumption in support of or related to Project operations would include transportation energy demands and facility energy demands. The Project's proposed building would reflect contemporary energy efficient/energy conserving designs and operational programs and would be required to comply with applicable State building and energy codes. Additionally, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips. The Project's operational energy consumption would not be inefficient, wasteful, or otherwise unnecessary. (EIR, pp. 4.5-7 – 4.5-8)

2. Energy Conservation:

The Project would not cause or result in the need for additional energy production or transmission facilities. The Project would not conflict with or obstruct the achievement of energy conservation goals within the State identified in State and local plans for renewable energy and energy efficiency. (EIR, p. 4.5-10)

G. Geology and Soils

1. Rupture of a Known Earthquake Fault:

According to the Southern California Earthquake Data Center (SCEDC), there are no known active or potentially active earthquake faults on the Project Site or in the immediate area. The nearest fault line is the San Jacinto fault line located approximately 5.0 miles to the north-east of the Project Site. The Project would not expose people or structures to substantial adverse effects related to ground rupture. (EIR, p. 4.6-10)

2. Strong Seismic Ground Shaking:

The Project Site is within 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 substantially different than the risk to properties and structures throughout Southern California. The Project would be required to comply with the California Building Standards Code and the County of San Bernadino Building Code, which provide standards for the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures, and that have been specifically tailored for California earthquake conditions. Additionally, as a condition of approval, the Project would be required to be constructed in compliance with the ground preparation and construction recommendations identified in the Project-specific Geotechnical Investigation to ensure the suitability and structural integrity of the soils on the Project Site. (EIR, p. 4.6-10)

3. Ground Failure:

The Project Site is not subject to significant risks associated with seismic-related ground failure. Regardless, the Project would be designed and constructed in accordance with applicable seismic safety guidelines, including the standard requirements of the California Building Standards Code and County of San Bernardino Building Code. (EIR, p. 4.6-11)

4. Landslides:

The Project Site and surrounding area are flat. There are no hillsides or steep slopes on or in proximity to the Project Site. No manufactured slopes would be created on-site, except within the proposed infiltration/detention basin where proposed slopes would reach a maximum gradient of 3:1. Also, a retaining wall would be installed along the northern boundary of the Project Site and would range from six (6) to nine (9) feet in height. The proposed manufactured slopes and retaining wall would be constructed in accordance with the site-specific recommendations contained within the Geotechnical Investigation for the Project. Accordingly, the Project would not be exposed to

substantial landslide risks, and implementation of the Project would not pose a substantial direct or indirect landslide risk to surrounding properties. (EIR, p. 4.6-11)

5. Soil Erosion:

Pursuant to the requirements of the State Water Resources Control Board, the Project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The County's Municipal Separate Storm Sewer System (MS4) NPDES Permit requires development projects to prepare and submit to the County for approval a site-specific Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with the NPDES permit requirements. The SWPPP is required to identify a combination of erosion control and sediment control measures (i.e., Best Management Practices) that will reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges during construction. In addition, the Project Applicant will be required to comply with SCAQMD Rule 403's requirements related to fugitive dust control, which would reduce the amount of particulate matter in the air and minimize the potential for wind erosion. Lastly, the Project Applicant would be required to implement an erosion control plan pursuant to the requirements of the County's Development Code (Section 85.11.030). With mandatory compliance with all applicable regulatory requirements, the potential for water and/or wind erosion on the Project site during construction activities would be less than significant and mitigation is not required. (EIR, pp. 4.6-11 – 4.6-12)

Upon Project build-out, the Project Site would be covered by a warehouse building, landscaping and impervious surfaces. Stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants (including sediment), and conveyed off-site via an on-site storm drain system. The County's MS4 NPDES Permit requires development projects to prepare a Water Quality Management Plan (WQMP) and submit the WQMP to the County for approval. Compliance with the WQMP will be required as a condition of approval for the Project, as would the long-term maintenance of erosion and sediment control features. The Project's operation would be required to use erosion and sediment control measures to preclude substantial, long-term soil erosion and loss of topsoil. (EIR, p. 4.6-12)

6. Unstable Geologic Unit or Soil:

The Project Site and surrounding area are relatively flat. The Project includes manufactured slopes and a retaining wall, all of which would be engineered for long-term stability and would be constructed in accordance with the recommendations identified in the soils report prepared for the Project. (EIR, p. 4.6-13)

The Project Site is subject to shrinkage; however, shrinkage/subsidence and settlement potential can be attenuated through the removal of surface and near surface soils and replaced with compacted fill. The County will condition the Project Applicant to comply with the site-specific ground preparation and construction recommendations identified in the Project-specific Geotechnical Investigation to ensure proper soil/site preparation. (EIR, p. 4.6-13)

Furthermore, because the Project Site is not within an area susceptible to liquefaction, lateral spreading would not occur onsite. (EIR, p. 4.6-13)

7. Expansive Soil:

The Project Site's near surface soils have a very low expansion potential. Accordingly, the Project would not be located on expansive soil. (EIR, p. 4.6-13)

8. Septic Tanks:

The Project does not propose the use of septic tanks or alternative waste water disposal systems. (EIR, p. 4.6-14)

H. Green House Gas (GHG)

1. GHG Emissions:

The Project is calculated to generate approximately 2,958.27 metric tons of carbon dioxide equivalent (MTCO₂e), which is below the significance threshold established by the County's Greenhouse Gas Reduction Plan. As such the Project would not generate substantial GHG emissions – either directly or indirectly. (EIR, p. 4.7-19)

2. GHG Reduction Plans:

The Project would be consistent with applicable regulations policies, plans, and policy goals that would further reduce GHG emissions. (EIR, pp. 4.7-20 – 4.7-24)

I. Hazards

1. Create a Significant Hazard to the Public or Environment:

An above ground storage tank (AST) was observed at one residence on the Project Site; however, the AST was never used to store hazardous substances. As such, the presence and removal of the AST would not create an adverse effect to the public or environment. Additionally, removal of the AST would be required to comply with all applicable local and State regulations. (EIR, p. 4.8-10)

The Project Site was used in the past for agricultural activities; therefore, there is a potential that pesticides were used on the property. However, no signs of pesticide use, storage, or mismanagement were observed onsite. Additionally, given the rate of degradation of organochloride pesticides, the amount of time that has passed since these pesticides could have been applied, if present, the Project Site likely only contains trace concentrations of pesticides, which do not represent a hazard to the public or the environment. (EIR, p. 4.8-10)

There is no potential for the structures onsite to have asbestos containing materials (ACMs). Notwithstanding, concrete irrigation standpipes were observed on the Project Site, and it is possible that more concrete irrigation pipes are located below the ground surface. There is a potential for ACMs to be present in these irrigation pipes; however, the Project would be required to remove and handle any ACMs in compliance with applicable State and local regulations. Therefore, impacts due to potential ACM exposure would not represent a hazard to the public or environment. (EIR, 4.8-11)

During construction, heavy equipment would be operated on the Project Site. This heavy equipment likely would be fueled and maintained by petroleum-based substances. Additionally, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be used. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills. This is a standard risk on all construction sites and there would be no greater risk on other construction sites. The Project would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials. (EIR, 4.8-11)

The future use(s) of the proposed warehouse building were not known at the time the EIR was prepared; however, future building occupant(s) likely will include general warehousing, industrial, manufacturing, assembly, and/or similar uses and it is possible that hazardous materials could be used during the course of the future building user's daily operations. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the Project would not create a significant hazard to the environment due to routine transport, use, disposal or upset of hazardous materials. (EIR, p. 4-8-12)

2. Emission and Handling of Hazardous Materials in Proximity to a School:

The Project Site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (EIR, p. 4.8-12 – 4.8-13)

3. Hazardous Materials Sites:

The Project Site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (EIR, p. 4.8-13)

4. Airport Land Use Plan:

The Project Site is not located within an airport hazard zone for the Ontario Airport and the Ontario Airport Land Use Compatibility Plan does not impose any land use or design restrictions on the Project Site. As such, the Project would not result in airport related safety hazards for people residing or working the Project area. (EIR, p. 4.8-13)

5. Emergency Response Plan:

The Project Site does not have any emergency facilities nor does the Project Site serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (EIR, p. 4.8-14)

6. Wildland Fires:

The Project Site is not in proximity to wildlands or areas with high fire hazards. The Project would not expose people or structure to significant wildland fire risks. (EIR, p. 4.8-14)

J. Hydrology and Water Quality

1. Water Quality Standards:

Pursuant to the requirements of the State Water Resources Control Board, the Project will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The County's Municipal Separate Storm Sewer System (MS4) NPDES Permit requires development projects to prepare and submit to the County for approval a site-specific Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with the NPDES permit requirements. The SWPPP is required to identify a combination of Best Management Practices that will reduce or eliminate pollution discharge to surface water from storm water and non-storm water discharges during construction. (EIR, p. 4.9-10)

During Project operation, stormwater runoff from the Project Site would be captured, treated to reduce waterborne pollutants, and conveyed off-site via an on-site storm drain system. The County's MS4 NPDES Permit requires development projects to prepare a Water Quality Management Plan (WQMP) and submit the WQMP to the County for approval. Compliance with the WQMP will be required as a condition of approval for the Project, as would the long-term maintenance of water quality control features. (EIR, 4.9-10)

2. Groundwater:

The Project would be served with potable water from the West Valley Water District (WVWD) and the Project Applicant does not propose the use of any wells or other groundwater extraction activities. The Project would not directly draw water from a groundwater basin. Additionally, the Project would include the installation of a detention basin, infiltration basin, and permeable landscaped areas to allow direct percolation into the Riverside-Arlington Subbasin. The Project would not substantially decrease the supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. (EIR, p. 4.9-11)

3. Alter the Existing Drainage Pattern:

The Project would retain the Site's general drainage pattern and would incorporate design features to minimize erosion and sediment within surface water runoff. The Project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems, nor would development of the Project provide substantial additional sources of polluted runoff. The Project also would not construct structures within a 100-year flood hazard area that would impede or redirect flood flows. (EIR 4.9-14)

4. Release of Pollutants:

The Project Site is located more than 45 miles east of the Pacific Ocean.; therefore, the Project would not be subjected to inundation due to a tsunami. The nearest large body of water is Lake Mathews, approximately 15.0 miles southwest of the Project Site; therefore, the Project would not be subjected to inundation due to a seiche. Additionally, the Project Site is located outside the 100-year floodplain. As such, the Project would not result in the risk of release of pollutants due to inundation. (EIR, p. 4.9-15)

5. Water Quality Control Plan or Sustainable Groundwater Management Plan:

The Project Site is within the Santa Ana River Basin and the Project would be required to comply with the Santa Ana Regional Water Quality Control Board's adopted water quality control plan. The Project would not conflict with or obstruct the adopted water quality control plan. (EIR, p. 4.9-15)

The Project Site is within the portion of the Riverside-Arlington Subbasin that is adjudicated under the 1969 Western-San Bernardino Judgement. Adjudicated basins are exempt from the 2014 Sustainable Groundwater Management Act (SGMA) because such basins already operate under a court-ordered management plan to ensure long-term sustainability. No component of the Project would obstruct with or present implementation of the management plan for the Riverside-Arlington Subbasin. (EIR, p. 4.9-15)

K. Land Use

1. Division of an Established Community:

Under existing conditions, the Project site is separated by Slover Avenue to the north, a nursery and single-family residences to the west, Cactus Avenue to the east, and single-family residences to the south. Several of the residential properties located south of the Project site contain multiple outbuildings and appear to support animal keeping while others provide parking for trucks and appear to support independent trucking businesses. Thus, the Project site is either surrounded by roadways or mixed residential and industrial commercial development. Because the Project site is already physically separated from neighboring properties under existing conditions, development of the Project site as a warehouse facility would not physically divide any existing, surrounding community. (EIR, p. 4.10-6)

2. General Plan Consistency:

The land use proposed by the Project Applicant – a warehouse facility – is not consistent with the existing County of San Bernardino General Plan Map, which designates the Project site for “Single Residential, one-acre minimum lot size, with Additional Agricultural Overlay (RS-1-AA)” land uses. However, the Project includes an amendment to the County of San Bernardino General Plan Map that would change the Project site's land use designation to “Community Industrial (IC)” and, if approved, would eliminate the Project's inconsistency with the General Plan Map. The environmental impacts that would result from the Project's inconsistency with the existing County of San Bernardino General Plan Map are disclosed throughout this EIR. Where

significant environmental effects are identified, mitigation is provided in the applicable subsection of this EIR to reduce the Project's effects to less-than-significant levels (or, if it is not possible to reduce the Project's impacts to less-than-significant levels, mitigation is provided that has a proportional nexus to the Project's impacts to minimize impacts to the maximum level feasible). There are no other potentially significant environmental impacts specifically associated with the Project's land use inconsistency with the existing San Bernardino General Plan Map that have not already been addressed in other portions of this EIR and, therefore, additional mitigation measures beyond those identified throughout this EIR would not be required. Further, if the Project is approved, the Project will not be inconsistent with the County of San Bernardino General Plan because the aforementioned General Plan Amendment is a component of the Project proposal. (EIR, p. 4.10-7)

Further, the Project would not conflict with any specific objectives, policies, or actions in the General Plan's Land Use, Circulation and Infrastructure, Housing, Conservation, Open Space, Noise, Safety, or Economic Development elements that were adopted for the purpose of avoiding or mitigating an environmental effect. (EIR, p. 4.10-7)

3. Development Code Consistency:

Under existing conditions, the Project Site is physically separated from neighboring land uses by existing roadways or mixed residential and industrial commercial development. Because the Project site does not directly abut any established land uses, there is no potential for the Project to cause or cumulatively contribute to the division of an established community. Amendments to the County of San Bernardino General Plan land use designation applied to the Project site would permit development of an industrial warehouse facility. The Project would be designed and developed to be in compliance with those industrial development standards mentioned and contained in the County's Development Code. Those standards in addition to appropriate mitigation measures will ensure compliance to all Development Code requirements. (EIR, p. 4.10-10)

L. Mineral Resources

1. Mineral Resources and Mineral Resources Recovery Site:

The Department of Conservation has mapped portions of the Project Site as being within Mineral Resource Zone 2, which is a zone known to contain significant mineral deposits or have a high likelihood of containing significant deposits. However, the County identifies the Project Site for residential land uses, which means that the County has determined that non-mining land uses on-site are more valuable to the region than potential mineral extractions. Additionally, due to constraints on and abutting the Project Site mineral resources extraction would not be feasible on-site. Furthermore, the County does not identify any important mineral resource recovery site on or in proximity of the Project Site. (EIR, p. 5-5)

M. Noise

1. Excessive Groundborne Vibration:

Construction activities on the Project Site would utilize construction equipment that has the potential to generate vibration. All receiver locations in the vicinity of the Project Site were calculated to be exposed to vibration levels that fall below the applicable significance threshold (0.2 inches per second [in/sec] peak particle velocity [PPV]). (EIR, p. 4.11-22)

Under long-term conditions, the operational activities of the Project would not include or require equipment, facilities, or activities that would result in perceptible ground-borne vibration. Trucks would travel to and from the Project site on surrounding roadways; however, vibration and groundborne noise levels for heavy trucks operating at the posted speed limits on smooth paved surfaces would generate vibration levels (0.004 in/sec PPV) substantially lower than the applicable threshold (0.2 in/sec PPV). (EIR, p. 4.11-22)

2. Airport Noise:

The Project Site is not within two miles of a public airport or within an airport land use plan, nor is the Project Site within the vicinity of a private airstrip. The Project would not expose people working or residing in the Project area to excessive noise related to air travel. (EIR, 4.11-23)

N. Population and Housing

1. Population Growth:

The Project would have a beneficial effect on the County's employment base by developing the Project Site with a new warehouse facility. The Project's future job opportunities are anticipated to be filled by individuals living within the surrounding cities or nearby communities. Additionally, the Project Site is served by existing roadways and utility infrastructure. The Project would not include the construction of roadways or new infrastructure facilities. The Project is not anticipated to induce substantial unplanned population growth in the area. (EIR, p. 5-6)

2. Replacement Housing:

Under existing conditions, the Project Site has four single-family residences. The Project would remove these homes; however, the removal of these residences would not displace substantial numbers of people or housing. There are over 98,000 households in unincorporated San Bernardino County. The removal of these homes would not trigger the construction of replacement housing elsewhere. (EIR, p. 5-6)

O. Public Services

1. Fire Protection:

The Project would be served by the San Bernardino County Fire Station No. 76 and No. 77. No New or expanded unplanned facilities would be required. Additionally, the Project would be required to comply with the provisions of the County of San Bernardino Fire Protection District

Fee Ordinance. Further, the Project would feature fire safety and fire suppression design measures that would assist in on-site fire control. The Project is anticipated to receive adequate fire protection service. (EIR, p. 5-6)

2. Police Protection:

The Project would introduce a new industrial use, employees, and visitors to the Project Site, which would result in an incremental increase in demand for police protection services. However, the incremental increase is not anticipated to result in the construction of new or physically altered police facilities. Property tax revenues generated from development of the Project site would provide funding to offset potential increases in demand for police protection service. (EIR, pp. 5-6 – 5.7)

3. Schools:

The Project includes non-residential uses that would not generate any school-aged children requiring public education. Therefore, the Project is not anticipated to generate students and is not anticipated to contribute a need to construct a new or physically altered public school facility. Although the Project would not contribute to a demand for additional public-school services, the Project Applicant would be required to contribute development impact fees to San Bernardino City Unified School District in compliance with Senate Bill 50 (Greene). Mandatory payment of school fees would be required prior to the issuance of building permits. (EIR, p. 5-7)

4. Parks:

The Project does not propose uses that would create a demand for public park facilities and the Project does not propose to construct or expand park facilities. (EIR, p. 5-7)

5. Other Public Facilities:

The Project is not anticipated to result in a demand for other public facilities, including libraries, community recreation centers, post offices, public health facilities, and/or animal shelters. As such, the implementation of the Project is not anticipated to adversely affect other public facilities or require the construction of new or modified public facilities. (EIR, p. 5-7)

P. Recreation

1. Neighborhood and Regional Parks:

The Project provides for the development of a warehouse facility and does not include a residential component or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Therefore, the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. (EIR, p. 5-7)

2. Construction or Expansion of Recreational Facilities:

The Project entails the development of the Project Site with a warehouse facility. The Project does not entail the construction of any new on- or off-site recreational facilities. Accordingly, implementation of the Project would not result in environmental effects related to the construction or expansion of recreational facilities. (EIR, p. 5-7)

Q. Transportation

1. Circulation System Performance

Arterial Road Intersections

Under short-term construction conditions, Project-related traffic would not substantially cause or contribute to a level of service (LOS) deficiency at any arterial intersection within the Project's study area. Similarly, under the Existing plus Project traffic analysis scenario, which evaluates the potential for Project traffic to directly impact the roadway system under the theoretical scenario where the Project is operational under existing conditions, Project-related traffic would not substantially cause or contribute to a LOS deficiency at any arterial intersection within the Project's study area. (EIR, pp. 4.2-12-14 – 4.12-16)

Freeway Mainline Segments and Ramps

Under all traffic analysis scenarios – short-term construction, Existing plus Project, Opening Year, and Horizon Year – Project-related traffic would not substantially cause or contribute to deficient operating conditions along any freeway mainline segment or at any freeway ramp location. (EIR, pp. 4.12-14 – 4.12-19)

Public and Non-Vehicular Transportation

Construction and operation of the Project would not interfere or conflict with safe pedestrian and bicycle activity abutting and adjacent to the Project Site. Additionally, no component of the Project would interfere with public transit service in the vicinity of the Project Site. (EIR, p. 4.12-20)

2. CEQA Guidelines Section 15064.3(c):

At the time the Project Applicant filed applications for the Project and the Project's EIR was prepared, the County of San Bernardino had not established a methodology or significance threshold for the implementation of CEQA Guidelines Section 15064.3(b) and such an analysis was not yet required State law. Accordingly, the County did not require the Project to perform an analysis of consistency with CEQA Guidelines Section 15064.3(b). (EIR, p. 4.12-20)

3. Hazardous Design Feature:

The improvements provided by the Project within the public rights-of-way would be installed conformance with County design standards. Further, the County reviewed the Project's

application materials and determined that no hazardous transportation design features would be introduced through implementation of the Project. (EIR, p. 4.12-20 - 4.12-21)

4. Emergency Access:

The County reviewed the Project's design and confirmed that the Project would provide adequate access to-and-from the Project Site for emergency vehicles and the Project would not interfere with the circulation of vehicles, including emergency vehicles, along public streets that abut the Site. Additionally, the County will review all future Project construction drawings to ensure that adequate emergency access is maintained along abutting public streets during constructions. (EIR, p. 4.12-21)

R. Utilities and Service Systems

1. New or Expanded Utilities:

The Project would include the construction of an on-site network of water and wastewater lines that would connect to existing water and wastewater conveyance line that abut the Project Site. No existing water or wastewater lines would be relocated or expanded. The Project would remove the existing power poles that abut the Project Site along Slover Avenue and Cactus Avenue and would underground the existing overhead power lines. The installation of infrastructure improvements would not result in physical environmental impacts requiring mitigation. (EIR, p. 4.14-10)

2. Water Supplies:

The Project is calculated to consume 29.8 acre-feet of water per year, while the West Valley Water District is projected to have a minimum excess supply of 10,151 acre-feet of water per year under normal, historic single-dry and historic multiple-dry year conditions until at least 2040. Accordingly, the West Valley Water District has adequate water supplies to meet its current and expected future water service demands, including the Project, without the need for additional water entitlements. (EIR, p. 4.14-10)

3. Wastewater Treatment Capacity:

Wastewater generated by the Project would be treated at the Rialto Wastewater Treatment Plant. Under existing conditions, the Rialto Wastewater Treatment Plant has an excess treatment capacity of 4 million gallons per day. The Project is anticipated to generate 26,600 gallons of wastewater per day during operation. The Project would utilize approximately 0.7 percent of the daily excess treatment capacity. Accordingly, the Rialto Wastewater Treatment Plant has sufficient capacity to treat wastewater generated by the Project in addition to existing commitments. (EIR, p. 4.14-11)

4. Landfill Capacity:

Construction of the Project would generate solid waste in the form of demolition debris and remnants of unused construction materials, packing materials, etc. The Project is anticipated to generate approximately 88.5 tons of construction demolition waste and 559.5 tons of construction

waste, of which 50 percent would be required to be diverted from landfills. The Project's combined demolition and construction activities would generate approximately 368 tons of solid waste requiring disposal over the Project's 280 construction period, which corresponds to approximately 1.3 tons generated per construction day. Construction waste from the Project would be disposed at the Mid-Valley Landfill and/or San Timoteo Landfill, which have a combined excess daily disposal capacity of more than 6,000 tons. The Project's solid waste generated during Project construction would neither exceed State or local disposal standards nor exceed the local infrastructure capacity. (EIR, p. 4.14-11)

During long-term operation, the Project is anticipated to generate 3.6 tons of solid waste per day, of which a minimum of 50 percent would be diverted from landfills. Therefore, the Project would generate approximately 1.8 tons per day of solid waste requiring disposal at a landfill, which is far less than the approximately 6,000 tons of excess daily disposal capacity available at the Mid-Valley and San Timoteo Landfill. The volume of waste generated during long-term Project operation is not anticipated to exceed State or local disposal standards nor exceed the local infrastructure capacity to handle the waste disposal. (EIR, p. 4.14-12)

5. Solid Waste Regulations:

The Project would be required by law to comply with the California Integrated Waste Management Act and the County of San Bernardino Countywide Integrated Waste Management Plan. Additionally, the Project would comply with California Solid Waste Reuse and Recycling Act of 1991 and Assembly Bill 341. The Project would not conflict with any applicable federal, State, or local management and reduction statutes and regulations related to solid waste. (EIR, p. 4.14-13)

S. Wildfire

1. High Wildfire Hazard Severity Zone:

The Project Site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones; therefore, the Project would not exacerbate wildfire hazard risks or expose people and the environment to adverse environmental effects related to wildfires. (EIR, pp. 5-7 – 5-8)

SECTION 5

ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The County hereby finds that feasible changes or alterations to the Project have been identified in the EIR which will avoid or substantially lessen the following potential significant environmental impacts of the Project to a less than significant level, pursuant to CEQA Guidelines Section 15091(a). The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are identified in the EIR, incorporated herein by reference, and are discussed as follows:

A. Air Quality

1. Conflict with Applicable Air Quality Plans:

The South Coast Air Quality Management District's 2016 *Air Quality Management Plan (AQMP)*, which is the applicable air quality plan for the Project area, addresses long-term air quality conditions for the SCAB. Because Project construction activities, specifically Site Preparation activities, would exceed the South Coast Air Quality Management District significance threshold for localized emissions of fine particulate matter (PM_{2.5}), implementation of the Project would contribute a substantial volume of an air pollutant during short-term construction activities that could delay the attainment of federal and State air quality standards. As a result, the Project would be inconsistent with AQMP Consistency Criterion 1; this inconsistency is a significant direct and cumulatively considerable impact. Air pollutant emissions resulting from operation of the Project would not exceed the assumptions in the AQMP and, therefore, the Project would not conflict with AQMP Consistency Criterion 2; this impact is considered less than significant. (EIR, pp. 4.2-22 – 4.2-23)

To ensure that the Project's potential environmental impact due to an inconsistency with AQMP Consistency Criterion 1 is mitigated to a level of less than significant, the following mitigation measure is required.

MM 4.2-1. *Prior to grading permit issuance, the County of San Bernardino shall verify that a note is included on grading plans that requires all construction equipment used on the Project site during the site preparation phase and that exceeds 150 horsepower to be California Air Resources Board (CARB) Tier 3 equivalent or better. The Project contractor(s) shall be required to comply with this note and allow inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.*

MM 4.2-2. *The Project shall comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the County of San Bernardino shall verify that the following notes are specified on the grading plan. The Project construction contractor(s) 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.*

a) *During grading and ground-disturbing construction activities, the construction contractor shall ensure that all unpaved roads, active soil stockpiles, and areas undergoing active ground disturbance within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas by water truck, sprinkler system, or other comparable means, shall occur in the mid-morning, afternoon, and after work is done for the day. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site.*

- b) *Temporary signs shall be installed on the construction site along all unpaved roads indicating a maximum speed limit of 15 miles per hour (MPH). The signs shall be installed before construction activities commence and remain in place for the duration of construction activities that include vehicle activities on unpaved roads.*
- c) *Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.*
- d) *Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, limit site access).*
- e) *When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
- f) *All street frontages adjacent to the construction site shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.*
- g) *Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and initiate corrective action to legitimate complaints within 24 hours.*
- h) *Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.*
- i) *Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered as necessary to minimize fugitive dust pursuant to SCAQMD Rule 403.*
- j) *A high wind response plan shall be formulated and implemented for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.*

MM 4.2-1 would require Project contractors to use off-road construction equipment that meet stringent tailpipe emissions standards during the Site Preparation phase of Project construction, while MM 4.2-2 would require Project contractors to implement a fugitive dust control plan. With implementation of MMs 4.2-1 and 4.2-2, localized particulate matter (PM_{2.5}) concentrations during the Site Preparation stage of Project construction would fall below the applicable SCAQMD thresholds during construction and, therefore, would not conflict with AQMP Consistency Criterion 1. (EIR, p. 4.2-33)

2. Sensitive Receptors:

Localized Criteria Pollutant Emissions During Construction

Peak construction emissions of NO_x (nitrogen oxides), carbon monoxide (CO), and particulate matter (PM₁₀) would not exceed the applicable South Coast Air Quality Management District significance threshold for localized emissions. Accordingly, Project construction activities would not emit substantial concentrations of these pollutants; localized impacts would be less than significant and mitigation is not required. (EIR, p. 4.2-25 – 4.2-26) Notwithstanding, peak construction emissions of fine particulate matter (PM_{2.5}) would exceed the applicable South Coast Air Quality Management District significance threshold for localized emissions. Particulate matter is a pollutant for which the South Coast Air Basin does not attain federal (National Ambient Air Quality Standards, NAAQS) or State (California Ambient Air Quality Standards, CAAQS) standards. Accordingly, Project construction activities have the potential to expose sensitive receptors near the Project Site to high concentrations of a pollutant for which the South Coast Air Basin is in nonattainment. This impact is significant and cumulatively considerable and mitigation is required. (EIR, p. 4.2-26)

To ensure that the Project's potential environmental impact from localized fine particulate matter emissions during peak construction activities is mitigated to a level of less than significant, the following mitigation measure is required.

***MM 4.2-1.** Prior to grading permit issuance, the County of San Bernardino shall verify that a note is included on grading plans that requires all construction equipment used on the Project site during the site preparation phase and that exceeds 150 horsepower to be California Air Resources Board (CARB) Tier 3 equivalent or better. The Project contractor(s) shall be required to comply with this note and allow inspection of the construction site by County of San Bernardino staff or its designee to confirm compliance.*

***MM 4.2-2** The Project shall comply with the provisions of South Coast Air Quality Management District Rule 403, "Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the County of San Bernardino shall verify that the following notes are specified on the grading plan. The Project construction contractor(s) 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.*

a) During grading and ground-disturbing construction activities, the construction contractor shall ensure that all unpaved roads, active soil stockpiles, and areas undergoing active ground disturbance within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas by water truck, sprinkler system, or other comparable means, shall occur in the mid-morning, afternoon, and after work is done for the day. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site.

- b) *Temporary signs shall be installed on the construction site along all unpaved roads indicating a maximum speed limit of 15 miles per hour (MPH). The signs shall be installed before construction activities commence and remain in place for the duration of construction activities that include vehicle activities on unpaved roads.*
- c) *Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.*
- d) *Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, limit site access).*
- e) *When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.*
- f) *All street frontages adjacent to the construction site shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.*
- g) *Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and initiate corrective action to legitimate complaints within 24 hours.*
- h) *Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.*
- i) *Any on-site stockpiles of debris, dirt, or other dusty material shall be covered or watered as necessary to minimize fugitive dust pursuant to SCAQMD Rule 403.*
- j) *A high wind response plan shall be formulated and implemented for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.*

MM 4.2-1 would require Project contractors to use off-road construction equipment that meet stringent tailpipe emissions standards during the Site Preparation phase of Project construction, while MM 4.2-2 would require Project contractors to implement a control plan to minimize fugitive dust emissions. With implementation of MMs 4.2-1 and 4.2-2, localized particulate matter (PM_{2.5}) concentrations during peak Project construction activities would fall below the applicable SCAQMD localized thresholds during construction and, therefore, would be less than significant. (EIR, p. 4.2-33)

B. Biological Resources

1. Special-Status Species:

No special-status plant species were observed on the Project Site. Furthermore, the Project Site is disturbed and lacks natural plant communities. Therefore, the Project Site does not have the potential to support special-status plant species. (EIR, p. 4.3-8)

One special-status wildlife species, the California horned lark, was observed foraging in disturbed habitat on the Project Site and the loggerhead shrike has moderate potential to forage and nest on the Project Site but was not observed. The loss of developed and disturbed habitat on the Project Site would reduce the availability of nest/den sites and foraging habitats for the California horned lark and loggerhead shrike. However, there is ample existing trees and other ornamental vegetation in the Project Site's vicinity. Accordingly, implementation of the Project would not result in a substantial adverse effect on the ability of the California horned lark or loggerhead shrike to nest and forage. (EIR, p. 4.3-8)

However, the Project Site has habitat that is suitable for a special-status species, the burrowing owl, and there is potential that burrowing owls could migrate onto the property before Project construction commences. If burrowing owls are present on the Project site at the time construction activities commence, potential impacts to the species would be significant and cumulatively considerable and mitigation would be required. (EIR, p. 4.3-8)

To ensure that Project construction activities do not inadvertently impact any burrowing owl individuals, the following mitigation measure is required.

MM 4.3-1. *Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site 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 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 on the property a grading permit may be issued without restriction.*
- b) *In the event that the pre-construction survey identifies the presence of the burrowing owl on the Project site, 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 passively or actively relocate any 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 and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.*

Implementation of MM 4.3-1 would ensure that pre-construction surveys are conducted for the burrowing owl to determine the presence or absence of the species on the Project Site prior to the initiation of grading activities. If present, the mitigation measure establishes performance criteria for the avoidance and/or relocation of burrowing owls in accordance with CDFW protocol that must be followed. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to the burrowing owl would be reduced to below a level of significance. (EIR, p. 4.3-13)

3. Wildlife Corridors and Nurseries:

The Project Site does not contain natural, surface drainage or ponding features. Additionally, there are no water bodies on or adjacent to the Project site that could support fish. Therefore, there is no potential for the Project to interfere with the movement of native resident migratory fish. The Project Site also does not serve as a wildlife corridor nor is it connected to an established corridor, and there are no native wildlife nurseries on or adjacent to the site. Therefore, there is no potential for the Project to impede the use of a native wildlife nursery site. Based on the foregoing information, the Project would result in no impact to native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites. (EIR, p. 4.3-9)

However, the Project Site contains suitable habitat for nesting and migratory birds. If active nests are present within the Project impact area during construction, the Project could result in substantial, adverse effects to biological resources (i.e., bird nests) that are protected by the MBTA and California Fish and Game Code. The Project's potential to impact nesting birds is a significant direct and cumulatively considerable impact and mitigation is required. (EIR, p. 4.3-9)

To ensure that Project construction activities do not inadvertently impact any nesting or migratory birds, the following mitigation measure is required.

MM 4.3-2. Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:

- a) A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.*
- b) A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence*

verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.

Implementation of MM 4.3-2 would ensure that pre-construction surveys are conducted for protected nesting birds and their nests. If nesting birds are present, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. With implementation of the required mitigation, potential direct and cumulatively-considerable impacts to nesting birds would be reduced to below a level of significance. (EIR, p. 4.3-13)

C. Cultural Resources

1. Archaeological Resources:

No known prehistoric resources are present on the Project site and the likelihood of uncovering buried prehistoric archaeological resources on the Project site is moderate to low due to the magnitude of historic ground disturbance on the Project site (resulting from citrus grove production). Nonetheless, the potential exists for Project-related construction activities to result in a direct and cumulatively-considerable impact to significant subsurface prehistoric archaeological resources should such resources to be discovered during Project-related construction activities. (EIR, p. 4.4-11)

To ensure that Project construction activities do not inadvertently impact significant prehistoric archaeological resources, the following mitigation measures are required.

MM 4.4-1. *Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction. The CRMP shall outline the identification and treatment procedures that must be followed if archaeological resources are discovered that meet the definition of a significant cultural resource pursuant to CEQA Guidelines § 15064.5. Such procedures may include, but not be limited to data collection, recordation, and curation.*

MM 4.4-2. *Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric archaeological monitoring during earthmoving activities on-site and excavation activities within the Project site. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (e.g., due to soil composition, level of disturbance). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease. If resources are discovered, the procedures outlined in the CRMP shall be followed.*

MM 4.4-3. Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources and provide evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other accredited repository.

MM 4.4-1 through MM 4.4-3 provide a program that would ensure the proper identification and subsequent treatment of any significant archaeological resources, if encountered during Project construction activities. With implementation of the required mitigation, the Project's potential impact to significant archaeological resources would be reduced to less-than-significant. (EIR, p. 4.4-14)

D. Geology and Soils

1. Paleontological Resources

The Project Site does not contain any known unique geologic features and is underlain with young alluvial fan deposits under existing conditions. Although young alluvial fan deposits are generally considered too young to contain substantial fossil deposits, important fossils have been discovered in a variety of alluvial deposits in southern California and older (more sensitive) alluvial deposits may be present on the Project site at depth. Accordingly, the Project has the potential to result in significant direct and cumulatively considerable impacts to paleontological resources that may exist beneath the ground surface on the Project Site and mitigation would be required. (EIR, p. 4.6-14)

To ensure that Project construction activities do not inadvertently impact significant prehistoric archaeological resources, the following mitigation measures are required.

MM 4.6-1. Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure 4.6-2 shall apply.

MM 4.6-2. If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded,

treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.

MM 4.6-1 and MM 4.6-2 provide a program that would ensure the proper identification and subsequent treatment of any significant paleontological resources, if encountered during Project construction activities. With implementation of the required mitigation, the Project's potential impact to significant paleontological resources would be reduced to less-than-significant. (EIR, p. 4.6-16)

E. Noise

1. Applicable Noise Standards:

Construction Noise Emissions

Peak Project construction activities would not exceed the maximum 85 dBA Leq threshold during daytime or nighttime hours; however, when considered with the existing noise environment in the Project area, Project construction would result in a more than 12 dBA Leq contribution at nearby receptors that abut the southern Project Site boundary, which represents a substantial temporary increase in ambient noise levels at these receptor locations. The noise analysis is conservative and assumes a worst-case scenario where various pieces of construction equipment are operating simultaneously along the Project site boundary, which may never actually occur. The daytime and nighttime noise from Project construction would be a significant direct impact at nearby receptors and mitigation would be required. (EIR, pp. 4.11-16 - 4.11-19)

To ensure that potential construction-level noise impacts are mitigated to a level of less than significant, the following mitigation measures are required.

MM 4.11-1. *A 12-foot-tall temporary noise barrier shall be installed along the southern Project site boundary for the duration of Project construction. The temporary noise barrier shall have a solid face from top to bottom and shall meet the following minimum standards:*

- a. The temporary noise barrier shall provide a minimum transmission loss of 20 dBA (Federal Highway Administration, Noise Barrier Design Handbook). The noise barrier shall be constructed using an acoustical blanket (e.g., vinyl acoustic curtains or quilted blankets) attached to a construction site perimeter fence or equivalent temporary fence posts or barrier materials;*
- b. The noise barrier must be maintained, and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired;* and
- c. The noise control barrier and associated elements shall be completely removed upon the conclusion of the construction activity.*

MM 4.11-2. *Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.*

MM 4.11-3. *Construction contractors shall place all stationary construction equipment so that all emitted noise is generated toward the center of the site and away from the noise sensitive receivers nearest the Project site.*

MM 4.11-4. *Construction contractors shall locate equipment staging areas on the Project site in locations that will create the greatest feasible distance between construction related noise sources and noise sensitive receivers nearest the Project site.*

MM 4.11-5. *Construction contractors shall ensure that delivery trucks use designated truck route(s). The following mitigation measure would reduce nighttime noise from Project operation at noise level receiver locations that have the potential to be exposed to excessive noise levels.*

MM 4.11-1 through 4.11-5 requires the Project construction contractor to construct a noise barrier that would shield receptors south of the Project Site from excessive noise levels during construction; to equip construction equipment with mufflers and properly use/maintain equipment; and locate equipment and truck haul routes/delivery areas as far as possible from sensitive receptors to the south of the Project Site. Collectively, these mitigation measures would reduce construction noise levels to a less than significant level. (EIR, p. 4.11-27)

Operational Noise Emissions

Although Project operation would result in a relatively minimal contribution to the existing ambient noise environment, Project operations would expose sensitive receptors that abut the northwest corner of the Project Site to noise levels that exceed the County of San Bernardino's nighttime standard which is regarded as a significant impact for which mitigation would be required. (EIR 4.11-19)

To ensure that potential operational level noise impacts are reduced to a level of less than significant, the following mitigation measure is required.

MM 4.11-6. *A minimum eight (8)-foot-tall noise barrier shall be constructed along the portion of the Project site's northwest boundary that abuts property with occupied residences. The location and maximum extent of the construction noise barrier is illustrated on Exhibit ES-A from the report titled "Slover and Cactus Warehouse Noise Impact Analysis," prepared by Urban Crossroads and dated May 17, 2019. The noise barrier shall meet be constructed of masonry block, an earthen berm, or any combination of construction materials capable of achieving a minimum weight of four (4) pounds per square foot and a minimum transmission loss of 20 dBA.*

MM 4.11-6 provides for the construction of a noise wall along the northwest portion of the Project Site boundary, which would provide a physical barrier between sensitive receptors located to the west of the Site and the primary entry into the Project. With implementation of the required sound wall, sensitive receptors located to the west of the Project Site would not be exposed to

noise levels in excess of applicable County of San Bernardino standards during Project operation. (EIR, pp. 4.11-27 – 4.11-28)

F. Tribal Cultural Resources

1. Tribal Cultural Resources

No prehistoric archaeological resource sites or isolates were identified on the Project Site during the pedestrian survey. Although the Project would not impact any known tribal cultural resources, there is the remote potential that tribal cultural resources are buried beneath the surface of the property and could be impacted during construction. Therefore, there is a possibility for a tribal cultural resource to be encountered during construction, which is considered a significant direct and cumulatively considerable impact for which mitigation is required. (EIR, pp. 4.13-4 – 4.13-5)

To ensure that Project construction activities do not inadvertently impact significant tribal cultural resources, the following mitigation measures are required.

***MM 4.13-1.** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that a professional archaeologist (hereafter “Project Archaeologist”) has been retained to conduct monitoring of all mass grading activities. The Project Archaeologist shall have the authority to redirect earthmoving activities in the event that suspected tribal cultural resources are unearthed during Project construction.*

***MM 4.13-2.** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the County of San Bernardino that the Native American Tribe(s) that requested consultation with the County during the SB 18 and AB 52 processes (hereafter referred to as “Native American Tribal Representatives”) received a minimum of 30 days’ advance notice of all mass grading and trenching activities. The Native American Tribal Representatives also shall be notified of and allowed To attend the pre-grading meeting with the County and Project construction contractors and/or monitor all Project mass grading and trenching activities. In the event that suspected tribal cultural resources are unearthed, the Native American Tribal Representatives shall have the authority to redirect earth moving activities in the affected area.*

***MM 4.13-3.** Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations have received training by the Project Archaeologist to recognize archaeological and tribal cultural resources should such resources be unearthed during ground-disturbing construction activities. Any Native American Tribal Representatives shall be allowed to attend the training session. The training will include a brief review of the cultural sensitivity of the Project site and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the*

find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel involved with grading and trenching operations that begin work on the Project site following the initial training session must take the training prior to beginning work on the Project site and the Project archaeologist and monitoring Native American Tribe(s) shall make themselves available to provide the training on an as-needed basis.

MM 4.13-4. *If a suspected significant tribal cultural resource is identified on the property, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by the Project Archaeologist and the Native American Tribal Representative. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. In consultation with the Native American Tribal Representatives, the Project Archaeologist shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section § 15064.5 and Section 21083.2. If the resource is significant, Mitigation Measure MM 4.13-5 shall apply.*

MM 4.13-5. *If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 50 feet around the resource until a treatment plan is implemented. A treatment plan shall be prepared and implemented, subject to approval by the County of San Bernardino, to protect the identified resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological or tribal cultural resource(s) in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered resource(s) shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the County of San Bernardino. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the County of San Bernardino, the South Central Coastal Information Center (SCCIC) at California State University (CSU), Fullerton, and the appropriate Native American Tribe(s).*

Implementation of Mitigation Measures MM 4.13-1 through MM 4.14-5 would ensure the proper identification and subsequent treatment of any significant tribal cultural resources that may be encountered during ground-disturbing activities associated with Project development. With implementation of the required mitigation, the Project's potential impact to significant tribal cultural resources would be reduced to less than significant. (EIR, p. 4.13-7)

SECTION 6

ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO LESS THAN SIGNIFICANT

The County finds that, despite the incorporation of the applicable environmental regulations, plans, and policies and feasible mitigation measures outlined in the EIR, the following impacts from the proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

A. Transportation

1. Circulation System Performance

Arterial Road Intersections

All intersections in the Project's study area would operate at acceptable LOS under Opening Year traffic conditions, except for:

- a. Cedar Avenue and I-10 Eastbound ramps;
- b. Cedar Avenue and Slover Avenue;
- c. Riverside Avenue and I-10 Eastbound ramps; and
- d. Riverside Avenue and Slover Avenue

The Project would send substantial peak hour trips (as defined by the respective significance thresholds of the County, City of Rialto, and Caltrans) to intersections "a," "b," and "d" listed above and, thus, is considered to result in a cumulatively considerable contribution to the LOS deficiencies at these intersections under Opening Year traffic conditions and mitigation is required. The Project would not send substantial peak hour trips to intersection "c" listed above, and the Project's impact at this intersection would be less than significant under Opening Year traffic conditions.

All intersections in the Project's study area would operate at acceptable LOS under Horizon Year traffic conditions, except for:

- a. Cedar Avenue and I-10 Westbound ramps;
- b. Cedar Avenue and I-10 Eastbound ramps;
- c. Cedar Avenue and Slover Avenue;
- d. Cactus Avenue and Slover Avenue.
- e. Riverside Avenue and I-10 Eastbound ramps; and
- f. Riverside Avenue and Slover Avenue

The Project would send substantial peak hour trips (as defined by the respective significance thresholds of the County, City of Rialto, and Caltrans) to intersections “a” through “f” listed above and, thus, is considered to result in a cumulatively considerable contribution to the LOS deficiencies at these intersections under Horizon Year traffic conditions and mitigation is required.

The mitigation measures listed below would apply to the Project to address potential impacts to arterial intersections under Opening Year and Horizon Year traffic conditions.

MM 4.12-1. *Prior to the issuance of building permits, the Project Applicant/Developer shall comply with the applicable requirements of County of San Bernardino Development Impact Fee Preserve (DIF) program, which requires fee payment to the County of San Bernardino (less any fee credits), a portion of which is used by the County to fund the installation of road and intersection improvements to reduce traffic congestion.*

MM 4.12-2. *Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust, for the construction of the improvements at the intersections listed below. The County of San Bernardino shall only use the funds for the construction of the improvements listed in Table 1-5 of the “Slover and Cactus Warehouse Traffic Impact Analysis,” prepared by Urban Crossroads. The Project’s fair-share obligations are listed in Table 1-6 of the same report.*

- a) Cedar Avenue and I-10 Westbound ramps;
- b) Cedar Avenue and I-10 Eastbound ramps;
- c) Cedar Avenue and Slover Avenue; and
- d) Cactus Avenue and Slover Avenue.

MM 4.12-3. *Prior to the issuance of an occupancy permit, the Project Applicant/Developer shall make a fair-share payment to the County of San Bernardino, to be held in trust for conveyance to the City of Rialto and/or Caltrans, for the construction of the improvements at the intersections listed below. The City or Rialto and/or Caltrans shall only use the funds for the construction of the improvements listed in Table 1-5 of the “Slover and Cactus Warehouse Traffic Impact Analysis,” prepared by Urban Crossroads (dated April 12, 2019). The Project’s fair-share obligations are listed in Table 1-6 of the same report.*

- a) Riverside Avenue and I-10 Eastbound ramps; and
- b) Riverside Avenue and Slover Avenue

MM 4.12-1 requires the Project Applicant/Developer to contribute to the County of San Bernardino’s Development Impact Fee (DIF) program and MM 4.12-2 requires the Project to participate in a fair-share funding program. Funds collected via MM 4.12-2 would be used to fund needed improvements to the local roadway system. All intersections in the Project study area would operate at acceptable LOS under Opening Year and Horizon Year traffic scenarios with recommended improvements. However, to achieve acceptable LOS at the affected intersections,

improvements are required that are either: 1) not under the sole jurisdictional authority of the County of San Bernardino (meaning the County cannot assure that the recommended improvements would be implemented); and/or 2) not included in any existing mitigation funding program to ensure a date-certain installation. Because the County of San Bernardino cannot assure that all the recommended improvements would be implemented and/or in place at the time of need, the Project's cumulatively considerable impacts at the intersections listed above are recognized as significant and unavoidable. No other feasible mitigation measures for these cumulatively considerable impacts are available that would have a proportional nexus to the Project's impact. (EIR, p. 4.12-23)

SECTION 7

CUMULATIVE IMPACTS

Consistent with CEQA's requirements, the EIR for the Project includes an analysis of cumulative impacts. CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include (1) "the list of projects approach," based on "a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency" and (2) "the summary of projections approach," based on a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. The summary of projections approach (approach #2) is used in the EIR, except for the evaluation of cumulative transportation and vehicular-related air quality, greenhouse gas, and noise impacts, for which a combination of approach #1 and approach #2 is used. The affected environment includes the unincorporated community of Bloomington, City of Fontana, City of Rialto, City of Colton, and the City of Jurupa Valley. Twenty-one (21) pending and approved projects were identified as cumulative projects. (EIR, pp. 4.0-1 – 4.0-6)

For the reasons previously discussed herein and in the EIR, the Project would result in cumulatively considerable impacts under the issues of air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources that would be reduced to less than significant levels with the application of required mitigation (refer to Section 5). For the reasons previously discussed herein and in the EIR, the Project would result in cumulatively considerable impacts under the issue of transportation for which no feasible mitigation is available to reduce impacts to a less than significant level (refer to Section 6).

SECTION 8

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines Section 15126.2(c)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and

secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Project Site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., construction aggregates, fossil fuels). Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. (EIR, p. 5-1)

Implementation of the Project would commit the Project Site to an industrial use as a warehouse facility. The land use proposed by the Project is compatible with the industrial and commercial land uses that are located north and east of the Project Site and compatible with Slover Avenue, which is used as a truck route and abuts the Project Site on the north. Although the proposed warehouse use could be perceived to be incompatible with the residential land uses that abut the Project Site on the west and south, the Project would not result in any significant and unavoidable local/localized physical impacts to the residential uses. Accordingly, the Project and its environmental effects would not compel or commit surrounding properties to land uses other than those that are existing today or those planned by the County or City of Rialto General Plans. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties. (EIR, p. 5-2)

Mandatory compliance with federal, State, and local regulations related to hazardous materials handling, storage, and use by all Project construction contractors (near term) and occupants (long-term) would ensure that any hazardous materials used on-site would be safely and appropriately handled to preclude any irreversible damage to the environment that could result if hazardous materials were released from the site. (EIR, p. 5-2)

The Project would not result in a wasteful, inefficient, or unnecessary consumption of energy. (EIR, p. 5-2)

Accordingly, the County finds, on the basis of the entire record, that the Project would not result in a significant, irreversible change to the environment.

SECTION 9

GROWTH INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, Section 15126.2(d) of the CEQA Guidelines states that EIR's must describe the ways in which proposed Project could foster economic or population growth or the construction of additional housing either directly or indirectly in the surrounding environment.

The area surrounding the Project Site is in the process of transitioning from agricultural to non-agricultural uses as planned by the County General Plan, with established residential development to the south and west of the Project site, the Union Pacific Railroad Yard to the north of the Project Site, and industrial development to the east of the Project Site. Development of the Project Site may place short-term development pressure on the undeveloped parcel to the southeast of the Project Site; however, because this area is planned for industrial development by the City of Rialto General Plan, the growth that could occur in the Project area has been planned for to ensure that adequate infrastructure and public services are available. Further, the Project will not require the construction of extensive new oversized public facilities which, if such public facilities were constructed, could induce growth. (EIR, p. 5-3)

The County finds, based on the foregoing analysis and discussion noted in the Project EIR, the Project would not directly or indirectly result in substantial, adverse growth-inducing impacts.

SECTION 10

ALTERNATIVES

CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or the location of the Project, which:

1. Offers substantial environmental advantages over the Project Proposal; and
2. May be feasibly accomplished in a successful manner within a reasonable amount of time considering the economic, environmental, social, and technological factors involved.

An EIR must only evaluate reasonable alternatives to a project that could feasibly obtain most of the project objectives and evaluate the comparative merits of the alternatives. In all cases, the consideration of the alternatives is to be judged against a rule of reason. The lead agency is not required to choose an environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project, and:

- A. Through the imposition of mitigation measures the environmental effects of the Project can be reduced to an acceptable level; or
- B. There are social economic technical or other considerations that make the alternative infeasible.

A. Project Objectives

As previously identified, the fundamental goal of the Project is to accomplish the orderly development of an industrial warehouse facility on the Project Site. The Project would achieve this goal through the following objectives.

1. To develop a vacant or underutilized property with an industrial building to help meet the substantial and unmet regional demands for this type of building space.

2. To expand economic development and facilitate job creation in the County by establishing new industrial development adjacent to or near already-established industrial uses.
3. To attract new businesses to the County and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.
4. To develop Class A industrial buildings in the County that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar buildings in the local area and region.
5. To develop a property that has access to available infrastructure, including roads and utilities.
6. To develop an industrial building with loading bays in close proximity to the I-10 Freeway that can be used as part of the southern California goods movement network.
7. To develop light industrial uses in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways.

B. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

1. Alternative Sites

CEQA does not require that an analysis of alternative sites be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternative site then an alternative sites analysis should be considered and analyzed in the EIR. In making the decision to include or exclude an analysis of an alternative site, the “key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” (CEQA Guidelines section 15126.6(f)(2))

Historic activities on the Project Site have resulted in pervasive, ongoing disturbance over the last 80+ years. The Project Site does not contain any natural/native habitat and contains four occupied residences and associated residential outbuildings. Based on review of aerial photography and the County of San Bernardino General Plan Land Use Map, there are no other available properties in the County of San Bernardino with similar accessibility to the regional goods movement system (see discussion in paragraph below) that are large enough to support the proposed Project that the Project Applicant has the reasonable possibility of controlling and that would have fewer developmental and environmental constraints than the proposed Project Site. (EIR, p. 6-3)

Furthermore, development of the Project at an alternative location would result in similar environmental impacts as the Project at its proposed location because the Project’s significant and unavoidable impacts are related to vehicles traveling to/from the Project Site, and not related to the presence of sensitive resources on the Project Site or its location near sensitive receptors.

Vehicle-related impacts are a direct reflection of the Project's expected operational characteristics as a warehouse facility, regardless of which property the Project is located. In fact, if an alternative site were selected for the Project that was located farther from major arterial roads that are designated truck routes or regional freeways than the Project Site, the severity of the Project's air quality and greenhouse gas impacts related to tailpipe emissions (and potentially transportation impacts) would increase as miles traveled for vehicles going to/from the Project would increase. (EIR, p. 6-3)

For these reasons, the County rejects an alternative site for the Project and a more detailed analysis of alternative sites is not warranted.

2. No Development Alternative

The No Development Alternative considers no development on the Project Site beyond what occurs on the site under existing conditions (as described in EIR Section 2.0). As such, the four (4) single-family residences and associated residential outbuildings on the Project site would remain on the Site into the foreseeable future. Under this alternative, no new improvements would be made to the Project Site. This alternative was selected by the Lead Agency to compare the environmental effects of the proposed Project with an alternative that would leave the property in its existing state.

Implementation of the No Development Alternative would not result in any environmental impacts beyond those that have historically occurred on the Project Site. All significant effects of the proposed Project would be avoided by the selection of this alternative. The No Development Alternative would not meet any of the Project's objectives. (EIR, pp. 6-4 – 6-8)

The County finds that the implementation of the No Development Alternative would reduce potential environmental impacts when compared to the proposed Project. However, this alternative would not meet any of the Project's objectives. The County therefore rejects the No Development Alternative. The County finds that each of the Project's objectives is individually sufficient to reject the alternative, and on that basis rejects this alternative.

3. No Project Alternative

The No Project Alternative considers re-development of the Project Site in accordance with the site's existing land use designation, "Single-Residential (RS-1)," which allows up to 1.0 dwelling units per acre. Accordingly, this alternative considers the potential environmental impacts that would occur where the Project Site is developed with 13 single-family residential homes; each home would be developed on a 1-acre lot. This alternative was selected by the County to compare the environmental effects of the Project against a development proposal that conforms to the land use standards and development regulations contained within the County of San Bernardino General Plan under the site's existing land use designation.

The No Project Alternative would avoid the Project's cumulatively considerable impacts to transportation but would result in the same significant construction air quality impact as the Project. The No Project Alternative also would reduce the Project's less-than-significant impacts

to aesthetics, air quality (construction), energy, greenhouse gas emissions, hazards and hazardous materials, noise, and utilities and service systems. The No Project Alternative would fail to meet the Project's objectives with the exception of Objective 5 identified herein and in the EIR. (EIR, pp. 6-8 – 6-12)

The County finds that the implementation of the No Project Alternative would reduce potential environmental impacts when compared to the proposed Project, but would fail to meet the Project's objectives, with the exception of Objective 5. Furthermore, the County finds that the No Project Alternative would still likely result in the same or similar construction air quality impacts. Therefore, the proposed Project is more desirable because the Project would maximize benefits to the County while not resulting in a much greater impacts to construction air quality impacts that would be caused by the No Project Alternative. The County therefore rejects the alternative.

4. Trailer Parking Alternative

The Trailer Parking Alternative considers a proposal where the western portion of the Project site (approximately 8.0 acres) would be re-developed with an approximately 150,000 s.f. warehouse building and the remainder of the Project Site (approximately 5.0 acres abutting the Slover Avenue and Cactus Avenue intersection) would be developed with a truck trailer parking lot. The truck trailer lot provided under this alternative would include approximately 135 trailer parking spaces. This alternative was selected by the Lead Agency to evaluate a scenario that would reduce the total building area on the Project Site relative to the proposed Project but still allow productive industrial use of the entire site.

The Trailer Parking Alternative would avoid the Project's cumulatively considerable transportation impact at two (2) intersections and would reduce the severity – but not avoid – the Project's significant and unavoidable impacts at all other impacted Study Area intersections. As compared to the Project, this alternative is expected to increase mobile source air pollutant emissions, including increasing carcinogenic and non-carcinogenic health risk hazards from diesel emissions, and, also, would result in a significant greenhouse gas emissions impact that would not occur under the Project. The Trailer Parking Alternative would slightly reduce the Project's less-than-significant impacts to energy and utilities and service systems; impacts to all other environmental topic areas would be similar to the Project. This alternative is identified as the environmentally superior alternative pursuant to CEQA Guidelines Section 15126.6(e)(2). (EIR, pp. 6-12 – 6-16)

The Trailer Parking Alternative would potentially and partially meet all Project objectives but would be less effective than the Project in achieving Objectives 1, 2, 3, 4, and 6. (EIR, p. 6-16)

The County finds that the implementation of the Trailer Park Alternative would avoid the Project's cumulatively considerable transportation impact at two (2) intersections and would reduce the severity – but not avoid – the Project's significant and unavoidable impacts at all other impacted Study Area intersections, but would increase mobile source air pollutant emissions, including increasing carcinogenic and non-carcinogenic health risk

hazards from diesel emissions, and, also, would result in a significant greenhouse gas emissions impact that would not occur under the Project. Although the Trailer Parking Alternative would potentially and partially meet all Project objectives, it would be less effective than the Project in achieving Objectives 1, 2, 3, 4, and 6 because the reduced building floor area provided by this objective would provide fewer business opportunities and would generate fewer jobs in the County. Therefore, the proposed Project is more desirable because the Project would maximize benefits to the County while not resulting in a much different or greater severity of impacts than the Trailer Park Alternative. The County therefore rejects the alternative.

SECTION 11

CEQA Findings & Statement of Overriding Considerations Pursuant to Section 15093 of the CEQA Guidelines

The County hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, including implementation of all the mitigation measures recommended in the EIR, but that no further feasible mitigation measures exist that could mitigate the Project's significant and unavoidable impacts to a less than significant level.

California Public Resource Code Section 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, CEQA Guidelines Section, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The County declares that, having reduced the adverse significant environmental effects of the Project to the fullest extent feasible by adopting the mitigation measures contained in the EIR, having considered the entire administrative record on the Project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, each of the social, economic, environmental, and other benefits of the Project have been determined to separately and individually outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable upon the following overriding considerations:

- Development and construction of the Project will create both temporary on-site jobs and indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies. Once the Project is completed, the facility will ultimately spur the creation of local and regional jobs, and there would be additional output and earnings to the local and regional economies.

- The Project will contribute towards maximizing employment opportunities in the County to improve the job-housing balance and to reduce systemic unemployment within the County and surrounding area. Jobs for residents at a variety of income levels will be provided.
- The Project will provide new development that will assist the County in obtaining fiscal balance in the years and decades ahead. Once construction is completed, the facility will annually generate additional County revenue. This increased revenue from the development will be driven by indirect sales tax, property tax and business license fees.
- The Project will help meet the existing demand for high-quality, largescale logistics warehouse within a geographic area that allows for access to a multi-modal transportation system.
- The Project will provide infrastructure improvements required to meet Project and vicinity needs in an efficient and cost-effective manner.
- The Project will result in substantial public benefits that include, but are not limited to, significant economic benefits for the Bloomington Community, as detailed in the Slover Distribution Center Economic and Fiscal Impact Report prepared by DPF (January 2022).
- In addition to the economic benefits associated with the development of the proposed Project, the Developer/Land Owner has voluntarily offered a Memorandum of Understanding Regarding Public Benefits Contributions that commits the Land Owner to make an annual contribution for the life of Project to be used for service enhancement activities for the Bloomington area, including but not limited to code enforcement, recreational programming, park operations and maintenance and enhanced public safety specifically for Bloomington. Land Owner further agrees to secure the obligation to pay make the foregoing annual contribution for the life of the Project by executing and recording the Declaration of Restrictions against the Project site prior to the issuance of the certificate of occupancy for the Project.
- Land Owner irrevocably agrees, for itself and its successor(s) and assigns, to take any and all actions necessary to participate in a Street Light Community Facilities District to maintain public infrastructure, i.e., street lights; which is an essential traffic and public safety improvement. These benefits, as outlined in the project's 'Community Benefit Agreement' shall be approved along with the Project conditions and recorded with the San Bernardino County Recorder.

The County hereby declares that the foregoing benefits provided to the public, through the approval and implementation of the Project, outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The County finds that each Project benefit separately and individually outweighs all the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

SECTION 12

CONCLUSION

The County finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment and analysis of the County. The County declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 has been received by the County after circulation of the Draft EIR, which would require recirculation. Therefore, the County hereby certifies the EIR based on the entirety of the record of proceedings, including but not limited to the findings and conclusions reached herein.

EXHIBIT F

Written Comments



April 4, 2019

Mr. Aron Liang, Senior Planner
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RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Slover/Cactus Avenue Warehouse Facility Project [SCAG NO. IGR9846]

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Dear Mr. Liang,

REGIONAL COUNCIL OFFICERS

President
**Alan O. Wapner, San Bernardino
County Transportation Authority**

First Vice President
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Randon Lane, Murrieta

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Human Development
**Peggy Huang, Transportation
Corridor Agencies**

Energy & Environment
Linda Parks, Ventura County

Transportation
**Curt Hagman, San Bernardino
County**

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Slover/Cactus Avenue Warehouse Facility Project ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS) pursuant to Senate Bill (SB) 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Community Strategies (RTP/SCS) goals and align with RTP/SCS policies.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Slover/Cactus Avenue Warehouse Facility Project. The proposed project includes the development of a 247,855 square foot (sf) warehouse and 10,000 sf office space on an approximately 13.27 acre project site.

When available, please send environmental documentation to SCAG's Los Angeles office in Los Angeles (900 Wilshire Boulevard, Ste. 1700, Los Angeles, California 90017) or by email to au@scag.ca.gov providing, at a minimum, the full public comment period for review.

If you have any questions regarding the attached comments, please contact the Inter-Governmental Review (IGR) Program, attn.: Anita Au, Associate Regional Planner, at (213) 236-1874 or au@scag.ca.gov. Thank you.

Sincerely,

)? ., d4-s,,9

Ping Ciang
Manager, Compliance and Performance Monitoring

¹Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS for the purpose of determining consistency for CEQA. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a determination of consistency with the 2016 RTP/SCS for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
SLOVER/CACTUS AVENUE WAREHOUSE FACILITY PROJECT
[SCAG NO. IGR9846]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS. For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the RTP/SCS.

2016 RTP/SCS GOALS

The SCAG Regional Council adopted the 2016 RTP/SCS in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health (see <http://scagrtpscscs.neUPages/FINAL2016RTPSCS.aspx>). The goals included in the 2016 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2016 RTP/SCS are the following:

SCAG 2016 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and active transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*</i>
	<small>*SCAG does not yet have an agreed-upon security performance measure.</small>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG 2016 RTPISCS GOALS	
Goal	Analysis
RTP/SCS G1: <i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
RTP/SCS G2: <i>Maximize mobility and accessibility for all people and goods in the region</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

2016 RTP/SCS STRATEGIES

To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. Technical appendances of the 2016 RTP/SCS provide additional supporting information in detail. To view the 2016 RTP/SCS, please visit: <http://scagrtpscs.net/UPages/FINAL2016RTPSCS.aspx>. The 2016 RTP/SCS builds upon the progress from the 2012 RTP/SCS and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that the SCAG region strives toward a more sustainable region, while the region meets and exceeds in meeting all of applicable statutory requirements pertinent to the 2016 RTP/SCS. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

The 2016 RTP/SCS also identifies a goods movement system in the SCAG region and develops strategies to address expected growth trends and demands in goods movement. For further information on the goods movement strategies, please see the Goods Movement Appendix of the 2016 RTP/SCS (http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS_GoodsMovement.pdf).

For further information on SCAG's long-range comprehensive plan for the goods movement system in Southern California, please see "On the Move, Southern California Delivers the Goods" (http://www.freightworks.org/DocumentLibrary/CRGMPIS_Summary_Report_Final.pdf). For further information industrial development and warehousing in Southern California, please see "Industrial Warehousing in the SCAG Region" (<http://www.freightworks.org/DocumentLibrary/1Industrial%20Warehousing%20Report%20-%20Revised%202018.pdf>).

DEMOGRAPHICS AND GROWTH FORECASTS

Local input plays an important role in developing a reasonable growth forecast for the 2016 RTP/SCS. SCAG used a bottom-up local review and input process and engaged local jurisdictions in establishing the base geographic and socioeconomic projections including population, household and employment. At the time of this letter, the most recently adopted SCAG jurisdictional-level growth forecasts that were developed in accordance with the bottom-up local review and input process consist of the 2020, 2035, and 2040 population, households and employment forecasts. To view them, please visit <http://www.scag.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted Unincorporated San Bernardino County Forecasts		
	Year2020	Year2035	Year2040	Year2020	Year2035	Year2040
Population	19 663 000	22 091,000	22 138 800	304,300	340,400	344100
Households	6,458,000	7 325 000	7,412,300	99,900	110,500	111,300
Employment	8,414,000	9,441,000	9,871 500	69 600	88,300	91,100

MITIGATION MEASURES

SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (**MMRP**) on April 7, 2016 (please see: <http://scagrtpscsc.net/Pages/FINAL2016PEIR.aspx>). The Final PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA USPS AND E-MAIL:

April 2, 2019

Arong.Liang@lus.sbcounty.gov

Aron Liang, Senior Planner
County of San Bernardino, Land Use Services Department
Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Notice of Preparation of a Draft Environmental Impact Report for the Proposed Slover/Cactus Avenue Warehouse Facility Project¹

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files². These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

¹ The Proposed Project would include, among others, construction of a 257,855-square-foot warehouse on 13.27 acres.

² Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to SCAQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts. SCAQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the Proposed Project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance³ on strategies to reduce air pollution exposure near high-volume roadways can be found at: https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF.

SCAQMD Staff's Recommendation for Truck Trip Rates for High Cube Warehouse Projects

The Proposed Project will include, among others, construction of a 55,000-square-foot warehouse. SCAQMD staff recommends the use of truck trip rates from the Institute of Transportation Engineers

³ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

(ITE) for high cube warehouse projects located in SCAQMD (i.e. 1.68 average daily vehicle trips per 1,000 square feet and 0.64 average daily truck trips per 1,000 square feet). Consistent with CEQA Guidelines, the Draft EIR for the Proposed Project may use a non-default trip rate if there is substantial evidence supporting another rate is more appropriate for the air quality analysis.

Mitigation Measures

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 “Mitigating the Impact of a Project” of SCAQMD’S *CEQA Air Quality Handbook*. SCAQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Additional mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB’s adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB’s 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks⁴. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.

⁴ Based on a review of the California Air Resources Board’s diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: <http://www.truckload.org/tca/files/ccLibraryFiles/Filename/00000003422/California-Clean-Truck-and-Trailer-Update.pdf> (See slide #23).

- Provide electric vehicle (EV) Charging Stations (see the discussion below regarding EV charging stations).
- Should the Proposed Project generate significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce any significant adverse air quality impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.
- Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)⁵. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations⁶. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should be appropriately sized to allow for future expanded use.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.
- Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility.
- Design the Proposed Project to ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Restrict overnight parking in residential areas.
- Establish overnight parking within the Proposed Project where trucks can rest overnight.
- Establish area(s) within the Proposed Project site for repair needs.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors.

Additional mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the project site to generate solar energy for the facility.
- Maximize the planting of trees in landscaping and parking lots.

⁵ Southern California Association of Governments. Accessed at: <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>.

⁶ City of Los Angeles. Accessed at: http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf.

- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Use of water-based or low VOC cleaning products that go beyond the requirements of SCAQMD Rule 1113.

Alternatives

In the event that the Proposed Project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project.

Permits and SCAQMD Rules

In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a Responsible Agency for the Proposed Project. The assumptions in the air quality analysis in the Draft EIR will be the basis for permit conditions and limits. For more information on permits, please visit SCAQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD’s Engineering and Permitting staff at (909) 396-3385.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at SCAQMD’s webpage at: <http://www.aqmd.gov>.

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov or (909) 396-3308.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
SBC190313-05
Control Number

March 28, 2019

Mr. Aron Liang
Senior Planner
Land Use Services Department - Planning
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415

Dear Mr. Liang:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Slover/Cactus Avenue Warehouse Facility Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019039033. The proposed Project consists of the development of a 257,855 square-foot warehouse facility on 13.27 acres of land located within an unincorporated area of San Bernardino County. The Project will be divided into 247,855 square feet of warehouse space and 10,000 square feet of office space. There will be 104 trailer parking spaces and the warehouse will be accessed through 38 loading dock doors.

CARB is currently engaged in statewide efforts to identify actions that minimize emissions and community health impacts from freight facilities, including warehouse and distribution facilities such as the proposed Project. Warehouse and distribution facilities can result in high daily volumes of heavy-duty diesel truck traffic and operation of onsite equipment (e.g., forklifts, yard tractors, etc.) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change. The Project site is located within close proximity of existing emission sources such as warehouses, the Union Pacific (UP) rail yard, and a major freeway (1-10). There are residential receptors located immediately east, south, and west of the Project site, with the closest residence located approximately ten feet south of the Project's southern boundary. Other sensitive receptors located within one mile of the proposed Project site include Joe Baca Middle School, Ruth Grimes Elementary School, Bloomington Christian School, Crestmore Elementary School, Walter Zimmerman Elementary School, and Bloomington Head Start Preschool.

The State of California has recently placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the proposed Project is located. Diesel emissions generated during the construction and operation of the

Project would negatively impact existing sensitive receptors, which are already disproportionately impacted by air pollution, from existing freight facilities in the community.

The California Environmental Protection Agency (CalEPA) defines a disadvantaged community as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities that are disproportionately burdened by multiple sources of pollution. The census tract containing the proposed Project is within the top 1 percent for Pollution Burden and is directly adjacent to Bloomington, which is a designated disadvantaged community, as defined by CalEPA.

A preliminary air quality report and health risk assessment (HRA) was prepared for the Project and is currently available for public review on the County of San Bernardino's website. CARB staff is concerned that the estimated health risks associated with the operation of the Project are underestimated. According to the project description in the NOP, the conditional use permit would not restrict the Project from including cold storage warehouse space. The operation of cold storage warehouses would include trucks with transport refrigeration units (TRU) that emit significantly higher levels of toxic diesel emissions, oxides of nitrogen (NOx), and greenhouse gases than trucks without TRUs. Since it is unclear whether the Project would include cold storage warehouse space, the lead agency should revise the air quality technical report and HRA assuming a conservative percentage of the truck and trailer fleet serving the Project are equipped with TRUs.

In addition to the health risk associated with operations, construction health risks should be included in the HRA. Construction of the project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment required for construction activities. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months.¹ Since Project construction would occur over a twelve-month period and the nearest residence is located ten feet from the Project site, the lead agency should revise the HRA to include health risks for existing residences near the Project site during construction.

The lead agency should require mitigation measures to reduce the Project's construction and operational criteria pollutant and toxics emissions. The Project should utilize all existing and emerging zero-emission technologies that could minimize NOx and diesel emission exposure to the neighboring community. To that end, the lead

¹ Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program. February 2015.

Mr. Aron Liang
March 28, 2019
Page 137

agency should apply the recommended air pollution reduction measures for warehouses and distribution centers found in Attachment A of this comment letter.

CARB appreciates the opportunity to comment on the NOP for the proposed Project and is able to provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive, flowing style.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

Mr. Aron Liang
March 28, 2019
Page138

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812

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Andrea Vidaurre
Center for Community Action and Environmental Justice
P.O. Box 33124
Riverside, California 92519

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

To minimize exposure burdens from air pollution, California Air Resources Board (CARB) staff recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation. Below are some measures, currently recommend by CARB staff, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment, and providing the necessary infrastructure (e.g. electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating onsite. This includes the physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In lieu of Tier 4 engines, equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during either the grading or building construction phases be model year 2014 or later. Starting in the year 2022, all heavy-duty haul trucks should also meet CARB's lowest optional low-NOx standard.¹

¹ In 2013, CARB adopted optional low-NOx emission standards for on-road heavy-duty engines. CARB staff encourages engine manufacturers to introduce new technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model years 2010 and later. CARB's optional low-NOx emission standard is available at <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff is available to provide assistance in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units (APU). This will eliminate the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate from within the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included lease agreements.²
3. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the site to be electric or powered by compressed natural gas.
4. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering the project site to be model year 2014 or later.
5. Starting in the year 2022, include contractual language in tenant lease agreements that requires all trucks entering the project site to meet CARB's lowest optional low-NOx standard.

² CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

6. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
7. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while onsite.
8. Include contractual language in tenant lease agreements that limits onsite TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts mitigated.
9. To reduce indirect greenhouse gas (GHG) emissions, include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

³ In December 2008, CARS adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁵ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

NATIVE AMERICAN HERITAGE COMMISSION
 Cultural and Environment Department
 1590 Harbor Blvd., Sult. 100
 WHI: Sacramento, CA.95891 Phone (918) 373-3710
 Email: neho@nahc.ca.gov
 Website: <http://www.nahc.ca.gov>
 Twlfdlllr: **NAHC**

RECEIVED
 2019 APR -6 AM 2:14
 LAND USE SERVICES
 ADMINISTRATION



April 2, 2019

Aron Liang
 San Bernardino County
 385 N. Arrowhead Avenue, 1st Floor
 San Bernardino, CA 9241 182

RE: SCH# 2019039033 Slover/Cactus Avenue, San Bernardino County

(Dear Mr. Liang:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate** category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AS 52 **applies** to any project for which a notice of preparation, a notice of **negative** declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 **and** AS 52 **have** tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et **seq.**) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 38 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult **your legal** counsel about compliance with AS 52 **and** SB 18 **as well as** **compliance** with **any other applicable** laws.

AB52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice Of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. **Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. **Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. **Type of environmental review necessary.**
 - b. **Significance of the tribal cultural resources.**
 - c. **Significance of the project's impacts on tribal cultural resources.**
 - d. **If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.** (Pub. Resources Code §21080.3.2 (a)).
5. **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
8. **Discussion of Impacts to Tribal Cultural Resources in the Environmental Document** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Concivision of Consultation: Consultation with a·b1be shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource: or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - I. Planning and construction to avoid the resources and protect the cultural and natural context.
 - II. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - I. Protecting the cultural character and integrity of the resource.
 - II. Protecting the traditional use of the resource.
 - III. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. **Please** note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. **Please** note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52Tribal1Consultation_CalEPAPDF.pdf

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's Tribal Consultation Guidelines, which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pclf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a Tribal Consultation List. If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (8)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

■ . . .

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not buried associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs.; tit 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Steven.Quinn@nahc.ca.gov.

Sincerely,



Steven Quinn
Associate Governmental Program Analyst

cc: State Clearinghouse

November 12, 2019

Mr. Gene Klatt
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

SUBJECT: SLOVER & CACTUS WAREHOUSE FAIR SHARE CONTRIBUTION

Dear Mr. Gene Klatt:

The purpose of this letter is to provide engineering estimates for fair share contributions to the City of Rialto for the improvements identified at study area intersections located within or sharing a border with the City of Rialto for the proposed Slover & Cactus Warehouse development (referred to as “Project”) located on the southwest corner of Cactus Avenue and Slover Avenue in the County of San Bernardino. These estimates are based on the improvements evaluated and identified in the May 2019 Slover and Cactus Warehouse Traffic Impact Analysis (referred to as “2019 Traffic Study”).

Detailed fair share calculations for each peak hour were provided on Table 1-5 of the 2019 Traffic Study (see Attachment A), which identifies the Project’s percent contribution for the cumulatively impacted intersections and recommended improvements that are not already included in a pre-existing fee program. However, the methodology utilized in the 2019 Traffic Study are based on the County’s traffic study guidelines and approved scoping agreement. It is our understanding that the City of Rialto utilizes a different trip generation rate for all warehouse uses within the City. The use of the City of Rialto’s trip generation rates for warehouse uses for the proposed Project would result in higher trip generation estimates than those evaluated in the 2019 Traffic study using the County’s guidelines. As a result, the Project’s fair share contribution to the intersections that are either within or share a border with the City of Rialto are understated in the 2019 Traffic Study when compared to the contribution from other projects located and processed through the City.

Table 1 identifies the City of Rialto’s trip generation rates for warehousing uses and provides a summary of the Project’s trip generation based on the City’s rates. As shown on Table 1, the Project is anticipated to generate 1,540 passenger car equivalent (PCE) trip ends per day with 130 PCE AM peak hour trips and 139 PCE PM peak hour trips. Based on the Project’s trip generation using the City of Rialto’s rates for warehousing uses and the trip distribution patterns from the 2019 Traffic Study, Table 2 shows the resulting Project fair share percentages. The Project’s fair share ranges from 2.15 percent to 21.00 percent.

The fair share contribution cost estimates have been prepared to determine the appropriate contribution value based upon the Project’s fair share of traffic, as part of the project approval process, which is shown on Table 3. The methodology utilized for the purposes of this fair share assessment is consistent with that utilized for other recent projects within the City of Rialto. Table 3 also summarizes the applicable cost associated with each of the recommended improvements based on the costs

Mr. Gene Klatt
City of Rialto
November 12, 2019
Page 2 of 2

presented in the 2019 Traffic Study. The costs reflected at the Riverside Avenue & I-10 Freeway interchange and at the intersection of Riverside Avenue at Slover Avenue were provided by the City of Rialto.

It is recommended that the City of Rialto staff approve the methodology outlined within this letter and the resulting fair share cost of \$531,585 be paid by the Project to the City of Rialto to address the Project's cumulative contributions to intersections located within the City of Rialto. Pursuant to discussions with County staff, it is our understanding that the County has not collected any fair share funds that would be applicable to the future signal at Cactus Avenue and Slover Avenue.

It is requested that the City confirm the approval of the fee estimates and provide payment remittance instructions. If you have any questions, please contact me directly at (949) 336-5982.

Respectfully submitted,
URBAN CROSSROADS, INC.



Charlene So, PE
Associate Principal

Table

Project Trip Generation Summary (PCE)

Land Use	Units ²	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Rates (Actual Vehicles)¹									
Warehouse ³	TSF	150	0.240	0.060	0.300	0.080	0.240	0.320	3.560
	Passenger Cars (60.0%)		0.144	0.036	0.180	0.048	0.144	0.192	2.136
	2-Axle Trucks (0.8%)		0.002	0.000	0.002	0.001	0.002	0.003	0.028
	3-Axle Trucks (11.2%)		0.027	0.007	0.034	0.009	0.027	0.036	0.399
	4-Axle+ Trucks (28.0%)		0.067	0.017	0.084	0.022	0.067	0.090	0.997
Project Trip Generation Rates (PCE)⁴									
Warehouse ³	TSF	150	0.240	0.060	0.300	0.080	0.240	0.320	3.560
	Passenger Cars (60.0%)		0.144	0.036	0.180	0.048	0.144	0.192	2.136
	2-Axle Trucks (0.8%) (PCE = 1.5)		0.003	0.002	0.005	0.002	0.003	0.005	0.044
	3-Axle Trucks (11.2%) (PCE = 2.0)		0.054	0.014	0.068	0.018	0.054	0.072	0.798
	4-Axle+ Trucks (28.0%) (PCE = 3.0)		0.201	0.048	0.249	0.066	0.201	0.267	2.988

Project	Quantity	Units ²	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Summary (Actual Vehicles)									
Slover & Cactus Warehouse	257.855	TSF							
Passenger Cars:			37	9	46	12	37	49	552
Truck Trips:									
2-axle:			0	0	0	0	0	0	8
3-axle:			7	2	9	2	7	9	104
4+-axle:			17	4	21	6	17	23	258
- Truck Trips (Actual Vehicles)			24	6	30	8	24	32	370
TOTAL TRIPS (Actual Vehicles)⁵			61	15	76	20	61	81	922
Project Trip Generation Summary (PCE)									
Slover & Cactus Warehouse	257.855	TSF							
Passenger Cars:			37	9	46	12	37	49	552
Truck Trips:									
2-axle:			1	1	2	1	1	2	12
3-axle:			14	4	18	5	14	19	206
4+-axle:			52	12	64	17	52	69	770
- Truck Trips (PCE)			67	17	84	23	67	90	988
TOTAL TRIPS (PCE)⁵			104	26	130	35	104	139	1,540

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Ninth Edition (2012).

² TSF = thousand square feet

³ Vehicle & Truck Mix Source: City of Rialto Public Works Department Traffic Impact Analysis Report Guidelines and Requirements (2013).

⁴ PCE rates are per City of Rialto Public Works Department Traffic Impact Analysis Report Guidelines and Requirements (2013).

⁵ TOTAL TRIPS = Passenger Cars + Truck Trips

Table

Project Fair Share Calculations for Intersections

#	Intersection	Existing	Project	2040 With Project Volume	Total New Traffic	Project Fair Share
8	Cactus Av. & Slover Av.	AM: 553	67	872	319	21.00%
		PM: 1,002	72	1,602	600	12.00%
12	Riverside Av. & I-10 EB Ramps	AM: 4,074	45	6,056	1,982	2.27%
		PM: 4,364	48	6,600	2,236	2.15%
13	Riverside Av. & Slover Av.	AM: 3,532	52	5,186	1,654	3.14%
		PM: 3,631	56	5,553	1,922	2.91%

BOLD = Denotes highest fair share percentage.

Table 3

Summary of Improvements and Rough Order of Magnitude Costs

#	Intersection Location	Jurisdiction	Existing (2019)	E+P	2020 Without Project	2020 With Project	2040 Without Project	2040 With Project	Project Responsibility ⁴	Improvements in County DIF? ³	Total Cost ²	Fair Share % ²	Fair Share Cost ⁴
8	Cactus Av. & Slover Av.	County of San Bernardino, City of Rialto	None	None	None	None	Install a traffic signal Add WB left turn lane	Same	Fair Share	No No	\$600,000 \$50,000 Total \$650,000	21.00%	\$126,019 \$10,502 \$136,520
12	Riverside Av. & I-10 EB Ramps	City of Rialto, Caltrans	None	None	Add NB right turn lane	Same	Same	Same	Fair Share	No	– Total \$16,936,800	2.27%	\$384,539 \$384,539
13	Riverside Av. & Slover Av.	City of Rialto	None	None	Add SB right turn lane Add 2nd EB left turn lane Modify the traffic signal to protect the eastbound and westbound left turns and run the eastbound and westbound left turns as lead-lag, with the westbound left turn running as lag	Same Same Same	Same Same Same Add 3rd NB through lane	Same Same Same Same	Fair Share Fair Share Fair Share Fair Share	No No No No	– – – – Total \$334,800	3.14%	– – – – \$10,526
Total Project Fair Share Contribution to the City of Rialto⁵											\$531,585		

¹ Improvements included in County of San Bernardino DIF program for local, regional and specific plan components.

² Program improvements constructed by the Project may be eligible for fee credit, at discretion of County. See Table 2 for Fair Share Calculations.

³ Total project fair share contribution consists of the improvements for those intersections wholly or partially within the City of Rialto.

⁴ Identifies the Project's responsibility to construct an improvement or contribute fair share towards the implementation of the improvement shown.

⁵ Cost for Riverside Avenue & I-10 Freeway interchange, which includes overpass widening, provided by City of Rialto. Cost of improving Riverside Avenue and Slover Avenue were also provided by City of Rialto.

ATTACHMENT A
TABLE 1-5 FROM THE 2019 TRAFFIC STUDY

Table 1-5

Summary of Improvements and Rough Order of Magnitude Costs

#	Intersection Location	Jurisdiction	Existing (2019)	E+P	2020 Without Project	2020 With Project	2040 Without Project	2040 With Project	Project Responsibility ⁶	Improvements in County DIF? ³	Total Cost ²	Fair Share % ²	Fair Share Cost ⁴
1	Cedar Av. & I-10 Westbound Ramps	County of San Bernardino, Caltrans	None	None	None	None	Add 2nd NB left turn lane	Same	Fair Share	No	\$858,000	1.79%	\$15,345
Total											\$858,000		\$15,345
2	Cedar Av. & I-10 Eastbound Ramps	County of San Bernardino, Caltrans	None	None	Add EB right turn lane	Same	Same Add 2nd SB left turn lane	Same Same	Fair Share	No	\$350,000 \$858,000	2.04%	\$7,148 \$17,522
Total											\$1,208,000		\$24,670
4	Cedar Av. & Slover Av.	County of San Bernardino	None	None	Restripe to add 2nd EB left turn lane	Same	Same Add SB right turn lane Add WB right turn lane	Same Same Same	Fair Share	No No No	\$50,000 \$50,000 \$50,000	2.96%	\$1,480 \$1,480 \$1,480
Total											\$150,000		\$4,440
8	Cactus Av. & Slover Av.	County of San Bernardino, City of Rialto	None	None	None	None	Install a traffic signal Add WB left turn lane	Same	Fair Share	No No	\$600,000 \$50,000	12.80%	\$76,817 \$6,401
Total											\$650,000		\$83,218
12	Riverside Av. & I-10 EB Ramps	City of Rialto, Caltrans	None	None	Add NB right turn lane	Same	Same	Same	Fair Share	No	--	--	\$86,532
Total^{7,8}											\$16,936,800		\$86,532
13	Riverside Av. & Slover Av.	City of Rialto	None	None	Add SB right turn lane Add 2nd EB left turn lane Modify the traffic signal to protect the eastbound and westbound left turns and run the eastbound and westbound left turns as lead-lag, with the westbound left turn running as lag	Same Same Same	Same Same Same Add 3rd NB through lane	Same Same Same Same	Fair Share Fair Share Fair Share Fair Share	No No No No	-- -- -- --	--	\$1,710 -- -- --
Total^{7,8}											\$334,800		\$1,710
Total Costs for Horizon Year (2040) Improvements											\$19,802,800		\$215,915
Total Project Fair Share Contribution to the County of San Bernardino⁵													\$62,856
Total Project Fair Share Contribution to the City of Rialto⁴													\$89,786
Total Project Fair Share Contribution to Caltrans⁵													\$63,274

¹ Improvements included in County of San Bernardino DIF program for local, regional and specific plan components.

² Program improvements constructed by the Project may be eligible for fee credit, at discretion of County. See Table 1-6 for Fair Share Calculations.

³ Total project fair share contribution consists of the improvements for those intersections wholly or partially within unincorporated County of San Bernardino.

⁴ Total project fair share contribution consists of the improvements for those intersections wholly or partially within the City of Rialto.

⁵ Total project fair share contribution consists of the improvements for those intersections wholly or partially within Caltrans' jurisdiction.

⁶ Identifies the Project's responsibility to construct an improvement or contribute fair share towards the implementation of the improvement shown.

⁷ Cost for Riverside Avenue & I-10 EB Ramps is provided by the City of Rialto, which includes overpass widening.

⁸ Fair share costs are based on the City of Rialto's DIF study, which estimates the cost at \$375.50 per PCE trip. Fair share is proportionally split between the interchange ramp and the intersection of Riverside Avenue & Slover Avenue.

September 19, 2018

YM March 21, 2019

To whom it may concern:

Regarding the development proposal Assessor Parcel Number 0257-071-03, applicant, Clark Neuhoff. We, Randall and JaynElain Mills, residents of Bloomington, have multiple concerns of what comes with this land use change proposal and the building of a warehouse on the properties located adjacent to an established residential neighborhood.

Concerns being:

1. Hours of allowed operation of any business that is leasing the warehouse
2. Noise created by the business that is using building, for example, back up beeping on vehicles, internal machinery noise, extra traffic on Cactus Ave. and Otilla St.
3. External lighting of the building across the back and from any windows of building.
4. Height of building blocking wave reception for home antenna and cell phone frequencies, many of us do not and can not use cable nor do we have the income to sustain it.
5. Parking, on S. Cactus Ave., of employee's vehicles, motorhomes, or any type of truck, semi or delivery, for short or long periods of time, like overnight or just idling and waiting to have access to business on Cactus Ave.
6. Renters of warehouse adding outside storage tanks, cubes, etc.
7. Additional traffic of personal vehicles, semi- trucks, and delivery vehicles on an already overloaded Cactus Ave. as well as onto the residential streets such as Otilla St.
8. How will the restriction of public access behind building be addressed?
9. Do all restrictions and conditions transfer to new occupants?
10. Perimeter fencing at county requirement (6-8ft) won't be high enough for privacy in our yards or to the back of our houses, many having bedrooms and bathrooms located in the rear of house.
11. Security cameras infringing on privacy of our property

We appreciate your considerations of the above listed concerns,

Sincerely,
Randall and JaynElain Mills

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Rmills7077@aol.com

EXHIBIT G

Final Environmental Impact Report (SCH No. 2019039033)

https://www.sbcounty.gov/uploads/LUS/Environmental/SLOVER_CACTUS_FEIR.pdf

(Slover/Cactus Warehouse Project EIR)

Draft Environmental Impact Report (SCH No. 2019039033)

The County of San Bernardino (County) has prepared this Errata sheet to clarify and correct information in the Final Environmental Impact Report (Final EIR or FEIR) for the Slover/Cactus Avenue Warehouse Project (PROJ-2020-00127). This Errata sheet includes minor edits to the Final EIR for the Project and subsequent revisions herein do not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect. Additionally, information clarified in the Final EIR does not present a feasible Project alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications in the Draft EIR. New information added to the Final EIR is not “significant”, and recirculation of the Draft EIR is not required (see Guidelines Section 15088.5). The County has reviewed the information in this Errata sheet and has determined that it does not change any of the findings or conclusions of the Final EIR and does not constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5.

In conformance with Section 15121 of the CEQA Guidelines, the Final EIR, technical appendices and reports thereof, together with the Errata, are intended to serve as documents that will generally inform the decision-makers and the public of environmental effects of the Project. This Errata, combined with the Mitigation Monitoring and Reporting Program, and Response to Comments, comprises the Final EIR.

Modifications and Clarifications

The discussion within EIR Section 2.0, *Environmental Setting*, is supplemented to include a description of the location and setting of the Upzone Site:

The Upzone Site is located within the unincorporated community of Bloomington. The Upzone Site, which comprises APN 0259-161-45 and encompasses approximately 18.1 acres, is located approximately 300 feet south of Jurupa Avenue, approximately 275 feet north of Lusitano Drive, east of Appaloosa Lane, and west of Spruce Avenue. The Upzone Site is undeveloped and vacant under existing conditions, with the exception of electrical power line towers that traverse the southern portion of the Site, abutting the southern property boundary. The Upzone Site is routinely maintained to reduce fire fuel loads (i.e., weed abatement) and does not contain natural habitat; dirt access roads crisscross the property. The Upzone Site has an existing land use designation of “RS-20M,” which is a residential classification that requires single-family residential uses on minimum 20,000 s.f. lots. The Upzone Site abuts residential agriculture land uses on the north, single-family residential land uses on the west and south, and a church, single-family residential land uses, and vacant land on the east.

The discussion within EIR Section 3.0, *Project Description*, is supplemented to include a description of the actions necessary to implement the proposed upzone action:

Approval of PROJ-2021-00131 would: 1) change Land Use Category designation for the Upzone Site from Very Low Density Residential (VLDR) to Low Density Residential (LDR); and 2) would change the Zone Map designation for the Upzone Site from Single Residential – 20,000 s.f. lots (RS-20M) to Single Residential – 14,000 s.f. lots (RS-14M). The proposed changes to the Land Use Category and Zone Map designations for the Upzone Site would increase the maximum number single-family dwelling units that could be constructed on the Site from 39 units to 56 units, an increase of 17 units. PROJ-2021-00131 is required pursuant to the requirements of the Housing Crisis Act of 2019 (SB 330) to offset the conversion of APNs 0257-071-03, -04, & -39, which allow for the development of up to 13 potential dwelling units under existing land use regulations, to a non-residential land use category.

EXHIBIT H

Policy Plan, Zoning Amendments, and CUP Findings

The findings are in support of the following actions:

Upzone Site: 1) Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) on a single 18.1-acre parcel, 2) Zoning Amendment from Single Residential – 20,000 square-foot lots (RS-20M) to Single Residential – 14,000 square-foot lots (RS-14M) on a single 18.1-acre parcel (Upzone Site)

Project Site: 1) Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI) on three parcels totaling 13.27 acres, 2) Zoning Amendment from Single Residential-1-Acre Minimum Lot Size with Additional Agriculture (RS-1-AA) to Community Industrial (IC) on three parcels totaling 13.27 acres, and 3) Conditional Use Permit to construct a 257,855 square-foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility on a 13.27-acre parcel (Project).

FINDINGS: Policy Plan/Zoning Amendment - Upzone Site

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for the Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) on a single 18.1-acre parcel; and Zoning Amendment from Single Residential – 20,000 square-foot lots (RS-20M) to Single Residential – 14,000 square-foot lots (RS-14M) on a single 18.1-acre parcel (Upzone Site):

1. The proposed amendment is internally consistent with all other provisions of the Policy Plan.

The proposed amendment is consistent with the applicable goals and policies of the Policy Plan, including, but not limited to, the following:

Policy LU-1.1 Growth: Support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

Consistency: The proposed amendment will benefit existing communities by allowing the addition of residential units in the Blooming community. The area surrounding the site of the proposed amendment has an established residential land use pattern integrated with a variety of lot sizes consisting of both older and newly constructed single-family residences. Immediately adjacent to the property that is the subject of the proposed amendment is a community faith-based Church facility, as well as a utility corridor located along the entire southerly property line. With the eventual development of the property, extensions of sewer mains, water mains, and other infrastructure would occur, thereby, inducing and supporting continued residential growth in this area of Bloomington.

Policy LU-2.1 Compatibility with existing uses: Require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential

developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development

Consistency: The proposed amendment will support the future development of vacant land and the extension of infrastructure in an area currently void of those improvements. Design of residential lots and units will be subject to the San Bernardino County Development Code and conditions of approval to ensure compatibility with the existing neighborhood.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed amendment is being processed in order to comply with the requirements of Senate Bill 330 (SB 330) to ensure a net loss of residential capacity does not occur in the Bloomington community. The proposed amendment will authorize the addition of approximately 17 single-family residential units on the property and an overall increase of approximately four single-family residential units in the Bloomington community. Construction of the single-family residential units are not proposed or authorized at this time, however, as shown in the supporting documents, the future construction of the additional residential units will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The public interest will be served as a result of the proposed amendment because it will facilitate the increase in revenue to the community as a result of increased property taxes, development impact fees, and additional housing opportunities that are consistent with the goals and policies of the County's Housing Element.

3. The proposed amendment is in the public interest, therefore will be a community benefit, and other existing and allowed uses will not be compromised.

The project site is currently undeveloped land that is underutilized. The proposed amendment facilitates a project that will comply with SB 330 requirements and provide for future residential development in the area of the community established with a residential development pattern. Adjacent properties have developed as residential uses with a variety of lot sizes and construction types. Public improvements and enhanced services will result from the future development of the site. As such, the proposed amendment will be a benefit to the community and not compromise existing development in the area.

4. The proposed amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

The site directly abuts an established residential land use pattern and will contribute to preserving and enhancing an established and growing community. The proposed amendment would authorize an increase in the density of single-family residential units on the site. Any future construction of the single-family residential units would be

designed and constructed in compliance with residential development standards required by the Development Code.

5.The proposed amendment does not conflict with provisions of the Development Code.

The proposed amendment will promote development of a conventional suburban residential neighborhood that will be supported and are served by common infrastructure, public facilities, and services. Conditions of approval and the plan check process will ensure the proposed future use is in compliance of countywide development standards and standards for specific land uses and activities.

6.The proposed amendment will not have a substantial adverse effect on surrounding property.

No application for the development of this property is currently proposed or on file with the County. Any future development proposal for this property would be similar to what is currently allowed by the existing land use and zoning designation. Moreover, any future development proposal will require the submittal of an entitlement application and would be subject to Countywide standards that are intended to ensure the proposed amendment will not have a substantial adverse effect on surrounding property.

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.

No application for the development of this property is currently proposed or on file with the County. However, any future development proposal would require the future submittal of an entitlement application and would be subject to Countywide development standards.. With the eventual development of the property, extensions of sewer mains, water mains, and other infrastructure would occur. The area surrounding the site of the proposed amendment has an established residential land use pattern integrated with a variety of lot sizes consisting of both older and newly constructed single-family residences that would not be endangered or jeopardized by the added growth and use of existing services in the area.

FINDINGS: Policy/Zoning Amendment – Project Site

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for the: Policy Plan Amendment from Very Low Density Residential (VLDR) to Limited Industrial (LI) on three parcels totaling 13.27 acres; and the Zoning Amendment from Single Residential-1-Acre Minimum Lot Size with Additional Agriculture (RS-1-AA) to Community Industrial (IC) on three parcels totaling 13.27 acres, proposed in conjunction with a Conditional Use Permit to construct a 257,855 square-foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility on a 13.27-acre parcel (Project).

1. The proposed amendment is internally consistent with all other provisions of the Policy Plan.

The Project site is located on southwest corner of Cactus Avenue and Slover Avenue. It is surrounded by commercial, industrial and railroad uses to the north, east and west and residential development to the south. Based on the evidence contained in the Project's supporting documents, the proposed amendment is internally consistent with all applicable goals and policies of the Policy Plan, including, but not limited to, the following:

Policy LU-1.3. Fiscal sustainability. When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

Consistency: The proposed amendment will require the applicant to construct and install all necessary improvements to serve the Project and maintain service levels in the community, including the requirement to pay all applicable development impact fees to ensure long-term operations and maintenance of public facilities and services.

Policy LU-2.1. Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: The Project site is located in an area where commercial and industrial uses exist and are adjacent to residential uses. The proposed amendment will support the development of a warehouse and distribution facility. The site design for the proposed use provides sufficient setbacks, building orientation, landscaping and buffering, including block walls, to minimize potential negative impacts on existing conforming uses and adjacent neighborhoods.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed amendment will facilitate the development of a high-cube warehouse facility that has been conditioned and designed in a manner that will not be detrimental to the public health, safety and welfare. The public interest will be served in that the Project

will generate increased revenue to the community as a result of increased property taxes, development impact fees, community benefits and employment opportunities.

3.The proposed amendment is in the public interest, therefore will be a community benefit, and other existing and allowed uses will not be compromised.

The Project site primarily consists of undeveloped land that is underutilized and impacted by its proximity to a major truck route and ongoing industrial and rail-oriented operations. The proposed amendment will facilitate a Project that will incorporate the use of logistics operations along a heavily traveled truck transportation corridor and directly across from a major rail corridor. Adjacent properties have been developed as industrial uses in keeping with the proximity to established truck routes and access to regional transportation corridors. Public improvements and enhanced services will result from the Project. As such, the proposed amendment will be a benefit to the community and not compromise existing development in the area.

4.The proposed amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

The Project site is located on southwest corner of Cactus Avenue and Slover Avenue. It is surrounded by commercial, industrial and railroad uses to the north, east and west and residential development to the south. The Project site is physically separated from neighboring land uses by existing roadways or mixed residential and industrial commercial development. Because the Project site does not directly abut any established land uses, there is no potential for the Project to cause or cumulatively contribute to the division of an established community. The proposed amendment would permit development of an industrial warehouse facility that is consistent with the existing land use pattern in the surrounding area.

5.The proposed amendment does not conflict with provisions of the Development Code.

The proposed amendment facilitates a Project that is compatible with the Community Industrial (IC) land use. Conditions of Approval and the plan check process will ensure the proposed future use is in compliance with countywide development standards and standards for specific land uses and activities.

6.The proposed amendment will not have a substantial adverse effect on surrounding property.

An environmental impact report (EIR) was prepared for the Project, which concludes that the Project will not have a substantial impact of the environment with the implementation of recommended mitigation measures with the exception of transportation impacts due to level of service (LOS).As mentioned in the Projects Traffic Impact Analysis (TIA) (in Table 4.12-26 and Table 4.12-27), all study area intersections would operate at acceptable LOS under Opening Year and Horizon Year traffic scenarios with recommended improvements. However, to achieve acceptable levels of service along study area intersections, improvements are required that are either: 1) not under the sole

jurisdictional authority of the County (meaning the County cannot assure or required that the recommended improvements be implemented by other jurisdictions); and/or 2) not included in any existing mitigation funding program to ensure a date certain installation. Because the County cannot assure that all the recommended improvements would be implemented and/or in place at the time of need, the Project’s cumulatively considerable impacts at certain study area intersection are recognized as significant and unavoidable for purposes of CEQA. Based on statements of overriding consideration, the County finds the project has an overriding public benefit and will not have a substantial adverse effect on surrounding property.

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.

The proposed amendment will not jeopardize or constitute a hazard to property or improvements in the vicinity. All components of the Project were analyzed by the appropriate County departments and determined to be physically suitable in terms of design, location, shape, size, and operating characteristics, including the provision of public and emergency vehicle access and public services and utilities, to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

CONDITIONAL USE PERMIT FINDINGS:

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for the Conditional Use Permit to construct a 257,855 square-foot industrial warehouse building with 10,000 square feet of office space for a high-cube warehouse facility on a 13.27-acre parcel (Project).

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.

The Project site plan complies with all applicable Development Code standards in terms of setbacks, parking, landscaping, walls, and fences. A 10-foot block wall is provided on the south and west boundary of the site where it is adjacent to residential land uses and residential zoning designation.

2. The site for the proposed use has adequate legal and physical access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.

The site for the proposed use has adequate access. The site will be accessed utilizing four commercial/industrial driveways with two located on Slover Avenue and two located on Cactus Avenue, which will provide legal and physical access to the site and appropriate regional circulation mitigation has been required. The project design and proposed conditions of approval provide for the streets surrounding the site to be fully improved to provide legal and physical access to the site. On-site circulation drive aisles meet the San Bernardino County Fire Protection District standards.

3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.

The proposed use will not generate excessive noise, vibration, lighting, glare, or other disturbance (with the implementation of the required mitigations measures) as indicated in the Project's Environmental Impact Report (EIR). The Project is required to comply with all requirements of the County Development Code with respect to noise, vibration, lighting, and glare. In addition, the use will not interfere with the present or future ability to use solar energy systems. Traffic impacts, although subject to adoption of overriding conditions, requires appropriate fair share contributions and public improvements. Benefits provided to the public through approval and implementation of the Project have been determined to outweigh the identified environmental impacts and will not have a substantial adverse effect on abutting property.

4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan and any applicable Community or Specific Plan.

With adoption of the proposed Policy Plan and Zoning Amendment, the Project is consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan. The Project specifically implements the following goals and policies:

Goal LU-1. Fiscally Sustainable Growth. Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.

Policy LU-1.2. Infill Development. We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

Consistency: The proposed Project is located on underutilized lots in a well-traveled area along Cactus and Slover Avenues approximately 0.86 miles south of Interstate 10 that would provide economic benefit to the community. The Project is sited within an industrial land use category designation subject to a zone amendment along an industrial roadway corridor.

Policy LU-1.3. Fiscal sustainability. When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts

to existing uses in incorporated and unincorporated areas.

Consistency: The applicant will be required to construct and install all necessary improvements to serve the Project and maintain service levels in the community, including the requirement to pay all applicable development impact fees as well as property taxes to ensure long-term operations and maintenance of public facilities and services.

Goal LU-2 Land Use Mix and Compatibility: An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

Policy LU-2.1 Compatibility with Existing Uses: We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: The Project is located in a corridor with other compatible commercial and industrial uses within zoning districts which provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area. The Project is located in a corridor with other compatible industrial uses within the Community Industrial Land Use Category, which provides sites for commercial/industrial trade, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area.

- Ensure that transportation system improvements are made to Slover Avenue and Valley Boulevard where facilities are at or near capacity.
- Full street improvements including paving, curbs, gutters and sidewalks shall be encouraged where necessary for public health, safety and welfare.
- Work with adjacent cities and appropriate agencies to identify deficiencies and provide needed improvements at the intersections of Cedar Avenue, Alder Avenue, Cactus Avenue and Interstate 10. Researched deficiencies shall include an evaluation of both vehicular and pedestrian access, and circulation at these intersections.
- Adopt and enforce a truck route plan for the Bloomington plan area that limits truck traffic to designated truck routes. Signs and improved enforcement shall direct non-local and through trucks to the designated truck routes. The truck route plan shall also identify opportunities for Transportation Services within the plan area to accommodate truck parking. Coordinate truck routing plans with the adjacent cities. Truck routes to

include the following:

- A. Slover Avenue
- B. Cedar Avenue

- During the development review process, ensure that development proposals which may impact water quality are consistent with the Santa Ana Regional Water Quality Control Board standards.

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 Project is conditioned to require the necessary supporting infrastructure. The Applicant's responsibility for the Project's contributions towards off-site intersection deficiencies is fulfilled through payment of fair share or participation in the pre-existing fee programs that would be assigned to construction of the identified recommended improvements. The Applicant would be required to pay requisite fair share contributions and fee payments consistent with the County's requirements. Water service is provided by the West Valley Water District. An existing 18-inch-diameter water line is located beneath Slover Avenue (abutting the Project site on the north) and an existing 12-inch-diameter line is located beneath Cactus Avenue (abutting the Project site on the east). Sewer service will be provided by the City of Rialto (via the Rialto Wastewater Treatment Plant). The Rialto Wastewater Treatment Plant has a treatment capacity of 12 million gallons per day (MGD) and a current treatment flow of 8 MGD. (WSC, 2017, p. 11-13) An existing 12-inch-diameter sewer line beneath Slover Avenue conveys wastewater flows in the Project area to the Rialto Wastewater Treatment Plant.

6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety, and general welfare.

The conditions of approval include measures that require the developer to comply with countywide performance measures outlined in the Development Code, as well as mitigated potential environmental effects discussed and outlined in the Project's EIR and therefore are deemed reasonable and necessary.

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.

Through the orientation and design of the buildings/structures on the Project site, the Project will be able to take advantage of passive solar heating capabilities and roof mounted systems to reduce carbon footprint impacts.