



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: January 9, 2020**

**AGENDA ITEM 2**

<u>Project Description</u>	<u>Vicinity Map -</u>
<p><b>APN:</b> 0292-041-42, 43, 47, and 48</p> <p><b>Applicant:</b> Michael Weber / Duke Realty Limited Partnership</p> <p><b>Community:</b> Redlands/3rd Supervisorial District</p> <p><b>Location:</b> Northwest corner of Palmetto Avenue and Alabama Street</p> <p><b>Project No:</b> P201800232/CUP</p> <p><b>Staff:</b> Aron Liang</p> <p><b>Rep:</b> Bridget Herdman</p> <p><b>Proposal:</b> Conditional Use Permit to construct a 1,192,671 square foot high cube, non-refrigerated warehouse and logistics center, and Tentative Parcel Map to combine four parcels into one parcel, on approximately 55.18 acres.</p>	

**23 Hearing Notices sent on December 27, 2019**

Report prepared by: Aron Liang, Senior Planner

**SITE INFORMATION:**

Parcel Size: 55.18 acres  
 Terrain: Relatively flat vacant site  
 Vegetation: Former citrus grove and non-native grasses

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

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant Land/Former Citrus Grove	East Valley/Regional Industrial (EV/IR)
North	City of Redlands/Sewage Plant	City of Redlands
South	Vacant Properties	East Valley/Regional Industrial (EV/IR)
East	1.5-Million Sq.Ft. Warehouse Facilities	East Valley/Regional Industrial (EV/IR)
West	268,000-Sq.Ft. Warehouse Facility and Vacant Properties	East Valley/Regional Industrial (EV/IR)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	East Valley Area Plan
Water Service:	City of Redlands	Per Service Agreement Resolution
Sewer Service:	City of Redlands	Per Service Agreement Resolution

**STAFF RECOMMENDATION:** That the Planning Commission **CERTIFY** the Environmental Impact Report (SCH No. 2019029078), **ADOPT** the CEQA Findings of Fact and Statement of Overriding Considerations, **ADOPT** the Mitigation Monitoring/Reporting Program, **APPROVE** the Conditional Use Permit subject to the Conditions of Approval, **APPROVE** the Tentative Parcel Map subject to the Conditions of Approval, **ADOPT** the Conditional Use Permit and Tentative Parcel Map Findings, and **DIRECT** staff to file a Notice of Determination. <sup>1</sup>

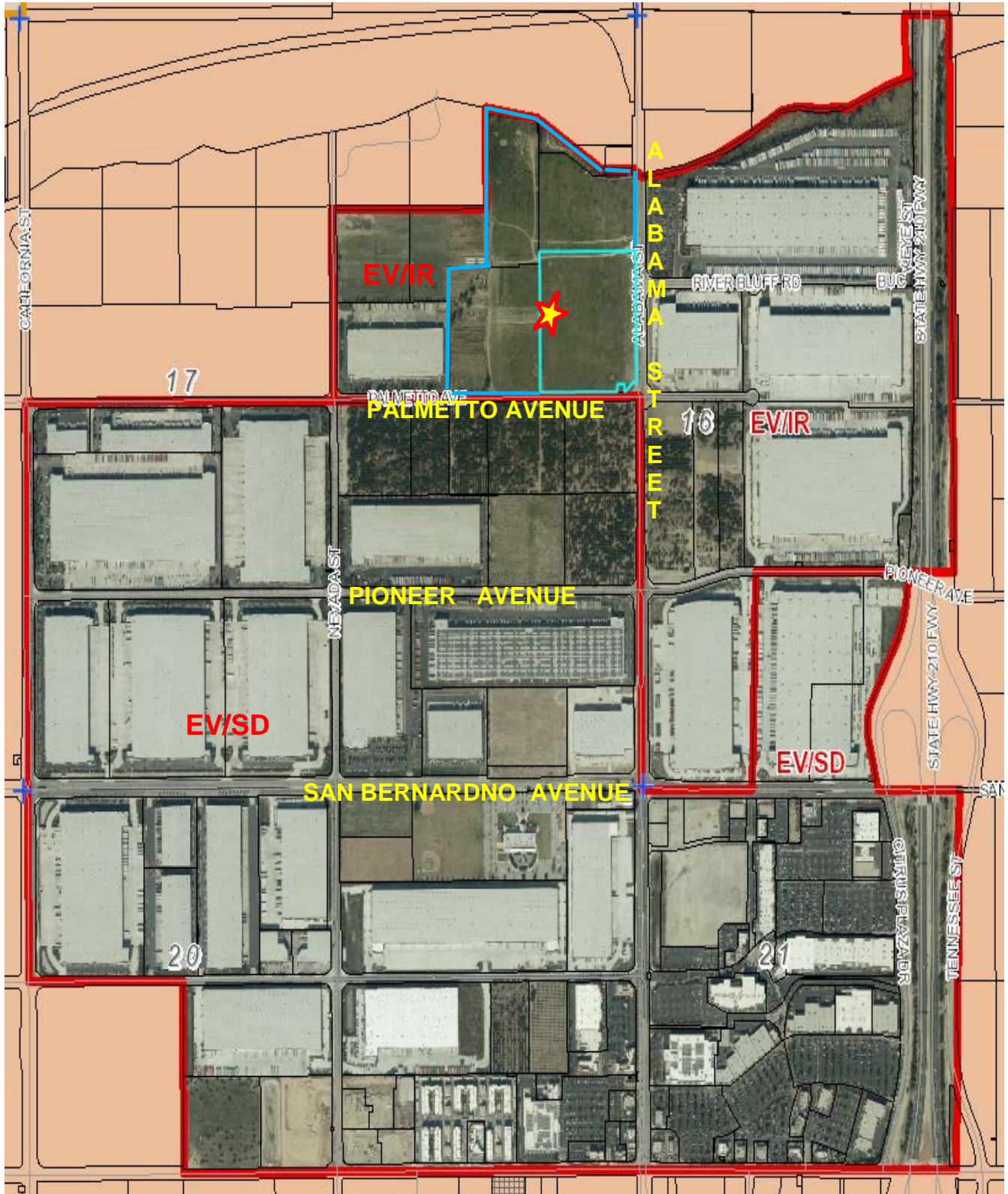
<sup>1</sup> In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors

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





LAND USE DISTRICT MAP:



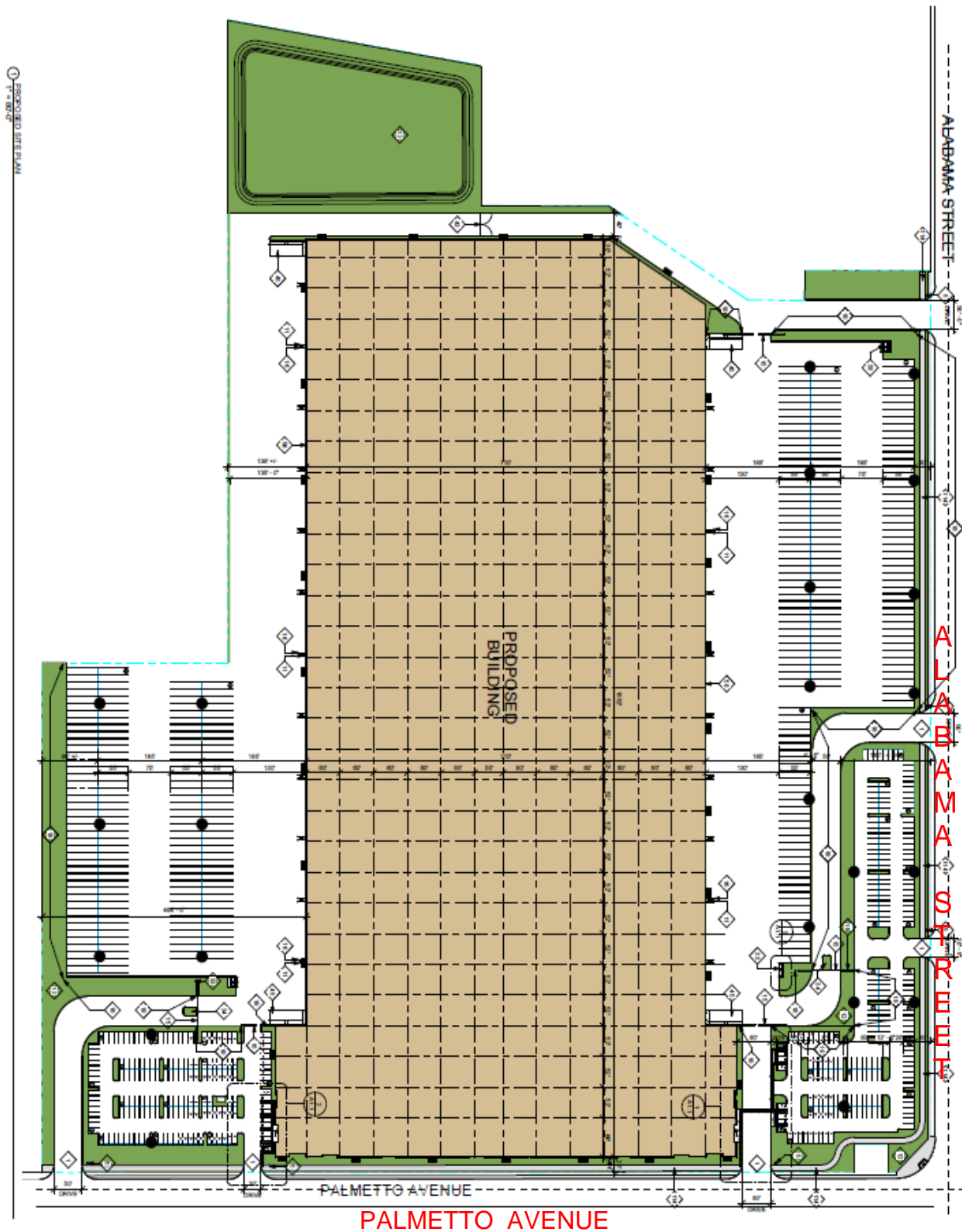


**AERIAL MAP:**





SITE PLAN:





**CONCEPTUAL LANDSCAPE PLAN:**



ALABAMA STREET

PALMETTO AVENUE



**BUILDING ELEVATIONS:**

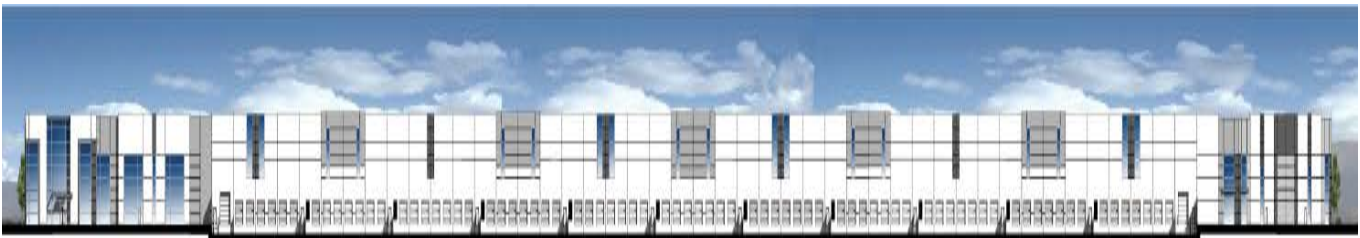
**NORTH ELEVATION**



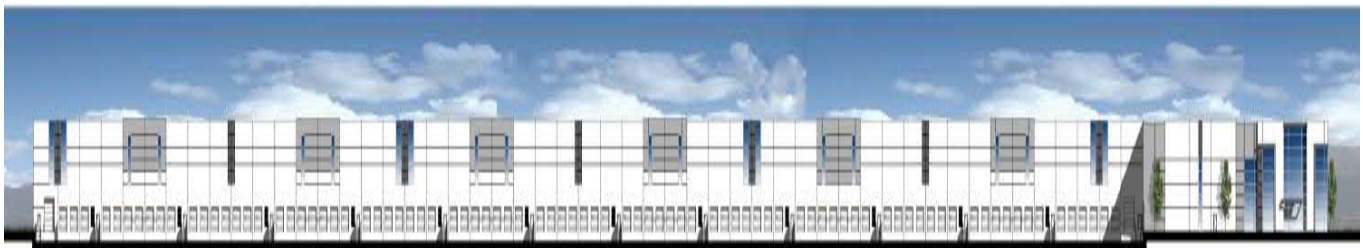
**SOUTH ELEVATION – PALMETTO AVENUE**



**EAST ELEVATION**



**WEST ELEVATION – ALABAMA STREET**





**BUILDING ELEVATIONS:**

**SOUTHWEST CORNER**



**NORTHEAST CORNER**



## SITE PHOTOS

Northeast view from Palmetto Avenue



East view from Palmetto Avenue





## SITE PHOTOS

West view from Palmetto Avenue



South view from Alabama Street



## **PROJECT DESCRIPTION:**

The applicant, Duke Realty Limited Partnership (Applicant), requests approval of a Conditional Use Permit (CUP) to construct a 1,192,671 square foot high cube, non-refrigerated warehouse and logistic center, and Tentative Parcel Map 19951 to consolidate four existing parcels into one (collectively "Project"). The Project site is approximately 55.18 acres, located on the northwest corner of Palmetto Avenue and Alabama Street, in the East Valley/Regional Industrial (EV/IR) zoning district (Project site). The Applicant, Duke Realty Limited Partnership, has presented a detailed project description in a letter of intent (Exhibit A).

The Project site consists of four separate parcels previously used as a citrus grove. 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, east, and west, and an existing citrus grove to the 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 five commercial/industrial driveways. The loading docks face the westerly and easterly property boundaries. Access to the site for passenger cars, trucks, and other vehicles will be provided by five standard commercial driveways with three on Alabama Street, and two on Palmetto Avenue.

## **PROJECT ANALYSIS:**

Site Planning: The Project is proposed on a speculative basis, with no tenant(s) pre-identified. 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 160 dock doors: 85 dock doors on the western side of the warehouse and 75 dock doors on the eastern side of the warehouse. The truck loading and staging areas on the west side of the warehouse would be screened from public view from Alabama Street 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, IR 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 EV/IR Land Use District, as illustrated in Table 2:



**Table 2: PROJECT CODE COMPLIANCE**

<b>Project Component</b>	<b>Development Code Standard/East Valley Area Plan/Regional Industrial Zone</b>		<b>Project Plans</b>
Warehouse Distribution Facility	CUP		CUP
Parking	515		735
Landscaping	Trees Minimum Landscaping	51 trees in the parking lot 15% (190,014 sq.ft)	301 trees 22% (286,480 sq. ft.)
Building Setbacks	Front Street Side Rear	25' 25' 0'	25' 25' 69'
Building Height	50 feet maximum		46 feet
Floor Area Ratio	.8:1		.49:1
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 301 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.

Airport Safety: The site is located within the Airport Safety Overlay District 3 (AR3). Accordingly, the Project will be developed in compliance with Section 82.09.060 of the Development Code (see Section 2.0 of the Final Environmental Impact Report, response to comment A-13). As required by Section 82.09.060(f), the Applicant will be required to grant an Avigation Easement to the San Bernardino International Airport. A copy must be submitted to the County before the issuance of building permits, as required in the Conditions of Approval. A draft copy of the Avigation Easement is attached to this staff report as Exhibit B.

**California Environmental Quality Act Compliance**

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 C). The Notice of Preparation (NOP) for the Draft EIR requesting input from interested parties was submitted to the State Clearinghouse for distribution to State agencies on February 7, 2019. The Notice of Availability (NOA) was distributed to all agencies and published in the San Bernardino Sun beginning on August 29, 2019. The

comment period ended on October 14, 2019. 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 statutes, 14 California Code of Regulations §15000 et seq. (CEQA Guidelines), and Assembly Bill (AB) 52.

The Draft EIR identified potentially significant impacts of the Project and discussed numerous mitigation measures proposed to address potential impacts of the Project. Mitigation measures presented in the Draft EIR have been included in the Mitigation Monitoring Reporting Program (MMRP) which is attached as Exhibit D, and also incorporated by reference in the Conditions of Approval, Exhibit E. The mitigation measures presented in the MMRP will reduce potentially significant impacts, which can be mitigated below a level of significance with mitigation measures, including but not limited to: Air Quality – Construction, Biological Resources, Cultural Resources, Greenhouse Gases, and Tribal Cultural Resources. However, the Draft EIR concluded that in spite of mitigation measures, the Project could result in significant, unavoidable impacts to air quality and traffic/transportation, as identified below:

- The Project would conflict with implementation of the applicable Southern California Air Quality Management District (SCAQMD) Air Quality Management Plan.
- The Project could result in significant air quality impacts from operations, both from the Project and cumulatively ("viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines §15065(a)(3)).
- The air quality mitigation measures incorporated into the MMRP would reduce potentially significant impacts to the extent feasible, but not below a level of less than significant.
- The Project criteria pollutant emissions from operation of the Project would exceed the SCAQMD regional daily thresholds for NO<sub>x</sub> during summer and winter.
- The Project would result in a cumulatively considerable net increase of criteria pollutants, within a Project region which is designated as a non-attainment area under applicable federal or state ambient air quality standards (conflict with the SCAQMD Air Quality Management Plan).
- The Project could have a potential impact on traffic/transportation for (1) Existing plus Ambient Growth plus Project, (2) Existing Plus Ambient Growth plus Cumulative plus Project, and (3) Build-Out Year plus Cumulative plus Project (2040) conditions.

Air Quality: The SCAQMD has established thresholds of significance for construction and operational activities of land use developments in order to determine whether a Project would violate the California ambient air quality standards or the national ambient air quality standards. The Project air quality analysis shows that the Project would violate air quality standards or contribute substantially to an existing or projected air quality



violation for operations (Project and cumulatively) because the proposed use would exceed thresholds of concern as established by the SCAQMD; therefore, the proposed Project would result in a significant impact. A dust control plan will be required as a standard condition to regulate short-term construction activities that could create windblown dust. Painting activities will be restricted as needed to comply with SCAQMD standards.

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 (10<sup>th</sup> Edition) by the Institute of Transportation Engineers (ITE), 2017. The TIA Report projected daily trips of 2,202 daily passenger car equivalents (PCE) trip-ends, including 127 PCE trip-ends during the A.M. peak hour and 158 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 the trips generated by the Project, improvements are needed to bring the level of service (LOS) back to acceptable levels at various intersections. All of these intersections, however, are subject to the jurisdiction of Caltrans, City of Highland or City of Redlands. Caltrans and/or the cities 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 \$870,649.83.

## **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 impacts 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 F) discuss the mitigation measures for the less-than-significant impacts and the rationale for making the Findings of Fact and a Statement of Overriding Considerations for those impacts that are significant and unavoidable.

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

- The Project will be consistent with, and will contribute to, achieving the goals and objectives established by the San Bernardino County General Plan and East Valley Area Plan.
- 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, large-scale 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.

## Public Input

A total of six written comment letters to the NOP were received from (1) SCAQMD, (2) San Bernardino County Department of Public Works, (3) Southern California Association of Governments, (4) City of Redlands – Development Services Department, (5) City of Redlands – Municipal Utilities & Engineering Department, and (6) California Air Resources Board. In addition, two letters were received in response to the Draft EIR, from (1) Golden State Environmental Justice Alliance and (2) the San Bernardino County Department of Public Works. These comments, which are attached collectively as Exhibit G, 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.
- Submission of additional information for further conceptual review of the sewer relocation and justification for removal of the existing water main.



- Requests for additional mitigation to reduce the Project's construction and operational criteria pollutant emissions.
- Comments that the proposed EIR is flawed and that an amended EIR must be prepared and recirculated for public review.

The Final EIR (Exhibit H) 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:

1. **CERTIFY** the Environmental Impact Report (SCH No. 2019029078);
2. **ADOPT** the CEQA Findings of Fact and Statement of Overriding Considerations;
3. **ADOPT** the Mitigation Monitoring/Reporting Program;
4. **APPROVE** the Conditional Use Permit for the construction of a 1,192,671-million square foot high cube non-refrigerated warehouse and logistic center, subject to the recommended Conditions of Approval;
5. **APPROVE** the Tentative Parcel Map 19951 to create one parcel on 55.18 acres, subject to the recommended Conditions of Approval;
6. **ADOPT** the recommended Findings for approval of the Conditional Use Permit and Tentative Parcel Map 19951 (Exhibit I); and,
7. **DIRECT** staff to file the Notice of Determination.

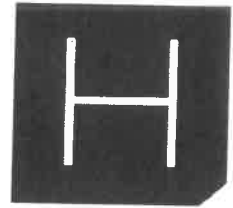
**ATTACHMENTS:**

- EXHIBIT A: Applicant's Letter of Intent  
EXHIBIT B: Avigation Easement Template  
EXHIBIT C: Draft Environmental Impact Report  
(<http://www.sbcounty.gov/Uploads/lus/environmental/13613DukeAlabamaPalmettoPublicReviewDEIRwithAppendices.pdf>)  
EXHIBIT D: Mitigation Monitoring Report Program  
EXHIBIT E: CUP and TPM Conditions of Approval  
EXHIBIT F: CEQA Findings of Fact and Statement of Overriding Considerations  
EXHIBIT G: Written comments  
EXHIBIT H: Final Environmental Impact Report  
(<http://www.sbcounty.gov/Uploads/lus/environmental/P201800232-Final%20Environmental%20Impact%20Report.pdf>)  
EXHIBIT I: CUP and TPM Findings

# **EXHIBIT A**

## **Applicant's Letter of Intent**





**HERDMAN**  
ARCHITECTURE + DESIGN

**Letter of Intent**

Duke Redlands  
Alabama & Palmetto  
Redlands, CA 92374  
A17-2112  
04/20/2018

The Duke Redlands project is located on the southwest corner of Palmetto Avenue and Alabama Street within the City of Redlands. The project proposes a new 1,192,671 s.f. one story concrete tilt-up warehouse/distribution facility with exterior lighting, fire sprinklers, on-site and off-site improvements including grading, storm drain, water, sewer, fire hydrants, landscape, irrigation, hardscape, trash enclosures, concrete screen walls, and sliding and swinging metal gates as shown on our site plan.

The building is speculative, so the details of the proposed business, hours of operation, number of employees, truck trips, and other details will be determined at a later date.

# **EXHIBIT B**

## **Avigation Easement Template**



WHEN RECORDED MAIL TO:

San Bernardino International Airport Authority  
1601 East Third Street  
San Bernardino, California 92408

This is to certify that the interest in real property conveyed by this agreement to the San Bernardino International Airport Authority, a joint powers authority, is hereby accepted by order of its governing Commission.

Dated: \_\_\_\_\_

Secretary/Assistant Secretary of the  
Commission for the San Bernardino  
International Airport Authority

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(Space Above For Use By Recorder)

**GRANT EASEMENT  
(AVIGATION)**

FEE EXEMPT UNDER  
GOVERNMENT CODE  
SECTION 6103

**KNOW ALL MEN BY THESE PRESENTS:**

That \_\_\_\_\_, in the County of San Bernardino, State of California, for its heirs, executors, administrators, successors and assigns (hereinafter referred to as "Grantor"), for reasonable consideration, receipt and sufficiency are hereby confessed and acknowledged, hereby grants and conveys unto the San Bernardino International Airport Authority (hereinafter referred to as "Grantee"), a joint powers authority organized and existing under the laws of the State of California, its successors and assigns forever, a perpetual public-use avigation and flight easement and right-of-way for the free and unobstructed passage and flight of aircraft, of the class, size and category operationally compatible with a certified public airport pursuant to 14 CFR Part-139 as set forth by the Federal Aviation Administration ("FAA") with respect to the San Bernardino International Airport (the "Airport") over and above the federally approved Transitional, Horizontal and Approach Surfaces lying within the Airport Influence Area of the San Bernardino International Airport (the "Airspace") of the following described parcel of real property (the "Parcel"), lying, being and situated in the County of San Bernardino, State of California, to wit:

(LEGAL DISCRIPTION)- Assessor Parcel Map No. \_\_\_\_, M. B. \_\_/\_\_-\_\_ Book \_\_\_\_,  
Page \_\_ Parcel #'s: \_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_.

The aforesaid easement and right-of-way described in the preceding paragraph includes but is not limited to:

1. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons or aircraft, of the class, size and category as is now or hereinafter may be operationally compatible and commensurate with the requirements for the San Bernardino International Airport, a certified public airport pursuant to 14 CFR Part-139, in, through, across or about any portion of the Airspace hereinabove described; and

2. The easement and right to cause or create, or permit or allow to be caused or created within the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, fuel consumption, exhaust, smoke and all other effects as may be inherent in the proper operation of aircraft, now known or hereafter used for navigation of or flight in air; and

3. The continuing and perpetual right to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into said Airspace and the right to cut to the ground level and remove any trees which extend into said Airspace as of the Effective Date of this Grant Easement and continuing thereafter; and

4. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon which extend into the Airspace; and

5. The right of ingress to, passage within, and egress from said Parcel, solely for the above stated purposes; reserving, however, to the Grantor, during the term of said easement, such use, rights and privileges in said land or real property as may be exercised and enjoyed without interference with or abridgment of the rights hereby granted.

6. In the event that the Grantor proposes a building modification and/or remodel, construction of any new building or buildings, improvements, appurtenances, infrastructure, telecommunications equipment and/or facilities on property within the Airport Influence Area of the San Bernardino International Airport which exceed elevations as previously reviewed and approved pursuant to a FAA Obstruction Evaluation, the Grantor shall be responsible for the preparation and submittal of such architectural plans, specifications and scaled engineering drawings and associated submittals (the "Proposed Plans") as required by the San Bernardino International Airport Authority, the State of California and the FAA. Such Proposed Plans shall be submitted to the Grantee together with an executed copy of this Grant Easement. In the event that additional design reviews and/or technical studies are required in order to obtain reviews and/or approvals as applicable from the State of California and/or the FAA, such costs shall be borne by the Grantor. The Grantee shall, upon receipt of sufficient documentation, submit to the

President, Vice-President and/or Executive Director or their designee of the San Bernardino International Airport Authority Commission all pertinent and/or required supporting plans, specifications, documents, certifications, permit applications, as may be required by applicable local, State and Federal regulatory agencies. Upon receipt, the Grantee shall submit such information to all applicable regulatory agencies for review and/or approval or disapproval. In the event that such approvals by the applicable regulatory agencies are granted, the Grantee shall submit this Grant Easement document, executed by the Grantor and together with all applicable supporting documentation, plans and applicable regulatory approvals to the Grantee for acceptance, execution and recordation.

The Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against the Grantee, its successors, or assigns for monetary damages or other redress due to impacts, as described in the above Paragraphs 1-6, inclusive, of the granted rights of easement, associated with aircraft operations in the air or on the ground at the Airport, including future increases in the volume or changes in location of said operations. Furthermore, the Grantor, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of Airport facilities or establishment or modification of aircraft operational procedures or restrictions. This grant of aviation or flight easement (hereafter, "Avigation Easement") shall not operate to deprive the Grantor, his successor or assigns, of any rights which it may from time to time have against any individual or private operator for negligent or unlawful operation of aircraft.

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the San Bernardino International Airport Authority as the Grantee, for the direct benefit of the real property constituting the San Bernardino International Airport, that neither the Grantor nor its successors in interest or assigns will construct, install or erect any permanent structure, (e.g., buildings, infrastructure, radio, telecommunications equipment or TV antennae tower) which extends into the Airspace within the Airport Influence Area of the San Bernardino International Airport, subject to the conditions of Paragraph 6 above, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the flight easements and rights-of-way herein granted. Furthermore, the Grantor, its successors and assigns, will not hereafter use or permit the use of said Parcel in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon the San Bernardino International Airport and any aircraft.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of the real property described as San Bernardino International Airport, and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easements or rights-of-way in landing at taking off from or operating such aircraft in or about the said San Bernardino International Airport.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and for the purpose of this instrument, the real property first herein above described as the Parcel is the servient tenement and said San Bernardino International Airport is the dominant tenement.



## GENERAL PROVISIONS

1. **Attorneys' Fees.** Should Grantor or Grantee or any of their respective successors or assigns retain counsel to enforce any of the provisions herein or protect their interests in any matter arising under this Avigation Easement, or to recover damages by reason of any alleged breach of any provision of this Avigation Easement, the losing party in any action pursued in a court of competent jurisdiction shall pay to the prevailing party all costs, damages, and expenses incurred by the prevailing party, including, but not limited to, attorneys' fees and costs incurred in connection therewith.

2. **Waiver.** No violation or breach of any provision of this Avigation Easement may be waived unless in writing. Waiver of any one violation or breach of any provision of this Avigation Easement shall not be deemed to be a waiver of any other violation or breach of the same or any other provision of this Avigation Easement.

3. **Severability.** In the event that any one or more covenant, condition, right or other provision contained in this Avigation Easement is held to be invalid, void or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Avigation Easement and shall in no way affect, impair or invalidate any other covenant, condition, right or other provision contained in this Avigation Easement.

4. **Additional Documents.** In addition to the documents and instruments to be delivered as provided in this Avigation Easement, Grantor or its successors and assigns, as the case may be, shall, from time to time at the request of Grantee, execute and deliver to Grantee such other documents and shall take such other action as may be reasonably required to carry out more effectively the terms of this Avigation Easement.

5. **Governing Law.** This Avigation Easement has been negotiated and entered into in the State of California, and shall be governed by, construed and enforced in accordance with the statutory, administrative and judicial laws of the State of California.

6. **Integration.** This Avigation Easement, including any exhibits, constitutes the final, complete and exclusive statement of the parties relative to the subject matter hereof and there are no oral or parol agreements existing between Grantor and Grantee relative to the subject matter hereof which are not expressly set forth herein and covered hereby. This is an integrated agreement.

///

[SIGNATURES ON FOLLOWING PAGE]

///

**IN WITNESS WHEREOF**, Grantor has hereunto set its hand and seal this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

GRANTOR

Business Entity

By:\_\_\_\_\_

Name:

Its: Partner

Accepted by San Bernardino International Airport  
Authority

GRANTEE

Date:\_\_\_\_\_

By:\_\_\_\_\_

Name: Michael Burrows

Its: Executive Director

(Seal)

Approved As To Form:

By:\_\_\_\_\_

General Counsel

[Notary Public attachment must accompany this instrument]

## ACCEPTANCE FORM

This is to certify that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_, 2020 from \_\_\_\_\_ to the San Bernardino International Airport Authority, a political corporation and/or governmental agency is hereby accepted by the undersigned officer or agent on behalf of the Board of Directors of the San Bernardino International Airport Authority pursuant to authority conferred by resolution of the San Bernardino International Airport adopted on \_\_\_\_\_, 2020, and the grantee consents to recordation thereof by its duly authorized officer.

Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Michael Burrows, Executive Director  
San Bernardino International Airport Authority



## EXHIBIT C

### **Draft Environmental Impact Report (SCH No. 2019029078)**

[http://www.sbcounty.gov/Uploads/lus/environmental/13613DukeAlabamaPalmettoPublicReview  
DEIRwithAppendices.pdf](http://www.sbcounty.gov/Uploads/lus/environmental/13613DukeAlabamaPalmettoPublicReviewDEIRwithAppendices.pdf)

**(Duke Realty Draft EIR)**

# **EXHIBIT D**

## **Mitigation Monitoring Report Program**

County of San Bernardino  
Land Use Services Department

Final Environmental Impact Report for the  
Duke Realty Alabama and Palmetto  
Warehouse Project

State Clearinghouse No. 2019029078  
November 25, 2019



This document is designed for double-sided printing to conserve natural resources.

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## **MITIGATION MONITORING AND REPORTING PROGRAM**

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This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Duke Realty Alabama and Palmetto Warehouse Draft EIR. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<i>AIR QUALITY</i>						
Consistency with SCAQMP Air Quality Management Plan (VOC)	<b>AQ-1:</b> To reduce VOC emissions associated with architectural coating, the Project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints (less than 10% VOC content), which are defined in SCAQMD Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications shall be reviewed by the County Building and Safety Division for compliance with this mitigation measure prior to issuance of the Project's building permit.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of building permits.		
Consistency with SCAQMP Air Quality Management Plan (NO <sub>x</sub> )	<b>AQ-2:</b> In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program, or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas.	Project Proponent	County of San Bernardino Land Use Services Department.	Prior to issuance of occupancy permits.		

Mitigation Monitoring and Reporting Program

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	If trucks older than 2007 model year will be used, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website ( <a href="http://www.aqmd.gov">http://www.aqmd.gov</a> ). Tenants will be required to use those funds, if awarded.					
Consistency with SCAQMP Air Quality Management Plan (NO <sub>x</sub> )	<b>AQ-3:</b> Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered. Compliance with this mitigation measure shall be required prior to certificate of occupancy.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of occupancy permits.		
Consistency with SCAQMP Air Quality Management Plan (NO <sub>x</sub> )	<b>AQ-4:</b> Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when APU/TRUs are in use. The County shall verify electrical hookups have been installed prior to occupancy.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of occupancy permits.		

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<i>BIOLOGICAL RESOURCES</i>						
Potential Impacts on Migratory Nesting Birds.	<p><b>BIO-1</b>     <i>Avoidance of Nesting Migratory Birds:</i>                      If possible, all vegetation removal activities shall be scheduled from September 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the County and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the County Land Use Services Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</p>	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		

Mitigation Monitoring and Reporting Program

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<i>CULTURAL RESOURCS</i>						
Adverse Change in the Significance of a Historic Resource.	<b>CUL-1</b> <i>HABS Survey.</i> Prior to ground-disturbing activities, the project proponent shall prepare Historic American Building Survey (HABS)/Historic American Engineering Record (HAER)-like documentation of the segment of the flume (CA-SBR-32488H) within the Project boundaries. The project proponent shall also conduct additional research on the citrus industry and prepare documentation in the form of a district record to be filed at the South Central Coastal Information Center SCCIC.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of grading permits/ commencement of excavation activities.		
Adverse Change in the Significance of an Archaeological Resource.	<b>CUL-2</b> <i>Conduct Archaeological Sensitivity Training for Construction Personnel.</i> The project proponent shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of grading permits/ commencement of excavation activities.		



IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
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	qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.					
Adverse Change in the Significance of an Archaeological Resource.	<b>CUL-3</b> <i>Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered.</i> In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals should be contacted and consulted and Native American construction monitoring should be initiated. The Applicant and City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		

Mitigation Monitoring and Reporting Program

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	resource along with subsequent laboratory processing and analysis.					
<b>GEOLOGY AND SOILS</b>						
Adverse Change in the Significance of a Paleontological Resource.	<b>GEO-1:</b> <i>Conduct Paleontological Sensitivity Training for Construction Personnel.</i> The applicant shall retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct a paleontological sensitivity training for construction personnel prior to commencement of excavation activities. The training will include a handout and will focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of paleontological monitors, notification and other procedures to follow upon discovery of resources, and the general steps a qualified professional paleontologist would follow in conducting a salvage investigation if one is necessary.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of grading permits/ commencement of excavation activities.		
Adverse Change in the Significance of a Paleontological Resource.	<b>GEO-2:</b> <i>Conduct Periodic Paleontological Spot Checks during Grading and Earth-moving Activities.</i> The applicant shall retain a professional paleontologist who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct periodic Paleontological Spot Checks beginning at depths below six feet to determine if construction excavations have extended into older Quaternary deposits. After the initial paleontological	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		

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	spot check, further periodic checks will be conducted at the discretion of the qualified paleontologist. If the qualified paleontologist determines that construction excavations have extended into the older Quaternary deposits, construction monitoring for paleontological resources will be required. The applicant shall retain a qualified paleontological monitor, who will work under the guidance and direction of a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology. The paleontological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into the older Pleistocene alluvial deposits. Multiple earth-moving construction activities may require multiple paleontological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known paleontological resources and/or unique geological features, the materials being excavated (native versus artificial fill soils), and the depth of excavation, and if found, the abundance and type of paleontological resources and/or unique geological features encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the qualified professional paleontologist.					
Adverse Change in the Significance of	<b>GEO-3:</b> <i>Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered.</i> If paleontological	Project Proponent	County of San Bernardino Land Use	Throughout construction.		

Mitigation Monitoring and Reporting Program

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a Paleontological Resource.	resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until appropriate paleontological treatment plan has been approved by the applicant and the County. Work shall be allowed to continue outside of the buffer area. The applicant and County shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.		Services Department			
Adverse Change in the Significance of a Paleontological Resource.	<b>GEO-4:</b> All significant fossils collected, if any, will be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossils specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		

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	delivered to a regionally-accredited museum repository, such as the SBCM in Redlands or the NHMLAC in Los Angeles, for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the landowner. A final report should be prepared to describe the results of the paleontological mitigation monitoring efforts. The report will include a summary of the field methods, laboratory methods (if any), an overview of the geology and paleontology of the construction site, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produce fossils, then a copy of the report also will be submitted to the curation facility.					
<b>GREENHOUSE GASES</b>						
Generation of Significant Greenhouse Gas Emissions	<b>GHG-1:</b> Prior to issuance of building permits, the Project applicant shall provide documentation to the County of San Bernardino Building and Safety Division demonstrating that the following measures or any other combination thereof are incorporated from the County's 2015 Development Review Processes Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points. Documentation may include measures incorporated into construction plans and specifications, development agreements, and/or other mechanisms.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of building permits.		



Mitigation Monitoring and Reporting Program

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<i>TRANSPORTATION</i>						
Conflict with a Program Plan, Ordinance or Policy Addressing the Circulation System.	<p>The project shall participate in the cost of off-site improvements through the payment of "fair share" mitigation fees, including the following:</p> <ul style="list-style-type: none"> <li>San Bernardino Associated Governments (SANBAG) Congestion Management Program</li> </ul> <p>Program improvements: SANBAG congestion management program provides funding for the 2040 improvements mentioned in the Table 1-1 of the TIA. The fee of \$0.73 per square foot is charged for every high-cube warehouse project developed in the unincorporated San Bernardino County area known as the "Donut Hole" under the SANBAG congestion management program. These fees will be collected and utilized as needed by the County of San Bernardino to construct the improvements necessary to assist in maintaining the required level of service.</p>	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of occupancy permits.		

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<i>TRIBAL CULTURAL RESOURCES</i>						
Adverse Change in Significance of a Tribal Cultural Resource.	<b>TCR-1:</b> Prior to the issuance of a grading permit and/or action that would permit project site disturbance (whichever occurs first), the Applicant shall provide written evidence to the County of San Bernardino that the Applicant has retained a qualified archaeologist and Native American monitor to observe grading activities and to salvage and catalogue historic and archaeological resources, as necessary. A Tribal monitor representing the Morongo Band of Mission Indians shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for the Tribal monitor as part of the monitoring effort for the Project.	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of grading permits/ commencement of excavation activities.		
Adverse Change in Significance of a Tribal Cultural Resource.	<b>TCR-2:</b> A pre-construction meeting shall be held with the contractors, archaeologist, and American tribal monitor/representative prior to the start of construction. This meeting shall outline all processes for monitoring on the project and	Project Proponent	County of San Bernardino Land Use Services Department	Prior to issuance of grading permits/ commencement		

Mitigation Monitoring and Reporting Program

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	information regarding how the Project Archaeologist and the Tribe will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.			of excavation activities.		
Adverse Change in Significance of a Tribal Cultural Resource.	<b>TCR-3:</b> If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		
Adverse Change in Significance of a Tribal Cultural Resource.	<b>TCR-4:</b> In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input.	Project Proponent	County of San Bernardino Land Use Services Department	Throughout construction.		

# **EXHIBIT E**

## **CUP and TPM Conditions of Approval**

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**EXHIBIT C**  
**CONDITIONS OF APPROVAL**  
Duke Realty Warehouse P201800232/CUP

**GENERAL REQUIREMENTS**  
Ongoing and Operational Conditions

**LAND USE SERVICES – Planning Division 909.387.8311**

1. **Project Description.** This Conditional Use Permit approval is for the construction of a 1,192,671 square-foot high-cube, non-refrigerated warehouse and logistics center and Tentative Parcel Map 19951 to create one parcel, on approximately 55.18 acres, in the Regional Industrial (EV/IR) 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 northwest corner of Palmetto Avenue and Alabama Street, in the East Valley Area Plan.
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: 0292-041-42, 43, 47, and 48 and Project Number: P201800232.
4. **Revisions.** Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
5. **Continuous Effect/Revocation.** All Conditions of Approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
6. **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 Section 2782.

7. 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.

8. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised Conditions of Approval or site plan modifications. (SBCC §86.06.060)
9. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
10. Project Account. The Project account number is P201800232. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 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. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection, and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by County Planning.

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12. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These may include:
- FEDERAL: None
  - STATE: Regional Water Quality Control Board (RWQCB) - Santa Ana Region, South Coast Air Quality Management District
  - COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works.
  - LOCAL: City of Redlands.
13. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- 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.
  - Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
  - 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.
  - Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires Planning Division review and approval. Markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled parking and path of travel, directional signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
  - 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.
14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
  - Emissions: No emission of dirt, dust, fly ash and other forms of particulate matter.
  - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Smoke Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
  - Radiation: No dangerous amount of radioactive emissions.
  - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
  - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.

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15. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. 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 alternating no more than once every five seconds.
  16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
  17. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
  18. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
  19. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
    - a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
    - b. All sign lighting shall not exceed 0.5 foot-candle.
    - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
    - d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
  20. 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.
  21. Access. The access point to the facility shall remain unobstructed at all times, except a driveway access gate, which may be closed after normal working hours.
  22. 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:
    - a) County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)
    - b) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
    - c) All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
    - d) On-site electrical power connections shall be provided.
    - e) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
    - f) 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.
  23. 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.

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**LAND USE SERVICES DEPARTMENT – Code Enforcement Division 909.387.8311**

24. **Enforcement.** If any County agency is required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.
25. **Weed Abatement.** The Applicant shall comply with San Bernardino County weed abatement regulations [SBCC §23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

26. **Tributary Drainage.** Adequate provisions should be made to intercept and conduct the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
27. **Natural Drainage.** The natural drainage courses traversing the site shall not be occupied or obstructed.
28. **Additional Drainage Requirements.** In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.
29. **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.
30. **Continuous BMP Maintenance.** The property owner/“developer” is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
31. **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.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

32. **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 Jack’s Disposal).
33. **Recycling Storage Capacity.** The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.
34. **Mandatory Commercial Recycling.** Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five or more must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

35. Mandatory Organics Recycling – As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

36. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
37. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
38. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

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

**DEPARTMENT OF PUBLIC WORKS – Traffic Division 909.387.8186**

41. Project vehicles shall not back out into the public roadway.
42. Access. The access points to the facility shall remain unobstructed at all times, except driveway access gates which may be closed after normal working hours.



**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY**  
The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

43. 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:
- a) 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.
  - b) On-site electrical power connections shall be provided.
  - c) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - d) 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.
44. 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:
- a) 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.
  - b) 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.
  - c) 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.
  - d) Storm water control systems shall be installed to prevent off-site mud deposition.
  - 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.
45. 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:
- a) 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.
  - b) 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.
  - c) 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.
  - d) All gasoline-powered equipment shall have catalytic converters.
  - e) Provide onsite electrical power to encourage use of electric tools.
  - f) Minimize concurrent use of equipment through equipment phasing.
  - g) Provide traffic control during construction to reduce wait times.
  - h) Provide on-site food service for construction workers to reduce offsite trips.
  - i) Implement the County approved Dust Control Plan (DCP)

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- j) Suspend use of all construction equipment operations during second stage smog alerts. NOTE: For daily forecast, call (800) 367-4710 (San Bernardino and Riverside Counties).
46. 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:
- a) Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
  - b) 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.
  - c) High-Volume, Low Pressure (HVLP) spray guns shall be used to apply coatings.
  - d) Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
  - e) Comply with SCAQMD Rule 1113 on the use or architectural coatings.
47. Migratory Nesting Birds Monitoring:  
*BIO-1 - Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from September 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the County and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the County Land Use Services Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*  
*[Mitigation Measure BIO-1] - Prior to Grading Permit Issuance.*
48. Historic Resource Monitoring:  
*CUL-1 - HABS Survey. Prior to ground-disturbing activities, the project proponent shall prepare Historic American Building Survey (HABS)/Historic American Engineering Record (HAER)-like documentation of the segment of the flume (CA-SBR-32488H) within the Project boundaries. The project proponent shall also conduct additional research on the citrus industry and prepare documentation in the form of a district record to be filed at the South Central Coastal Information Center SCCIC.*  
*[Mitigation Measure CUL-1] - Prior to Grading Permit Issuance.*
49. *CUL-2 - Conduct Archaeological Sensitivity Training for Construction Personnel. The project proponent shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.*  
*[Mitigation Measure CUL-2] - Prior to Grading Permit Issuance.*
50. *CUL-3 - Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's*

*Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals should be contacted and consulted and Native American construction monitoring should be initiated. The Applicant and City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.*

*[Mitigation Measure CUL-3] – Throughout Construction*

51. *Paleontological Resource Monitoring:*

*GEO-1 - Conduct Paleontological Sensitivity Training for Construction Personnel. The applicant shall retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct a paleontological sensitivity training for construction personnel prior to commencement of excavation activities. The training will include a handout and will focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of paleontological monitors, notification and other procedures to follow upon discovery of resources, and the general steps a qualified professional paleontologist would follow in conducting a salvage investigation if one is necessary.*

52. *Paleontological Resource Monitoring:*

*GEO-2 - Conduct Periodic Paleontological Spot Checks during Grading and Earth-moving Activities. The applicant shall retain a professional paleontologist who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct periodic Paleontological Spot Checks beginning at depths below six feet to determine if construction excavations have extended into older Quaternary deposits. After the initial paleontological spot check, further periodic checks will be conducted at the discretion of the qualified paleontologist. If the qualified paleontologist determines that construction excavations have extended into the older Quaternary deposits, construction monitoring for paleontological resources will be required. The applicant shall retain a qualified paleontological monitor, who will work under the guidance and direction of a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology. The paleontological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into the older Pleistocene alluvial deposits. Multiple earth-moving construction activities may require multiple paleontological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known paleontological resources and/or unique geological features, the materials being excavated (native versus artificial fill soils), and the depth of excavation, and if found, the abundance and type of paleontological resources and/or unique geological features encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the qualified professional paleontologist.*

*[Mitigation Measure GEO-2] – Throughout Construction*

*Mitigation Measure GEO-1] - Prior to Grading Permit Issuance.*

53. *GEO-3 - Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered. If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until appropriate paleontological treatment plan has been approved by the applicant and the County. Work shall be allowed to continue outside of the buffer area. The applicant and County shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.*

*[Mitigation Measure GEO-3] – Throughout Construction*

54. *GEO-4 - All significant fossils collected, if any, will be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossils specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to a regionally-accredited museum repository, such as the SBCM in Redlands or the NHMLAC in Los Angeles, for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the landowner. A final report should be prepared to describe the results of the paleontological mitigation monitoring efforts. The report will include a summary of the field methods, laboratory methods (if any), an overview of the geology and paleontology of the construction site, a list of taxa recovered (if any), an analysis*

*of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produce fossils, then a copy of the report also will be submitted to the curation facility.*

*[Mitigation Measure GEO-4] – Throughout Construction*

55. *Tribal Cultural Resource Monitoring:*

*TCR-1 - Prior to the issuance of a grading permit and/or action that would permit project site disturbance (whichever occurs first), the Applicant shall provide written evidence to the County of San Bernardino that the Applicant has retained a qualified archaeologist and Native American monitor to observe grading activities and to salvage and catalogue historic and archaeological resources, as necessary. A Tribal monitor representing the Morongo Band of Mission Indians shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for the Tribal monitor as part of the monitoring effort for the Project.*

*[Mitigation Measure TCR-1] - Prior to Grading Permit Issuance.*

*TCR-2: A pre-construction meeting shall be held with the contractors, archaeologist, and American tribal monitor/representative prior to the start of construction. This meeting shall outline all processes for monitoring on the project and information regarding how the Project Archaeologist and the Tribe will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.*

*[Mitigation Measure TCR-1] - Prior to Grading Permit Issuance.*

56. *TCR-3: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.*

*[Mitigation Measure TCR-3] – Throughout Construction*

57. *TCR-4: In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input.*

*[Mitigation Measure TCR-4] – Throughout Construction*

**LAND USE SERVICES DEPARTMENT – Building and Safety Division 909.387.8311**

58. *Retaining Wall Plans:* Submit plans and obtain separate building permits for any required walls or retaining walls.

59. *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.

60. *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.

61. *Grading Plans:* Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.

62. *Demolition Permit:* Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

63. *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 manner,

which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 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.

64. On-site Drainage Easement. On-site flows shall be directed within a drainage easement.
65. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8704H dated 08/28/201. No Elevation Requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
66. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
67. 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. 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.
68. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
69. 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.
70. On-site Flows. On-site flows need to be directed to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
71. 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 Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
72. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

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

73. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1.

#### Single Story Road Access Width:

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

#### Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

74. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix B of the California Fire Code.
75. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to building permit issuance.
76. 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 travelways) and no more than one hundred fifty (150) feet from any portion of a structure.

**DEPARTMENT OF PUBLIC WORKS – Surveyor 909.387.8149**

77. 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. 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.

**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

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

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

79. Avigation Easement: An Avigation Easement shall be granted to the San Bernardino International Airport and recorded prior to the issuance of building permits for all construction in the AR overlay area. The Avigation Easement shall ensure that construction shall conform to the interior noise levels as per San Bernardino County standards.
80. 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.
81. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.

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82. 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.
83. 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 four copies of a landscape and irrigation plan to County Planning.
84. East Valley Area Plan Mitigation AQ/EVAP – SART Mitigation Fee. Prior to issuance of building permits the developer shall contribute a fair share fee of \$1435 per net acre to the satisfaction of County Regional Parks for construction of the East Valley Area Plan segment of the Santa Ana River Trail (SART) from California Street to the SH30 bridge. This fee may be waived or adjusted by County Regional Parks based upon inflation and credit may be granted for any developer completed trail improvements. The construction of the trail provides an incentive to use alternative transportation modes that access the area.
85. Air Quality Management Plan (VOC) Monitoring:  
*AQ-1 - to reduce VOC emissions associated with architectural coating, the Project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints (less than 10% VOC content), which are defined in SCAQMD Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications shall be reviewed by the County Building and Safety Division for compliance with this mitigation measure prior to issuance of the Project's building permit.*  
*[Mitigation Measure AQ-1] - Prior to Building Permit Issuance.*
86. Greenhouse Gas Emissions Monitoring:  
*GHG-1 - Prior to issuance of building permits, the Project applicant shall provide documentation to the County of San Bernardino Building and Safety Division demonstrating that the following measures or any other combination thereof are incorporated from the County's 2015 Development Review Processes Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points. Documentation may include measures incorporated into construction plans and specifications, development agreements, and/or other mechanisms.*
87. Energy Efficiency for Commercial/Industrial Development (GHG Reduction Measure R2E7). The developer shall document that the design of the proposed structure exceeds the current Title 24 energy efficiency requirements as indicated below:
- Building Envelope:
- Insulation – Modestly enhanced insulation (walls R-13, Roof/attic R-38) (15 points).
  - Windows - Modestly Enhanced Sindow Insulation (0.4 U-factor, 0.32 SHGC) (7 points)
  - Cool Roof – Modest cool roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)
- Indoor Space Efficiencies:
- Artificial Lighting – Efficient lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 fixtures, 60 lumens/watt for fixtures > 40 watts) (9 points).
88. Per Capita Water Use Reduction Commercial/Industrial (GHG Reduction Measure R2WC1) The developer shall document that the design of the proposed structure provide efficiency requirements as indicated below:

Irrigation and Landscaping:

- Water Efficient Landscaping – Only low water using plants (4 points).



- Water Efficient irrigation Systems – Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use) (5 point).

Potable Water:

- Toilets – Water efficient toilets/Urinals (1.5gpm) (6 points)
- Faucets – Water efficient faucets (1.28gpm) (3 points).

89. Renewable Fuel/Low Emission Vehicles (EV Charging Stations) (GHG Reduction Measure R2T5). The project shall provide public charging station for use by an electric vehicle (ten points for each charging station within the facility) (40 points).
90. Solid Waste Diversion Program (GHG Reduction Measure R2W6). The project shall provide separated recycling bins within each commercial building/floor and provide large external recycling collection bins at central location for collection truck pick-up. (2 points)

**LAND USE SERVICES DEPARTMENT – Building and Safety Division 909.387.8311**

91. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
92. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section 909.387.8311**

93. 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.

**Alabama Avenue (Major Arterial – 120')**

- Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 60 feet.
- Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.
- Sidewalks. Design 6 foot sidewalk behind palm planting area per East Valley Area Plan.
- Bike Lane. Design Class I Bikeway (Bike Path) per East Valley Area Plan.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

**Palmetto Avenue (Collector – 66')**

- Road Dedication. A 3-foot grant of easement is required to provide a half-width right-of-way of 33 feet.
- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Bike Lane. Design Class I Bikeway (Bike Path) per East Valley Area Plan.

- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
94. 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.
95. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
96. 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.
97. 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.
98. 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.
99. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the San Bernardino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$0.73 per square foot for High Cube Use, which includes the 1,192,671 sq. ft. building per the site plan dated 6/11/2018.

Therefore, the estimated Regional Transportation Fees for the Project is \$870,649.83 The current Regional Transportation Development Mitigation Plan can be found at the following website:

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

#### **SPECIAL DISTRICTS – (909) 387-5940**

100. This project lies within the boundaries of County Service Area 70, Zone EV-1. Street lighting plans, plan check fees, and (1) one-year advanced energy charges must be submitted to and approved by Special Districts Department, 157 W. 5 St., 2nd 1 Floor, San Bernardino, CA 92415-0450.

#### **DEPARTMENT OF PUBLIC WORKS – Traffic Division 909.387.8186**

101. Improvements: The applicant shall design their street improvement plans to include the following:
- Driveway. The northerly most and southerly most driveways located on Alabama Street shall be a right in/right out only with raised median known as a pork chop.

- Signal Coordination. An approved signal coordination plan is required for Alabama Street at the intersection intersections with Palmetto Road and River Bluff Rd.

102. The total fair share contribution for this project is required based on the traffic study from Albert Webb and Associates dated 07/11/2019 as well as the addendum dated 08/27/2019 from Albert Webb and Associates. The fair share breakdown for these improvements is shown below:

The following fair share amounts shall be paid to the City of Redlands. Written acknowledgement and approval from the City of Redlands shall be provided to the County to establish this portion of the fair share requirement has been completed.

INTERSECTION	ESTIMATED COST	FAIR SHARE %	ESTIMATED CONTRIBUTION
<b>California Street at I-10 WB Ramps</b>			
Install Northbound Turn Lane	\$ 10,000,000	2.87%	\$ 287,000
<b>California Street at I-10 EB Ramps</b>			
Install Southbound Turn Lane Install Eastbound Turn Lane	\$ 10,600,000	3.00%	\$ 318,000
<b>Alabama Street at I-10 WB Ramps</b>			
Install Northbound Left Turn Lane Install Southbound Right Turn Lane	\$ 825,000	6.00%	\$ 49,500
<b>Alabama Street at I-10 EB Ramps</b>			
Install Northbound Through Lane	\$ 290,000	4.52%	\$ 13,108
<b>Total Fair Share Paid to the City of Redlands</b>			<b>\$ 667,608</b>

The following fair share shall be paid to the City of Highland. Specific amounts for each improvement listed below shall be established with the City of Highland. However the percentage of those improvements shall be as shown below and consistent with the approved traffic study. Written acknowledgement and approval from the City of Highland shall be provided to the County to establish this portion of the fair share requirement has been completed.

INTERSECTION	FAIR SHARE %
<b>Palm Avenue/ 5<sup>th</sup> Street</b> Add a Northbound Right-Turn Lane with Overlap Phasing	2.709%
<b>Alabama Street-Palm Avenue/ 3<sup>rd</sup> Street</b> Add a Westbound Right-Turn Lane	1.985%
<b>SR-210 SB Ramps/ 5<sup>th</sup> Street</b> Add Two Eastbound Through Lanes Add a Southbound Left Turn Lane Re-Stripe the Southbound Left-Through Lane to a Left-Turn Lane Re-Stripe the Southbound Right-Turn Lane to a Through Right-Turn Lane	0.990%
<b>SR-210 NB Ramps/ 5<sup>th</sup> Street</b> Add an Eastbound Through Lane Add a Westbound Through Lane Add a Free Westbound Right-Turn Lane	0.407%

The following fair share amounts shall be paid to the County of San Bernardino.

INTERSECTION	ESTIMATED COST	FAIR SHARE %	ESTIMATED CONTRIBUTION
<b>Alabama Street at Lugonia Avenue</b>			
Install Northbound Right Turn Lane Install Westbound Left Turn Lane Install Eastbound Right Turn Lane Install Westbound Right Turn Lane	\$ 800,000	13.29%	\$ 106,320
<b>San Bernardino Ave at SR 210 NB Ramps</b>			
Install Westbound Through Lane Restripe Eastbound Lanes	\$ 825,000	10.00%	\$ 82,500
<b>Total Fair Share Paid to the County of San Bernardino</b>			<b>\$ 188,820</b>

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. The fair share contribution shall be paid to the City of San Bernardino in the amounts of \$84,811 and \$51,867 pursuant to the IGR letter dated September 13, 2018. The Applicant shall provide proof to the County Traffic Division of the fair share amount paid to the City of San Bernardino prior to issuance of Building Permits. At the present time, the total estimated cost is \$136,678. 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.

103. A Traffic signal modification plan is required for the intersections of Alabama Street with Palmetto Road and Alabama Street and River Bluff Road.

**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

104. Water. Water purveyor shall be the City of Redlands or EHS approved.
105. Water Letter. The Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall reference Assessor's Parcel Number (APN). For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at 800.442.2283.
106. 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.
107. Sewer. Method of sewage disposal shall be the City of Redlands.
108. Sewer Letter. The 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).
109. 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.
110. 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.
111. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, SBCC §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 with 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 800.442.2283.

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

112. Building Plans. Submit building plans through EZ Online Permitting. Visit EZOP.SBCounty.gov.
113. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
114. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
115. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
116. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

117. Construction and Demolition Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% 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 demolition permit can be issued.

**DEPARTMENT OF PUBLIC WORKS – Surveyor 909.387.8149**

118. 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.

119. 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:
- Monuments set to mark property lines or corners;
  - 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;
  - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

### **PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

#### **LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

120. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
121. 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”).
122. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
123. Screen Wall. Construct a 12-foot screen wall with pilasters at every 75 feet, as shown on the site plan dated September 28, 2019.
124. 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.
125. Wheel Stops. All back-in truck trailer parking spaces shall have a wheel stop or other physical barrier twelve feet from any wall, fence or building to prevent damage. All other vehicle spaces shall have wheel stops or curbs installed when adjacent to fences, walls or buildings; these shall be three feet (3') away from such facilities.
126. Signs. Prior to occupancy, the developer shall provide verification that the one freestanding sign is installed. All signs must comply with and be permitted in accordance with SBCC §83.13, Sign Regulations.
127. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
128. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201800232 shall be paid in full.
129. GHG – Installation/Implementation. The developer shall submit for review and obtain approval from County Planning evidence that all applicable GHG reduction measures have been installed, implemented and that specified performance objectives are being met.
130. Air Quality Management Plan (NO<sub>x</sub>) Monitoring:  
*AQ-2 - In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD’s Carl Moyer Program, or other state programs that restrict operations to “clean” trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and*

*SOON funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.*

*[Mitigation Measure AQ-2] - Prior to Occupancy Permit Issuance.*

131. *AQ-3 Air Quality Management Plan (NO<sub>x</sub>) Monitoring:*

*Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered. Compliance with this mitigation measure shall be required prior to certificate of occupancy.*

*[Mitigation Measure AQ-3] - Prior to Occupancy Permit Issuance.*

132. *AQ-4 - Air Quality Management Plan (NO<sub>x</sub>) Monitoring:*

*Although the project does not include refrigerated warehouse space that would require transport refrigeration units (TRUs), electrical conduit shall be provided to all dock doors for potential future electrical hookups. In the event that the warehouse is converted to cold storage or related refrigerator uses and in compliance with Mitigation Measure AQ-4, electrical hookups for TRUs shall be provided for any dock doors intended to be used for cold storage delivery. The County shall verify electrical hookups have been installed prior to occupancy.*

*[Mitigation Measure AQ-4] - Prior to Occupancy Permit Issuance.*

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

133. *Drainage Improvements.* All required drainage improvements shall be completed by the applicant. The private registered engineer 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.

134. *WQMP Improvements.* All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section 909.387.8311**

135. *LDD Requirements.* All LDD requirements shall be completed by the applicant prior to occupancy.

136. *Road Improvements.* All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

137. *Open Roads/Cash Deposit.* Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.

138. *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.

139. *Parkway Planting.* Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Planning. It shall be maintained by the adjacent property owner or other County-approved entity.

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

140. *Fire Sprinkler-NFPA 13.* An automatic fire sprinkler system complying with NFPA 13 and the Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.



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141. Fire Alarm. An automatic monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 100 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
  142. High-Piled Storage. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), three (3) sets of 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.
  143. Smoke Removal. An automatic smoke removal system complying with the Uniform Fire Code, NFPA and all applicable codes is required. The applicant shall submit three (3) sets of detailed smoke removal system plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
  144. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. [F85]
  145. Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
  146. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
  147. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
  148. Fire Control Room. A central control station room for fire department operations shall be provided. The location and accessibility of the central control station room shall be approved by the Fire Code Official. The central control station room shall be separated from the remainder of the building by not less than a one-hour fire-resistive occupancy separation. When the building is required to have a fire pump to maintain the required fire flow, the fire control room shall be located adjacent to the fire pump house. The room shall be a minimum of 96 square feet (9 m<sup>2</sup>) with a minimum dimension of 8 feet (2438 mm). It shall contain the following as a minimum:
    1. The fire alarm control panel and system site map. The site map is to be a plexiglass floor plan with LED lights to indicate the locations and status (alarm, trouble, operating, etc) of all sprinkler risers, fire suppression water valves, mechanical smoke removal systems, roll down fire doors, etc.
    2. Status indicators and controls for mechanical smoke removal system.
    3. Sprinkler valve and water-flow detector display panels.
    4. Schematic building plans indicating the typical floor plan, means of egress, fire-protection systems, firefighting equipment and access.
    5. Other fire-protection equipment and system controls as required by the Fire Code Official.
    6. Lighting for the central control station shall have emergency lighting powered by the standby electrical system.
    7. Provide signage on the door stating "FIRE CONTROL ROOM". Letters are to be minimum 4" high with 1: stroke, red on a white background.
    8. The Knox lockbox for the building shall be located at the fire control room.

149. Building Access:

1. Where building access is required by the fire code, fire apparatus access roads shall be provided to within 150 feet of all portions of the exterior walls of the building used for high-piled storage.

Exception: Where fire apparatus access roads cannot be installed because of topography, railways, waterways, non-negotiable grades or other similar conditions, the Fire Code Official is authorized to require additional fire protection.

2. Where access doors are required, fire department access doors shall be provided in each 100 lineal feet, or fraction thereof, of the exterior walls which face the required fire apparatus access roads. Access doors shall not be less than 3 feet in width and 6 feet 8 inches in height. Roll-up doors shall not be used unless approved by the Fire Code Official.

3. Access doors shall be numbered. Numbers shall be minimum three (3) inch, contrasting color, located in the top half of the door, inside and outside of the door.

4. Where fire department hose connections are required in the building, the doors that provides access to these connections shall have a blue reflector (hydrant marker) attached to the wall to identify the access to the hose connection (see Standard W-2 for specifications of the hydrant markers).

150. Commercial - Large facility Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.

151. Fire Line System. Commercial/industrial projects with a building(s) exceeding 100,000 square feet shall be required to have a looped fire line system and with a minimum of two (2) points of connection to the public water source.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

152. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 50% of total weight or volume of all construction waste.

**DEPARTMENT OF PUBLIC WORKS – Traffic Division 909.387.8186**

153. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

154. *The project shall participate in the cost of off-site improvements through the payment of "fair share" mitigation fees, including the following:*

*\* San Bernardino Associated Governments (SANBAG) Congestion Management Program*

*Program improvements: SANBAG congestion management program provides funding for the 2040 improvements mentioned in the Table 1-1 of the TIA. The fee of \$0.73 per square foot is charged for every high-cube warehouse project developed in the unincorporated San Bernardino County area known as the "Donut Hole" under the SANBAG congestion management program. These fees will be collected and utilized as needed by the County of San Bernardino to construct the improvements necessary to assist in maintaining the required level of service.*

**SPECIAL DISTRICTS – (909) 387-5940**

155. This project lies within the boundaries of County Service Area 70, Zone EV-1. Annexation to Community Facilities District 2010-1 (East Valley) for the purpose of financing ongoing street light costs is required for this project. Annexation fee deposit of \$5,000 is required. Please allow a minimum of three months to complete this process. To complete the annexation, to CFD 2010-1 please contact Special Districts Department, Lien Administration Section at (909) 387-5829.

## Tentative Parcel Map 19951

### PROJECT DESCRIPTION

1. Project Approval Description. This Tentative Parcel Map 19951 approval is for consolidating four parcels to create one parcel of approximately 55.18 acres and may be recorded in compliance with the conditions of approval, the approved stamped tentative map. The project site is located at the northwest corner of Palmetto Avenue and Alabama Street in the East Valley Area Plan. APN: 0290-041-42, 43, 47 and 48, Project Number P201800232.

### NOTICES

2. Expirations/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation within 36 months following the effective approval date, unless an extension of time is granted.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible for initiation of any extension request.

3. Extension of Time/TPM. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Land Use Services may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.
4. Revisions/TPM. Any proposed change to the approved Tentative Parcel Map and/or the 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.
5. Condition Compliance. Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.
6. Project Account. The Project account number is P201800232. 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 expenses 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 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the

account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation.

7. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

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

8. Fire Condition Letter Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

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

9. Additional Permits. The property owner, developer and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These may include:

FEDERAL: U.S. Fish & Wildlife

STATE: Santa Ana Regional Water Quality Control Board, South Coast Air Quality Management District, Fish and Wildlife, State Fire Marshall, LAFCO

COUNTY: Land Use Services Department – Land Development Division & Building and Safety Division, Department of Public Works – Survey Division & Traffic Division, Department of Public Health – Environmental Health Services Division, County Fire Department – Community Safety Division

LOCAL: City of Redlands

## CONDITIONS OF APPROVAL

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

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

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

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

## PRIOR TO RECORDATION OF THE PARCEL MAP

### The Following Shall Be Completed

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

11. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
12. Easements within the remainder portion of the map are to be dedicated by separate document.
13. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor’s Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

14. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
15. Fees. Review of the Parcel Map by our office is based on actual cost, and requires an initial deposit of \$3,000. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
16. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

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

17. Water Purveyor. Water purveyor shall be the City of Redlands or EHS approved
18. Sewer Purveyor. Method of sewage disposal shall be the City of Redlands.
19. 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.

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

20. 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.
21. 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.

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

22. Drainage Easements. On-site flows shall be directed towards the drainage easement. Adequate private drainage easement(s) shall be recorded under separate instrument(s).

23. Drainage Improvements. A Registered Civil Engineer 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 \$550 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.
24. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

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

25. 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.

#### **Alabama Avenue (Major Arterial – 120')**

- Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 60 feet.
- Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.
- Sidewalks. Design 6-foot sidewalk behind palm planting area per East Valley Area Plan.
- Bike Lane. Design Class I Bikeway (Bike Path) per East Valley Area Plan
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

#### **Palmetto Avenue (Collector – 66')**

- Road Dedication. A 3-foot grant of easement is required to provide a half-width right-of-way of 33 feet.
- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Bike Lane. Design Class I Bikeway (Bike Path) per East Valley Area Plan.



- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
26. 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 and East Valley Area Plan 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.
  27. 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. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
  28. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
  29. Maintenance Bond. Once all required public and private road, drainage, WQMP, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
  30. 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.
  31. 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.
  32. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.

33. 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.
34. 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.
35. 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

**END OF CONDITIONS**

# **EXHIBIT F**

## **CEQA Findings of Fact and Statement of Overriding Considerations**

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS

from the Environmental Impact Report  
for the  
Duke Realty Alabama and Palmetto Warehouse Project  
San Bernardino County, CA  
SCH # 2019029078

## **I. INTRODUCTION**

The County of San Bernardino (the “County”), in approving the Duke Realty Alabama and Palmetto Warehouse Project (the “Project”), which requires a number of discretionary approvals as discussed within the Project Summary, makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings.

The Environmental Impact Report (“EIR”) was prepared by the County acting as lead agency pursuant to the California Environmental Quality Act (“CEQA”). Hereafter, the Notice of Preparation, Notice of Availability, Notice of Completion, the Draft EIR, technical studies attached as Appendices to the DEIR, the Final EIR containing Responses to Comments and textual revisions to the Draft EIRs, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the “EIR”.

These Findings are based on the entire record before the County, including the EIR. The County adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the County.

## **II. PROJECT SUMMARY**

### **A. Site Location and Existing Conditions**

The proposed 55.8-acre Project site is located at the northwestern corner of Alabama Street and Palmetto Avenue in an unincorporated area of San Bernardino County surrounded by the City of Redlands known as the “Donut Hole.”

The Project site is west of the State Route 210 freeway (SR 210), between Interstate 10 (I-10) and the Santa Ana River. The present channel of the Santa Ana River is less than 0.13 miles north of the Project Area. According to the San Bernardino County Assessor, the subject property is identified by the following Assessor Parcel Numbers (APNs):

- 0292-041-42-0000;
- 0292-041-47-0000;
- 0292-041-48-0000;
- 0292-041-43-0000.

The site is relatively flat with minimal topographical variation; site topography varies from an elevation of approximately 1,199 to 1,226 feet above mean sea level (msl) and generally slopes gently in a northerly direction toward the Santa Ana River. In the northeast corner of the site is a natural drainage course that is 20± feet lower in elevation than the adjacent site grades. With the exception of this drainage course, the site topography slopes gently downward to the northwest at a gradient of 1± percent. The project site grades slope downward into the drainage course in the northeast corner of the property.

## **B. Project Description**

The Project includes the development of an approximately 1,192,671 square-foot high-cube, non-refrigerated warehouse and logistics center on approximately 54.8 net acres of land located at the northwestern corner of Alabama Street and Palmetto Avenue, in unincorporated San Bernardino County, California. The building will have a maximum height of 50 feet and occupy a footprint area of 1,116,934 square feet. Onsite improvements will include approximately 293,739 square feet of landscaped area and approximately 974,669 square feet of Portland cement concrete paving for parking areas, loading areas, truck courts, and circulation drives. In order to accommodate the ultimate roadway typical cross-section, right-of-way will be dedicated along the Project frontage to provide 60 feet of width on the westerly half of Alabama Street and 33 feet of width on the northerly half of Palmetto Avenue. Proposed offsite road improvements consist of 30 feet of street widening along the westerly side of Alabama Street, 12 feet of street widening along the northerly side of Palmetto Avenue, new curbing, new sidewalks, and a new multipurpose trail extending along the entire Project frontage.

## **C. Actions Covered by the EIR**

### **Discretionary Actions and Approvals**

- Site Plan Approval
- Approval of a Conditional Use Permit (CUP) to allow the construction of the 1,192,671-square foot high cube warehouse and logistics center
- Approval of a Tentative Parcel Map (TPM) to consolidate four parcels into one parcel

### **Other Potential Government Agency Approvals (Responsible Agencies)**

- South Coast Air Quality Management District (SCAQMD)
- California Department of Transportation (Caltrans)
- Santa Ana Regional Water Quality Control Board (RWQCB)
- City of Redlands (water and sewer)

### **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

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

- On February 6, 2019, the County circulated to the State Clearinghouse, responsible agencies, and other interested parties, a Notice of Preparation (NOP) identifying the environmental issues to be analyzed in the Project's EIR.
- The NOP public review period ran for 30 days. Written comments on the NOP were received from six public agencies. The scope of the issues identified in the comments included potential impacts associated with: air quality, hydrology (drainage) and water quality, land use and planning, public services and transportation and traffic.
- After providing appropriate notice, on February 7, 2019, the County conducted a scoping meeting, pursuant to CEQA Guidelines Section 15082(c)(1). No members of the public or public agencies attended the meeting.
- The Notice of Availability (NOA) and DEIR were circulated for public review and a Notice of Completion (NOC) was filed with the State Clearinghouse on August 29, 2019, thereby starting the 45-day review period.
- The County received one comment letter from a public agency and one comment letter from a private entity. The County prepared specific responses to all comments. The responses to comments are in Section 2.0 of the Final EIR.
- On \_\_\_\_\_, in accordance with *Public Resources Code* Section 21092.5, the County provided written proposed responses to the public agencies that commented on the DEIR.
- Notice of the Planning Commission ("Commission") hearing on the Project was provided as required by law including on \_\_\_\_\_, publishing notice of the Planning Commission hearing in the following newspapers of general and/or regional circulation: **[insert publication's name]**
- On January 9, 2020, the Commission conducted a public hearing to consider the Project. The Commission, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Commission certified the EIR, adopted these Findings of Fact and Statement of Overriding

Considerations, and took action to approve the Project as recommended by the Staff Report.

#### **IV. ENVIRONMENTAL IMPACTS AND FINDINGS**

##### **A. Impacts Evaluated**

The County's environmental determination is based on County staff reports, the EIR, written and oral testimony at public meetings or hearings, these Findings of Facts and Statement of Overriding Considerations, and other information in the administrative record.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in the EIR, as well as the responses to comments from the public and from other government agencies.

The EIR evaluated 20 major environmental categories for potential impacts including:

- Aesthetics;
- Agriculture and Forestry;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Transportation and Traffic;
- Tribal Cultural Resources;
- Utilities and Service Systems and
- Wildfire.



Both Project-specific and cumulative impacts were evaluated. The County concurs with the conclusions in the EIR that the issues and sub-issues discussed in subsections A and B below are either less than significant without mitigation or can be mitigated below a level of significance.

For the remaining potential environmental impacts, Air Quality – Operations and Cumulative and Transportation and Traffic, the County concurs with the conclusions in the EIR that the respective impacts cannot feasibly be mitigated below a level of significance as discussed in subsection C, and therefore the County must evaluate the overriding considerations and Project benefits and balance them against the significant impacts of the Project.

**B. Impacts Identified As No Impact Or Less Than Significant Requiring No Mitigation**

The following issues have no potential to cause significant impacts and therefore require no Project-specific mitigation. Unless specifically mentioned, this includes all related cumulative impacts for each issue area.

**1. Aesthetics**

The majority of the Project site is largely fallow agricultural land and does not include scenic features such as trees, rock outcroppings or historic buildings. Furthermore, the Project site and surrounding areas is generally developed. There are no scenic routes within the proximity of the Project site and all lighting would be installed in compliance with the San Bernardino County Development Code to reduce glare and off-site spillage. Accordingly, the Project's impact on aesthetics would be less than significant.

**2. Agriculture and Forestry**

The majority of the Project site is largely fallow agricultural land that has not been in production for several years. Furthermore, the Project site is not zoned for agricultural use nor is it subject to a Williamson Act contract. The Project site also has no existing forestry resources and is designated non-forest land. Finally, none of the area surrounding the Project site consists of active agriculture uses nor are there any forestry resources. Accordingly, the Project's impact on agriculture and forestry is less than significant.

**3. Energy**

The Project will consume energy resources, including electricity, natural gas and diesel and gasoline fuel during both the construction and operational phases. Although energy usage would increase as part of the project, the Project would be required to comply with statewide mandatory energy conservation requirements in Cal Green Code among other consumption reduction methods. As a whole, the energy resources consumed by the Project are not considered inefficient or wasteful nor would it result in cumulative impact. Accordingly, the Project's impact on energy is less than significant.

**4. Geology and Soils**

The Project site showed no evidence of faulting during the geotechnical investigation. Additionally, research of available maps indicates that the Project site is not located within an Alquist-Priolo Earthquake Fault. The potential for rupture of a fault at the Project site is considered low.

While no known active faults are located on the Project site, the County of San Bernardino is located within a seismically active region and a seismic event, resulting in ground shaking at the Project site, should be anticipated. Generally, adequate engineering and construction techniques have been developed to reduce the risk of damage to structures from ground shaking. The Project would be required to be designed in accordance with the criteria contained in the California Building Code, which includes measures to address seismic conditions. Mapping and soil conditions encountered during borings indicates that the Project site is not located within an area of liquefaction susceptibility. Finally, given the existing topography of the Project site, landslide activity is unlikely.

Site preparation activities will include removal of topsoil or vegetation, which could result in erosion. Storm water discharges from construction activities at the Project site would be regulated under the National Pollutant Discharge Elimination System (NPDES) storm water permitting program. The utilization of a Storm Water Pollution Prevention Plan (SWPPP) during construction and a Water Quality Management Plan (WQMP) during operation will address impacts related to soil erosion.

The Project site does not have any potential for soil expansion or settlement and lateral spreading would not be significant. Furthermore, necessary soil removal and recompaction would address any subsidence issues. Finally, the Project will connect to the existing sewer system and no septic tanks or alternative wastewater disposal systems are proposed. Accordingly, the Project's geology and soils impacts will be less than significant.

## **5. Hazards and Hazardous Materials**

The Project includes the operation of a warehouse and logistics center intended for regional distribution operations. The Project does not propose or facilitate any activity involving significant use, routine transport, or disposal of hazardous substances as part of operation.

The Phase I reviewed regulatory database records and the Project site is identified as a state-registered and county permitted underground storage tank (UST) facility (Facility Number 88015440). One diesel fuel UST was reportedly closed and removed in 2001 and, as a result, the San Bernardino County Fire Department Hazardous Materials Division issued a letter of No Further Action (NFA). The former Project site buildings were demolished prior to 2006, however, the Phase I consisted of a limited, visual evaluation of accessible areas for the presence of suspect asbestos containing materials. Abandoned irrigation piping appears to be constructed of a hard, cementitious material that is similar to the known asbestos-containing material (ACM) "transite", which can contain variable amounts of the asbestos mineral and is a regulated ACM. Removal of these materials would subject to the applicable federal, state and local asbestos abatement regulations and procedures.

Finally, a Phase II Subsurface Investigation was conducted to investigate the potential impact of volatile organic compounds (VOCs), Organochlorine Pesticides (OCPs), and/or arsenic to soil as a consequence of a release or releases from the former on-site agricultural and service/repair activities. Soil samples did not contain detectable concentrations of OCPs in excess of applicable Regional Screening Levels (RSLs). Arsenic and VOCs were not detected in the analyzed soil samples at concentrations exceeding laboratory Practical Quantitation Limits (PQL) and the PQLs were below applicable regulatory guidelines. Based on the Subsurface Investigation, there is evidence of a *de minimis* release of hazardous materials from the Project site which does not represent a concern to human health or the environment at this time. Accordingly, the Project's hazards and hazardous materials impacts are less than significant.

## **6. Hydrology and Water Quality**

For construction, the Project will require a SWPPP and for operations, a WQMP will be required to comply with all applicable water quality laws and regulations. In addition, the Project would not utilize any groundwater and will not interfere with groundwater recharge or impede sustainable groundwater management of the basin. As for hydrology, the Project proposes minimal subsurface storm drains for onsite conveyance. All onsite flows would rely on surface flow to convey flows to the proposed infiltration basin. The basin outflow would be discharged into the proposed Lateral A-1 storm drain with the outlet structure reducing the 100-year flow rate to historic rates before discharging in Line-A, an existing storm drain facility with an upstream terminus at the corner of Alabama Street and Almond Avenue. Finally, the Project site is not subject to any flood hazards, tsunami, and seiche nor is it at risk to any inundation and related release of pollutants. Accordingly, the hydrology and water quality impacts are less than significant.

## **7. Land Use and Planning**

The Project, a warehouse and logistics center, is compatible with the General Plan land use designation of Industrial and the East Valley Area Plan designation of Regional Industrial. Furthermore, the Project is compatible with the surrounding area and existing land uses, General Plan land use designation and zoning. Although the Project requires a CUP for construction of a warehouse facility, it will not require a Variance, Zone Change, General Plan Amendment or creation of a new Specific Plan. Furthermore, the Project site is located in a predominately industrial area. No residential housing is located within the immediate vicinity of the Project site; therefore, the Project would not obstruct any residential roads or facilities servicing a residential area. No new roads are proposed as part of the Project. As such, no physical divisions to the established community are proposed. Accordingly, the land use and planning impacts are less than significant.

## **8. Mineral Resources**

As shown in the Surface Mining and Reclamation Act map for the Project area, the Project site is not located within a portion of the Sector boundary that is owned or controlled by aggregate producers. Furthermore, no known mineral resource recovery sites have been

delineated on the Project site. Accordingly, the mineral resource impacts are less than significant.

## **9. Noise**

The nearest sensitive receptors to the site are located approximately 0.5-miles to the south of the site. Based on this distance, all of the noise from construction and operations would be attenuated and would be indiscernible from the ambient background noise, including from the SR 210 Freeway. As for traffic noise, doubling the traffic volume on a street or the speed of the traffic will increase the traffic noise level by 3 dBA. A 3 dBA change in sound is the beginning at which humans generally notice a barely perceptible change in sound and a 5 dBA change is generally readily perceptible.

The worst case trip increase would occur at the intersection of Alabama Street and Palmetto Avenue during AM peak hour conditions and would constitute an approximately 2.5% increase in intersection volumes under existing conditions and an approximately 2.1% increase in total intersection volumes under cumulative 2040 conditions. All other Project-related increases in traffic volumes moving through studied intersections would be less than these increases. Since the Project would not result in a doubling of traffic volumes on roadways in the Project vicinity, the Project noise would not increase by 3 dBA and therefore would not be perceptible. Accordingly, the noise impacts are less than significant.

## **10. Population and Housing**

The Project proposes a new warehouse facility; however no tenant has been proposed so the number of employees cannot be determined. Typically, new uses such as the proposed use generate 50 to 100 jobs including warehouse employees and drivers that will be on site in shifts. The Project will likely draw from the local employment base for most of its employees. Finally, the Project proposes a new warehouse facility on undeveloped land and would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Accordingly, the population and housing impacts will be less than significant.

## **11. Public Services**

The Project proposes a new warehouse facility that is consistent with the General Plan and East Valley Area Plan land use designations. The Project would not result in any significantly increased demands on fire protection, police protection, schools, parks and other public facilities, such as libraries. Accordingly, the public services impacts are less than significant.

## **12. Recreation**

The Project proposes a new warehouse facility and will not directly result in population growth that would have an associated impact on recreation facilities. The addition of employees to the project vicinity could result in increased use of local park facilities; however, increases in park and recreational facility demand will be incremental in nature

and are anticipated by build out of the County's General Plan. Finally, development of the Project will include the construction of an 8-foot wide, asphalt, continuous multi-use trail along the entire Palmetto Avenue and Alabama Street Project frontages. Accordingly, the recreation impacts are less than significant.

### **13. Utilities and Service Systems**

The Project would require water, wastewater collection and treatment, storm water drainage, electrical power, natural gas, and telecommunication facilities. For water, the Project site would be serviced by existing water service lines along Alabama Street. Likewise, the Project site would connect to an existing eight-inch sewer line located under Alabama Street.

For storm water, the Project would construct onsite and offsite improvements consisting of landscaping, and curb and gutter and street widening which would increase impermeable surfaces. An existing 96-inch diameter storm drain facility located along the frontage of Alabama street would be modified to allow for a lateral connection from the Project. The Project proposes to discharge its onsite flows into Line-A, an existing storm drain facility with capacity and an upstream terminus at the corner of Alabama Street and Almond Avenue.

For electricity, the Project site would be serviced by Southern California Edison. Above ground power lines, stub poles and associated hardware run north and south along Alabama Street. New electrical lines to the Project site would be installed via underground lines and the existing above ground poles would be removed. For natural gas, the Project site would utilize the existing Gas Company distribution grid to service the Project site. Finally, Spectrum Communication provides residential and business services to the Project area. Existing fiber optic cables and high-speed connection services from wireless providers such as Spectrum Communications are available to service the Project site.

The Project has an estimated calculated projected water demand of 23,853.42 gallons per day (0.0851 acre-feet per year) of water resulting an increased demand of 0.2 percent. Similarly, the Project will convey and estimated 0.095 million gallons per day of wastewater, which is less than 0.01 percent of the total daily conveyance in the entire system. Finally, the Project would generate an estimated 2.704 tons per day of solid waste, which is approximately a 0.003 percent of total Max Daily throughput of the closest landfill. Accordingly, the utilities and service system impacts are less than significant.

### **14. Wildfire**

The Project Site is not located within or near any State Responsibility Areas related to wildfire. The closest State Responsibility Area is approximately 2.5 miles to the north. Accordingly, the wildfire impacts are less than significant.

#### **C. Potentially Significant Impacts Which Can Be Mitigated Below A Level Of Significance With Mitigation Measures**

*Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes the following finding: “changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.”

The following impacts from five of the environmental categories, including Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, and Tribal Cultural Resources were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures.

This Commission hereby finds pursuant to *Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program (MMRP) adopted by this Commission. Specific findings of this Commission for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this Section of the findings has a letter and number code correlating it with the environmental category used in the EIR and the MMRP Plan.

### **1. Air Quality - Construction**

**Potential Significant Impact:** The EIR evaluated and concluded that the Project could impact Air Quality during construction.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures AQ-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measures will mitigate Air Quality construction impacts.

**AQ-1:** *To reduce VOC emissions associated with architectural coating, the Project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize “Super-Compliant” VOC paints (less than 10% VOC content), which are defined in SCAQMD Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications shall be reviewed by the County Building and Safety Division for compliance with this mitigation measure prior to issuance of the Project’s building permit.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends Mitigation Measure AQ-1 to reduce this potentially significant impact to a less than significant level.

The emissions from construction of the Project are below the SCAQMD daily construction thresholds for all the criteria pollutants, except VOC resulting from architectural coatings (painting). As shown in Table 4.3-9 of the DEIR, implementation of Mitigation Measure AQ-1 will reduce the Project's short-term construction-related emissions below the SCAQMD thresholds. Accordingly, with implementation of the Mitigations Measures, the Project's impact on air quality from construction will be less than significant.

## 2. Biological Resources

**Potential Impact:** The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the U.S Fish and Wildlife Service.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure BIO-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.4 of the DEIR. The following Mitigation Measure will mitigate impacts, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the U.S Fish and Wildlife Service:

**BIO-1:** *Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from September 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the County and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the County Land Use Services Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends Mitigation Measure BIO-1 to reduce this potentially significant impact to a less than significant level. The Project area is developed with industrial uses, agriculture to the south and roadway infrastructure. The Project site has been significantly impacted due to years of agricultural activity, disking and disturbance.

In order to confirm the presence or absence of special status plant species at the Project site, surveys were conducted on April 5 and May 11, 2019, by Glen Morrison of Harmsworth Associates. The Special Status Plant Species Survey Report, which is included in Appendix C of the Draft EIR, notes that the Project site has been significantly impacted due to years of agricultural activity, disking, and disturbance. The entire area consisted of active orchards into the 1990s. It was noted in the survey that the site currently contains four vegetation communities/land types: California annual grassland, Eucalyptus semi-natural woodland stands, Mixed species windrows, and agriculture. The surveys conclude that no special status plants occur at the Project-site. Therefore, impacts to special status plant species will not occur as a result of the Project. (DEIR, pg. 4.4-13)

No special-status wildlife species were observed on the Project site during the July 2018 site surveys, and there are no historic site records for any special status wildlife species onsite. Due to the past and current activities onsite, the disturbed nature of the site, the absence of native vegetation communities, and the absence of any current or historic site records, special status wildlife species are unlikely to occur onsite.

There is a potential for nesting birds to occur on-site given the existence of vegetation and ornamental trees. Accordingly, implementation of this Mitigation Measure would reduce the Project's impact either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the U.S Fish and Wildlife Service to less than significant.

### **3. Cultural Resources**

#### **(a) Archeological and/or Historical Resources**

**Potential Impact:** The EIR evaluated and concluded that the Project could have a substantial adverse impact in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 or may cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures CUL-1 to CUL-3. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.5 of the DEIR. The following Mitigation Measures will mitigate impacts in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 or



may cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. as follows:

**CUL-1:** *HABS Survey. Prior to ground-disturbing activities, the project proponent shall prepare Historic American Building Survey (HABS)/Historic American Engineering Record (HAER)-like documentation of the segment of the flume (CA-SBR-32488H) within the Project boundaries. The project proponent shall also conduct additional research on the citrus industry and prepare documentation in the form of a district record to be filed at the South Central Coastal Information Center SCCIC.*

**CUL-2:** *Conduct Archaeological Sensitivity Training for Construction Personnel. The project proponent shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resources professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.*

**CUL-3:** *Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals should be contacted and consulted and Native American construction monitoring should be initiated. The Applicant and County shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.*

**Facts in Support of the Finding:** The Project is within a former citrus grove that was cleared of trees around 2007. Soils within the Project area are completely disturbed from plowing associated with previous and current agricultural activity and operation of heavy equipment during tree removal. A few modern irrigation features are extant on the subject properties including PVC pipes, concrete standpipes, and a concrete pad with protruding steel pipe. These features were not documented as cultural resources as they were not over 50 years of age. Two cultural resources (CA-SBR-32488H and CA-SBR32489H), both remnants of a historic-period water conveyance system, were identified during the survey. These features consist of a local stone and concrete mortar flume (CA-SBR-32488H) and a concrete block, concrete, and brick weir with a hand crank metal release gate (CA-SBR-32489H). These features were evaluated to determine their significance and eligibility for inclusion in the California Register of Historic Resources (CRHR).

The flume and weir are directly associated with the Redlands citrus industry. This site is similar to several other sites recorded nearby, as many irrigation flumes, standpipes, and weirs have been reported in the vicinity. These resources were components of a larger gravity-fed irrigation system for the citrus groves that were previously extant within the subject parcels and within the general vicinity.

CA-SBR-32488H (flume) and CA-SBR-32489H (weir) were constructed circa 1893, within the Frank Brown subdivision of Williams Tract No. 1. These components of a gravity-fed irrigation system have a direct association with irrigation practices in San Bernardino Valley and development of the citrus industry in Redlands, events that were important in local and regional history. The flume and weir are significant under CRHR Criterion 1, with the period of significance from 1893, when the Brown Subdivision was created, until 1950, the end of the citrus industry boom. The flume and weir embody the distinctive design and construction characteristics of a gravity-fed irrigation flume and weir from the turn of the twentieth century, and are significant under CRHR Criterion 3.

An evaluation of the two historical resources suggests that they are eligible for listing on the CRHR under Criteria 1 and 3. These resources may also be a contributing element to a larger citrus historic district. Whenever feasible, avoidance of resources is preferred and recommended. It appears that CA-SBR-32489H (weir) can be avoided during Project construction and preserved in place. However, CA-SBR-32488H (flume) will be directly impacted by the Project. Therefore, Mitigation Measure CUL-1 is incorporated to reduce Project impacts to the flume to a less-than-significant level under CEQA.

The San Manuel Band of Mission Indians recommended Phase I presence/absence testing within the Project area, assuming there are in situ Holocene layers beneath the existing disturbance that resulted from agriculture. The Cahuilla Band of Indians noted that the Project area is located within the Tribe's Traditional Use Area; therefore, the Tribe requested to be notified of all updates and or changes with the Project moving forward. There are no known designated cultural (i.e., archaeological) resources present on the Project site, as discussed above. A pedestrian-level survey revealed no archaeological resources associated with the Project site. The Project site is surrounded by industrial developed that has been permanently altered due to the construction and grading of below-

and aboveground improvements (buildings, parking lots, roads, hardscapes, and utilities). The site has already been subject to extensive disruption during past agricultural activities.

Given the highly disturbed condition of the site, the potential for ground disturbing activities to impact an as-yet-unidentified archaeological resource is considered remote. Additionally, based on a literature and records search conducted for the project site, there are no previously recorded prehistoric features that are known to occur on the site. However, although no archaeological resources were observed during the cultural resources assessment, the project may reveal unknown cultural resources in the course of construction. In order to protect potentially significant unknown resources, Mitigation Measures CUL-2 and CUL-3 have been incorporated to reduce potentially significant impacts to previously undiscovered archaeological resources to a less than significant level.

### (b) Paleontological Resources

**Potential Impact:** The EIR evaluated and concluded that the Project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures GEO-1 to GEO-4. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures GEO-1 to GEO-4 as follows:

**GEO-1:** *Conduct Paleontological Sensitivity Training for Construction Personnel. The applicant shall retain a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct a paleontological sensitivity training for construction personnel prior to commencement of excavation activities. The training will include a handout and will focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of paleontological monitors, notification and other procedures to follow upon discovery of resources, and the general steps a qualified professional paleontologist would follow in conducting a salvage investigation if one is necessary.*

**GEO-2:** *Conduct Periodic Paleontological Spot Checks during Grading and Earth moving Activities. The applicant shall retain a professional paleontologist who meets the qualifications set forth by the Society of Vertebrate Paleontology and shall conduct periodic Paleontological Spot Checks beginning at depths below six feet to determine if construction excavations have extended into older Quaternary deposits. After the initial paleontological spot check, further periodic checks will be conducted at the*

*discretion of the qualified paleontologist. If the qualified paleontologist determines that construction excavations have extended into the older Quaternary deposits, construction monitoring for paleontological resources will be required. The applicant shall retain a qualified paleontological monitor, who will work under the guidance and direction of a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology. The paleontological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into the older Pleistocene alluvial deposits. Multiple earth-moving construction activities may require multiple paleontological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known paleontological resources and/or unique geological features, the materials being excavated (native versus artificial fill soils), and the depth of excavation, and if found, the abundance and type of paleontological resources and/or unique geological features encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the qualified professional paleontologist.*

**GEO-3:** *Cease Ground-Disturbing Activities and Implement Treatment Plan if Paleontological Resources Are Encountered. If paleontological resources and or unique geological features are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until appropriate paleontological treatment plan has been approved by the applicant and the County. Work shall be allowed to continue outside of the buffer area. The applicant and County shall coordinate with a professional paleontologist, who meets the qualifications set forth by the Society of Vertebrate Paleontology, to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource along with subsequent laboratory processing and analysis or preservation in place. At the paleontologist's discretion and to reduce construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.*

**GEO-4:** *All significant fossils collected, if any, will be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation will include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossils specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to a regionally-accredited museum repository, such as the SBCM in Redlands or the NHMLAC in Los Angeles, for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the landowner. A final report should be prepared to describe the results of the*

*paleontological mitigation monitoring efforts. The report will include a summary of the field methods, laboratory methods (if any), an overview of the geology and paleontology of the construction site, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produce fossils, then a copy of the report also will be submitted to the curation facility.*

**Facts in Support of the Finding:** A Paleontological Resource Assessment for the Project site was conducted by Applied Earthworks (Æ), dated August 2, 2018. Æ used the Society of Vertebrate Paleontology (SVP) (2010) sensitivity scale to determine the paleontological potential of the Project area. The Very Young and Young alluvial deposits in the Project area have a Low paleontological resource potential, because they are generally too young to preserve fossilized remains. McLeod (2018) reports that significant vertebrate fossils probably will not be encountered in shallow excavations in the younger Quaternary alluvial deposits. Fossils in these younger Quaternary deposits, if any, may be the result of redeposition from elsewhere. However, these younger deposits may overlie intact older Quaternary fossiliferous alluvial deposits at depths as shallow as nine to 11 feet. For instance, Very Old Axial-Channel deposits (Qvoa3) dating to the Late to Middle Pleistocene would have a High potential for significant paleontological resources and they may underlie the younger Quaternary deposits in the Project area since they crop out of the north slope of the foothills of the Box Springs Mountains to the south.

The thickness of the younger Quaternary deposits with Low sensitivity for paleontological resources is unknown at this time within the Project Area. Therefore, a field survey prior to grading to establish the need for paleontological monitoring is not recommended. Project-related ground disturbance to a maximum depth of 13 feet may impact buried older Quaternary deposits with potentially significant paleontological resources. Therefore, Æ recommends paleontological monitoring under the direction of a Qualified Professional Paleontologist, as defined in SVP (2010), during any grading or other excavation activities at depths of three feet and below in accordance with County of San Bernardino General Plan Policy CO 3.4.5.

Mitigation Measures GEO-1 through GEO-4 are intended to mitigate potential adverse impacts to significant paleontological resources, if present. These measures have been used by professional paleontologists for many years and have proven to be effective in reducing or eliminating adverse impacts to paleontological resources as a result of private and public development projects throughout California. As a result, mitigation measures are provided to reduce potentially significant impacts to a less than significant level regarding previously undiscovered paleontological resources or unique geological features that may be accidentally encountered during Project implementation.

#### **4. Greenhouse Gases**

**Potential Impact:** The EIR evaluated and concluded that the Project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure GHG-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures GHG-1 as follows:

**GHG-1:** *Prior to issuance of building permits, the Project applicant shall provide documentation to the County of San Bernardino Building and Safety Division demonstrating that the following measures or any other combination thereof are incorporated from the County's 2015 Development Review Processes Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points. Documentation may include measures incorporated into construction plans and specifications, development agreements, and/or other mechanisms.*

**Facts in Support of Finding:** Project-related GHG emissions would include emissions from direct and indirect sources. The proposed project would result in direct and indirect emissions of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub>. Direct project-related GHG emissions include emissions from construction activities and mobile sources, while indirect sources include emissions from area sources, electricity consumption, water demand, and solid waste generation during operation

Projects that exceed the 3,000 MTCO<sub>2</sub>e per year are required to either achieve a minimum 100 points per the Screening Tables or a 31% reduction over 2007 emissions levels. Consistent with CEQA guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions. Due to the Project's size, its GHG emissions are presumed to exceed the 3,000 MTCO<sub>2</sub>e per year threshold. As such, the Screening Table approach has been utilized to demonstrate consistency with the County GHG Plan. Mitigation Measure GHG-1 requires that the Project implement measures totaling a minimum of 100 points from the Screening Tables. The Screening Table for the Project shows the Project implementing measures totaling 101 points. (DEIR, pg. 4.8-18) Accordingly, implementation of this Mitigation Measure would reduce the Project's impact to greenhouse cases to less than significant.

## 5. Tribal Cultural Resources

**Potential Impact:** The EIR evaluated and concluded that the Project could have a substantial adverse change in the significance of a tribal cultural resource, defined in *Public Resources Code* Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in *Public Resources Code* Section 5020.1(k); or ii) a

resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of *Public Resources Code* Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures TCR-1 to TCR-4. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.18 of the DEIR. Based on the entire record before us, the County finds that this impact is potentially significant but will be mitigated to a less than significant level with the implementation of Mitigation Measures TCR-1 to TCR-4 as follows:

**TCR-1:** *Prior to the issuance of a grading permit and/or action that would permit project site disturbance (whichever occurs first), the Applicant shall provide written evidence to the County of San Bernardino that the Applicant has retained a qualified archaeologist and Native American monitor to observe grading activities and to salvage and catalogue historic and archaeological resources, as necessary. A Tribal monitor representing the Morongo Band of Mission Indians shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for the Tribal monitor as part of the monitoring effort for the Project.*

**TCR-2:** *A pre-construction meeting shall be held with the contractors, archaeologist, and American tribal monitor/representative prior to the start of construction. This meeting shall outline all processes for monitoring on the project and information regarding how the Project Archaeologist and the Tribe will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.*

**TCR-3:** *If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.*

**TCR-4:** *In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input.*

**Facts in Support of Finding:** The County has notified California Native American tribes who have formally requested notification on CEQA projects pursuant to Assembly Bill (AB) 52 – Tribal Consultation procedures that the County proposes to undertake the Project. This notification affords California Native American tribes the opportunity for consultation pursuant to *Public Resources Code* Section 21080.3.1. In September 2018, County staff conducted the AB52 consultation process and mailed AB52 consultation letters to the tribes having cultural affiliation within the geographic area of the proposed site. Based on the tribes’ review, the Morongo Band of Mission Indians formally requested these items:

1. A thorough records search be conducted by contacting one of the California Historical Resources Information System (CHRIS) Archaeological Information Centers and a copy of the search results be provided to the tribe.
2. Tribal monitor participation during the initial pedestrian field survey of the Phase I Study of the project and a copy of the results of that study. In the event the pedestrian survey has already been conducted, MBMI requests a copy of the Phase I study be provided to the tribe as soon as it can be made available.
3. MBMI Tribal Cultural Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.

The Project will comply with each of these requests. Further, the Project will incorporate Mitigation Measures TCR-1 through TCR-4 to ensure impacts to Tribal Cultural Resources are avoided. Accordingly, implementation of this Mitigation Measure would reduce the Project’s impact to greenhouse gases to less than significant.

**D. Impacts Analyzed in the EIR and Determined to be Significant and Unavoidable**

This Commission finds that the following environmental impacts identified in the EIR remains significant even after all feasible mitigation measures: Air Quality – Operation and Cumulative and Traffic and Transportation.

In accordance with CEQA Guidelines Section 15092(b)(2), this Commission cannot approve the Project unless it first finds (1) under *Public Resources Code* Section



21081(a)(3) and CEQA Guidelines Section 15901 (a)(3), that specific economic, legal, social, technological or other considerations, including provisions of employment opportunities to workers, make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant impacts are acceptable due to overriding considerations described in CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

## 1. Air Quality – Operations and Cumulative

**Significant and Unavoidable Impact:** The EIR concluded that the Project could result in significant air quality impacts from operations both from the Project and cumulatively.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant and Mitigation Measures AQ-2 to AQ-4 are incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts to the extent feasible, but not below a level of less than significant. Accordingly, air quality impacts from operations (project and cumulative) will remain significant and unavoidable.

**AQ-2:** *In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD’s Carl Moyer Program, or other state programs that restrict operations to “clean” trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB [California Air Resources Board] regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP [Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-in for NO<sub>x</sub>] funding programs, as identified on SCAQMD’s website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.*

**AQ-3:** *Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered. Compliance with this mitigation measure shall be required prior to certificate of occupancy.*

**AQ-4:** *Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when APU/TRUs are in use. The*

*County shall verify electrical hookups have been installed prior to occupancy.*

**Facts in Support of Finding:** Long-term emissions are evaluated at build-out of a project. The Project is assumed to be operational in 2020. Mobile source emissions refer to on-road motor vehicle emissions generated from the Project's traffic and are based on the Project-specific Traffic Impact Analysis. An average truck trip length of approximately 77 miles was assumed, which is the distance to the Ports of Los Angeles/Long Beach. On-site service equipment (i.e., forklifts) are assumed to be electric and therefore do not have any direct emissions of criteria pollutants. Area source emissions from the Project include stationary combustion emissions of natural gas used for space and water heating (shown in a separate row as energy), yard and landscape maintenance, and an average building square footage to be repainted each year. The California Emissions Estimator Model (CalEEMod) computes area source emissions based upon default factors and land use assumptions. CalEEMod defaults were used and reflect the 2016 Title 24 standards. Separate emissions were computed for both the summer and winter. The estimated maximum daily operation emissions are summarized in Tables 4.3-6 and 4.3-7 in the Draft EIR and show criteria pollutant emissions from operation of the Project will exceed the SCAQMD regional daily thresholds for NO<sub>x</sub> during summer and winter.

Implementation of Mitigation Measures AQ-2 through AQ-4 will reduce operational emissions of NO<sub>x</sub> from transportation emissions; however, they do not have quantitative reductions associated with them available in CalEEMod. Therefore, even after implementation of MM AQ-2 through AQ-4, operation of the Project will still exceed criteria pollutant thresholds for NO<sub>x</sub> established by SCAQMD on a regional level after implementation of mitigation measures. As a result, operational impacts related to NO<sub>x</sub> will be significant and unavoidable because they will conflict with the Air Quality Management Plan by contributing to new violations of air quality standards for NO<sub>x</sub>.

In addition, implementation of the Project would generate short-term construction and long-term operational emissions of regulated air pollutants (i.e., criteria air pollutants and toxic air contaminants). These emissions would be released to the ambient air and dispersed according to the topographic and meteorological influences that prevail near the Project area and in the greater South Coast Air Basin (SCAB). As discussed above, the Project would have long-term operational impacts related to NO<sub>x</sub>. The SCAQMD has adopted project-level significance thresholds for criteria pollutant emissions. The SCAQMD and/or CARB monitor levels of criteria air pollutant concentrations in ambient air to evaluate attainment of California Ambient Air Quality Standards and National Ambient Air Quality Standards. The SCAQMD, in developing its CEQA significance thresholds, considered the emission levels at which a project's individual emissions would be cumulatively considerable (SCAQMD 2003b; page D-3). The SCAQMD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. As a result, emissions of NO<sub>x</sub> during operation will remain significant and unavoidable because they do not have quantitative reductions associated with them available in CalEEMod. Therefore, the Project would result in a cumulatively considerable net increase of NO<sub>x</sub> for which the SCAB is in non-

attainment. Accordingly, the air quality impacts from operations (project and cumulative) will be significant and unavoidable.

## 2. Transportation and Traffic

**Potential Significant Impact:** The EIR evaluated and concluded that the Project could have a potential impact on transportation and traffic for Existing plus Ambient Growth plus Project, Existing plus Ambient Growth Plus Cumulative plus Project and Build-Out Year plus Cumulative plus Project (2040) conditions.

**Finding:** Based on the entire record before us, this Commission finds that this impact is potentially significant and cannot be mitigated to a less than significant level because all of the impacted intersections are within the responsibility and jurisdiction of another public agency and not the agency making these findings, i.e., the County. The other public agencies with responsibility and jurisdiction over those intersections (Caltrans, the City of Highland and the City of Redlands) either do not have any plans to improve the impacted intersections or if they do have plans, those plans are either not funded or on a construction schedule that would allow for those improvements to be operational by the Project's opening year. Furthermore, the County has no independent control or jurisdiction over the implementation of those mitigation measures. Accordingly, the recommended mitigation measures needed to mitigate the identified impacts are not legally feasible and, as a result, transportation and traffic impacts will remain significant and unavoidable.

**Facts in Support of the Finding:** The Existing Plus Project (2018) scenario includes existing traffic and Project traffic. The following study intersections are expected to operate at an unacceptable level of service:

1. California Street (NS)/ I-10 WB Ramps (Caltrans)
2. California Street (NS)/ I-10 EB Ramps (Caltrans)

These are the same intersections that experience unacceptable LOS under the 2018 Existing condition.

The Existing Plus Ambient Growth Plus Project (2020) scenario includes existing traffic, an ambient growth of two percent per year for two years to 2020 (four percent total ambient growth) and Project traffic. The following study intersections are expected to operate at an unacceptable level of service:

1. California Street (NS)/ I-10 WB Ramps (Caltrans)
2. California Street (NS)/ I-10 EB Ramps (Caltrans)
3. Alabama Street (NS)/ 5th Street (EW) (Highland)
8. Alabama Street (NS)/ Lugonia Avenue (EW) (Redlands)

Under this 2020 condition two more intersections (Intersections 3 and 8) have unacceptable LOS in addition to the two intersections (Intersections 1 and 2) that have unacceptable LOS under the Existing Plus Project (2018) Conditions.

The Existing Plus Ambient Growth Plus Cumulative Plus Project (2020) scenario includes existing traffic, an ambient growth of two percent per year for two years to 2020 (four percent total ambient growth), cumulative projects provided by the County of San Bernardino, City of Highland, and City of Redlands, and Project traffic. The following study intersections are expected to operate at an unacceptable level of service:

1. California Street (NS)/ I-10 WB Ramps (Caltrans)
2. California Street (NS)/ I-10 EB Ramps (Caltrans)
3. Alabama Street (NS)/ 5th Street (EW) (Highland)
8. Alabama Street (NS)/ Lugonia Avenue (EW) (Redlands)

The Build-Out Year Plus Cumulative Projects (2040) scenario includes forecasted traffic volumes at expected area build-out and cumulative projects provided by the County of San Bernardino, City of Highland, and City of Redlands. The intersections listed below are expected to operate at an unacceptable level of service.

1. California Street (NS)/ I-10 WB Ramps (EW) (Caltrans)
2. California Street (NS)/ I-10 EB Ramps (EW) (Caltrans)
3. Alabama Street (NS)/ 5th Street (EW) (Highland)
4. Alabama Street (NS)/ 3rd Street (EW) (Highland)
8. Alabama Street (NS)/ Lugonia Avenue (EW) (Redlands)
9. Alabama Street (NS)/ I-10 WB Ramps (EW) (Caltrans)
10. Alabama Street (NS)/ I-10 EB Ramps (EW) (Caltrans)
14. SR-210 NB Ramps (NS)/ San Bernardino Avenue (EW) (Caltrans)

Intersections 1, 2, 3, 8 and 9 were already projected to operate at an unacceptable LOS under the Existing Plus Ambient Growth Plus Cumulative Plus Project (2020) Conditions as well as 2040 conditions. In addition, intersections 4, 10 and 14 would also operate under an unacceptable LOS under 2040 conditions.

Under each of these scenarios, improvements are needed to bring the LOS back to acceptable levels. All of these intersections, however, are subject to the jurisdiction of Caltrans, City of Highland or City of Redlands. Caltrans, City of Highland and City of Redlands 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 level of service are not feasible and may not be included as mitigation measures. For those reasons, impacts resulting from Project-generated traffic are considered significant and unavoidable.

## **V. PROJECT ALTERNATIVES**

The EIR analyzed the following two alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. CEQA also requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain

most of the basic objectives of the Project.” Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this Commission is evaluating the alternatives.

#### **A. No Project / No Build Alternative**

CEQA requires that a specific “No Project” alternative shall be evaluated along with its impacts compared to the proposed project. The “No Project” analysis essentially evaluates existing conditions on the site. Under this alternative, existing uses on the property would remain as is and the site would not be developed. Assuming that the site remains undeveloped, all significant Project-specific impacts will be avoided. However, according to CEQA, if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

**Finding:** Based on the entire record, the County finds that the No Project Alternative would not fulfill any of the identified Project objectives. The No Project Alternative is not consistent with the primary project objectives, which is to develop a warehouse and logistics center similar in scale to such uses in the surrounding area and in accordance with the East Valley Area Plan. The No Project Alternative will not fulfill any of the Project objectives and therefore it is determined to be infeasible. This alternative is rejected.

#### **B. Reduced Project**

With the intent of further reducing potential environmental impacts from the proposed Project, the County has considered a Reduced Project Alternative. In this case, development of the Project site would be reduced by 25 percent overall (or roughly by 13.95 acres), resulting in approximately 731,002 square feet of concrete paving and 220,304 square feet of landscaping. The high-cube warehouse building would decrease in size by 25 percent to 894,503 square feet. This alternate assumes there would be a proportional decrease in the number of dock doors, trailer parking stalls, automobile parking stalls, and ADA-compliant parking stalls. On-site features such as the water quality basin would also be reduced in size.

**Finding:** Based on the entire record, the County finds that the Reduced Project Alternative would only fulfill two of the eight Project objectives. The Reduced Project Alternative would reduce development of the Project site by 25 percent in comparison to the Project. This alternative would have reduced impacts to air quality because it would generate fewer emissions of NO<sub>x</sub>. However, it is expected that emissions of NO<sub>x</sub> from the Reduced Project Alternative would still exceed SCAQMD regional thresholds. Also, although it will generate less traffic, the Reduced Project Alternative would have significant and unavoidable traffic impacts similar to the Project because it cannot be guaranteed that mitigation measures for intersections under the control of other jurisdictions (City of Redlands, City of Highland and Caltrans) will be implemented in a manner timely to avoid Project impacts.

Furthermore, because of scarcity of sites of this size, the attendant land cost of sites of this size, and the low Inland Empire market lease rates for product of this type, unless site coverage (the percentage of the site that is covered with buildings) reaches at least 45 percent, the rate of return from the lease would be too low to justify the cost and risk of investment. The feasibility of the Reduced Project Alternative is further impacted by the loss of economies of scale in the construction of smaller buildings, which would drive the rate of return on the investment to below zero. Finally, a survey of industrial buildings in the Inland Empire submarket shows very low availability of buildings in the 1,000,000 square foot size range and greater and a high availability of buildings in the 700,000 square foot size range, and the 300,000 square foot size range, respectively. Due to all of these factors, a reasonable developer would not take the risk to develop the Reduced Project Alternative. For these reasons, this Alternative is rejected as infeasible

## **VI. GROWTH INDUCING IMPACTS**

The Project is the proposed development of 1,192,671 square-foot high-cube, non-refrigerated warehouse and logistics center on approximately 54.8 net acres. The Project is consistent with the General Plan and East Valley Area Plan. A key feature of the East Valley Area Plan is to facilitate appropriate development efficiently and effectively in an area where roads and infrastructure already exist. No substantial, detrimental, growth-inducing effect is expected from implementation of the Project. The Project will not involve the extension of roads or sewer or water lines, or the construction of other major infrastructure facilities that would induce growth.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

In accordance with CEQA Guidelines Section 15093 and other applicable law, the County has, in determining whether or not to approve the proposed Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks. The County has determined that the significant unavoidable adverse project impacts related to air quality and transportation and traffic, which may remain after mitigation, are acceptable and are outweighed by specific social, economic and other benefits of the Project. In making this determination, the following factors and public benefits were considered as overriding considerations to the identified unavoidable significant adverse impacts of the proposed Project:

- The Project will be consistent with and will contribute to achieving the goals and objectives established by the San Bernardino County General Plan and East Valley Area Plan.
- 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, large-scale 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 County of San Bernardino, as the Lead Agency and having reviewed the EIR and public records, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse impacts in reaching a decision to approve the Project. Each benefit set forth above constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

## **VIII. CERTIFICATION OF EIR**

The County finds that it has reviewed and considered the EIR evaluating the proposed Project; that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines; and that the EIR reflects the independent judgment of the County. The County declares that no new significant information as defined by the State CEQA Guidelines section 15088.5 has been received by the County after circulation of the Draft EIR that would require recirculation. The County certifies the EIR based on the following findings and conclusions:

### **A. Findings**

#### **1. CEQA Compliance**

As the decision-making body for the Project, the County has reviewed and considered the information contained in the Findings and supporting documentation. The County determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as a complete and accurate reporting of the unavoidable impacts and benefits of the proposed Project as detailed in the Statement of Overriding Considerations. The County finds that the EIR was prepared in compliance with CEQA and that the County complied with CEQA's procedural and substantive requirements.

## **2. Independent Judgment of Lead Agency**

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

## **3. Significant Unavoidable Impacts/Statement of Overriding Considerations**

The Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts which cannot be mitigated to a less than significant level after mitigation include impacts to the air quality and transportation and traffic, as discussed in the Findings. The County has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the County determines that the unavoidable significant adverse impacts to air quality and transportation and traffic are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

### **B. Conclusions**

- Except as to those impacts stated above relating to air quality and transportation and traffic, all other significant environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a less than significant level.
- Alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
- Environmental, economic, social, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

## **IX. ADOPTION OF MMR P**

Pursuant to *Public Resources Code* section 21081.6, the County of San Bernardino as the Lead Agency hereby adopts the MMRP attached to these Findings. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control.

## **X. APPROVAL OF THE PROJECT**



Based on the entire record before the County, including the above Findings and Statement of Overriding Considerations and all written and oral evidence presented to the County, the County as the Lead Agency hereby approves the Project with all the mitigation measures and the MMRP, as set forth in these findings.

## **XI. LOCATION AND CUSTODIAN OF RECORD**

Documents and other materials that constitute the record of proceedings on which the County as the Lead Agency has based the Findings contained herein are located at the County of San Bernardino Government Center, 385 North Arrowhead Avenue, San Bernardino, CA 92415. The custodian for these documents is the Land Use Services Department for the County of San Bernardino. This information is provided in compliance with *Public Resources Code* Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

# **EXHIBIT G**

## **Written Comments**



# South Coast Air Quality Management District

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SENT VIA USPS AND E-MAIL:

March 5, 2019

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## **Notice of Preparation of a Draft Environmental Impact Report for the Proposed Duke Realty Alabama and Palmetto Warehouse Project<sup>1</sup>**

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 files<sup>2</sup>. 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](http://www.caleemod.com).

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<sup>1</sup> The Proposed Project would include, among others, construction of a 1,192,671-square-foot warehouse on 54.8 acres.

<sup>2</sup> 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. Guidance<sup>3</sup> 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](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

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<sup>3</sup> 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 trucks<sup>4</sup>. 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.

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<sup>4</sup> 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)<sup>5</sup>. 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 stations<sup>6</sup>. 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.

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

<sup>6</sup> City of Los Angeles. Accessed at: [http://ladbs.org/LADBSWeb/LADBS\\_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf](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 in the Draft EIR. 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](mailto:lsun@aqmd.gov) or (909) 396-3308.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
SBC190212-05  
Control Number





## Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, P.E.  
Director

### Transmitted Via Email

March 11, 2019

County of San Bernardino  
Land Use Services Department  
Attn: Aron Liang, Senior Planner  
385 N. Arrowhead Ave., First Floor  
San Bernardino, CA. 92415-0187

File: 10(ENV)-4.01

**RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR LUSD FOR THE DUKE REALTY ALABAMA AND PALMETTO WAREHOUSE PROJECT**

Dear Mr. Liang:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on February 5, 2019** and pursuant to our review, the following comments are provided:

**Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):**

1. Any road improvements will require a permit from County Transportation. Its necessity and any impacts associated with the construction should be addressed in the DEIR prior to certification.

**Environmental Management Division (Jonathan Dillon, PWE III, Stormwater Program, 909-387-8119):**

1. The project will disturb more than one acre of land and is within the Santa Ana River Watershed, the applicant will be required to obtain a WDID number in accordance with the General Construction Permit from the state as well as insure that a Water Quality Management Plan is prepared and implemented per NPDES permit R8-2010-0036.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Perry".

**Michael R. Perry**  
Supervising Planner  
Environmental Management  
MRP:PE:sr Email: [Aron.liang@lus.sbcounty.gov](mailto:Aron.liang@lus.sbcounty.gov)

### BOARD OF SUPERVISORS

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Gary McBride  
Chief Executive Officer





March 11, 2019

Mr. Aron Liang, Senior Planner  
County of San Bernardino, Land Use Services Department  
385 North Arrowhead Avenue, First Floor  
San Bernardino, California 92415  
E-mail: aron.liang@lus.sbcounty.gov

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Duke Realty Alabama and Palmetto Warehouse Project [SCAG NO. IGR9839]**

Dear Mr. Liang,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Duke Realty Alabama and Palmetto Warehouse 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.<sup>1</sup> 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 Duke Realty Alabama and Palmetto Warehouse Project in San Bernardino County. The proposed project includes the development of a 1,192,671 square foot high-cube, non-refrigerated warehouse on a 54.8 net acre 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](mailto: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](mailto:au@scag.ca.gov). Thank you.

Sincerely,

Ping Chang  
Manager, Compliance and Performance Monitoring

<sup>1</sup> Lead 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.

SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
T: (213) 236-1800  
[www.scag.ca.gov](http://www.scag.ca.gov)

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County

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
DUKE REALTY ALABAMA AND PALMETTO WAREHOUSE PROJECT [SCAG NO. IGR9839]**

**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://scagrtpscs.net/Pages/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:

<b>SCAG 2016 RTP/SCS GOALS</b>	
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 RTP/SCS 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/Pages/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](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](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/Industrial%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.scaq.ca.gov/Documents/2016GrowthForecastByJurisdiction.pdf>. The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts			Adopted San Bernardino County Forecasts		
	Year 2020	Year 2035	Year 2040	Year 2020	Year 2035	Year 2040
Population	19,663,000	22,091,000	22,138,800	2,197,400	2,637,400	2,731,300
Households	6,458,000	7,325,000	7,412,300	687,100	824,600	854,300
Employment	8,414,000	9,441,000	9,871,500	789,500	998,000	1,028,100

### **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://scagrtpsc.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.



DEVELOPMENT SERVICES  
DEPARTMENT

# CITY OF REDLANDS

Incorporated 1888  
35 Cajon Street, Suite 20  
Mailing: P.O. Box 3005  
Redlands, CA 92373  
(909) 798-7555 option 2

BRIAN DESATNIK  
Development Services Director

February 19, 2019

VIA E-MAIL & U.S. MAIL

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

**RE: Agency Notification for EIR Scoping – Duke Warehouse at Alabama & Palmetto Project**

Dear Mr. Liang:

Thank you for notifying the City of Redlands regarding the above-referenced project, and agree an Environmental Impact Report (EIR) is the appropriate level of environmental review. Our understanding is the project proposes to construct a 1,192,671 square-foot high cube warehouse building and related improvements on 54.8 acres of land located at the northwest corner of Alabama St./Palmetto Ave. within the County of San Bernardino's jurisdiction. The Project Site abuts the boundary line of the City of Redlands (approximately 2,200 linear feet along the City boundary, of which 1,100 linear feet abut the City of Redlands Wastewater Treatment Plant and associated ponds). The following comments are consolidated from the Municipal Utilities & Engineering Department and the Development Services Department to assist you with preparing the environmental analysis.

### *EIR Scoping Comments*

#### Traffic & Circulation

- The analysis and discussion should thoroughly address how the traffic impacts from the proposed project would affect intersections and freeway access points in the City of Redlands (depending upon trip distribution in the Traffic Impact Analysis). Assistance with study scoping and review of the TIA can be provided by Mr. Don Young, Engineering Manager, at (909) 798-7585 extension 6, or by e-mail at 'dyoung@cityofredlands.org'.
- The Traffic Impact Analysis should be routed to the City of Redlands, Municipal Utilities & Engineering Department (Mr. Don Young) and the Development Services Department (Mr. Brian Foote), for review and comment while the document is still in Draft form.
- Traffic mitigation language should be sufficiently precise to clearly identify the locations and consequences of necessary traffic improvements (such as widening any public rights-of-way, re-striping traffic lanes, adding or lengthening traffic lanes or turn lanes, installing new signs/signals or adjusting signal timing, constructing corner turn radius, sidewalk or parkway changes, etc.), in particular any roadways in the City of Redlands. Exhibits and graphics should be prepared, if necessary, to illustrate conceptual street and lane sections.



### Air Quality & Greenhouse Gases

The EIR analysis and discussion must adequately address how the air quality impacts may affect the City of Redlands (e.g., heavy truck vehicle emissions). The analysis and discussion may reference applicable portions of the City of Redlands 2035 General Plan Update EIR and Climate Action Plan.

### Hydrology

- The EIR analysis and discussion must thoroughly address the hydrology and drainage of the Project Site as well as potential effects on adjacent land uses. There is a potential negative impact from increased runoff adjacent to the City of Redlands Wastewater Treatment Plant (adjacent to the north and northwest sides of the proposed project site) and nearby landfill site. There appears to be a proposed large drainage basin (estimated to be 2.25 acres in area) at the northwest corner of the project site, suggesting all future runoff from the entire project site would be directed toward the direction of the Wastewater Treatment Plant ponds. The proposed 85% impervious surface area of the project site will be problematic unless adequately mitigated and/or the drainage concept is designed appropriately to avoid potential negative impacts.
- The Hydrology/Drainage Report should be routed to the City of Redlands, Municipal Utilities & Engineering Department (Mr. Don Young), for review and comment while the document is still in Draft form. Assistance can be provided by Mr. Don Young, Engineering Manager, at (909) 798-7585 extension 6, or by e-mail at 'dyoung@cityofredlands.org'.

### Noise

The EIR analysis and discussion must adequately address how the potential long-term operational noise impacts (e.g., heavy truck trips that may be routed through the City of Redlands) may affect transportation corridors and land uses in the City of Redlands.

### Public Services

The EIR analysis and discussion must adequately address any potential impacts on the current and future provision of Police and Fire services by the City of Redlands.

### Utilities & Service Systems

The EIR analysis and discussion must adequately address the issue of relocation of existing public sewer and water facilities on the project site as well as adjacent to the project site.

### *Early Consultation*

The City requests coordination for early review of draft environmental documents prior to public circulation, as recommended by statute regarding Early Public Consultation for EIRs (CEQA Guidelines §15083). City staff can assist the County's consultant with certain topics of analysis, such as traffic impacts and City services.

### *Responsible Agency*

Based on the information available at this time, it appears that the City of Redlands will not be a Responsible Agency (CEQA Guidelines §15381). If it is later determined that the Redlands City



Council must make a discretionary decision related to the project, then the City of Redlands would be acting as a Responsible Agency. In such cases where the City of Redlands is a Responsible Agency, the City should be able to rely on the Lead Agency's environmental document prior to making a decision, which means the document must be adequate for the City of Redlands purpose of making a decision on a discretionary action (CEQA Guidelines §15096).

If you have any questions during the scoping process or during preparation of the Draft EIR, please do not hesitate to contact me at (909) 798-7562 or by e-mail at 'bfoote@cityofredlands.org'. In addition, Mr. Don Young, Engineering Manager, of the Municipal Utilities & Engineering Department can be reached at (909) 798-7585 extension 6, or by e-mail at 'dyoung@cityofredlands.org'.

Respectfully submitted,



BRIAN FOOTE, AICP  
City Planner/ Planning Manager





SAN BERNARDINO COUNTY  
LAND USE SERVICES  
PLANNING PROJECT NOTICE

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0187

FULLY LINK TO MUNICIPAL UTILITIES & ENGINEERING DEPT.

Referral Date:  
September 28, 2018

ATTENTION REVIEWING AGENCIES

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than October 15, 2018 to be sure that they are included in the final project action. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, ARON LIANG at (909) 387-0235, by email at Aron.Liang@lus.sbcounty.gov, or mail your comments to the address above. If you wish, you may also FAX your comments to (909) 387-3223.

ASSESSOR PARCEL NUMBER: 0292-041-42 (See map below for more information)

PROJECT NUMBER: P201800232/CF \* Multiple Parcel Associations \*

APPLICANT: MICHAEL WEBER - DUKE REALTY LIMITED PARTNERSHIP

LAND USE DISTRICT (ZONING): EV/IR

IN THE COMMUNITY OF: REDLANDS/3RD/ SUPERVISORIAL DISTRICT

LOCATED AT: 9180 ALABAMA ST REDLANDS 92374

PROPOSAL: TENTATIVE PARCEL MAP AND CONDITIONAL USE PERMIT TO CONSOLIDATE FIVE PARCELS AND CONSTRUCT A 1.2-MILLION SQUARE FOOT HIGH CUBE WAREHOUSE BUILDING ON 55.8 ACRES; APN: 0292-041-42, 43, 47 and 48; PROJECT # P201800232

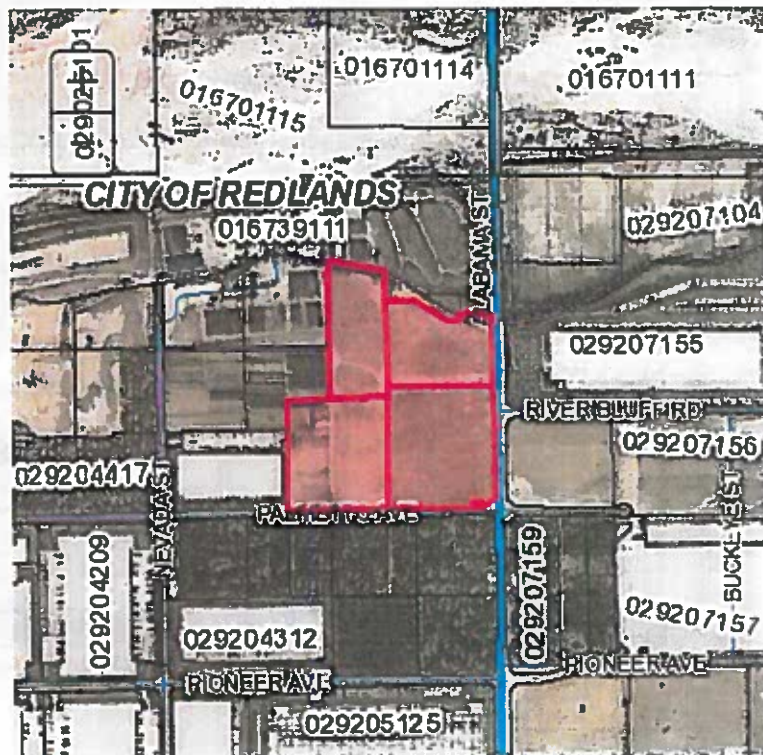
If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

Please see attached comments.

RECEIVED  
OCT 2 2018  
MUNICIPAL UTILITIES & ENGINEERING DEPT.

VICINITY MAP



10/12/18

City of Redlands  
Municipal Utilities & Engineering Dept.

SIGNATURE DATE AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.





City of  
**REDLANDS**

Incorporated 1888  
Municipal Utilities & Engineering Department  
35 Cajon Street, Suite 15A  
Redlands, CA 92373  
909-798-7698

PAUL TOOR  
Director

SAVAT KHAMPHOU  
Deputy Director

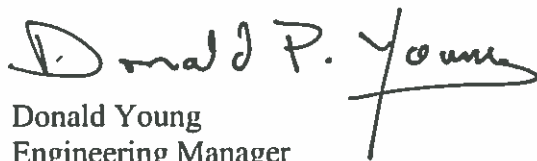
San Bernardino County  
Land Use Services  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187

In response to San Bernardino County Land Use Services Planning Project Notice for Michael Weber – Duke Reality Limited Partnership (APN 0292-041-41, 42, 43, and 48), the City of Redlands Municipal Utilities and Engineering Department (MUED) has the following comments:

- Tentative Parcel Map 19951 shows Water & Sewer Easement No. 2008-0369-698 to be relocated. No water and/or sewer main relocation plans and calculations have been submitted to the City of Redlands for relocation off the existing 15” gravity sewer main or 12” water main. The engineer (Webb) for the project has been asked to submit additional information to the City of Redlands for conceptual review of the sewer relocation and justification for removal of the existing water main. At this time, MUED staff cannot recommend to the City Council for relinquishment of the utility easement; and,
- The City of Redlands Quality of Life Department (QOL) owns and operates a gravity irrigation main. This main meanders from east to west in the proximity of Palmetto Av. The main has required recent relocation(s) due to development between Alabama Street and the I-210. This main may be associated with the easement conveyed to the Tennessee Water Company recorded February 13, 1934 in Book 942 Page 57, Official Records; and,
- MUED will prepare Potable Water, Non-Potable and Sewer Development/Connection Requirements as more information is available from the developer and San Bernardino County Land Use Services

Please direct questions from the developer and County personal to Alan Collett, Senior Civil Engineer @ 909-798-7585, x4 or [acollet@cityofredlands.org](mailto:acollet@cityofredlands.org).

Sincerely,

  
Donald Young  
Engineering Manager



March 11, 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 Duke Realty Alabama and Palmetto Warehouse Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019029078. The Project will consist of the construction of a 1,192,671 square-foot, high-cube, non-refrigerated warehouse building on approximately 54.8 net acres located within an unincorporated area of San Bernardino County. The Project will be divided into 1,091,934 square feet for the warehouse; 50,737 square feet of mezzanine storage; and 50,000 square feet of office space. The warehouse will contain 161 loading dock doors and 339 trailer stall spaces.

CARB is currently engaged in statewide efforts to identify actions that minimize emissions and community health impacts from freight facilities, including warehouse/distribution facilities such as the proposed Project. The Project site is located within close proximity of existing warehouses and is approximately 4,000 feet southeast from the San Bernardino International Airport, which serves as both a passenger and cargo airport. Packinghouse Christian Academy, is located approximately 2,700 feet south of the Project site. The nearest residences to the Project site are approximately one mile east of the Project boundary. The operation of other warehouse/distribution centers within the vicinity of these sensitive receptors will increase air pollution impacts in the community. Freight facilities, such as warehouse/distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of onsite equipment (e.g., forklifts, generators, etc.) that emit toxic diesel emissions and contribute to regional pollution, as well as global climate change.

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 near the proposed Project.

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 in the 99<sup>th</sup> percentile for Pollution Burden and is directly adjacent to a designated disadvantaged community, as defined by the CalEPA.

A preliminary air quality technical memorandum 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. Based on the modeling conducted, unmitigated emissions of volatile organic compounds (VOC) during Project construction and nitrogen oxides (NO<sub>x</sub>) emissions generated during Project operation have the potential to exceed the South Coast Air Quality Management District's (SCAQMD) significance thresholds. Mitigation Measures AQ-1 through AQ-4 were recommended to reduce construction and operation criteria pollutant emissions to below SCAQMD's significance thresholds. These measures would require the applicant to utilize compliant VOC paint, cleaner trucks, electric onsite equipment, and electric plugs at all proposed loading docks to provide power to trucks equipped with either auxiliary power units (APU) or transport refrigeration units (TRU).

The lead agency should require additional mitigation to reduce the Project's construction and operational criteria pollutant emissions. The Project should utilize all existing and emerging zero-emission technologies that minimize diesel particulate matter (PM) and NO<sub>x</sub> exposure to the neighboring community. To that end, the lead agency should apply the recommended mitigation measures for warehouses/distribution centers found in Attachment A of this comment letter.

### **Review of the Air Quality Technical Memorandum and Health Risk Assessment**

CARB staff has reviewed the air quality technical memorandum and HRA (dated April 2018) and have the following comments:

1. Mitigation Measure AQ-2 would promote alternative fuels and help support clean truck fleets by requiring future tenants, within two years of signing a lease, to fund diesel truck replacement/retrofits for all trucks older than 2007 operating at the proposed warehouse through grant programs such as the Carl Moyer Program. This mitigation measure should be revised to require equipment operators or subcontractors to show proof of application for grant funding for diesel truck replacements/retrofits and designate a specific County department to

monitor the upgrade of the tenant's truck fleet to cleaner trucks. The applicant should also include contractual language in tenant lease agreements that requires all Class 8 trucks entering the project site be model year 2014 or later and also requires that all trucks meet CARB's lowest optional NO<sub>x</sub> standard by 2022.

2. Mitigation Measure AQ-3 would require all onsite service equipment (i.e., yard hostlers and forklifts) be electric or powered by compressed natural gas. This mitigation measure should be revised to designate a specific county department to enforce the measure. The applicant should also include contractual language in tenant lease agreements that requires future tenants use all electric onsite equipment, as specified in Attachment A.
3. Mitigation Measure AQ-4 would require electrical hookups be installed at all onsite loading docks. The mitigation measure states that the County would verify the electrical hookups have been installed prior occupancy. The mitigation measure should be revised to specifically state which County department will monitor the implementation of this measure. Furthermore, Mitigation Measure AQ-4 should be revised to include the installation of electric plugs at the proposed trailer parking and staging spaces for both trucks and TRUs.
4. The air quality technical memorandum and HRA did not evaluate impacts associated with the operation of trucks or trailers with TRUs. Since the Project could include the operation of TRUs, the lead agency should have the air quality technical memorandum and HRA revised assuming a conservative percentage of the truck fleet serving the Project is equipped with TRUs.
5. The HRA should evaluate and present both the existing conditions baseline (current conditions) and a future conditions baseline (full build-out year, without the Project). In this situation, the Project site is located in a non-attainment area for several State and federal criteria pollutants and is near residential areas and existing sensitive receptors. Additionally, full build-out of the Project will not occur until 2020, when environmental conditions could be different from current conditions due to full implementation of existing regulations and policies. For these reasons, it is important to ensure that the public has a complete understanding of the environmental impacts of the Project, as compared to both existing conditions and future conditions.
6. The HRA did not evaluate health risks at sensitive receptors located downwind of the project site. For example, there are residences and a high school located downwind from the Project site that were not considered in the HRA. The HRA



Mr. Aron Liang  
March 11, 2019  
Page 4

should be revised to include health risk impacts at residences located near the intersection of Boulder Avenue/Greenspot Road and Texas Street/Domestic Avenue, as well as at Citrus Valley High School. The results of the HRA should be presented graphically with risk isopleths for both cancer and noncancer overlaid on a map.

7. According to the CalEEMod outputs, referenced in the air quality technical memorandum, the Project would result in 1,670 average daily trips, of which 3 percent would consist of light-duty trucks, 5 percent would consist of medium-heavy duty trucks and 12 percent would consist of heavy-duty trucks. Based on these estimates, the Project could result in approximately 341 average daily truck trips. CARB staff feel that this may be an underestimate. Based on evaluations of general industry practices, we would expect multiple visits to each loading dock in the course of a normal operating day. Since the Project would have 161 loading docks and 339 trailer parking spaces, CARB is concerned that the mobile emissions presented in the air quality technical memorandum are substantially underestimated and recommends the Project's averaged daily truck trip estimate be reevaluated.

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](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Richard Boyd, Chief  
Risk Reduction Branch  
Transportation and Toxics Division

Attachment

cc: See next page.

Mr. Aron Liang  
March 11, 2019  
Page 5

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

Lijin Sun  
Program Supervisor-CEQA  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

Andrea Vidaurre  
Center for Community Action and Environmental Justice  
3840 Sunnyhill Drive  
Jurupa Valley, California 92509

Carlo De La Cruz  
Sierra Club  
2101 Webster Street Suite 1300  
Oakland, California 94612



## ATTACHMENT A

### Recommended Mitigation Measures for Warehouses/Distribution Centers

#### Construction

1. Ensure the cleanest possible construction practices and equipment is utilized. For off-road construction equipment, utilize those that meet Tier 4 emission standards where possible and Tier 3, at a minimum. Other practices include eliminating idling of diesel-powered equipment, requiring the use of zero and near-zero emission equipment and tools, and providing the necessary infrastructure (e.g. electric hookups), to support that equipment. In addition, require that all construction fleets be in compliance with all current air quality regulations. CARB staff is available to provide assistance in implementing this recommendation.
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 physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

#### Operation

1. Include contractual language in tenant lease agreements that requires future tenants use the cleanest technologies available, including, but not limited to, zero-emission yard tractors, yard equipment, forklifts, and pallet jacks.
2. Provide necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
3. Include contractual language in tenant lease agreements that requires that all Class 8 trucks entering the project site be model year 2014 or later. Beginning in 2022, all trucks must also meet CARB's low lowest optional NOx standard.
4. Include contractual language in tenant lease agreements that includes tenants be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.
5. Include contractual language in tenant lease agreements that require tenants to provide sufficient plug-in capacity for TRUs at loading dock doors and staging areas.
6. Include contractual language in tenant lease agreements that limits onsite TRU diesel engine runtime to no longer than 15 minutes.







September 27, 2019

VIA E-MAIL

Aron Liang, Senior Planner  
Land Use Services Department  
County of San Bernardino  
385 North Arrowhead Avenue  
San Bernardino, California 92415  
[Aron.Liang@lus.sbcounty.gov](mailto:Aron.Liang@lus.sbcounty.gov)

Re: Duke Realty Alabama and Palmetto Warehouse EIR (*SCH Number: 2019029078*)

To whom it may concern:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Duke Realty Alabama and Palmetto Warehouse EIR. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

## **1.0 Summary**

As we understand it, the project proposes the development of one approximately 1,192,671 square-foot high-cube, non-refrigerated warehouse and logistics center on an approximately 54.8

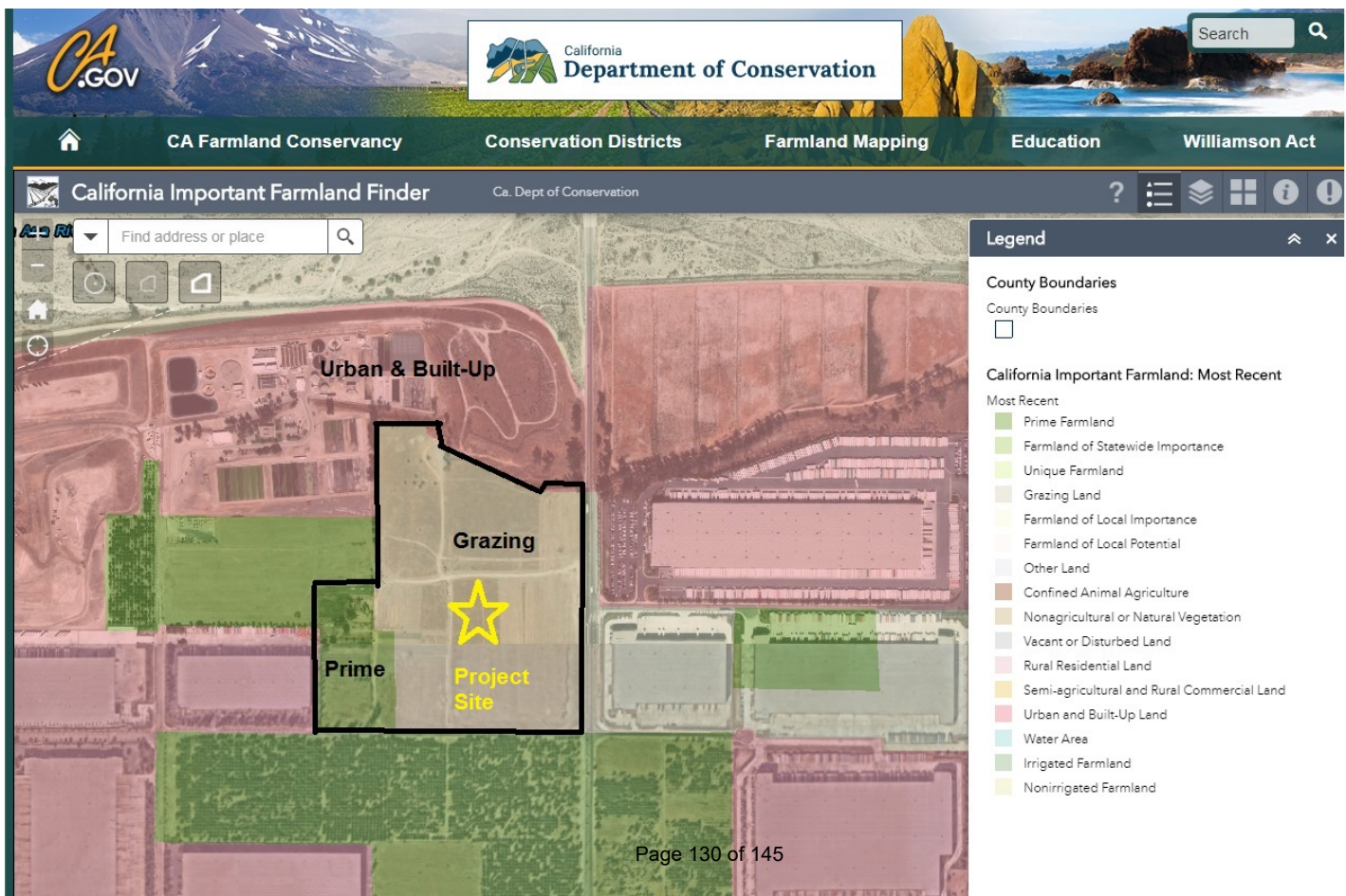
net acre site. The overall building space will include 1,091,934 square feet of warehouse space; 50,737 square feet of mezzanine storage, and 50,000 square feet of office space. The building proposes 161 loading dock doors; 339 truck/trailer parking spaces and 398 regular parking spaces for a total of 737 total parking spaces at the site.

Discretionary actions required to implement the proposed project include:

1. Conditional Use Permit (CUP) to allow the construction of the 1,192,671-square foot high-cube warehouse building.
2. Tentative Parcel Map (TPM) to consolidate four parcels into one large parcel.
3. Site Plan Approval.
4. Airport Land Use Commission approval.
5. Certification of the Final EIR.
6. Adoption of a Mitigation Monitoring and Reporting Program.

#### 4.2 - Agriculture and Forestry Resources

The EIR is erroneous in stating that according to FMMP “the project site is mapped as Urban and Built-Up Land.” The FMMP maps the project site as including both Prime Farmland and Grazing Land.



The EIR must be revised to disclose the Prime Farmland designation of the project site and analyze the potentially significant environmental impacts resulting from development of the proposed project.

The EIR further mischaracterizes the project vicinity by only stating that land south of Palmetto, “opposite the project site” is designated as Prime Farmland. Land directly adjacent to the west of the project site is also designated as Prime Farmland. The EIR must be revised to disclose this information in order to be an adequate informational document.

### 4.3 - Air Quality

Section 24.0706 of the San Bernardino County Municipal Code permits construction activity between the hours of 7:00 A.M. and 7:00 P.M. Monday through Sunday. The EIR does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12 hours per day, 7 days per week. It is legal for construction to occur for much longer hours (12 hours per day permitted while 8 hours per day analyzed) and an additional day (7 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis (AQA). The EIR must be revised with Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

The CalEEMod output sheets do not accurately reflect the project as proposed in the EIR. The CalEEMod analysis did not include any of the 50,000 sf of office space or any of the proposed surface parking lots which include 737 total parking spaces. The CalEEMod output sheets indicate that 20.52 acres of Other Asphalt Surfaces were included for analysis, but CalEEMod defines Other Asphalt Surfaces as “an asphalt area *not* used as a parking lot (e.g., long driveway, basketball court, etc.)” Offices and surface parking lots are defined as individual land uses in the CalEEMod User Guide<sup>1</sup> and must be entered into the analysis.

The Traffic Impact Analysis (TIA) accounts for truck trips generated by the project by converting vehicular trips to PCE trips. Once converted to PCE’s, the proposed project is forecast to generate 2,202 PCE trips per day. The CalEEMod output sheets only include 1,669.74 ADT for analysis when the project generates 2,202 passenger car equivalent (PCE) trips per day. The

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<sup>1</sup> CalEEMod User Guide [http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01\\_user-39-s-guide2016-3-1.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2)

AQA must be revised to analyze the project in PCE trips to account for the truck trips generated by the project.

The CalEEMod output sheets also assumes vendor trip length of 6.90 miles for all phases of construction. The EIR does not provide information regarding where the construction materials are sourced from or if they are all coming from the same location during all phases. The EIR must be revised to include an AQA which presents an accurate analysis of all potentially significant impacts in order to be an adequate informational document.

The EIR does not model any of the proposed warehouse space as refrigerated/cold storage. At least 20% of the proposed warehouse space should be modeled as refrigerated/cold storage or it must be added as a condition of approval to restrict building construction and all future tenants from including refrigeration/cold storage. This is especially necessary since Mitigation Measure AQ-4 indicates that “trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when APU/TRUs are in use.”

Further, the Particulate Matter Idling Emissions Calculations for Operation LST only analyzes 207 daily truck trips and references this number is from the TIA. However, the TIA finds that the project will generate 865 daily truck trips. The AQA is skewed to presently unduly low emissions resulting from the proposed project. The EIR must be revised to provide an accurate and adequate analysis utilizing correct information about project operation.

The Health Risk Assessment (HRA) prepared for the project is inadequate. The HRA models locations of four off-site sensitive receptors and two off-site worker receptors for potentially increased cancer risks resulting from the proposed project. The HRA chooses to model the nearest residential receptor (receptor 4) as the furthest away from project site. The residents on Karon Street are much closer to the project site than receptor 4 and must be added to the analysis. Receptor modeling must also be added for Citrus Valley High School, Circa 2020 Apartment Homes, and The Summit Apartment Homes as these locations are closer in proximity to the project site and those which are physically separated from the project site by the I-210 will be directly impacted by the project due to increased truck trips on the I-210 generated by the project. Modeling for on-site workers must be included as well.

Further, the HRA only presents analysis for “2019 Project Cancer Risk at Sensitive Receptors.” The HRA must provide a 2 year, 5 year, 7 year, 9 year, 30 year, and 70 year exposure model for sensitive receptors. A 2 year, 5 year, 9 year, and 25 year exposure model must be provided for off-site and on-site workers. The HRA’s methodology utilizes Attachment N from SCAQMD’s Risk Assessment Procedures for Rules 1401, 1401.1, and 212<sup>2</sup>. However, the HRA does not accurately follow the methodology of Attachment N because it did not utilize Combined Exposure Frequency (CEF) to calculate exposure models. Tables 4.1(A) - 4.2(D) provide the CEF for both sensitive receptors and off-site workers. An EIR must be prepared which accurately and adequately analyzes the cancer risks for sensitive receptors and off-site workers in the exposure model scenarios listed above. This is especially necessary since the EIR’s Table 4.3-10 Existing (2018) Cancer Risk at Discrete Receptors lists that the existing cancer risk at receptor 1 (Packinghouse Christian Academy) is 30.0 per million; 52.7 per million at receptor 2; and 42.7 per million at receptor 3. *Table 4.3-11 Project-Generated Cancer Risk at Discrete Receptors* indicates the project will increase the risk of cancer at Packinghouse Christian Academy by 1.2 per million in year 2019. The HRA must be revised to include long term exposure models in order to accurately and adequately analyze the proposed project’s contribution to the cumulative impact of cancer risk in the project site vicinity.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6071007800) ranks worse than 75 percent of the rest of the state overall. The project’s census tract is in the 99th percentile for pollution burden, meaning it is more polluted than nearly all other census tracts in the state of California. The surrounding community, including Packinghouse Christian Academy, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of PM 2.5 than 82 percent of the state, more diesel impacts than 90 percent of the state, and worse drinking water than 97 percent of the state.

The project’s census tract is a diverse community including 29 percent Hispanic residents and 16 percent Asian-American residents, which are especially vulnerable to the impacts of pollution. The community has a high poverty rate (62 percent compared to the rest of the state), which is an

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<sup>2</sup> SCAQMD Permit Package “N” [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/attachmentn\\_080717.pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/attachmentn_080717.pdf)

indication that they may lack health insurance or access to medical care. The environmental burden is heightened further as the census tract is comprised of 15% children under the age of 10 compared to 13% average children under the age of 10 in California.

#### 4.7 – Geology and Soils

The EIR states that although the project anticipates to disturb approximately 255,000 cubic yards of onsite soil, the cut and fill volumes are expected to balance resulting in no import or export of soil. However, there is no method for the public to verify this conclusion. The EIR does not provide any supporting evidence to demonstrate how disturbance of 255,000 cy of soil will balance onsite. The EIR also utilizes uncertain language and does not provide specific details of recommendations from the Geotechnical Report. It is stated throughout the EIR that “adherence to the recommendations contained in the geotechnical report for the Project will address any potential issues that may be encountered during grading.” The recommendations included in the Geotechnical Report are not included in the EIR, in violation of CEQA’s requirements for meaningful disclosure CEQA § 15150 (f).

Including this information is especially necessary as the Geotechnical Report recommends a “necessary cut and fill between four and seven feet to achieve the proposed site grades.” The recommendations below are cited from 6.2 Geotechnical Design Considerations and 6.3 Site Grading Recommendations of the Geotechnical Analysis:

“Therefore, the near-surface soils at this site, in their present condition, are not considered suitable to support the foundation loads of the new building, and could result in excessive post-construction settlements. Based on these considerations, ***remedial grading is warranted within the proposed building area in order to remove and replace the near surface soils as compacted structural fill.***”

The site was formerly planted with citrus trees, prior to 2007. Although not encountered within any of the exploratory borings, any significant tree root masses encountered during grading should be removed in their entirety. The resulting excavations should be backfilled with compacted structural fill. ***It should be noted that the volume loss from any tree root removals would be in addition to any volume loss due to shrinkage from soil compaction.***

Settlement Laboratory testing indicates that the near surface soils possess a high potential for collapse when inundated by water. These soils also possess a moderate potential for

consolidation when exposed to load increases in the range of those that will be exerted by the foundations of the new structure. The recommended remedial grading will remove most of these soils from within the zone of influence of the new foundations. The native alluvium that will remain in place below the recommended depth of overexcavation will not be significantly influenced by the foundation loads of the new structure. ***Provided that the recommended remedial grading is completed, the post construction settlements of the proposed structure are expected to be within tolerable limits.***

#### Treatment of Existing Soils: Building Pads

Remedial grading should be performed within the proposed building area in order to remove the artificial fill soils in their entirety, and a portion of the near surface native alluvial soils. Based on conditions encountered at the boring locations, ***the existing soils within the proposed building area are recommended to be overexcavated to a depth of at least 5 feet below existing grade and to a depth of at least 5 feet below proposed building pad subgrade elevation, whichever is greater.*** The depth of overexcavation should also be sufficient to remove any artificial fill soils. Where not encompassed within the general building pad overexcavations, ***additional overexcavation should be performed within the influence zones of the new foundations to provide for a new layer of compacted structural fill extending to a depth of 4 feet below proposed bearing grade. The overexcavation areas should extend at least 5 feet beyond the building foundations and perimeters.*** If the proposed structures incorporate any exterior columns (such as for a canopy or overhang) the area of overexcavation should also encompass these areas. As discussed in Section 6.2 of this report, it is unknown whether or not the root masses of the former citrus trees were removed at the time the trees were stripped from the site. If any significant tree root masses are encountered during grading, they should be removed in their entirety, prior to the replacement of any soils as compacted structural fill.”

Import and export of soil at the project site will be required based upon the recommendations in the Geotechnical Report. The EIR excludes this information (which is misleading to the public and decision makers) in order to skew associated impacts to Air Quality and Construction Traffic. The EIR must be revised to disclose the cut and fill requirements for construction and include those additional hauling truck trips in all related analysis, such as Air Quality and Traffic, in order to adequately and accurately analyze the significant environmental impacts generated by the proposed project.

#### **4.9 - Hazards and Hazardous Materials**



The project site is located directly south of the San Bernardino International Airport (SBDIA). The EIR states that SBDIA is a public use airport with adopted noise contours and the project site is located in Airport Safety Review Area (AR3). The EIR concludes that the project will have a less than significant impact because “the project site is located outside the 65Ldn noise contour for SBDIA and it will not encroach on any imaginary surfaces of the airport.” However, the SBDIA Airport Land Use Compatibility Plan (ALUCP) is not included for reference. The EIR does not include a map of the SBDIA noise contours or the Airport Safety Review Areas for public verification of the EIR’s determination that the project site is within AR3 and outside of the 65Ldn noise contour. CEQA § 15150 (f) states that incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand. The SBDIA ALUCP utilized here contributes directly to the analysis of the problem at hand. Not including the SBDIA ALUCP as an attachment for public review is in violation of CEQA § 15150 (f).

Although there is no AR3 or noise contour map included for public reference, utilizing the EIR’s determinations on these items still results in erroneous conclusions regarding airport safety impacts. The EIR is erroneous in its conclusion that because the project is outside the 65 Ldn noise contour it will comply with all requirements. For a public use airport with adopted noise contours, AR3 includes the area “*within one mile outside the 65 Ldn noise contour.*” Even if the 65 Ldn noise contour did not extend beyond the SBDIA property line, the project site is only 0.66 miles from the SBDIA. It can be concluded that the project may encroach on imaginary surfaces for the airport and is required to demonstrate compliance with AR3 requirements for approach surfaces, horizontal surfaces, and conical surfaces. The EIR must be revised to include a map of the SBIA noise contours, safety zones, and compliance with requirements of AR3 to be an adequate informational document and meaningfully disclose potentially significant environmental impacts generated by the project.

#### **4.17 - Transportation and Traffic**

The TIA only provides analysis of the I-15 NB/SB at Sierra Avenue ramps. The EIR and TIA must be revised to include analysis of the following Caltrans facilities providing direct access to the project site:

##### *Freeway Mainline*

I-210 from Day Creek Boulevard to Sierra Avenue

I-215 from Kenwood Avenue to Glen Helen Parkway

I-10 from Milliken Avenue to Sierra Avenue

*Freeway Merge/Diverge*

I-215 at I-15

I-210 at I-15

I-10 at I-15

*Freeway Ramp*

I-210 at Citrus Avenue EB/WB

I-210 at Sierra Avenue EB/WB

I-10 at Citrus Avenue EB/WB

I-10 at Sierra Avenue EB/WB

This is especially vital for analysis since the I-215 and I-15 provide direct access to the project site from the Southern California Logistics Airport.

**Conclusion**

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,



Board of Directors  
Golden State Environmental Justice Alliance



## Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, P.E.  
Director

### Transmitted Via Email

March 11, 2019

County of San Bernardino  
Land Use Services Department  
Attn: Aron Liang, Senior Planner  
385 N. Arrowhead Ave., First Floor  
San Bernardino, CA. 92415-0187

File: 10(ENV)-4.01

**RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR LUSD FOR THE DUKE REALTY ALABAMA AND PALMETTO WAREHOUSE PROJECT**

Dear Mr. Liang:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on February 5, 2019** and pursuant to our review, the following comments are provided:

**Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):**

1. Any road improvements will require a permit from County Transportation. Its necessity and any impacts associated with the construction should be addressed in the DEIR prior to certification.

**Environmental Management Division (Jonathan Dillon, PWE III, Stormwater Program, 909-387-8119):**

1. The project will disturb more than one acre of land and is within the Santa Ana River Watershed, the applicant will be required to obtain a WDD number in accordance with the General Construction Permit from the state as well as insure that a Water Quality Management Plan is prepared and implemented per NPDES permit R8-2010-0036.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Perry".

**Michael R. Perry**

Supervising Planner

Environmental Management

MRP:PE:sr

Email: [Aron.liang@lus.sbcounty.gov](mailto:Aron.liang@lus.sbcounty.gov)

## BOARD OF SUPERVISORS

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# EXHIBIT H

## **Final Environmental Impact Report (SCH No. 2019029078)**

<http://www.sbcounty.gov/Uploads/lus/environmental/P201800232-Final%20Environmental%20Impact%20Report.pdf>

**(Duke Realty Final EIR)**

# **EXHIBIT I**

## **CUP and TPM Findings**

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**CONDITIONAL USE PERMIT FINDINGS:** Conditional Use Permit (CUP) to construct a 1,192,671 square foot high cube, non-refrigerated warehouse and logistics center and Tentative Parcel Map to combine four parcels into one parcel, located at the northwest corner of Palmetto Avenue and Alabama Street, on approximately 55.18 acres, in the East Valley/Special Development (EV/SD) zoning district, in the East Valley Area Plan (Project).

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for CUPs:

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open spaces, setbacks, walls and fences, yards, and other required features pertaining to the application.** All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning. The submitted Project plans shows adequate design, parking, landscaping, circulation, access, and setbacks and the Project is compatible with the existing development in the area.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** Access to the Project site is provided by five commercial/industrial driveways, with three located on Alabama Street and two on Palmetto Avenue, which will provide legal and physical access to the site and appropriate regional circulation mitigation has been required. On-site circulation drive aisles meet County Fire Department Standards.
3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The Project has been designed to use building materials, colors and landscaping including shades of white, and gray, with blue glazing on the windows facing Palmetto Avenue and Alabama Street that are complementary to the existing warehouse facilities to the west, and east. The Project design includes a 25-foot landscape buffer and screen walls for screening truck, staging, and loading activities that further enhance the overall aesthetic quality of the development. Further, the Project will be developed and conditioned in compliance with Section 82.09.060 of the Development Code and is consistent with the comprehensive land use plan for the San Bernardino International Airport, Airport Layout Plan Narrative Report for San Bernardino International Airport, as outlined in the Project's Environmental Impact Report.
4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan.** The proposed CUP site plan, together with the provisions for its design and improvement are consistent with the County General Plan. The Project specifically implements the following goals and policies:

General Plan Goal LU 4: The unincorporated communities within the County will be sufficiently served by industrial land uses.

General Plan Goal LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further countywide economic development goals.

General Plan Policy LU 9.1: Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

Goal ED 1: The County will have a vibrant and thriving local economy that spans a variety of industries, services, and other sectors.

Goal ED 4: The County will assist development of small businesses and encourage new businesses of all sizes.

ED 19.1: Retain and expand trucking, warehousing, and distribution opportunities.

GOAL V/ED 1. Promote economic development that is compatible with the land use patterns and environment of the Valley Region.

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

- *Goal Implementation:* The Project, a warehouse and logistics center is compatible with the existing General Industrial land use designation and the existing East Valley/Regional Industrial zoning. The Project is compatible with the surrounding area and existing land uses, General Plan land use designation and zoning. Although the Project requires a Conditional Use Permit for construction of a warehouse facility, it will not require a Variance, Zone Change, General Plan Amendment or creation of a new Specific Plan. The Project site is accessed by Alabama Street and Palmetto Avenue, both paved County maintained public roads. Alabama Street, which parallels SR-210 to the east, is designated as a major arterial and connects the City of Redlands to the City of Highland as the main arterial access. The Project site will access Alabama Street, however no permanent road closures or rerouting of the alignment of Alabama Street is proposed. There are existing utilities onsite, and any new utilities connections proposed would not physically divide the project site from the surrounding community as electrical and natural gas lines would be subterranean. Alabama Street and Palmetto Avenue both public County roads with two lanes of access in each direction would be improved as required by State and local regulations. The Project provides additional industrial development opportunities in the East Valley Plan Area consistent with the goals and policies above.

The Project is located within the boundary of the East Valley Area Plan. Additionally, Circulation/Site Design and Site Design Standards and Guidelines of the East Valley Area Plan support approval of the Project.

- All development proposals shall be designed so as to provide for a free flow of vehicles in and out of the site as well as for easy access to the various activity areas within each site. (EV.0320 (E)).
- Adequate provisions shall be made for emergency vehicle access, with a minimum of two (2) points of ingress and egress provided to each site. (EV.0320 (H)).
- No Loading facilities shall be located at the front of the structure; loading facilities shall be permitted only in the rear and interior side yard areas. (EV.0330 – Site Design Standards and Guidelines).
- Loading facilities shall be adequately screened from the public view by use of walling, landscaping or building design. (EV.0330 – Site Design Standards and Guidelines).
- Floor Area Ratios (FAR) provide unique design flexibility in determining whether a low building covering most of a lot is beneficial or whether a taller building covering a small portion of the lot is appropriate. Maximum FAR for any use within the Planning Area area shall be established as follows: Industrial buildings: .8 of the total lot area.

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project. . Further, the Project will be developed and conditioned in compliance with Section 82.09.060 of the Development Code and is consistent with the comprehensive land use plan for the San Bernardino International Airport, Airport Layout Plan Narrative Report for San Bernardino International Airport, as outlined in the Project’s Environmental Impact Report.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct road improvements, as well as contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area. The use will not substantially interfere with the present or future ability to use solar energy systems.
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 to reduce air quality and traffic impacts and enforce performance standards of the County Development Code.
7. **The design of the Project 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 with adequate building setbacks and the future ability to construct rooftop solar facilities.



**PROJECT FINDINGS TENTATIVE PARCEL MAP:** CUP to construct a 1,192,671 square foot high cube, non-refrigerated warehouse and logistics center and Tentative Parcel Map (TPM) to combine four parcels into one parcel, located at the northwest corner of Palmetto Avenue and Alabama Street, on approximately 55.18 acres, in the East Valley/Special Development (EV/SD) zoning district, in the East Valley Area Plan (Project).

The following are the required findings, per the Development Code Section 87.02.060, and supporting facts for TPM 19951.

- 1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan.** The subdivision will consolidate four parcels to allow for the construction of a warehouse. The proposed subdivision is consistent with the General Plan and the East Valley Area Plan's Regional Industrial density requirement. There is adequate room for an appropriately sized and located building pad on the proposed parcel. Further, the Project will be developed and conditioned in compliance with Section 82.09.060 of the Development Code and is consistent with the comprehensive land use plan for the San Bernardino International Airport, Airport Layout Plan Narrative Report for San Bernardino International Airport, as outlined in the Project's Environmental Impact Report.
- 2. The site is physically suitable for the type and proposed density of development.** The Project includes adequate setbacks, road improvements and access driveways to accommodate the proposed development.
- 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** There is no potential for special statues plant species to occur on the Project site, and mitigation measures have been added to the Conditions of Approval to reduce impacts to Coopers Hawk and the Burrowing Owl to a less than significant level.
- 4. The design of the subdivision and type of improvements are not likely to cause serious public health problems.** The design of the subdivision follows a logical and orderly progression of development. The proposed subdivision has been reviewed by all agencies with jurisdiction over the Project and has been found to not cause serious public health or safety problems, either through design, or through the adoption of Conditions of Approval.
- 5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.** The recorded map will require all necessary public rights of easements to be shown. The development will provide five-points of legal and physical access to the site with proper documentation of those access rights. The Conditions of Approval shall require that any easement conflicts be resolved and that statements of concurrence be provided from utility companies, whose easements may be affected by the proposed development prior to recordation.

6. **The discharge of the sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.** The proposed Project will connect to existing sewer facilities, which is in compliance with the Regional Water Quality Control Board requirements.
7. **The design of the subdivision provides, to the extent feasible, the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The proposed lot will provide adequate building setbacks for the proposed land use. The building setbacks promote optimum spacing of structures to create adequate opportunity for the use of solar technology.
8. **The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.** The size and shape of the proposed lots are adequate for the type of development proposed, and appropriate agencies (including County Surveyor, County Public Works, County Fire, County Environmental Health Services, and County Building and Safety) have all reviewed and approved the Project design, the proposed Conditions of Approval and the mitigation measures. The access roads, and water service lines to the site currently exist and any required modifications to these are required to be bonded prior to recordation and to be constructed prior to final inspection of any new construction on the site.

**ENVIRONMENTAL FINDINGS:**

The environmental findings, in accordance with Chapter 85.03.040 of the Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been adequately reviewed through an Environmental Impact Report (EIR). The EIR adequately describes the environmental impacts that will result from the proposed Project and reflects the County's independent judgment. The EIR determined that all impacts will be less than significant with mitigation measures, with the exception of Air Quality and Traffic/Transportation, which require Statements of Overriding Consideration establishing that the benefits of the Project outweigh the adverse impacts. Appropriate mitigation measures have been incorporated for all other impacts into the Conditions of Approval and into the Mitigation Monitoring and Reporting Program. This will ensure that all other impacts are reduced to a level of non-significance.