DRAFT ENVIRONMENTAL IMPACT REPORT
EXECUTIVE SUMMARY
State Clearinghouse No. 2009061113

LYTLE CREEK RANCH SPECIFIC PLAN

Lead Agency:
City of Rialto
Development Services Department – Planning Division
150 South Palm Avenue
Rialto, California 92376

March 2010

This page intentionally left blank.

DRAFT ENVIRONMENTAL IMPACT REPOR
EXECUTIVE SUMMARY

State Clearinghouse No. 2009061113

LYTLE CREEK RANCH SPECIFIC PLAN

Annexation No. 170
General Plan Amendment No. 29
Specific Plan No. 12
Development Agreement
Vesting Tentative Tract Map No. 18767
Environmental Assessment Review No. 90-19

Lead Agency:
City of Rialto
Development Services Department - Planning Division
150 South Palm Avenue
Rialto, California 92376
(909) 421-7246

Applicant:
Lytle Development Joint Venture III
2050 Main Street, Suite 252
Irvine, California 92614
(949) 313-5800

March 2010

This page intentionally left blank.

EXECUTIVE SUMMARY

Introduction

This combined programmatic and project-level environmental impact report has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), as codified in Sections 21000-21177 of the Public Resources Code (PRC), and the State of California's Guidelines for the Implementation of the California Environmental Quality Act (State CEQA Guidelines), as codified in Sections 15000-15387 in Title 14 of the California Code of Regulations (CCR), and describes and analyzes the significant environmental effects associated with the approval and implementation of the proposed "Lytle Creek Ranch Specific Plan"[1] (LCRSP), as submitted by Lytle Development Joint Venture III (Applicant), and discusses ways to mitigate or avoid those effects, including the identification of alternatives thereto.

The proposed project examined herein includes the annexation into the City of Rialto (City or Lead Agency) of certain lands located within the City's adopted Sphere of Influence, annexation and/or detachment of project lands into or from existing County of San Bernardino (County) special districts and service area, and associated reorganization of existing governmental services, including reorganization of existing County Service Area 70 and Improvement District GH (CSA 70-GH), detachment from the San Bernardino County Fire Protection District and its Valley Service Zone, and annexation into the West Valley Water District (WVWD or District). In addition, the proposed project includes, but is not limited to: (1) the adoption of the proposed LCRSP, inclusive of any and all amendments to the land-use and related plans and policies of the City and the County as may be associated with or logically follow that plan's adoption; (2) the development, redevelopment, and the conservation of that real property within the LCRSP boundaries and such off-site areas as may be reasonably associated therewith; (3) the construction, operation, and maintenance of those capital improvements, public works, public, semi-public, and private facilities, and infrastructure-related activities identified in the adopted LCRSP (if so adopted) and/or in the certified environmental impact report (if so certified); and (4) those construction, implementation, operation, use, occupancy, habitation, and maintenance activities that may be associated, either directly or indirectly, with those actions.

In compliance with Section 15123 of the State CEQA Guidelines, an environmental impact report (EIR) is required to include a brief summary of the proposed action(s) and its potential environmental consequence(s). The summary is required to identify the significant effects that have been identified, the mitigation measures now proposed in response to those impacts, the alternatives that have been formulated to reduce or avoid those effects, the areas of controversy known to the public agency preparing the EIR, and any issues that remain to be resolved. This executive summary, which is synoptic in nature, is presented in fulfillment of those requirements.

More detailed information concerning the proposed project, its potential environmental effects, the mitigation measures now being recommended by the City's Development Services Department (Department) in response to those impacts, and the range of alternatives now under consideration are presented under the corresponding sections of this programmatic and project-level EIR.

[1]/ Lytle Development Joint Venture III (KTGY Group, Inc.), Draft Lytle Creek Range Specific Plan, December 2008, as revised.

Project Description

Proposed is the adoption of the proposed LCRSP. The LCRSP, in combination with a development agreement/pre-annexation agreement between the City and the Applicant, will establish new land-use policies affecting the approximately 2,447.3-acre project site. The specific plan would authorizing the development of up to 8,407 dwelling units and 849,420 gross leasable square feet of general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses (excluding institutional, educational, recreational, and infrastructure-related uses), allow for the retaining a substantial portion of the project site for open space and conservation purposes, create diverse opportunities for a range of public, semi-public, and private recreational facilities, and promote the development of associated public improvements, public works, and infrastructure facilities.

While assessed on an acreage-based and/or depicted and described bases, no maximum allowable square footages of institutional, educational, recreational, and infrastructure-related uses has been specified in the proposed LCRSP and/or in this EIR. As such, so as to allow the Lead Agency and other responsible agencies the ability and the flexibility to equate actual facility sizes with identified needs, design requirements, and other factors, the maximum square footage for those uses can exceed the 849,420 square foot limitation imposed on general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar uses.

As proposed, once developed, the master planned community and its distinct visual elements will form the northern City-defining entranceway or "gateway." As described below, the overall community created through the implementation of the proposed LCRSP will consist of four separate and distinct "neighborhoods." The anticipated development within those neighborhoods at the project's build-out (2030) is summarized in Table ES-1 (Lytle Creek Ranch Specific Plan – Detailed Statistical Summary). Each of the four "neighborhoods" comprising the proposed LCRSP is briefly described below.

Table ES-1
LYTLE CREEK RANCH SPECIFIC PLAN - DETAILED STATISTICAL SUMMARY

Neighborhood[1]	Approximate Acreage	Estimated Average Product Density (DU/ac)	Dwelling Units	Square Footage	Assumptions
I	417.2	-	1,278	-	-
II	801.8	-	2,931	102,452	Active-Adult
III	968.8	-	3,329	566,279	-
IV	259.5	-	869	180,689	-
Total	2,447.3	3.44	8,407	849,420	-

Notes:
1. Each of the four "neighborhoods" include numerous smaller "planning areas" (PAs). Other than the "City of Rialto General Plan" (City General Plan) designation of "Specific Plan" that would encompassing the entire area located within the LCRSP's boundaries, no single land-use designation is proposed for an entire neighborhood. As proposed, each of the project's 103 PAs have area-specific residential, non-residential, and/or conservation-based land-use designations, defining the general nature and character of the use(s) authorized therein. Individual neighborhoods may, therefore, contain separate PAs with residential land-use designations ranging from "Single-Family Residential 1 (SFR-1) (2-5 dwelling units/acre" (SFR-1) to "High Density Residential (HDR) (25-35 dwelling units/acre)."

Source: Lytle Development Joint Venture III

- **Neighborhood I**. Neighborhood I will contain approximately 417.2 acres. A portion of this neighborhood, commonly referred to as "Sycamore Creek East" (Sycamore Flat) and "Sycamore Creek West" (Sycamore Canyon), is located within but extracted from the boundaries of the 3,400-acre County-approved "Glen Helen Specific Plan" (GHSP). The remaining land includes acreage located within but extracted from the boundaries of County-approved "Lytle Creek North Planned Development Project" (LCNPD or Tract 15900), currently being marketed as Rosena Ranch. Once approved, the LCRSP will supersede portions of the County-approved GHSP and LCNPD. As proposed, those planning areas (PAs) which will be removed from those County-approved plans include, but may not be limited to: (1) PAs 1-15, as illustrated in the proposed LCRSP; and (2) PAs 1-7, 14, and a portion of PA 13, as illustrated in the approved LCNPD. In addition to open space, the primary land use in Neighborhood I is single-family residential. A portion of Neighborhood I contains a "General Warehousing Overlay" (GW Overlay). In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

- **Neighborhood II**. Neighborhood II is planned as a gated, active-adult community on approximately 801.8 acres and will include the entire 221-acre City-approved "El Rancho Verde Specific Plan" (ERVSP) area and the El Rancho Verde Royal Vista Golf Course. If approved, the land-use and related plans and policies presented in the LCRSP will supersede those contained in the ERVSP. Areas to be removed from the adopted ERVSP include a portion of PA 95 and all of PAs 96-103 of the proposed LCRSP. In addition to open space, the primary land uses in this neighborhood are single-family residential, multi-family residential, and commercial. Portions of Neighborhood II contain a "Single Family Residential Overlay" (SFR Overlay), "High Density Residential Overlay" (HDR Overlay), and "Village Center Commercial Overlay" (VC Overlay). In lieu of the underlying land use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

- **Neighborhood III**. Neighborhood III is located south of the I-15 Freeway and will primarily include a mix of single-family and multi-family residential uses, school sites, and commercial development on approximately 968.8 acres. Portions of Neighborhood III contain a GW Overlay, SRF Overlay, HDR Overlay, VC Overlay, and Park Overlay. In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

- **Neighborhood IV**. Neighborhood IV will consist primarily of multi-family residential and commercial development on 259.5 acres located north of the I-15 Freeway. A portion of Neighborhood IV contains a GW Overlay. In lieu of the underlying land use designation, authorized land uses allowable in an overlay district may be developed in those PAs possessing that designation.

Three of the proposed neighborhoods (Neighborhoods I, III, and IV) will including housing designed to attract a variety of households, preferences, and lifestyles. The fourth neighborhood (Neighborhood II) will be built as a gated, age-qualified community for residents age 55 and older. More than half of the entire project area will be preserved or retained as open space.

In order to allow for future land-use variations to occur, as part of this environmental assessment, the proposed LCRSP includes the concept of a "trip budget" as the basis for allowing needed development flexibility within the specific plan area while, at the same time,

ensuring that the resulting development does not exceed the assumptions upon which this environmental analysis is based. The trip budget establishes an overall trip cap (i.e., net increase in vehicle trips) which offers both the Applicant and local officials the flexibility to determine specific land uses, within the limits of that budget, and allows market forces to dictate how and where the trips would ultimately be utilized. As specified in the proposed LCRSP, overall development is allowed to occur, within the parameters of the allowable land uses, as long as the cumulative traffic volumes (measured as AM plus PM peak-hour trips) generated by development activities within each traffic analysis zone and throughout the entirety of the specific plan area does not exceed the specified total budget.

As authorized under the proposed LCRSP, transfers of dwelling units and non-residential square footages shall be permitted within and between any of the planning areas within Neighborhoods I and IV (except for PAs designated "Open Space"), provided that the total number of projected morning (AM) plus evening (PM) vehicle trips per day for Neighborhoods I and IV not exceed a combined total of 3,853 projected AM plus PM trips. In addition, transfers of dwelling units and non-residential square footages shall be permitted within and between any of the planning areas in Neighborhoods II and III (except for PAs designated "Open Space"), provided that the total number of projected AM plus PM vehicle trips per day for Neighborhoods II and III not exceed a combined total of 12,483 projected AM and PM trips.

Additional Off-Site Areas

For the purpose of CEQA compliance, this EIR also analyzes certain "off-site" areas, defined as lands located outside the boundaries of the proposed LCRSP and not subject to the land-use provisions of that specific plan, if subsequently adopted by the City. Off-site acreage includes those areas associated with any off-site infrastructure and related improvements that may be directly required for the project's implementation. Additional off-site areas addressed in this EIR, totaling approximately 19.9 acres, which are located outside the boundaries of the proposed LCRSP but are nonetheless included herein and made a part of this EIR include:

- Utility easement within County-owned property located adjacent to Neighborhood I totaling approximately 3.6 acres;
- An approximately 20-foot wide improved roadway owned by the County extending from the northeast portion of Neighborhood II to a connection to Highland Street that will provide an interim, secondary point of access to Neighborhood II during construction, totaling about 2.6 acres;
- Road easement extending beneath the I-15 Freeway, totaling about 2.3 acres;
- Levee improvements extending approximately 2,000 linear feet on property owned by Cemex USA Construction Materials, Inc.[2] (Cemex USA) and consisting of about 10.1 acres between Neighborhoods II and III;
- Additional levee improvements north of Neighborhoods II and IV with a combined acreage of approximately 0.6 acres; and
- Drainage improvements in the vicinity of Neighborhood IV, totaling about 0.7 acres.

[2]/ Other references to the underlying ownership interest refer to "Cemex Construction Materials Pacific, LLC." Because ownership interests and corporate identities routinely change, all references to Cemex USA herein are intended to refer to the owner and operator of that sand and gravel quarry located between Neighborhoods II and III of the proposed LCRSP. Names used herein are for convenience purposes only and are not intended to create or infer legal interests where no such interests now exist.

Discretionary Permits and Approvals

The adoption of the proposed LCRSP and the implementation of those development-related, infrastructure-related, conservation-related, and other activities that follow that action will necessitate a number of discretionary permits and approvals from the City. Unless subsequent or supplemental analysis or an addendum to this EIR is deemed required by the Lead Agency or by another responsible, trustee, or federal agency, it is the purpose and intent of this EIR to serve as the environmental basis, under CEQA, for each of those actions and activities, whether explicitly identified herein or identified following the certification of this EIR.

Permits and approval associated with the proposed project include, but may not be limited to: (1) amendments to the "City of Rialto General Plan" (City General Plan), including its Land Use Element, Circulation Element, Open Space Element; (2) amendments to the San Bernardino Local Agency Formation Commission (LAFCO) approved and City-adopted Sphere of influence; (3) amendments to the City's Official Land Use Zoning Map; (4) text and map revisions to the "City of Rialto Municipal Code" (City Municipal Code); (5) adoption by ordinance of the "Lytle Creek Ranch Specific Plan"; (6) approval of vesting and non-vesting tentative subdivision maps, street and utility easements, and other subdivision activities, including an "A" level map for financing purposes only; (7) approval of a pre-annexation development agreement with the Applicant that will become a development agreement pursuant to Section 65864 *et seq*. of the CGC upon annexation of the project site to the City; and (8) changes of organization and reorganizations, including, but not limited to, annexation or phased annexation of those portions of the LCRSP area currently in the County to the City, annexation and/or detachment of project lands into or from existing County districts and service area, and associated reorganization of existing governmental services, including reorganization of existing County Service Area 70 and Improvement District GH (CSA 70-GH), detachment from the San Bernardino County Fire Protection District and its Valley Service Zone, and annexation into the WVWD.

In addition to the discretionary approvals identified above, this EIR may be used by the City for the following permits and approvals which include, but are not limited to: (1) approval of other implementing agreements, as may be determined necessary by the City and the Applicant; (2) approval, funding, construction, and acceptance of infrastructure improvements, public works projects, and other public facilities; (3) real property conveyances whether to or from the City, the County, other public or quasi-public entities, and private parties; (4) approval of site development and design reviews; (5) issuance of conditional use permits (CUP) as authorized under the LCRSP; (6) issuance of encroachment, excavation, grading, building, and other associated permits and approvals, if considered by the City to be discretionary in nature; (7) establishment of one or more Mello-Roos districts, inclusive of the formulation of community facility districts and the construction and operation of each of the qualifying facilities included therein; and (8) such other actions as may be reasonably associated with the approval and implementation of the proposed LCRSP, inclusive of all uses, buildings, structures, facilities, public works, infrastructure improvements, and associated activities identified therein.

In addition to those entitlements required from the City, additional permits and approval will or may be required from a number of other responsible, trustee, and federal agencies. Those agencies likely include: (1) United States Army Corps of Engineers (USACE); (2) United States Fish and Wildlife Service (USFWS); (3) Federal Emergency Management Agency (FEMA); (4) California Department of Fish and Game (CDFG); (5) California Department of Transportation (Caltrans); (6) Regional Water Quality Control Board, Santa Ana Region (SARWQCB); (7) State Historic Preservation Office (SHPO); (8) San Bernardino Local Agency Formation Commission

(LAFCO); (9) County of San Bernardino (County); (10) West Valley Water District (WVWD or District); (11) Rialto Unified School District (RUSD); (12) Fontana Unified School District (FUSD); (13) San Bernardino City Unified School District (SBCUSD); and (14) such other agencies from whom discretionary permits and approvals may be required.

Subsequent to the certification of the EIR by the Lead Agency, if so certified, this EIR may be used by those responsible, trustee, and federal agencies from whom permits, approvals, and other entitlements may be identified. Those agencies are authorized to utilize the Lead Agency's CEQA documentation as the environmental basis for any and all such permits, approvals, and entitlements, whether explicitly identified herein or identified by those agencies following the certification of this EIR. The City's failure to identify those agencies and/or those entitlements herein does not preclude those agencies from using this EIR as the environmental basis for those later actions.

Biological Resource Assessment

The "LCRSP study area" supports 38 distinct plant communities and/or associations. Five of these communities are considered rare or warranting consideration by the California Natural Diversity Database (CNDDB). The predominant sensitive community is Riversidean alluvial fan sage scrub (RAFSS) and its various sub-associations, which, in aggregate, account for approximately 1,143.7 acres (46 percent) of the LCRSP study area. Other sensitive communities of more limited extent in the LCRSP study area include: (1) 1.2 acres of white sage scrub; (2) 19.4 acres of southern willow scrub; (3) 0.3 acre of California sycamore alliance; and (4) 1.7 acres of southern cottonwood willow riparian. In addition, two sensitive plant species have been detected within the LCRSP study area: Plummer's mariposa lily (*Calochortus plummerae*) and Parry's spineflower (*Chorizanthe parryi* var. *parryi*). The Plummer's mariposa lily is a California Native Plant Society (CNPS) List 1B.2 species. Over 127,200 Plummer's mariposa lilies were mapped in 2005, primarily within portions of the LCRSP study area proposed as permanent open space. The Parry's spineflower is a CNPS List 1B.1 species.

The slender-horned spineflower (*Dodecahema leptoceras*), a State and federally-listed endangered and CNPS List 1B.1 species, was historically seen and documented in the LCRSP study area in 1994. This species was not, however, observed during focused surveys conducted in 2004, 2005, 2006, and 2007 and is now considered absent from the LCRSP study area.

A woollystar (*Eriastrum densifolium*), a taxon with both a common (*Eriastrum densifolium* ssp. *elongatum*) and a federally-listed (*Eriastrum densifolium* ssp. *sanctorum*) subspecies, has also been detected within the LCRSP study area. In order to determine the subspecies occurring in the LCRSP study area, a study was conducted in 2006 that sampled corolla length, which is considered a key method of differentiating between the two subspecies. The results of this study indicated that the woollystars found in the LCRSP study area belong to the common subspecies *elongatum*.

Eighteen sensitive wildlife species have been documented to have been observed in the LCRSP study area. Of these, the following three species are either federally-listed or State-listed (or both) as either threatened or endangered:

- **San Bernardino kangaroo rat**. The San Bernardino kangaroo rat (*Dipodomys merriami parvus*) (SBKR), a federally-listed endangered species, occurs within the LCRSP study area. Occupied habitat for this species was determined based on the results of small

mammal trapping studies within all suitable habitats for this species conducted in 2005, 2006, and 2007. SBKR were captured within 702.7 acres (696.8 "on-site" acres and 5.9 "off-site" acres) of the LCRSP study area during at least one year of these trapping studies. These 702.7 acres have been designated as "occupied habitat" for this species within the LCRSP study area and sets the baseline for evaluation of direct impacts to SBKR. These 702.7 acres include 51.0 "on-site" acres that are occupied on an ephemeral basis due to physical and hydrologic isolation.

- **Least Bell's vireo**. The least Bell's vireo (*Vireo bellii pusillus*) (LBV), a federally-listed endangered species, was detected in the LCRSP study area in 2006 when two pairs were observed in the Sycamore Flat riparian corridor in Neighborhood I and an individual was repeatedly observed in a narrow riparian corridor along the western portion of Neighborhood II. Protocol surveys in 2007 detected one LBV pair in the Sycamore Flat riparian corridor and none in Neighborhood II. Protocol surveys in 2008 did not detect the LBV within the LCRSP study area.

- **Willow flycatcher**. The willow flycatcher (*Empidonax trailli*), a State-listed endangered species, was detected as a transient in the LCRSP study area during the migration period in 2006, 2007, and 2008. Focused surveys were conducted for the southwestern willow flycatcher (*Empidonax trailli extimus*) (SWWF), a State and federally-listed endangered subspecies, in 2006, 2007, and 2008. No federally-listed SWWF were detected during the protocol surveys.

Other sensitive species identified as occurring within the LCRSP study area include the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) (LAPM) and the burrowing owl (*Athene cunicularia*) (BUOW), both California Species of Concern (CSC). The LAPM was detected during trapping for the SBKR. This species occupies approximately 397.8 on-site acres within Neighborhoods III and IV. The BUOW was incidentally observed within the LCRSP study area but outside the development footprint in the SBKR Conservation Area in September 2006 and in February 2007 during trapping for the SBKR and again in January 2009. Protocol surveys conducted in 2006 and 2007 did not detect this species within the development portion of the LCRSP study area. Focused protocol surveys performed in 2005, 2006, and 2007 for the coastal California gnatcatcher (*Polioptila californica californica*) (CAGN), a federally-listed threatened species, did not detect this species within the LCRSP study area.

Various plant and wildlife surveys were not conducted consecutively through 2008. The average number of consecutive surveys years for any one species was three years. For Plummer's mariposa lily, slender-horned spineflower, woollystar, SBKR, and CAGN, consecutive surveys through 2008 were not deemed necessary by the Applicant for one or more of the following reasons: (1) previous consecutive years surveys were repeatedly negative and the target species was concluded to be absent; (2) focused plant surveys were completed under optimal environmental conditions where presence would have been captured, if present; (3) external sources determined the potential for the species to be present in the vicinity was not likely; and (4) multiple years of wildlife trapping allowed researcher to accurately identified all occupied habitat.

Based on this analysis, the proposed project would have the following potentially significant direct and indirect effects on biological resources in the LCRSP study area:

- **Sensitive vegetation communities**. Impacts to sensitive plant communities include approximately 478.0 (476.2 on-site and 1.8 off-site) acres of permanent impacts and

41.6 (35.7 on-site and 5.9 off-site) acres of temporary impacts to RAFSS (where RAFSS is the only or primary community). This includes approximately 56.2 (54.6 on-site and 1.6 off-site) acres of permanent impacts and 21.4 (17.2 on-site and 4.2 off-site) acres of temporary impacts to pioneer RAFSS, 213.2 (213.0 on-site and 0.2 off-site) acres of permanent impacts and 18.1 (16.5 on-site and 1.6 off-site) acres of temporary impacts to intermediate RAFSS, and 208.6 on-site acres of permanent impacts and 2.1 (2.0 on-site and 0.1 off-site) acres of temporary impacts to mature RAFSS stands. In addition, 1.7 on-site acres of southern cottonwood willow riparian and 0.2 on-site acre of California sycamore alliance will be permanently impacted. Impacts to California sycamore alliance have not been determined to be significant; project-related impacts are considered significant prior to proposed mitigation measures as they may have a substantial adverse affect on a sensitive natural community.

- **San Bernardino kangaroo rat**. Of the total approximately 702.7 (696.8 on-site and 5.9 off-site) acres of occupied habitat that exists in the LCRSP study area, approximately 140.6 (139.2 on-site and 1.4 off-site) acres, or about 20 percent, will be directly and permanently removed by the proposed project. These impacts include approximately 51.0 on-site acres that are outside the 100-year floodplain and hydrologically disconnected due to past levee construction and past and on-going mining activities. As these isolated 51.0 on-site acres are no longer subject to flooding that would help maintain open habitat conditions suitable for the species, preservation of these areas are not part of a viable long-term strategy for the recovery or conservation of the SBKR in Lytle Creek. In addition to the approximately 140.6 acres to be permanently removed by the project, about 41.0 acres (35.8 on-site and 5.2 off-site acres) of occupied habitat will be temporarily impacted within the 80-foot-wide levee construction zones. These direct and temporary impacts to occupied SBKR habitat are deemed to be significant prior to the implementation of any proposed mitigation measures. Indirect impacts to SBKR, including loss of suitable and currently unoccupied habitat and the loss of unoccupied habitat that contain primary constituent elements for critical habitat have been addressed in this analysis. Indirect impacts to the species associated with suitable and currently unoccupied habitat will be offset by mitigations for direct losses, such that the existing population of SBKR in the LCRSP study area will remain at current or increased levels in the long term.

- **Least Bell's vireo**. The proposed project will directly and permanently impact marginally suitable habitat within Neighborhood II that was occupied by a presumably transient LBV during focused surveys in 2006 but not occupied during focused surveys in 2007 and 2008. Potential indirect impacts to the LBV include noise impacts from adjacent construction and predation by pets associated with nearby human habitat. Direct and indirect impacts to this species are considered significant prior to the implementation of proposed mitigation measures.

The proposed project's contribution to cumulative effects on RAFSS and SBKR is deemed to be cumulatively considerable. Based upon the results of the regional analysis of remaining RAFSS, on the order of 10,638 acres of RAFSS remain within the southwestern San Bernardino County region. Of these, approximately 1,098 acres (10 percent) are within the borders of approved, planned, or foreseeable projects, including approximately 519.6 acres (478.0 acres permanently impacted and 41.6 acres temporarily impacted) within the LCRSP study area. Based on the unique assemblage of plant and animal species associated with RAFSS, its limited distribution, and susceptibility to edge effects due to its high perimeter to area ratio,

cumulative impacts to 10 percent of RAFSS within the southwestern San Bernardino County region is deemed to be significant absent mitigation.

A total of 10 percent (1,098 acres out of 10,638 acres) of RAFSS will be cumulatively impacted within the region. However, for the purposes of this assessment, as an approach to identifying potentially suitable habitat for the SBKR, it is meaningful to consider only RAFSS that is both within active hydrological regimes and viable in the long-term and pioneer RAFSS. These categories total approximately 7,530 acres within the defined region. Of these, about 769 acres (10 percent) will be cumulatively impacted by approved, planned, or foreseeable projects. On a regional basis, the level of potential cumulative loss is significant in the absence of mitigation.

The following mitigation measures have been identified which would reduce the project's impacts on biological resources to a less-than-significant level. The proposed project has not, however, been reviewed under a formal Section 7 consultation. Further refinement of mitigation measures is likely through the Section 7 consultation process with the USACE and USFWS.

- **Mitigation for significant impacts to SBKR**. Mitigation for direct removal of occupied SBKR habitat includes the following avoidance measures: (1) trapping and removal of SBKR prior to any ground disturbances; (2) avoidance and minimization of direct individual SBKR mortality during construction; and (3) management programs to assure the ability to sustain on-site SBKR populations in the long term and preservation of occupied habitat areas on and off the site. Indirect effects due to edge effects will be mitigated through implementation of design elements intended to buffer and avoid human-wildlife conflicts. Indirect effects due to loss of unoccupied habitat will be mitigated through the measures imposed to mitigate direct impacts.

  Cumulative impacts to SBKR have been calculated based on a regional study area. The proposed project, inclusive of final mitigations, would provide suitable mitigation to offset all potentially significant direct, indirect, or cumulative impacts on SBKR under CEQA.

  The on-site and off-site preservation and creation of habitat for the SBKR will provide pioneer and intermediate phases of RAFSS for the species of at least equivalent habitat value to the value that will be lost. Sufficient mature RAFSS (as upland refugia) will allow for recolonization of the wash area following catastrophic flood events. On-site restoration and management will include approximately 34.5 acres of chamise chaparral within Neighborhood III immediately downstream of and adjacent to the SBKR Conservation Area. Another 40 off-site acres of publicly or privately owned conservation land in the vicinity of the LCRSP study area will be enhanced and/or restored and managed for the species in perpetuity.

- **Mitigation for significant impacts to LBV**. Mitigation for impacts to 2.9 acres of LBV habitat will include on-site enhancement, restoration, and preservation of at least 5.2 acres within the Sycamore Flat riparian corridor within Neighborhood I (at a minimum 2:1 ratio). A total of 18.9 acres of existing riparian habitat within the on-site Sycamore Flat area are within the open space portion of the proposed project and available for mitigation opportunities. Mitigation measures during construction activities will be employed to minimize indirect impacts to this species.

- **Mitigation for significant impacts to sensitive riparian communities**. Mitigation for impacts to 1.7 acres of southern cottonwood willow riparian will include preservation,

enhancement, and restoration of 3.4 acres of existing southern willow scrub riparian habitat within the Sycamore Flat riparian corridor (at a minimum 2:1 ratio). This mitigation will also count towards the mitigation of impacts to the LBV. A total of 18.9 acres of existing riparian habitat within the on-site Sycamore Flat area are within the open space portion of the proposed project and available for mitigation opportunities.

- **Mitigation for significant impacts to RAFSS**. Based on an analysis of regional mitigation opportunities, the Applicant has identified various areas which may provide RAFSS mitigation; however, the precise mitigation areas have not been provided herein. The Applicant has proposed that the extent and location of mitigation lands be determined based on a set mitigation ratio and/or a "habitat equivalency analysis" (HEA) that would balance affected and preserved habitat values of RAFSS with consideration of sensitive species. The latter method allows for mitigation strategy to focus on habitat values. It may be that some combination of these alternative methods will be used to provide appropriate mitigation for impacts to RAFSS. Both methods would incorporate preservation of lands and long-term management to ensure the replacement of habitat values to be maintained in-perpetuity. Vegetation removal and grading for the proposed project would not proceed until precise mitigation areas have been identified and preserved to the satisfaction of the City. The two alternative methods for determining the extent and location of mitigation lands are described below:

  - ◊ **In-kind preservation and habitat creation based on a defined ratio**. Many habitat mitigation proposals that are implemented under CEQA are based on a preservation of a specific ratio of habitat preserved to habitat impacted. For RAFSS, a mitigation ratio of 2:1 represents an appropriate threshold to mitigate impacts to a less-than-significant level. Under this scenario, mitigation for significant impacts to RAFSS communities within the LCRSP study area will compensate for the approximately 519.6 acres (478 acres permanently impacted and 41.6 acres temporarily impacted) of RAFSS removed by the proposed project with 1,039.2 acres and will include both on-site and off-site preservation.

    Off-site opportunities were examined through a regional inventory of RAFSS habitats, their ownerships, and acres of potential off-site acquisition and preservation by the Applicant. This analysis identified a total of approximately 16,770 acres of alluvial fan sage scrub remaining in the region (of which 15,634 acres is outside of the LCRSP study area), as defined by Holland's California floristic province for southern California. Of the remaining alluvial fan sage scrub existing today, only about 1,624 acres (10 percent) are within private ownership and the feasibility of acquisition those lands has not been determined. The remaining 14,010 acres (90 percent) are publicly owned and, although not available for acquisition, some of this habitat may be available to be enhanced or restored for mitigation credit.

    Under this scenario, proposed mitigation for the SBKR would be included within on-site and off-site restoration and management of the RAFSS community. Within the LCRSP study area, approximately 34.5 acres of chamise chaparral will be restored to RAFSS immediately adjacent to the "SBKR Conservation Area" within Neighborhood III. Another 40 acres of chamise chaparral will be restored or enhanced to RAFSS habitat and managed in an off-site conservation area in the vicinity of the confluence of Lytle and Cajon Creeks. If the proposed project

is able to mitigate at a 2:1 ratio (using habitat restoration, enhancement, and/or creation on public lands; restoration, enhancement and/or creation on private lands that are assured for preservation as open space; acquisition and protection of habitat on private lands; and/or some combination of all three of these options), the impacts to this plant community can be reduced to a less-than-significant level under CEQA.

◊ **Habitat equivalency analysis**. An alternative method for determining the extent and location of mitigation lands for impacts to alluvial fan sage scrub associated with the proposed project is to conduct an HEA of baseline conditions, impacts, and proposed mitigation areas. The principle concept underlying the HEA approach is that adequate compensation for losses of habitat can be achieved by providing net gains in habitat value at designated mitigation sites. Recognizing that alluvial fan sage scrub is a habitat of concern that possesses value to a unique assemblage of plant and animal species, HEA provides a consistent basis for off-setting project impacts based on habitat quality and quantity not based on application of a strict ratio. The HEA method has been shown to be effective and applicable in a wide variety of circumstances and settings where appropriately-scaled mitigation is being sought for biological impacts.

Inclusive of project-related proposed mitigation measures, no significant unavoidable adverse impacts (direct, indirect, or cumulative) on identified biological resources would remain.

Significant Environmental Impacts

Table ES-3 (Summary of Environmental Impacts) summarizes the environmental impacts, the recommended mitigation measures, and the identified level of significance of each of the environmental effects examined in this EIR both prior to and following the implementation of the recommended mitigation measures. Notwithstanding the implementation of all feasible mitigation measures, the following project-related and cumulative environmental impacts are likely to remain significant and cannot be feasibly mitigated to below a level of significance. The numbers assigned to each of the identified impacts refer to those environmental impacts identified in Table ES-3 (Summary of Environmental Impacts) and the corresponding technical analysis presented in the EIR.[3]

- **Air quality** (Impacts 7-1, 7-2, 7-4, and 7-7 through 7-10). Based on the size of the proposed project and the development phasing plan now proposed, other than through a substantial reduction in the size of the project or the imposition of severe constraints on the number of acres to be grading during any single daily period, the number of dwelling units and non-residential space to be painted, and the square footage of areas that could be paved on a daily basis, no feasible mitigation measures exist to reduce construction-term air emissions to below a level of significance. All feasible mitigation measures have been included herein. Those measures will reduce but will not result in an avoidance of those construction-term air quality impacts. Similarly, during the project's operations, based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant.

[3]/ Numbering assigned by the Lead Agency to topical issues, environmental impacts, and mitigation measures is presented for convenience purposes only (e.g., to facilitate reference thereto) and is not intended to indicate any prioritization or hierarchy as to those issues, impacts, and/or measures.

With respect to potential impacts to on-site residential uses from off-site sources of toxic air contaminants, although mitigation is recommenced which would substantially reduce exposure by on-site receptors to carcinogenic, air quality impacts would, however, remain significant and unavoidable.

The project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for construction-term carbon monoxide (CO), oxides of nitrogen (NO_X), particulate matter less than 10 microns (PM_{10}), particulate matter less than 10 microns ($PM_{2.5}$), and volatile organic compound (VOC) emissions. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. In addition, the project's recommended mitigation measures will not adequately mitigate for the project's projected exceedance of the SCAQMD's suggested threshold of significance standards for operational VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X emissions. Because the South Coast Air Basin is currently classified as non-attainment for ozone (O_3) PM_{10}, and $PM_{2.5}$, the proposed project, in combination with other related projects, could contribute to an existing or projected air quality exceedance within the air basin.

Localized modeling shows that site construction would result in a substantial increase in certain criteria pollutants (≥10.4 micrograms per cubic meter [$\mu g/m^3$] of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period). In accordance with the SCAQMD's "Final Localized Significance Threshold Methodology" (SCAQMD, June 2003), emission levels attributable to the proposed project's construction would not appear to comply with the "Final 2007 Air Quality Management Plan" (SCAQMD, June 2007) (2007 AQMP). Based on the identified threshold of significance criteria, non-compliance with the 2007 AQMP would be deemed a significant environmental effect.

- **Noise** (Impacts 8-2 and 8-6). With respect to off-site traffic, the project would contribute a maximum noise level increase of 4.4 dBA along roadway segments adjacent to the project site. Mitigation is recommended to reduce the off-site traffic noise to new developments along most roadway segments adjacent to the project site to a less-than-significant level. Because of driveway configuration and orientation of existing residences, in combination with existing legal constraints, there are no feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments.

  In addition, because the project's contribution exceeds 3.0 dBA community noise equivalency level (CNEL), off-site traffic noise levels would result in significant and unavoidable cumulative impacts for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Drive).

- **Growth inducement** (Impact 15-1). Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land-use plans and policies. Planning impediments may include restrictive zoning or general plan designations.

The proposed changes in jurisdictional authority and land-use regulations will result in an intensification of uses within the City beyond those which would otherwise be anticipated in the absence of those discretionary actions contemplated herein. Under existing land-use policies and based on prior discretionary approvals, independent of any actions that the Lead Agency may take with regards to the proposed LCRSP, portions of the project site would likely undergo development. Based on those existing zoning designations, a total of 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development would be constructed, primarily in Neighborhoods II and III. In contrast, under the proposed LCRSP, a total of 8,407 units and 849,420 square feet of non-residential development, in combination with other public facilities (e.g., new school sites), would be authorized.

When viewed simplistically, when proposed land-use policies are compared to what might otherwise be allowable under existing City and County zoning, those differences translate into approximately 6,192 additional dwelling units and 247,998 fewer square feet of non-residential use beyond those levels that would otherwise occur in the absent the proposed LCRSP. Assuming an average size of 3.896 individuals per household and a jobs rate of one new primary job for each 250 square feet of non-residential development, when compared to existing zoning designations, the proposed LCRSP would foster a population increase of about 24,124 persons and result in a reduction of approximately 992 primary jobs.[4]

Although the term “substantial” is not defined under CEQA, it can be reasonably construed that the land-use policy changes described herein would contribute, either directly or indirectly, to substantial population growth in the general project area. As a result, this growth-inducing impact is deemed to be significant; however, CEQA notes that “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment” (14 CCR 15126.2[d]).

As indicated in the EIR, each of the above described environmental impacts cannot be feasibly mitigated to below a level of significance. In addition to those unavoidable adverse impacts, the EIR identifies other potentially significant environmental effects which, in the judgment of the Department, can be mitigated to a less-than-significant level through the adoption and implementation of certain mitigation measures. Those potentially significant impacts include: (1) land use (Impacts 1-1 through 1-5, 1-7, and 1-8); (2) geology and soils (Impacts 3-1, 3-2, 3-4, and 3-6); (3) hydrology and water quality (Impacts 4-4 through 4-7); (4) biological resources (Impacts 5-1, 5-4, and 5-7 through 5-10); (5) transportation and traffic (Impacts 6-1 through 6-4); (6) noise (Impacts 8-3 and 8-4); (7) public services and recreation (Impacts 9-5, 9-7, 9-8, 9-11, and 9-12); (8) utilities and service systems (Impacts 10-1 and 10-5); (9) hazards and hazardous materials (Impacts 11-3 and 11-5); (10) cultural resources (Impacts 12-1 and 12-2); and (11) aesthetics (Impacts 13-1 and 13-3). Because the certainty of the Lead Agency’s adoption of the recommended mitigation measures cannot be determined prior to consideration by the Lead Agency’s decision-making body,[5] as optional means of avoiding or substantially reducing the

[4]/ When the proposed LCRSP is examined in isolations, assuming one new primary job for every 250 square feet of non-residential development, the project’s 848,420 square feet of non-residential land uses would generate a total of about 3,398 new primary jobs. Independent of the project type, assuming 3.892 persons per household and a zero percent vacancy rate, the project’s 8,407 dwelling units would yield a total of about 32,720 residents. Other assumptions and analyses yield different on-site employment and population estimates.

[5]/ Referencing Kings County Farm Bureau v. City of Hansford (Fifth District, 1990): "State agencies are required to certify the completion of an EIR 'on any project they propose to carry out or approve.' (§ 21100.) As a matter of logic, the EIR must be prepared before the decision to approve the project. Not until project approval does

those potentially significant impacts, the Lead Agency is authorized to consider mitigation measures or alternatives in response to those environmental effects.[6] As a result, one or more of the alternatives identified herein have been formulated in response to one or more of those potentially significant environmental effects.

Project Alternatives

In addition to an analysis of the proposed project, one of the primary purposes of an EIR is to provide public agencies and other parties with an analysis of a reasonable range of alternatives to the proposed action. The State CEQA Guidelines specify that the range of potential alternatives include those that would feasibly accomplish most of the basic objectives of the project while avoiding or substantially lessening one or more of the significant effects. Based on that regulatory requirement, a relationship exists between the proposed project's stated objectives, the presence of one or more significant or potentially significant environmental effects, and the range of alternatives formulated in response to those impacts.[7] In addition, in order to assist in placing a project's effects in an appropriate environmental context, EIRs are specifically required to include and examine a "no project" alternative.[8]

As more thoroughly described in Section 7.0 (Alternatives Analysis) of the EIR, the project's stated objectives include both those identified by the Lead Agency and those identified by the Applicant. Based on those objectives and in fulfillment of those CEQA requirements, examined herein is the "no project/no development" alternative and five additional development-related scenarios, including: (1) a "no project/existing zoning designations" alternative; (2) three "habitat avoidance" alternatives; and (3) a "reduced residential/increased commercial" alternative. Each of those alternatives is briefly described below.

---

the agency determine whether to impose any mitigation measures on the project. [Citation.] One cannot be certain until then what the exact mitigation measures will be, much less whether and to what degree they will minimize environmental effects."

[6]/ The EIR identifies a number of environmental effects which the Lead Agency has deemed to be significant but which could be mitigated to a less-than-significant level through the imposition of specified mitigation measures. Relying on the word "or" in Section 21002 and 21002.1 of CEQA ("agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures") and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that "substantially lessen or avoid" projects' significant adverse impacts (Laurel Hills Homeowners Association v. City Council [Second District, 1978]). The EIR must "contain a meaningful discussion of both alternatives and mitigation measures. . . Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts" (Kings County Farm Bureau v. City of Hanford [Fifth District, 1990]).

[7]/ The EIR identifies a number of environmental effects which the Lead Agency has deemed to be significant but which could be mitigated to a less-than-significant level through the imposition of specified mitigation measures. Relying on the word "or" in Section 21002 and 21002.1 of CEQA ("agencies should not approve projects as approved if there are feasible alternatives or feasible mitigation measures") and understanding the requirement to be disjunctive so that agencies need only adopt mitigation measures or alternatives but not both, the courts have stated that agencies need not even consider the feasibility of project alternatives if they adopt mitigation measures that "substantially lessen or avoid" projects' significant adverse impacts (Laurel Hills Homeowners Association v. City Council [Second District, 1978]). The EIR must "contain a meaningful discussion of both alternatives and mitigation measures. . . Therefore, we conclude if there is evidence of one or more potentially significant impacts, the report must contain a meaningful analysis of alternatives or mitigation measures which would avoid or lessen such impacts" (Kings County Farm Bureau v. City of Hanford [Fifth District, 1990]).

[8]/ Section 15126.6(e) of the State CEQA Guidelines states, in part, that the "specific alternative of 'no project' shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project."

- **"No Project/No Development" Alternative**. A "no project" alternative serves as an environmental baseline against which all other development options can be compared. The "no project" alternative generally reflects the conditions and associated environmental impacts that would predictably occur should the Lead Agency elect to either deny the proposed project or elect not to take any affirmative action thereupon, resulting in, at least, the short-term retention of the project site in its existing condition. For the purpose of environmental review, under this alternative, no physical change to the project site is anticipated to occur. At least for the time being, the site is assumed to remain undeveloped. Since neither the denial of the current application nor the cessation of the current entitlement process would preclude the submission of a subsequent development application, this alternative cannot be assumed to constitute a feasible alternative for the site's long-term use.

  Under the "no project/no development" alternative, no new land uses, additional areas of physical disturbance, Applicant-initiated infrastructure improvements, new residential dwellings, additional non-residential square footage, and/or additional vehicle trips would predictably occur. Operational activities associated with existing land uses could, however, expand or contrast based on market demands for and the continued operation of those uses. Selection of the "no project/no development" alternative would result in the avoidance of the significant project-related impacts attributable to the LCRSP.

- **"No Project/Existing Zoning Designations" Alternative**.[9] This alternative represents a variation of the "no project" alternative in that it assumes that the Lead Agency either denies or takes no action with regards to the proposed project. Notwithstanding the likely need for corresponding discretionary actions that might be required to effectuate this alternative, this alternative assumes the continuation of existing plans, policies, and existing facility operations into the future.

  As proposed, the LCRSP project will necessitate revisions to the City General Plan and County General Plan, as well as concurrent revisions to the City Municipal Code and County Development Code. In lieu of those changes and revisions as may be required for the adoption and implementation of the proposed project, development of the project site (inclusive of both those areas now located in the City and those areas located in County unincorporated areas) could proceed based on the land-use and development policies currently contained in those planning and regulatory documents. In the absence of the requested general plan and municipal code amendments, the nature and intensity of development within the project boundaries would differ from that now proposed. Based on existing land-use policies, development activities could nonetheless proceed over a substantial portion of the project site.

  Under the "no project/existing zoning designations" alternative, a total of 2,215 dwelling units and 1,097,418 square feet of commercial and light industrial development could be constructed on the project site, primarily in Neighborhoods II and III. Separate and apart

[9]/ Although existing general plans, specific plans, planned developments, and zoning ordinances outline the nature and intensity of future land uses envisioned by the corresponding permitting agencies, no vested rights to any definitive use(s) has been established since no development agreements have been executed between the Applicant and those agencies, no vesting subdivision maps have been recorded, no building permits have been issued, and no construction activities are underway. Any references to "existing entitlements" herein is intended to describe not a vested development right but a general description of the land uses that might predictably occur on the subject property based on the designations and development standards outlined in existing general plans, specific plans, planned developments, and applicable zoning ordinance provisions.

from those organization and reorganization changes that would be required to provide needed public services, no annexation activities would occur and development would proceed under the authority of the applicable land-use entity.

- **"Habitat Avoidance" Alternatives**. As proposed, implementation of the LCRSP would result in direct potentially significant impacts to RAFSS and southern willow scrub habitat. Within the study area, the RAFSS supports the federally endangered SBKR while southern willow scrub supports the LBV. In addition, the proposed project will result in direct potentially significant impacts to on-site jurisdictional waters, as well as the plant communities and habitat areas those jurisdictional waters support. As an alternative to or in addition to those mitigation measures identified in the EIR, the objective of this alternative is to avoid or substantially reduce significant or potentially significant project-related impacts affecting sensitive on-site biological resources.[10],[11]

  This alternative considers three "habitat avoidance" scenarios, each of which is directed towards minimizing habitat disturbance for specific species. The first habitat avoidance scenario ("avoidance of SBKR-LBV-occupied areas" alternative) would avoid development in areas occupied by SBKR and LBV. The objective of this alternative is to avoid or substantially reduce significant project-related impacts affecting on-site biological resources, specifically potential impacts upon listed wildlife species including, but not limited to, the San Bernardino kangaroo rat (SBKR) and the least Bell's vireo (LBV). Both the SBKR and LBV are federally listed species under the FESA and have been observed in the study area.

  Under this "avoidance of SBKR-LBV-occupied areas" alternative, development activities would be confined to an approximately 1072.9-acre portion of the project site. A total of 7,484 dwelling units and 829,540 square feet of commercial and light industrial uses would be constructed, primarily in Neighborhoods II and III.

  The second habitat avoidance scenario ("avoidance of RAFSS areas" alternative) would locate all development behind the FEMA 100-year floodplain line and minimize development in areas identified as RAFSS. The objective of this alternative is to avoid or substantially reduce significant project-related impacts affecting on-site biological resources, specifically impacts to RAFSS habitat located on the project site. In order to accommodate that objective, this alternative, unlike the other alternatives examined herein, does not include extension of the proposed levee to the existing Cemex USA levee. The location of the levee in Neighborhood IV will not affect the hydrology needed to sustain RAFSS on the site.

---

[10]/ Referencing Kings County Farm Bureau v. City of Hansford (Fifth District, 1990): "State agencies are required to certify the completion of an EIR 'on any project they propose to carry out or approve.' (§ 21100.) As a matter of logic, the EIR must be prepared before the decision to approve the project. Not until project approval does the agency determine whether to impose any mitigation measures on the project. [Citation.] One cannot be certain until then what the exact mitigation measures will be, much less whether and to what degree they will minimize environmental effects."

[11]/ This alternative has been formulated in response to the Lead Agency's identification of a number of potentially significant biological resource impacts. Those impacts include, but may not be limited to, project-related impacts on: (1) sensitive wildlife species (Impacts 5-1 and 5-7); (2) sensitive plant species (Impacts 5-1 and 5-10); and (3) jurisdictional waters (Impact 5-4). Although the EIR indicates that each of those potentially significant impacts can be mitigated to a less-than-significant level through the implementation of specified mitigation measures. Prior to consideration of this EIR and those mitigation measures by the Lead Agency's decision-making body, the Department has sought to explore whether there may also exist project alternative that might also reduce those impacts to below a level of significance.

Under this "avoidance of RAFSS areas" alternative, development activities would be confined to an approximately 740.1-acre portion of the project site. A total of 4,873 dwelling units and 602,827 square feet of commercial and light industrial uses would be constructed, primarily in Neighborhoods II and III.

The third habitat avoidance scenario ("avoidance of jurisdictional waters" alternative) would minimize impacts to jurisdictional waters, defined as those waters under the jurisdiction of the United States Army Corps of Engineers (USACE) and the California Department of Fish and Game (CDF&G) (pursuant to the CF&GC). The objective of this alternative is to avoid or substantially reduce significant project-related impacts affecting on-site waters of the United States under the jurisdiction of the USACE and waters of the State under the jurisdiction of the CDF&G.

Under this "avoidance of jurisdictional waters" alternative, development activities would be confined to an approximately 854.9-acre portion of the project site. A total of 5,846 dwelling units and 730,893 square feet of commercial and light industrial uses would be constructed, primarily in Neighborhoods II and III.

- **"Reduced Residential/Increased Commercial" Alternative**. Although the possible regional benefits of this alternative may not be perceptible based on a project-level analysis, the objective of this alternative is to promote a reduction in the number of vehicle trips, vehicle miles traveled (VMT), and traffic congestion through the promotion of additional employment opportunities within the City. By promoting a jobs-housing balance, this alternative seeks to avoid or substantially reduce significant or potentially significant impacts associated with a regional or subregional jobs-housing imbalance, including those potential traffic and air quality impacts associated therewith.[12]

  As indicated, in part, in Section 65890.1 of the CGC, the State Legislature finds and declares that: (1) State land-use patterns should be encouraged that balance the location of employment-generating uses with residential uses so that employment-related commuting is minimized; (2) local agencies and State agencies should cooperate to facilitate the balancing of employment-generating land uses and residential land uses and provisions of transportation to serve these uses; and (3) that it is the intent of the State Legislature to move toward the goal that every California worker have available the opportunity to reside close to their jobsite.

  In furtherance of that objective, the Lead Agency has formulated an alternative that seeks to balance the provision of new housing and job creation. Although proximity between housing and employment does not ensure that worker commutes are reduced, housing consumers and workers are afforded the opportunity to base their housing and job choices, in part, upon the relationship between those two uses.

[12]/ This alternative has been formulated in response to the Lead Agency's identification of a number of significant and potentially significant transportation, traffic, and air quality impacts. Those impacts include, but may not be limited to, project-related impacts on: (1) transportation and traffic (Impacts 6-3 and 6-4); and (2) air quality (Impacts 7-4 and 7-10). With regards to transportation and traffic impacts, the EIR indicates that each of those potentially significant impacts can be mitigated to a less-than-significant level through the implementation of specified mitigation measures. Prior to consideration of this EIR and those mitigation measures by the Lead Agency's decision-making body, the Department has sought to explore whether there may also exist project alternative that might also reduce those impacts to below a level of significance.

Under this alternative, within a development footprint of approximately 1,202.1 acres, the total number of dwelling units authorized on the project site decreases from 8,407 to 6,090 units and the total square footage of commercial and light industrial uses increases from 849,420 to 7,037,118 square feet.

A number of other alternatives were considered by the Lead Agency but subsequently rejected and were not subjected to detailed environmental analysis. Those alternatives and the Lead Agency's rationale for their rejection are presented in Section 7.0 (Alternatives Analysis) herein.

Environmentally Superior Alternative

The goal of this alternatives analysis has been to identify and examine a range of reasonable alternatives that would potentially avoid or substantially lessen one or more of the significant environmental effects associated with the approval, construction, and operation of the proposed project. In formulating the alternatives examined herein, it has been the Lead Agency's intent to assess whether alternatives to the proposed project could result in the avoidance or substantial reduction of one or more of the significant effects of the proposed project and to evaluate the comparative merits of the alternatives.

The Lead Agency's conducted an assessment of each alternative's comparative ability to reduce or substantially avoid those unavoidable, adverse, significant or potentially significant environmental impacts. As indicated in the EIR, the "environmentally superior" alternative is the "no project/no development" alternative. Pursuant to the State CEQA Guidelines (14 CCR 15126.6[e][2]) if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives.

Excluding the "no project/no development" alternative, the "no project/existing zoning designations" alternative was determined by the Lead Agency to be "environmentally superior" as compared with the other Lead Agency identified alternatives; however, implementation of that alternative would not result in the elimination of all significant or potentially significant impacts and would continue to necessitate the incorporation of mitigation measures similar to those associated with the proposed project. Although deemed "environmentally superior" to the proposed project, the "no project/existing zoning designations" alternative fails to allow for the attainment of certain stated Lead Agency and Applicant objectives upon which the proposed project is derived.

Areas of Controversy

Based on comments received by the Lead Agency following the release of the "Notice of Preparation" (NOP) and the Lead Agency's independent analysis of the proposed project, no "areas of controversy" have been identified by the Lead Agency. Issues raised in response to the release of the NOP, including comments received during the noticed scoping meeting conducted by the Lead Agency on July 28, 2009, have been addressed under the corresponding section(s) of this EIR deemed most applicable to those issues. Except where otherwise noted, since most comments included requests that specific information or analysis be included in the EIR, none of the issues raised are considered "areas of controversy" by the Lead Agency.

Although it may not elevate to an actual "areas of controversy," one item has arisen where conflicting or potentially conflicting viewpoints have been expressed by the Applicant and by a

commenting agency. While the City's Development Services Department (Department) would anticipate that the following item can be addressed administratively, that item is outlined below and is further addressed in Section 4.1 (Land Use and Planning) herein.

- **Annexation of non-contiguous territory**. In recognition of potential conflicts between issues raised by the San Bernardino Local Agency Formation Commission and the Applicant's proposed project, certain issues concerning the annexation of real property into the City could be identified."[13,14]

  Proposed is the annexation of that approximately 1,753.1-acre portion of the project site presently located in unincorporated County jurisdiction into the City.[15] All lands proposed for annexation are uninhabited (less than 12 registered voters) and are located in the City-adopted and LAFCO-approved northern Sphere of Influence. The Lead Agency acknowledges that the area proposed for annexation is not inclusive of the totality of all County unincorporated lands located in the City's northern Sphere of Influence area. Unincorporated areas not proposed for annexation include, but are not limited to, the area comprising the County-approved LCNPD (Rosena Ranch), the existing neighborhood of Country Club Estates, lands owned and operated by Cemex USA and the Vulcan Materials Company (formally CalMat), and an existing West Valley Water District reservoir site located along the north side of Lytle Creek Road.

  At the Lead Agency's scoping meeting and in subsequent correspondence submitted to the Lead Agency, LAFCO[16] raised a number of issues concerning items for which LAFCO may have jurisdictional authority, including issues regards identified "exclusion areas" (i.e., real property not included within the area of proposed annexation). LAFCO asserts that certain lands (which are neither included in the proposed LCRSP nor identified as "off-site" areas beyond the boundaries of the proposed specific plan but nonetheless included in the EIR) need to be included in order to allow the annexation of

[13]/ Annexation issues raised by LAFCO could also be categorized as "issues to be resolved" and included in the following section. Because the Applicant and LAFCO have a difference of opinion as with regards to the inclusion or exclusion of specific geographic areas in the annexation request, those differences are identified as an "area of controversy" herein although any such controversy may be subsequently resolved through separate discussions between the Applicant and LAFCO or through the CEQA process.

[14]/ In addition to those annexation issues specifically discussed below, LAFCO also raised the following additional annexation-related issues: (1) since only a portion of the area being annexed into the City is to be annexed into the West Valley Water District (WVWD), although a water district can annex non-contiguous areas, it is LAFCO's policy that City and water district boundaries be coterminous; and (2) unless there are parcel changes, such as splits and mergers, which are completed prior to annexation, the annexation boundaries must conform to existing lines of parcel assessment or ownership. Since LAFCO acknowledges that City and WVWD boundaries do not need to be coterminous and since lot splits can be eliminated through traditional Subdivision Map Act and subdivision ordinance authorized actions, neither of these issues is raises to an "area of controversy" herein.

[15]/ Annexation is subject to approval of a property tax exchange agreement in compliance with Section 99 of the Revenue and Taxation Code. The agreement must be approved by the City Council and the County Board of Supervisors and must be submitted prior to LAFCO's acceptance of the application for the proposed annexation (Section 99[b][6], Revenue and Taxation Code). Because the property tax exchange agreement raises economic rather than environmental issues, it is not further addressed herein.

[16]/ The San Bernardino Local Agency Formation Commission is a separate governmental entity and operates independently of the county or cities which it serves. Its purpose, inter alia, is to review and approve or disapprove proposed annexation of territory to cities (Section 56375, California Government Code [CGC]). In reaching its decision, LAFCO is required to consider a number of factors relative to the annexation. Included is the effect of the proposed action, as well as alternatives thereto, on the cost and adequacy of services and controls in the area and adjacent areas on mutual social and economic interests and on the local government structure of the county (Section 56668, CGC).

contiguous lands[17] to proceed and/or to avoid the creation of unincorporated "County islands" or "County pockets."[18] Those areas include, but may not be limited to, that real property: (1) bordering Neighborhoods III and IV along and inclusive of the I-15 Freeway right-of-way (ROW) between Sierra Avenue/Riverside Avenue and Sycamore Creek Drive (I-15 Freeway ROW Southern Exclusion); (2) bordering Neighborhoods I and IV and separating PAs 13 and 15 from PAs 17, 18, and 22 (Sycamore Creek Drive ROW Exclusion); and (3) abutting Neighborhood I and bordered on the north by PAs 4 and 5, on the west by PA 15, on the south by PA 6, and on the east by County-owned lands, inclusive of the I-15 Freeway right-of-way (I-15 Freeway ROW Northern Exclusion). In addition, although not a part of the proposed LCRSP (with the exception of the "off-site" SoCalGas easement), LAFCO states that the County-owned parcel (County Parcel) located to the east of PA 6 and extending to the north of Glen Helen Parkway and to the south of Clearwater Parkway, inclusive of the I-15 Freeway right-of-way, needs to be included in order to eliminate the creation of an unincorporated "island."[19]

With the exception of the "off-site" SoCalGas easement, the four geographic areas described above have not been included within this EIR, no land-use designation for those areas is provided in the proposed LCRSP, and annexation has not been proposed by the Applicant. Because the I-15 Freeway ROW North Exclusion, the I-15 Freeway ROW South Exclusion, and the Sycamore Creek Drive ROW Exclusion are each comprised of highly disturbed lands primarily consisting of existing road pavement, the inclusion of those lands into the project area would not be expected to result in the introduction of any new significant environmental impacts and/or increase the severity of those existing environmental effects identified herein. Similarly, since the County Parcel constitutes a County-owned open space area and since no project-related changes or improvements to that property are proposed therein, excluding those related project improvements within the SoCalGas easement, the inclusion of the County Parcel would not be expected to result in the introduction of any new significant environmental impacts and/or increase the severity of those existing environmental effects identified herein.

LAFCO states that, as presently outlined, "Neighborhood 4 cannot be annexed since it will not be contiguous to the City unless the freeway areas [I-15 Freeway ROW Southern Exclusion] between Neighborhood[s] 3 and 4 is included as part of the annexation to the City. Likewise, Neighborhood 1 would not be considered to be a part of the annexation

[17]/ As defined in Section 56031 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKHLGRA), codified in Title 5, Division 3, Part 2 (Section 56000, *et seq.*) of the California Government Code: "(a) 'Contiguous' means both of the following: (1) In the case of annexation, territory adjacent to, or territory adjoining territory within, the local agency to which annexation is proposed. (2) In the case of consolidation, territory of a local agency or agencies which is adjacent to, or adjoining the territory of, the consolidating local agency or to the territory of another local agency which is contiguous to the consolidating local agency and to be consolidated with the consolidating local agency. (b) Territory is not contiguous if the only contiguity is based upon a strip of land more than 300 feet long and less that 200 feet wide, that width to be exclusive of highways." As further indicated, in part, in Section 56741 therein: "Unless otherwise provided in this division, territory may not be annexed to a city unless it is contiguous to the city at the time the proposal is initiated pursuant to this part." It is noted that the term "highway" is not specifically defined in the CKHLGRA.

[18]/ As indicated under Section 56744 of the CGC: "Unless otherwise determined by the commission pursuant to subdivision (m) of Section 56375, territory shall not be incorporated into, or annexed to, a city pursuant to this division if, as a result of that incorporation or annexation, unincorporated territory is completely surrounded by the city or the territory of that city on one or more sides and the Pacific Ocean on the remaining sides."

[19]/ It is noted that this County-owned property, which is neither a part of the proposed LCRSP nor part of the proposed annexation, would still remain contiguous with County unincorporated lands to the north and east should the annexation of Neighborhood I occur. As such, although LAFCO might recommend its inclusion as part of any annexation proposal, any inference that the property would become a County "island" is a misnomer.

to the City unless the right-of-way area along Sycamore Creek Road between Neighborhood 1 and 4 [Sycamore Creek Drive ROW Exclusion] is included as part of the annexation."[20] To the extent that inclusion of those lands into any subsequent annexation proceeding is required by LAFCO for all or portions of Neighborhood I and/or Neighborhood IV and to the extent that LAFCO determines that additional lands located in the City's northern Sphere of Influence but not included in the proposed LCRSP and/or in this EIR need to be included as part of any proposed annexation request, unless otherwise determined or unless applicable Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKHLGRA) provisions were to be waived by LAFCO, additional CEQA documentation (beyond that presented herein) may be independently required by LAFCO prior to any LAFCO-authorized actions.

Conversely, the Applicant asserts that annexation of those properties identified by LAFCO is neither required nor should the exclusion of those lands from the current project negate the ability of LAFCO to approve and the City to annex the area proposed by the Applicant and encompassed by the proposed LCRSP. Should LAFCO reject the Applicant's position, LAFCO would likely deny the Applicant's annexation request for Neighborhood I and/or Neighborhood IV based on the non-contiguous nature of those neighborhoods absent the inclusion of one or more of the excluded areas.

Since LAFCO asserts that additional lands, beyond those analyzed herein, would need to be included in the Applicant's annexation request in order to allow annexation to proceed, unresolved is the ability of the Lead Agency to pursue annexation of those unexamined lands absent further environmental review.

The analysis presented herein, including the precise language of many of the mitigation measures and the monitoring obligations associated therewith, is based on the assumption that the totality of the Applicant-proposed 1,753.1-acre area be annexed into and subsequently fall under the jurisdiction of the City. Should annexation not occur in the manner assumed herein and/or should portions of the project site remain under the jurisdiction of the County (e.g., Neighborhoods I and IV), additional environmental notice scoping and supplemental technical analysis may be required by the County or by other responsible agencies to refocus this document so as to examine the proposed project from the County's rather than the City's perspective and to identify any corresponding changes to or any augmentation of this CEQA analysis that may be necessary to the environmental analyses and/or to those mitigation measures recommended herein in order to recognize the County's retained jurisdictional responsibility over those portions of the project site not then annexed.

Issues to be Resolved

As indicated below, there exists or there may exist a number of environmental-related "issues to be resolved" that will or that may need to be addressed as part of the Lead Agency's and responsible agencies' deliberations.[21] Based on comments received by the City following the

[20]/ Letter from Kathleen Rollings-McDonald, Executive Officer, San Bernardino County Local Agency Formation Commission (Re: Notice of Preparation of a Draft Environmental Impact Report for the Lytle Creek Ranch Specific Plan) to Gina Gibson, Senior Planner, City of Rialto, Development Services Department, July 31, 2009, p. 5.

[21]/ In addition to those environmental-related "issues" identified herein and/or raised elsewhere in this EIR, there may also exist other unresolved financial, administrative, procedural, and design and engineering-related items that relate, either directly or indirectly, to the proposed LCRSP which may need to be addressed by the City's

release of the NOP and noticed scoping meeting, and the Lead Agency's independent analysis of the proposed project, the following "issues to be resolved" have been identified. Of these issues, a number are unique to the proposed project, while other issues represent the type of considerations that are applicable to all projects that are subject to the provisions of CEQA and its implementing guidelines.

The order in which these issues are listed is not intended to establish either a prioritization or to suggest that a specific issue may have more weight, value, or importance that another. The categorization of issues as "CEQA-related," "land-use-related," "open space and conservation-related," and "other" represent generalities and that categorization is not intended to limit the interpretation, application, and/or resolution of the issues raised herein.

- **CEQA-related issues**. The following CEQA-related issues have been identified:

  - ◊ **Sufficiency of environmental analysis**. CEQA requires that EIRs be prepared with a sufficient level of detail to provide disclosure of the project's potential environmental effects, including the identification of available mitigation measures and discussion of project alternatives. The City's advisory and decision-making bodies, the public, and other responsible agencies must independently determine whether the level of analysis presented herein is sufficient to fulfill that purpose and whether the Lead Agency and other responsible agencies are provided with sufficient information to make an informed decision concerning the proposed project and its potential environmental consequences.[22] The certification of the EIR by the Lead Agency constitutes evidence of the Lead Agency's independent determination of the sufficiency of the project's environmental analysis.

  - ◊ **Appropriateness of threshold standards**. As indicated in Section 15064(b) of the State CEQA Guidelines, "[d]etermination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." This EIR identifies those candidate threshold standards nominated for use in determining the level of significance of the environmental effects identified herein. Selection of an alternative set of threshold standards may alter the Lead Agency's preliminary findings and either increase or decrease the resulting level of significance of those effects. As a result, the Lead Agency must determine whether the threshold standards utilized herein are reasonable or whether other environmental standards should be considered and applied to the project's environmental assessment.[23] The certification of the EIR by the Lead Agency

advisory and decision-making bodies. As such, the list of issues presented in this EIR is not intended to be inclusive of all items pending before the Lead Agency and other responsible agencies.

[22]/ CEQA is not concerned with the ultimate decision reached by the agency on a proposed project, only the content of the EIR. Whether right or wrong, the ultimate decision of the agency "is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA" (Santiago County Water Dist. v. County of Orange [1981]).

[23]/ The courts, in Protect the Historic Amador Waterways v. Amador Water Agency (2004) have stated that "in preparing an EIR, the agency must determine whether any of the possible significant environmental impacts of the project will, in fact, be significant. In this determination, thresholds of significance can once again play a role. . .[T]he fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant. To paraphrase our decision in Communities for a Better Environment [v. California Resources Agency (2002)], a threshold of significance cannot be applied in a way that would foreclose the

constitutes evidence of the Lead Agency's independent determination of the appropriateness of the identified threshold standards.

◊ **Efficacy of mitigation measures**. Although the Lead Agency has diligently attempted to identify all feasible mitigation measures available to reduce, avoid, rectify, or compensate for project-related and cumulative impacts, there may exist other or alternative mitigation measures that should be considered by the Lead Agency or by other responsible agencies for adoption as conditions of project approval should the City and should those responsible agencies elect to approve or conditionally approve the proposed project. Similarly, the Lead Agency's preliminary findings regarding the post-mitigated level of significance of the project's environmental effects are based, in part, on the City's preliminary conclusions concerning the efficacy of those mitigation measures now recommended in response to the project's identified significant or potentially significant environmental effects. Should those measures fail to produce the effects anticipated, the level of significance of the post-mitigated environment may be greater than assumed herein. As a result, the Lead Agency must determine whether the recommended mitigation measures will produce their stated and desired results. The certification of the EIR by the Lead Agency constitutes evidence of the Lead Agency's independent determination of the efficacy of the adopted mitigation measures.

◊ **Selection between the proposed project and other alternatives**. This document provides the City and other responsible agencies with an analysis of a reasonable range of alternatives, including the "no project" alternative. In recognition of the inclusion of those alternatives herein, the Lead Agency may select and subsequently adopt an alternative to the Applicant-proposed LCRSP. Additionally, the City's advisory and decision-making bodies could identify additional alternatives, beyond those addressed herein, or modify, in whole or in part, those alternatives examined in this EIR. The certification of the EIR by the Lead Agency constitutes evidence of the Lead Agency's independent determination regarding both the selected alternative and the adequacy of the alternative's analysis.

◊ **Reliance upon this EIR as the environmental basis for subsequent actions**. To the extent authorized under CEQA and the State CEQA Guidelines and subject to the precise nature of later site-specific and project-specific applications that might follow the City's adoption of the proposed LCRSP, if so adopted, the Lead Agency may seek to utilize this EIR, in whole or in part, as the environmental basis for subsequent discretionary actions that follow its certification that are deemed by the Lead Agency to be consistent with the adopted LCRSP and which occur within the project's boundaries.[24] Many of the

consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant."

[24]/ As indicated in Section 21666 of CEQA: "When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (a) Substantial changes are proposed in the project which require major revisions of the environmental impact report. (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available." As further

measures identified herein are intended to serve as project-specific conditions and, when implemented, would serve to mitigate the potential impacts of those later site-specific actions. Since this EIR provides a detailed assessment of potential cumulative impacts, further analysis of cumulative impacts in subsequent CEQA compliance documents may not be warranted.[25]

The proposed LCRSP states that "[b]ecause a Project EIR will be certified by the City in conjunction with approval of this Specific Plan, no further environmental studies shall be required for implementing projects." Although the Lead Agency may elect to utilize this EIR as the environmental basis for later entitlements, each such later project will need to be independently examined and a project-level determination make at the time that separate entitlements are being requested for those later actions and activities. For each such project, the Lead Agency will made an independent determination as to that project's consistency with the adopted LCRSP, the adequacy of this EIR, once certified, to serve as the environmental basis for that action, and whether and to what extent additional environmental documentation may be required.

- **Land use-related issues**. The following land use-related issues have been identified:

indicated in Section 15162(a) of the State CEQA Guidelines: "When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

In Bowman v. City of Petaluma, the courts have interpreted Section 21666 of CEQA to uphold an agency's decision not to prepare a subsequent EIR if any "substantial evidence" supports such decisions. In Bowman v. Petaluma, the court made a clear distinction between the requirement for a subsequent EIR and threshold required for initial EIR preparation, stating "whereas §15064 (§21151 PRC) requires an EIR if the initial project may have a significant effect on the environment, §15162 (§21166 PRC) indicates a quite different intent, namely, to restrict the powers of agencies by prohibiting them from requiring a subsequent or supplemental EIR unless 'substantial changes' in the project or its circumstances will require major revisions to the EIR."

[25]/ As authorized under Section 15130(d) and (e) of the State CEQA Guidelines: "Previously approved land use documents such as general plans, specific plans, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan. . .If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j)."

◊ **Timing of general and specialty commercial development**. No sequencing of development is outlined in the LCRSP to ensure that locally available neighborhood-serving general and specialty commercial uses and other services would be available in a timeframe designed to best accommodate the site-specific needs of project residents. Unless retailers recognize a current market need, when left to a free-market system, sufficient localized demand would likely need to first exist in order to induce private investment in neighborhood-serving facilities. The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination with regards to the timing of general and specialty commercial development.

◊ **"Industrial," "manufacturing," and "heavy commercial" uses**. As authorized under the proposed LCRSP, certain types of "industrial," "manufacturing," and "heavy commercial" uses would be permitted or conditionally permitted within the "Village Center Commercial (VC)" and/or "General Warehousing Overlay." The terms "industrial," "manufacturing," and "heavy commercial" are not, however, specifically defined in either the City Municipal Code or the proposed LCRSP, other than through a listing of those permitted, conditionally permitted, or prohibited uses. Any short listing of select land uses cannot, however, be construed as being inclusive of all uses that could potentially be so categorized.

Additionally, by referring to a use as "heavy," by inference, other undefined uses could then be categorized as "light" or "medium." Since the proposed LCRSP also conditionally authorizes unspecified "other principal, accessory or temporary use[s]," the absence of any clear definitions as to the categorization of broad categories of land uses makes ambiguous the full extent of those uses and potentially creates, over the life of the project, subjectivity in the plan's implementation. The Lead Agency will need to determine whether the lack of those definitions and/or the types and categorization of permitted, conditionally permitted, and prohibited land uses authorized under or prohibited by the proposed LCRSP allows for reasonable or excessive flexibility in the City's interpretation, administration, and enforcement of the proposed specific plan. The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the inclusion or exclusion of industrial, manufacturing, and heavy commercial uses.

◊ **Retention of opportunities for general and specialty commercial uses**. With regards to retail commercial development, available information would appear to support a conversion of some lands designated "Village Center Commercial (VC)" to an alternative land use. Recent studies suggest that the Lytle Creek planned community will support about 332,900 square feet of commercial/neighborhood freestanding retail space and 69,800 square feet of grocery store space. The planned community generates an additional 170,500 square feet of regional/lifestyle and big box space. The regional/lifestyle portion of this demand would be difficult to capture given the community's location and area demographics. Assuming a major portion of the total acreage is developed as retail, demand from the community alone is insufficient to support the full extent of "Village Center Commercial (VC)" acreage and allowable square

footage. Given the planned community's location, most retail tenants will be cautious about locating in non-freeway sites until population levels have increased in the area nearest the community.[26]

When considered in combination with Rosena Ranch (Tract No. 15900) and existing populations located within a two-mile trade area, projections for retail commercial absorption improve. That larger primary trade area will support approximately 635,500 square feet of community/neighborhood and freestanding commercial retail space, including 136,500 square feet of grocery store space, as well as an additional 335,900 square feet of regional/lifestyle and big box space. These projections reflect potential market demand and not necessarily actual opportunities and/or interest.[27]

As proposed, a "General Warehousing Overlay" (GW Overlay) has been superimposed on a number of underlying planning areas (PAs 3, 4, 11, 13, 15, 20, and 78). The GW Overlay allows for general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, heavy commercial, and other similar types of uses. As proposed, other than the total 849,420 square feet of non-residential development authorized under the proposed LCRSP (excluding institutional, educational, recreational, and infrastructure-related uses), no limitations are presently established with regards to: (1) the total maximum on-site square footage of allowable general warehousing, distribution center, storage and self-storage, light industrial, manufacturing, and heavy commercial uses that could be developed on the project site; (2) the total maximum on-site square footage of allowable office and business park, and other similar uses; and/or (3) the total minimum on-site square footage of required general and specialty commercial and other similar neighborhood-serving uses that would need to be developed on the project site.

For every square foot of warehousing, distribution center, storage and self storage, light industrial, manufacturing, heavy commercial, office, business park uses, and other similar uses developed on the project site, one less square foot of general and specialty commercial, and other similar neighborhood-serving uses could then be developed thereupon under the authority of this EIR.

Although office and business park may be less problematic because they increases employment opportunities for near-site residents and would not be expected to be of size that would monopoly the prospects for the retention of other non-residential land uses, nothing in the proposed LCRSP would preclude the entire 849,420 square feet of allowable non-residential uses (excluding institutional, educational, recreational, and infrastructure-related uses) from being developed as general warehousing, distribution center, light industrial, manufacturing, and heavy commercial uses. Should the supply of on-site and near-site general commercial and service-oriented uses fall substantially below the projected on-site demand for those same uses, project residents would then logically need to travel greater distances (to off-site alternatives) for those same

[26]/ Stoffel & Associates, Analysis of Retail Demand and Opportunities for the Lytle Creek Planned Community, Rialto, CA, October 2008 Update p. 19.

[27]/ *Op. Cit.*, Analysis of Retail Demand and Opportunities for the Lytle Creek Planned Community, Rialto, CA, p. 20.

commodities and services. Similarly, with the conversion from a retail-based to a warehousing-type land use, the nature of use-generated traffic, including the types and numbers of vehicles and the travel distances of those vehicles would be expected to change.

In order to ensure the available of sufficient on-site neighborhood-servicing commercial opportunities over the life of the project, the total inventory of warehousing, distribution center, light industrial, manufacturing, heavy commercial and other similar uses may need to be limited to ensure the availability or future availability of general commercial and service-oriented uses. Because it reduces the flexibility now proposed under the Applicant-submitted specific plan, the project's decision makers should determine whether such an action is warranted. The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the retention of opportunities for general and specialty commercial development.

◊ **Additional institutional, education, recreational, and infrastructure-related square footage**. The 849,420 square footage of general and specialty commercial, office, business park, warehousing, distribution center, storage and self storage, light industrial, manufacturing, heavy commercial, and other similar permitted and conditionally permitted uses under the "Village Center Commercial (VC)" district, the "Village Center Commercial Overlay," and/or the "General Warehousing Overlay" is not inclusive of additional non-residential development and other improvements that may be associated with other public, semi-public, and/or private institutional use (e.g., schools and churches), infrastructure improvements (e.g., lift stations), and public, semi-public, and/or private recreational facilities (e.g., recreational centers and golf course clubhouse) that would be authorized on the project site in accordance with the proposed LCRSP.

Although no square footages have been explicitly assigned either by the Applicant or the Lead Agency, institutional, educational, recreational and infrastructure-related uses are addressed either through the assignment of acreages to those uses and/or through the depiction of those facilities and improvements in the proposed LCRSP. The potential environmental impacts attributable to those acreage-based uses and illustrated or described facilities and improvements are addressed in this EIR.

As a result, with regards to those uses, the 849,420 square feet does not constitute an overall "cap" upon all institutional, recreational, and infrastructure-related uses that could be developed on the project site. Since limitations have not been established for the size of school buildings, community and recreational centers, churches, infrastructure improvements, and other public, semi-public, and private facilities, unless otherwise imposed by the Lead Agency, with regards to those uses, facilities, public works, and other improvements, total maximum allowable non-residential square footages for those uses is not established under the proposed LCRSP.

To the extent that procedural and/or environmental issues later arise when certain site user (e.g., churches, educational institutions, and other community

facilities) seek site-specific and use-specific entitlements as to whether those uses are constrained by the 849,420 square foot limitations authorized within the proposed LCRSP, the City's Development Services Director will review each such development proposal on a case-by-case basis and assess conformity to the adopted specific plan and its accompanying CEQA documentation.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding additional institutional, recreational, and infrastructure-related square footage.

◊ **Alternative equivalent compliance and transfer of development rights**. The proposed LCRSP incorporates built-in flexibility, subject to reasonable regulatory and environmental controls, allowing both internal "transfer of development rights" and "alternative equivalent compliance" and establishing opportunities for and a mechanism to implement land-use variations beyond the strict confines otherwise created through a static planning document.

Should residential development in a specified planning area may not occur with regards to either the number of dwelling units or the residential density assumed, rather than forfeiting the unrealized housing opportunities, from a housing supply perspective, a regional benefit could be realized if provisions were put in place allowing the on-site transference of those unrealized dwelling unit to another on-site planning area that might be better able to physically and realistically accommodate the additional unrealized density.

Under the Applicant's proposed "transfer of development rights" and "alternative equivalent compliance" concepts, subject to the limitations specified in the proposed LCRSP, dwelling units and non-residential (e.g., general and specialty commercial, office, business park, light industrial and manufacturing, warehouse and distribution center, and other similar permitted and conditionally permitted uses) square footage could be transferred within and between any planning area in Neighborhoods II and III, provided that the total number of projected AM plus PM daily vehicle trips for Neighborhoods II and III combined do not exceed 12,483 projected vehicle trips. Any transference between neighborhoods and planning areas would need to conform to the following additional standards: (1) grading and landform alteration would substantially comply with that previously approved for the LCRSP; and (2) no new significant environmental impacts, not previously assessed in the EIR would, result from the transfer. Transfer of dwelling units or non-residential square footage within or between neighborhoods and planning areas, when conducted in accordance to the provisions of the LCRSP, would not constitute or require a specific plan amendment.

Similarly, subject to the limitations specified in the proposed LCRSP, dwelling units and non-residential (e.g., general and specialty commercial, office, business park, warehousing, distribution center, storage and self storage, light industrial, and manufacturing, heavy commercial, and other similar permitted and conditionally permitted uses) square footage could be transferred within and between any planning area in Neighborhoods I and IV provided that the total number of projected AM plus PM daily vehicle trips for Neighborhoods I and IV

combined do not exceed 3,853 projected trips. In addition, any transference between neighborhoods and PAs would need to conform to the following additional standards: (1) dwelling units may be transferred between any residentially-designed planning areas in Neighborhoods I and IV; (2) dwelling units may be transferred between any residentially-designated planning areas and any planning area with a "Single-Family Residential Overlay" and/or "High Density Residential Overlay" in Neighborhoods I and IV; (3) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV; and (4) square footage may be transferred between any "Village Center Commercial (VC)" district in Neighborhoods I and IV and any planning area in Neighborhoods I and IV with a Village Center Commercial Overlay" or "General Warehousing Overlay."

While representing a reasonable approach to accommodate authorized development, encourage sound site planning, allow for creativity and innovation in design, and ensure that environmental parameters are not exceeded, appropriate implementing and development monitoring mechanisms need to be put into place so that the stated criteria and required standards are fully satisfied and that appropriate records are maintained so that any resulting changes in the current plan of development are fully accounted for and considered as development proceeds. Although the proposed LCRSP outlines a broad mechanism for implementation, the City's decision makers and administrators need to ensure that procedures are in place prior to any requests for "transfer of development rights" and/or "alternative equivalent compliance."

Although those mechanisms are administrative in nature and outside the CEQA process, general information concerning the implementation of those actions is outlined in Appendix II-A (Traffic Impact Analysis) herein. The City will need to determine whether the approach outlined therein or an alternative set of procedures would need to be developed to allow for the implementation of any such transfer. Once finalized, those implementation procedures will likely be incorporated into the adopted LCRSP and/or become a component of the Lead Agency's adopted "mitigation monitoring and reporting program" (MRMP).

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the application of the proposed "transfer of development rights" and "alternative equivalent compliance" concepts.

◊ **Forfeiture of underlying land uses**. As indicated in the proposed LCRSP, the following overlay districts would be created, "Single Family Residential Overlay" (SRF Overlay), "High Density Residential Overlay" (HDR Overlay), "Village Center Commercial Overlay" (VC Overlay), "General Warehousing Overlay" (GW Overlay), and "Park Overlay" (PA 72 only).[28] In lieu of the underlying land-use designation, authorized land uses allowable in an overlay district may be

[28]/ Although each of the five overlay districts encompass entire planning areas, to the extent that a subsequent "B" level subdivision map were to create separate parcels and assign each a separate land-use designation, unless otherwise precluded by the Lead Agency, there is nothing in the proposed LCRSP that would preclude an overlay from encompassing only a portion of an assigned planning areas, such that multiple (albeit geographically separated) uses could be developed therein.

developed in those planning areas possessing an overlay designation. From an environmental perspective, with the possible exception of the proposed recreational opportunities identified as an underlying (not overtopping) land use, the resulting land-use changes can be addressed through the imposition of those mitigation measures identified herein.

With regards to the potential forfeiture of existing and proposed on-site recreational opportunities, including the El Rancho Verde Royal Vista Golf Course (PAs 87, 95, 99, and 101), the "active-adult recreational center" (PA 86) in Neighborhood II, and a "private recreational center" (PA 40) and a portion of the "Grand Paseo" area (PA 37) in Neighborhood III, unless otherwise conditioned, there exists no assurance that the underlying land use constitutes the use which will be actually developed.[29]

In addition, PA 72 contains a "Park Overlay." This land may be developed with a mixture of community and neighborhood park elements. Because the land-use plan designates this area as an "overlay" rather than the underlying land use, unless otherwise specified in the project's development agreement and/or included in the subsequent "B" level subdivision map, there exists no assurance that a 35.7-acres community park will be developed within PA 72. If so developed, unknown are the implications of that development on the Applicant's provision of other neighborhood parks and/or other recreational facilities within the proposed LCRSP.

Although not included as a mitigation measure herein because the potential impact does not elevate to a level of significance based on the identified threshold criteria and because "parks, paseos, greenbelts and playgrounds" and "tennis clubs, golf courses, and similar recreational uses" are listed as permitted use in all but "Open Space (OS)" districts, to the extent that the on-site need for recreational opportunities is not diminished by the implementation of the overlay, has not been already fulfilled through the dedication of real property and/or the payment of park in-lieu fees, and/or is not concurrently proposed to be provided at an alternative site, the Lead Agency has the ability to condition the development of any planning area possessing an "Open Space/Recreation (OS/R)" or "Open Space/Joint Use (OS/JU)" designation, in accordance with the alternative provisions of any overlay district, upon the Applicant's demonstration that existing, planned, or proposed recreational opportunities within the affected neighborhood will not be substantially reduced and/or will be accommodated elsewhere within that neighborhood. The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the need for additional mitigation measures and/or conditions of approval to preserve and/or retain any underlying land use.

[29]/ The Lead Agency acknowledges that general plan and specific plan policies and zoning regulations do not constitute assurances that any designated or described land use will actually be developed. Other factors, including market demands and economic and financing conditions, play significant roles relative to whether any project will actually be built. Adoption of the proposed specific plan or any alternatives therein does not constitute assurance that the development plan formulated by the Applicant and/or approved by the Lead Agency will come to fruition.

- **Open space and conservation-related issues**. The following open space and conservation-related issues have been identified:

  - ◊ **Eligibility of "private open space" to receive Quimby Act credit**. As indicated in the proposed LCRSP: (1) private recreation centers will be constructed in portions of PAs 40, 53, and 64 for use by Neighborhood III residents; these recreation centers are planned to be privately owned and maintained by a homeowners' association (HOA) or other entity acceptable to the City; (2) residents of Neighborhood II will have their own recreational facilities designed specifically for active-adult users; the active-adult recreation center (PA 86) is planned to be privately owned and maintained by a HOA or other entity acceptable to the City; and (3) at the discretion of the Applicant, small, private recreation centers (consisting of a swimming pool, restrooms, drinking fountain, and/or other recreational amenities) may be constructed; if provided, these recreation centers shall be privately owned and maintained by a HOA or other entity acceptable to the City.

    The Quimby Act does not mandate that the City grant open space credit for "private open space" in common interest developments. It is within the discretion of the City to determine whether or not or under what circumstances credit should be given (Branciforte Heights LLC v. City of Santa Cruz [2006]). At its discretion, the City will need to determine whether the proposed "active-adult recreation center" (PA 86) and/or the "private recreational centers" (PAs 40, 53, and 64) may or may not be eligible for Quimby Act "credit."

    Section 17.23.140 (Credit for Special Facilities) in Chapter 17.23 (Park and Recreation Facilities Dedication) in the City Municipal Code contains certain provisions allowing for the receipt of partial "credit" for special facilities (e.g., golf course, lake, or the like). Although the El Rancho Verde Royal Vista Golf Course constitutes an existing facility, under the proposed LCRSP, the Applicant intends to reconfigure and enlarge that existing facility from approximately 183 to 207 acres. At the City's discretion, as authorized under Section 17.23.140 (Credit for Special Facilities), the additional approximately 24 acres of expanded golf course-related use may be eligible to receive a 50 percent Quimby Act "credit" of about 12 acres.

    Additionally, the City will need to determine whether those planning areas proposed as "Open Space/Recreation (OS/R)" which are located within the SCE right-of-way and beneath the 500-kV transmission line (PAs 32, 34, and 26) are eligible for and should receive Quimby Act "credit" and whether all or a portion of the reconfigured El Rancho Verde Royal Vista Golf Course (PAs 87, 95, 97, 99, 101) and, if so, to what extent (Section 17.23.140, City Municipal Code). The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding Quimby Act compliance.

  - ◊ **Ownership, management, and maintenance of mitigation lands**. In recognition of project-related impacts upon sensitive plant communities and protected wildlife species, a number of mitigation measures have been nominated by the Applicant and/or formulated by the Lead Agency specifying that

compensatory acreage be set-aside, acquired, dedicated, enhanced, and/or restored for habitat conservation purposes. Although the Applicant remains responsible for those actions, mitigation measures and/or conditions of approval have not specified the party or parties that will hold title to or be responsible for the long-term maintenance and management of those lands.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the ownership, management, and maintenance of mitigation lands.

◊ **Preservation of open space lands**. As proposed, in the vicinity of Lytle Creek, the project would retain and contribute an additional 612.5 acres of natural open space to be preserved in perpetuity. Of that, 444.8 acres are immediately adjacent to the existing 216.7-acre "SBKR Conservation Area." The proposed LCRSP does not definitively specify the party or parties that would hold title to these open space lands and does not indicate what form of instrumentation will be used to ensure that open space lands are, in fact, so preserved.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the preservation of open space lands.

◊ **Schools and adjoining joint-use sites and facilities**. Within Neighborhood III, a future elementary school site (PA 49) and a combined elementary/middle school site (PA 69) have been proposed. As proposed, under the terms and provisions of a school facilities funding and mitigation agreement, the two sites would be dedicated to the Rialto Unified School District (RUSD) for school purposes. The City has, however, neither been provided any evidence of the RUSD's conditional acceptance of those sites nor received evidence that the number, size, configuration, and location of those future school sites conforms to school district siting criteria.

In addition, within Neighborhood III (PAs 48 and 74), two "joint-use" school and park facilities are proposed, linking public park areas to proposed adjoining school sites. These joint-use areas are anticipated to contain athletic fields, playgrounds, and informal play areas which will be available to the general public when school is not in session. The size of these areas, the precise nature of the proposed improvements, and the operational parameters governing each site's joint use will be determined in consultation with the Applicant, the City, the RUSD[30] and, to the extent applicable, with the San Bernardino City Unified School District (SBCUSD) and/or the Fontana Unified School District (FUSD).

Should the RUSD independently determine that one or both of the two proposed future school sites is inadequately size to accommodate an appropriately size school, the planning areas comprising the school site would need to increase,

[30]/ Under the proposed LCRSP, the Applicant retains the right and ability to develop all or portions of the joint-use sites in accordance with the proposed "Single-Family Density Residential 1, 2, and 3 (SDF-1, 2, 3)" standards should the RUSD or another benefiting school district elect to reduce the amount of land required for the joint-use park or should the RUSD elect not to construct the adjacent school site.

with a corresponding decrease in the size of either the adjoining "joint-use" area or other abutting planning area. As a result, issues to be resolved include, but may not be limited to: (1) adequacy of one of both of the two proposed school sites to physically and spatially accommodate new schools; (2) minimum acreage requirements for those school sites if developed on the project site (PAs 46 and 69) and any corresponding impacts on the acreage of the adjoining "joint-use" areas (PAs 48 and 74) and/or other abutting planning areas; (3) nature of any joint-use agreement between the City and the RUSD; (4) nature and timing of the provision of those community recreational facilities to be constructed with those "joint-use" areas which will be subject to the joint-use agreement; and (5) applicability of joint-use facilities to satisfy the Applicant's Quimby Act and/or school impact fee requirements and the manner in which such facilities are accounted for in the quantification and satisfaction of those obligations.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding schools and joint-use sites and facilities.

- **Infrastructure-related issues**. The following infrastructure-related issues have been identified:

  - ◊ **Phasing of infrastructure improvements**. With regards to those infrastructure systems identified in the proposed LCRSP or described in this EIR where improvements are required or proposed, the Applicant has outlined a phasing plan for the construction of those facilities. Generally, except where otherwise noted, the Applicant proposes to initiate each requisite or proposed improvement at the time the underlying "B" level tentative subdivision map is approved and implemented, as dictated by the City-imposed conditions of approval for those underlying tentative maps. Certain infrastructure improvements may be required prior to that time and may need to proceed independent of the approval of later subdivision maps. Additionally, the City may desire certain infrastructure improvements to be constructed and in-place as a precursor to the approval of individual "B" level subdivision maps. As a result, with regards to the infrastructure phasing plan, the Lead Agency may require a greater level of certainty than that presently outlined in the proposed LCRSP.

    At the specific plan level, the infrastructure systems identified in the proposed LCRSP are intended to be conceptual in nature and may be subject to change and refinement as those development activities contemplated in the proposed LCRSP proceed. At the project-level, the Lead Agency will determine whether individual infrastructure systems and/or components to those systems are consistent with the conceptual plans presented therein.

    The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the phasing of infrastructure improvements.

  - ◊ **Provision of fire services to portions of Neighborhood I**.[31] The Rialto Fire Department notes that the area comprising Neighborhood I is a potential concern

[31]/ This "issue" may also be applicable to or could be extended to encompass Neighborhood IV.

for emergency response time and coverage. A plan for fire protection and services has not been developed by the RFD and the RFD and the SBCFD have not met to formalize and finalize plans and/or agreements for fire service delivery to that area. In discussions between the Applicant and representatives of the RFP, four potential options have been identified with regards to the provision of fire protection and paramedic services to the project site. Each of those options is briefly described below.

- **Option 1 (Full annexation and City provides fire protection services)**. Under this option, the geographic area comprising the proposed LCRSP would be annexed into the City and the RFP would provide fire protection services for the full development. The RFP has indicated that an additional Engine Company and Medic Ambulance would be required. In addition, a new fire station or alternative RFP-accepted facility would be needed to serve the area.

- **Option 2 (Full annexation and City and County share fire protection services)**. Under this option, the geographic area comprising the proposed LCRSP would be annexed into the City, the County would provide fire protection services to that portion of Neighborhoods I and IV located to the north of the I-15 Freeway from a new fire station planned in that area (i.e., County Fire Station No. 81), and the City would provide fire protection services for the remainder of the proposed LCRSP. Under this option, the SBCFD would need to be reimbursed by the City for their estimated operations and maintenance costs (or prorated portion thereof) for providing fire protection services to Neighborhoods I and IV. In this case, the RFD has identified a need for an additional Medic Ambulance that would operate out of City Fire Station No. 4. In lieu of the additional Medic Ambulance, other comparable improvements may also exist and may be subsequently identified by the RFD.

- **Option 3 (Partial annexation and City and County provide fire protection service within their respective jurisdictions)**. Under this option, the area located to the north of the I-15 Freeway would not be annexed into the City and the City and the County would provide fire protection services for their respective jurisdictions. Under this option, the SBCFD would not need to be reimbursed by the City for their estimated operations and maintenance costs (or prorated portion thereof) for providing fire protection services to those areas. Since Neighborhoods I and IV would not be annexed to the City, there would be no transfer of the underlying fire protection fire protection property tax to the Lead Agency. In this case, the RFD has identified a need for an additional Medic Ambulance that would operate out of City Fire Station No. 4.[32] In lieu of the additional Medic Ambulance, other comparable improvements may also exist and may be subsequently identified by the RFD.

[32]/ Memorandum from Stan Hoffman, President, Stanley R. Hoffman Associates to Jim Bruce, Deputy Fire Chief, City of Rialto Fire Department (Subject: Lytle Creek Annexation Fire Protection Service Alternatives), June 12, 2008, p. 2.

- **Option 4 (Pay per call plan)**. Under this option, the RFD would maintain primary service to Neighborhoods I and IV and would develop a pay per call plan for reimbursement to the County for fire protection services provided to those neighborhoods.

Since each of these options would allow for the provision of fire protection services to Neighborhoods I and IV, from an environmental perspective, any of the three alternatives could be implemented and, in combination with other mitigation measures identified herein, reduce fire protection and emergency service impacts to a less-than-significant level. However, since each option bears separate capital, operational, and maintenance costs and may require the execution of a memorandum of understanding and cooperative fire operations agreement or similar instrument between the City and the County, the CEQA process, of which this EIR is a part, provides an opportunity to bring the parties together, solicit input from stakeholders, and assess the merits, costs, and feasibility of each service option. The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination with regards to the provision of fire protection and emergency services to those portions of the project site not presently served by the RFD.

◊ **San Bernardino County Fire Department Station No. 81**. From existing City and County facilities, the existing emergency response times to Neighborhoods I and IV are greater than the planning standards utilized by either the City or the County for effective fire and emergency medical response. As conditioned by the County, the developers of the "Lytle Creek North Planned Development Project" (LCNPD or Tract 15900), now Rosena Ranch, located in unincorporated San Bernardino County, are required to construct San Bernardino County Fire Department (SBCFD) Station 81, to be built adjacent to Glen Helen Parkway prior to the "issuance of a certificate of occupancy for the 1000th detached single family residential unit in the [LCNPD] project."

Since the County-approved LCNPD constitutes an independent project, the timing of which cannot be determined, the proposed project's need for SBCFD Station 81 could predate the separate development of that facility (under the provisions of the LCNPD). Should the RFD and/or the SBCFD determine that Station 81 needs to be operational prior to the time that would otherwise occur in conformance with the conditions of approval for the LCNPD, the Applicant may need to: (1) accept responsibility for the construction of that new fire station and advance its construction and operation; (2) delay or restrict development of the proposed LCRSP pending the construction and operation of that facility by others; and/or (3) identify and implement an alternative means of satisfactorily addressing any fire safety concerns raised by the RFD and/or SBCFD.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the need for, timing of, and construction of County Fire Station No 81.

◊ **Public streets in gated communities**. As proposed, Neighborhood II would be constructed as a gated, age-restricted community. Access restrictions would logically limit public accessibility to that neighborhood and any "public streets" located therein. The Applicant has indicated that none of the streets proposed within the LCRSP boundaries, including those in Neighborhood II, will be constructed as "private streets."

As authorized under Section 37359 of the California Government Code: "Unless otherwise provided by law, the legislative body having control of any property owned or controlled by the city may at any time withdraw the property from the personal access and use of members of the public, or limit the access or use in area or time or in any other reasonable manner deemed necessary."

The courts (Citizens Against Gated Enclaves v. Whitley Heights Civic Assn.) have, however, identified specific policy reasons why public streets cannot be closed, stating that "streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof, subject to legislative control." The courts found that it is the state which has "sovereign power" over streets, even though a municipality make may "reasonable regulations" concerning traffic on the streets. The court explained that, if the streets are "public," it makes no sense to classify them as public when it comes to the expenditure of public funds, but classify them as private when it comes to public use. The above cited case is identified for informational purposes only and is not assumed to be presumptive of the Lead Agency's ability to create public streets or other public facilities within a gated community and/or other access-restricted area.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding public streets in gated communities.

▪ **Other issues**. The following additional issues have been identified:

◊ **Annexation, reorganization, changes in service areas and organizations**. The annexation or phased annexation of the project site to the City will result in certain changes to existing service areas and the agencies that both now and in the future will provide necessary services to the subject property (e.g., police and fire protection). Resulting changes to existing service areas either increase or decrease the cost of providing services to the affected organization. This EIR does not include a fiscal impact analysis relative to the cost and revenue implications of the proposed project on the City, the County, or the service providers operating therein.[33] The implications of the project site's annexation, including any gained, lost, or deferred revenues to individual taxing entities likely

[33]/ The courts, in Sierra Club v. County of Napa (2004), have concluded that CEQA does not require that an EIR evaluate economic feasibility. In that case, the court held that, when agency decision makers decide whether to approve a project, the decision makers are entitled to weigh economic information about the feasibility of alternatives and mitigation measures that is noted anywhere in the record, and such information is not required to be included in the EIR. The court allowed economic feasibility determinations to be based on the entire record. This case also affirms that an EIR evaluates alternatives that are initially determined to be "potentially feasible." Later on, when the project comes before the decision makers, the ultimate determination of what is feasible is based on the entire record and decision makers may reject as infeasible alternatives that were earlier determined to be potentially feasible.

constitute a non-environmental issue to be addressed and resolved by those parties independent of the CEQA process.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the annexation, reorganization, and changes in service areas and organizations.

◊ **Application of specific City Municipal Code standards**. As stated, in part, in Section 18.59.030 (Design Standards) of the City Municipal Code, specified transportation control measures (TCMs) shall be incorporated into all new and revised non-residential and multi-family developments of ten or more units. As indicated therein, new residential development of 500 or more units shall provide telecommuting facilities or contribute toward development of a telecommuting center. As proposed, only three planning areas (PAs 20, 83, and 93) include 500 or more dwelling units. However, because the proposed project collectively includes a total of 8,407 dwelling units, this code provision could be interpreted as applicable to the LCRSP. Currently, no telecommuting facilities have been specifically identified on the project site and no Citywide plans have been formulated for the development of one or more telecommuting centers within the City.

The Lead Agency's certification of the EIR and approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the application of specific City Municipal Code standards.

◊ **"Affordable housing" requirements**. Under CEQA, economic or social effects of a proposed project shall not be treated as significant effects on the environment (14 CCR 15131). Additionally, under CEQA, the construction, conversion, or use of "lower-income housing projects" consisting of not more than 45 dwelling units are deemed to be "statutorily exempt" when the project is consistent with the local jurisdiction's general plan (14 CCR 15280). As such, from a CEQA perspective, the existence of or the planned development of housing, not its cost or the income-strata of its occupants, constitute an appropriate environmentally-based area of inquiry. Although "affordable housing" is discussed herein, neither the proposed LCRSP nor this EIR imposes specific obligations upon the Applicant with regards to the cost or affordability of housing to be constructed within the proposed LCRSP boundaries. Additionally, this EIR does not link the cost of housing and/or the income levels of project residents with either an increased or decreased demand on transportation and/or on other public services and facilities.

The adoption of the proposed LCRSP, if so adopted, would not preclude the Applicant from seeking "regulatory concessions and incentives to significantly reduce housing development costs and thereby facilitate the development of affordable housing, including housing for elderly persons and families, as defined by Section 50067 of the Health and Safety Code" (Section 65913[a], California Government Code). The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted,

constitutes evidence of the Lead Agency's independent determination with regards to affordable housing requirements.

◊ **Inclusion of off-site properties and participation of off-site property owners**. With regards to the geographic area examined in this EIR, in addition to those "on-site" areas within the boundaries of the proposed LCRSP are other "off-site" areas that may be directly or indirectly impacted by the proposed project but which would not be subject to proposed LCRSP and which are included herein. Those "off-site property owners" listed in Table ES-2 (Agencies and Organizations Associated with the Proposed Project) are, to the best of the Lead Agency's knowledge, the owners of those "off-site" properties. None of those "off-site property owners" are signatories to those development applications which have been submitted to the Lead Agency by the Applicant. Although the Lead Agency has reasonable assurance that each of the identified parties have received notice of the proposed action, the Lead Agency cannot attest to either their consent in the inclusion of their properties herein and/or any contemplated use of those properties by the Applicant. Because the City would not exercise eminent domain authority to secure those properties, to the extent that a voluntary agreement cannot be negotiated between those owners and the Applicant, no contemplated use would likely come to fruition. Similarly, any actions by the Lead Agency with regards to those "off-site" properties may not be binding on those parties based on their involuntary participation. The certification of the EIR by the Lead Agency and the approval or conditional approval of the proposed project, if so adopted, constitutes evidence of the Lead Agency's independent determination regarding the potential inclusion of and possible project-related use of those properties.

The following additional items do not constitute "issues to be resolved" but are nonetheless presented herein for informational purposes only. Based on local, regional, and national economic conditions, including the condition of existing financial markets, even in the event that the proposed LCRSP were to be approved, it is uncertain whether the project could proceed and, if it were to proceed, whether the Applicant's schedule is both realistic and attainable. It is likely that residential market demand is less robust than the Applicant may assume and/or that financing for construction and/or home purchase may not be readily available. Similarly, notwithstanding the Applicant's intent, absent any existing commitments from end users and Lead Agency-imposed conditions, the marketplace will dictate the ultimate nature of the non-residential (including general and specialty commercial, office and business park, warehousing and distribution center, light industrial and manufacturing, and heavy commercial) land uses that will or will not be developed on the project site.

Should the proposed project's implementation schedule be extended beyond a 20-year horizon period, the Lead Agency would not anticipated that identified environmental impacts would be substantially greater than assumed herein, impacts determined to be less than significant would then elevate to a level of significance, and/or new significant environmental impacts would likely manifest from an elongated development schedule.

Although not consequential to this environmental analysis, the ultimate builder/developer(s) of the project site is likely unknown and, in all probability, will include parties separate and distinct

from the Applicant.[34] As such, the term "Applicant," as used herein, is intended to be inclusive of the current project proponent, as well as the contractors and subcontractors required for the construction of the proposed project and subsequent holders of real property interests in the subject property, other than the owners of those residential and non-residential properties that are now planned on the project site and those governmental agencies that presently own or may become subsequent holders of real property interests to properties located on the project site in the future. Where applicable and unless otherwise specified, the mitigation measures recommended herein are intended to be binding and enforceable on each of those parties.

Agencies/Organizations Associated with the Proposed Project

Presented in Table ES-2 (Agencies and Organizations Associated with the Proposed Project) is a listing of those agencies, organizations, and individuals associated with the proposed project including, but not limited to: (1) the Lead Agency and the Applicant; (2) State, regional, and local responsible agencies that will or that may be required to take one or more discretionary actions concerning the proposed project and who may be required to utilize the Lead Agency's CEQA documentation as part of their own independent deliberations; (3) trustee agencies having jurisdiction by law over those natural resources affected by the proposed project[35]; and (4) federal agencies from whom discretionary permits or approval will or may be required and who will or may elect to utilize the Lead Agency's CEQA documentation as the environmental basis for those discretionary actions.

Summary of Impacts and Mitigation Measures

Presented in Table ES-3 (Summary of Environmental Impacts and Level of Significance) is a summary of each of the environmental impacts identified by the Lead Agency, a listing of those mitigation measures recommended by the Lead Agency in response to the identified environmental effects, and the Lead Agency's preliminary conclusions regarding both the pre-mitigated and post-mitigated level of significance of each of the identified environmental effects.[36]

Draft Mitigation Reporting and Monitoring Program

The mitigation measures identified in this EIR and referenced in Table ES-3 (Summary of Environmental Impacts) are listed in Table ES-4 (Draft Mitigation Reporting and Monitoring Program). Presented therein is a draft mitigation reporting and monitoring program (MRMP) demonstrating the manner in which each of those recommended mitigation measures would, if

[34]/ Should the proposed LCRSP proceed in a manner similar to the County-approved LCNPD, once entitled, the Lead Agency would anticipate that the project proponent would convey some or all of the project proponent's interests in the project to one or more master builders and/or convey some or all of the project proponent's interests to individual planning areas, as created through the recordation of the proposed "A" level subdivision map and/or later "B" level subdivision maps, to one or more merchant builders. That conveyance, should it occur, would neither materially alter the proposed project nor introduce new significant environmental impacts not otherwise addressed herein since applicable development standards contained in the proposed LCRSP and applicable mitigation measures recommended herein would become binding obligations on subsequent holders of real property interests.

[35]/ As defined in Section 21070 of the PRC: "'Trustee agency' means a State agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California."

[36]/ Referencing Kings County Farm Bureau v. City of Hansford (Fifth District, 1990): "Although the lead agency has the authority to employ a private entity to prepare an environmental impact report, and those entities or persons may perform the functions necessary to meet the requirements of CEQA [Citation], the decisionmaking body, not the report's preparer, is ultimately responsible for determining whether the proposed project will have a significant impact upon the local environment."

so adopted, be implemented. The recommended mitigation measures and the Lead Agency's draft MRMP remain subject to change based on comments received on the EIR and the further technical analysis of the Lead Agency.

Table ES-2
AGENCIES AND ORGANIZATIONS ASSOCIATED WITH THE PROPOSED PROJECT

Association	Contact
Lead Agency	City of Rialto - Development Services Department Attn: Mike Story, Director Gina Gibson, Senior Planner 150 South Palm Avenue Rialto, California 92376 (909) 421-7246
State Clearinghouse	Governor's Office of Planning and Research - State Clearinghouse Attn: Terry Roberts, State Clearinghouse Director 1400 Tenth Street, Room 222 (P.O. Box 3044) Sacramento, California 95814 (Sacramento, California 95812-3044) (916) 445-0613
Applicant	Lytle Development Joint Venture III Attn: Kevin Lynch, Project Manager 2050 Main Street, Suite 252 Irvine, California 92614 (949) 313-5800
Potential Responsible Agencies	Local Agency Formation Commission, San Bernardino County Attn: Kathleen Rollings-McDonald, Executive Officer 175 West Fifth Street, Second Floor San Bernardino, California 92415-0490 (909) 387-5866
	California Department of Transportation Local Development-Intergovernmental Review Attn: Terri Pencovic, LD-IGR Program Manager 1120 N Street, MS-32 (PO Box 942874, MS-32) Sacramento, California 95814 (Sacramento, California 94274-0001) (916) 653-1067
	California Department of Transportation, District 8 Office of LD-IGR/CEQA Review Attn: Dan Kopulsky, Chief 464 West Fourth Street, Sixth Floor, MS 722 San Bernardino, California 92401-1400 (909) 383-4557
	California Department of Fish and Game Inland Deserts Region, Region 6 Attn: Curt Taucher, Regional Manager 3602 Inland Empire Boulevard, Suite C-220 Ontario, California 91764 (562) 596-4212
	State Water Resources Control Board Attn: Dorothy Rice, Executive Director 1001 I Street Sacramento, California 95814 (916) 341-5250
	Regional Water Quality Control Board, Santa Ana Region (8) Attn: Gerald J. Thibeault, Executive Officer 3737 Main Street, Suite 500 Riverside, California 92501-3339 (951) 782-4130

Table ES-2 (Continued)
AGENCIES AND ORGANIZATIONS ASSOCIATED WITH THE PROPOSED PROJECT

Association	Contact
Potential Responsible Agencies (Continued)	California Department of Conservation Attn: Bridgett Luther, Director 801 K Street, MS 24-01 Sacramento, California 95814 (916) 322-1080
	California Department of Parks and Recreation Office of Historic Preservation Attn: Milford Wayne Donaldson, State Historic Preservation Officer 1416 9th Street, Room 1442 Sacramento, California 95814 (916) 653-6624
	California Public Utilities Commission Attn: Steve Larson, Executive Director 505 Van Ness Avenue San Francisco, California 94102 (415) 703-2782
	South Coast Air Quality Management District Attn: Barry R. Wallerstein, Executive Officer 21865 Copley Drive Diamond Bar, California 91765 (909) 396-2000
	County of San Bernardino - Land Use Services Department Attn: Julie Rynerson Rock, Director 385 N. Arrowhead Avenue, Third Floor San Bernardino, California 92415-0182 (909) 387-3223
	County of San Bernardino – Department of Public Works Attn: Mazin Kasey, Deputy Director 825 E. Third Street San Bernardino, California 92415 (909) 387-7916
	West Valley Water District Attn: Anthony W. Araiza, General Manager 855 W. Baseline Rialto, California 92377 (909) 875-1804
	Rialto Unified School District Attn: Edna D. Herring, Superintendent 182 East Walnut Avenue Rialto, California 92376-3598 (909) 820-7700
	San Bernardino City Unified School District Attn: Dr. Arturo Delgado, Superintendent 777 North F Street San Bernardino, California 92410 (909) 381-1240
	Fontana Unified School District Attn: Jane D. Smith, Superintendent of Schools 9680 Citrus Avenue Fontana, California 92335 (909) 357-5000

Table ES-2 (Continued)
AGENCIES AND ORGANIZATIONS ASSOCIATED WITH THE PROPOSED PROJECT

Association	Contact
Potential Federal Agencies	United States Army Corps of Engineers, Los Angeles District Office Attn: Col. Alex C. Dornstauder, District Commander P.O. Box 532711 Los Angeles, California 90053-2325 (213) 452-3908
	United States Fish and Wildlife Service Carlsbad Fish & Wildlife Office Attn: Jim Bartel, Field Supervisor 6010 Hidden Valley Road, Suite 101 Carlsbad, California 92011 (760) 930-0168
	United States Department of Agriculture United States Forest Service Angeles National Forest - Supervisor's Office Attn: Jody Noiron, Forest Supervisor 701 N. Santa Anita Avenue Arcadia, California 91006 (626) 574-5200
	Federal Emergency Management Agency Office of the Director Attn: Nancy Ward, Acting Administrator 500 C Street S.W. Washington, D.C. 20472 (202) 646-2500
Transportation Planning Organizations	Southern California Association of Governments (Main Office) Attn: IGR Office 818 W. Seventh Street, 12th Floor Los Angeles, California 90017 (213) 236-1800
	Southern California Association of Governments (Inland Office) Attn: IGR Office 3600 Lime Street, Suite 216 Riverside, California 92501 (951) 784-1513
	San Bernardino Associated Governments Attn: Deborah Robinson Barmack, Executive Director 1170 W. 3rd Street, 2nd Floor San Bernardino, California 92410-1715 (909) 884-8276
Potential Trustee Agency	California Department of Fish and Game Inland Deserts Region, Region 6 Attn: Curt Taucher, Regional Manager 3602 Inland Empire Boulevard, Suite C-220 Ontario, California 91764 (562) 596-4212
	California State Lands Commission Attn: Paul D. Thayer, Executive Officer 100 Howe Avenue, Suite 100 South Sacramento, California 95825-8202 (916) 574-1800

Table ES-2 (Continued)
AGENCIES AND ORGANIZATIONS ASSOCIATED WITH THE PROPOSED PROJECT

Association	Contact
Notification Requirements	Native American Heritage Commission Attn: Larry Myers, Executive Secretary 915 Capitol Mall, Room 364 Sacramento, California 95814 (916) 653-4082
	State Mining and Geology Board Attn: Stephen M. Testa, Executive Officer 801 K Street, Suite 2015 Sacramento, California 95814 (916) 322-1082
Tribal Organizations	San Manuel Band of Mission Indians Attn: Henry Duro, Chairperson 26569 Community Center Drive Highland, California 92346 (909) 864-8933
	San Manuel Band of Mission Indians Attn: Ann Brierty, Environmental Department 101 Pure Water Lane Highland, California 92346 (909) 863-5899
	Morongo Band of Mission Indians Attn: Britt W. Wilson, Cultural Resource Coordinator 11581 Potrero Road Banning, California 92220 (951) 849-8807
	Chemehuevi Reservation Attn: Charles Wood, Chairperson P.O. Box 1976 Chemehuevi Valley, California 92363 (760) 858-4301
	Fort Mojave Indian Tribe Attn: Nora McDowell, Chairperson 500 Merriman Avenue Needles, California 92363 (760) 629-4591
	Fort Mojave Indian Tribe Attn: Esadora Evanston, Environmental Coordinator 500 Merriman Avenue Needles, California 92363 (760) 326-1112
	San Fernando Band of Mission Indians Attn: John Valenzuela, Chairperson P.O. Box 221838 Newhall, California 91322 (661) 753-9833
	Serrano Band of Indians Attn: Goldie Walker 6588 Valeria Drive Highland, California 92346 (909) 862-9883

Table ES-2 (Continued)
AGENCIES AND ORGANIZATIONS ASSOCIATED WITH THE PROPOSED PROJECT

Association	Contact
On-Site Property/Easement Owners[1]	California Department of Transportation, District 8 Office of LD-IGR/CEQA Review Attn: Dan Kopulsky, Chief 464 West Fourth Street, Sixth Floor, MS 722 San Bernardino, California 92401-1400 (909) 383-4557
	Calnev Pipeline Company Attn: Mark Jensen 1100 Town and Country Road Orange, California 92868
	Southern California Edison Company Attn: Regulatory Affairs 2244 Walnut Grove Avenue Rosemead, California 91770
	Southern California Gas Company Attn: Richard Moeder, Geographic Services Manager 555 W. 5th Street, GT10G2 Los Angeles, California 90013
Off-Site Property Owners[1]	California, Department of Transportation, District 8 Attn: Raymond W. Wolfe, District Director 464 W. 4th Street San Bernardino, California 92402 (909) 383-4055
	County of San Bernardino - Division of Public Works/Flood Control Attn: Vana Olson, Director 825 E. 3rd Street San Bernardino, California 92415 (909) 387-7906
	Sunbelt Acquisitions Attn: General Manager P.O. Box 4120 Ontario, California 91761
	Storkson Family Trust Attn: Trustee 2828 Lytle Creek Road Fontana, California 92335
	BBC Properties, LLC Attn: General Manager 3075 Cranbrook Court La Jolla, California 92037

Notes:
1. Included in this EIR are those "on-site" lands owned or controlled by the Applicant, by public utilities, by public agencies, or by private parties and included within the boundaries of the proposed LCRSP and additional "off-site" areas which are included within the geographic area examined in this EIR because those areas may be directly or indirectly impacted by the proposed project's construction and/or operation but which would not be subject to proposed LCRSP. Those "off-site property owners" identified herein are, to the best of the Lead Agency's knowledge, the owners of those "off-site" properties. Although not subject to the proposed LCRSP, those parties nonetheless may have a material interest in the proposed project and the information presented in this EIR.

Source: City of Rialto

Table ES-3
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Land Use			
Impact 1-1. The project will involve a variety of residential, non-residential, commercial/institutional, and open space uses. Based on operational differences, the on-site placement of residential units adjacent to other non-residential uses could result in land-use compatibility conflicts resulting in significant air quality, noise, and traffic impacts affecting local residents.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 1-1	Less than Significant
Impact 1-2. The project site presently contains a number of natural gas and liquid fuel transmission pipelines. Damage to those transmission pipelines and/or the release of their contents, whether through natural events or other circumstances, could cause or contribute to public health and safety hazards and thereby create land-use compatibility conflicts with proximal land uses and near-site receptors.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-2 through 1-5	Less than Significant
Impact 1-3. Project implementation could impact the continuing operation of existing proximal land uses and/or impede the ability of the Cities of Fontana and Rialto and/or the County of San Bernardino to proceed with, if public, or to approve, if private, future land uses through the introduction of encroaching development constraints that do not presently exist in the area of those facilities or, if evident, do no exist at levels that presently constrain the development or continuing operation of those uses. Similarly, based on their operational characteristics, existing off-site uses, now operating within the general project area could impact planned or permitted land uses that may occur on the project site.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-1, 1-6, 1-7, and 1-8	Less than Significant
Impact 1-4. Proposed development activities upon the LCRSP property will be phased with project build-out estimated to occur by 2030 or as required by an approved development agreement. It is estimated that construction will begin in Neighborhood I, followed by development in Neighborhoods II, III, and IV. Unless requisite infrastructure systems are sized to accommodate overall demand and operational prior to the commencement of each phase, infrastructure constraints and/or other unplanned environmental consequences may arise.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 1-9	Less than Significant
Impact 1-5. To the extent that land-use policies have been promulgated in recognition of the environmental effects of pre-existing uses and/or in response to recognized environmental constraints and hazards, revisions to those policies that neglect and/or fail to appropriately respond to the existence of those effects, constraints, and hazards could place persons and property at substantial risk.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 1-10	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Land Use (Continued)			
Impact 1-6. Beyond the local level, regional plans have been formulated by regional planning organizations to guide development within the larger metropolitan area. Regional plans provide, if not a broader, a higher-tiered approach to addressing those environmental issues that extend beyond and across municipal boundaries. Local projects that are inconsistent with regional plans can thwart or otherwise hinder the attainment of certain environmental goals and produce impacts extending beyond individual corporate limits.	Less than Significant	None Required or Recommended	Less than Significant
Impact 1-7. Implementation of the project's land-use overlay districts, in lieu of the underlying land-use designation, could change the character of the proposed development, introduce new environmental impacts, and/or increase the severity of those environmental efforts anticipated as a result of the development of the underlying zone.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-1 and 1-11	Less than Significant
Impact 1-8. Proposed is the annexation of that approximately 1,753.1-acre portion of the project site presently located in unincorporated County into the City. To the extent that the proposed annexation failed to conform to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, annexation may be denied or delayed.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 1-12	Less than Significant
Impact 1-9. Implementation of the proposed project in combination with those other related projects identified herein will result in the further urbanization of the general project area, including the conversion of vacant or under-developed properties to higher-intensity land uses.	Less than Significant	None Required or Recommended	Less than Significant
Population and Housing			
Impact 2-1. During the build-out period of the proposed project, an estimated 5,588 new on-site construction jobs would be created.	Less than Significant	None Required or Recommended	Less than Significant
Impact 2-2. Project implementation will increase the City's population and housing inventory and add new employment opportunities within the City. At build-out, an estimated 32,720 individuals may reside on the site in 8,407 dwelling units. Excluding on-site schools, recreational facilities, and any indirect or induced (secondary) jobs, proposed non-residential development may result in an estimated 3,398 primary, on-site employment opportunities.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Population and Housing (Continued)			
Impact 2-3. If not adequately considered in the derivation of existing regional plans, project-related increases in population, housing, and/or employment could impede the attainment of regional objectives by introducing additional unplanned growth which has not sufficiently accounted for in the formulation of the implementation strategies presented in those plans.	Less than Significant	None Required or Recommended	Less than Significant
Impact 2-4. Local land-use decisions can either positively or adversely influence the ability of public agencies to promote the attainment of the State's goal of a suitable living environment and decent housing for all Californians.	Less than Significant	None Required or Recommended	Less than Significant
Impact 2-5. By increasing the City's housing stock, absence a corresponding and proportional increase in long-term employment opportunities, project implementation, in combination with cumulative development, could contribute to a jobs-housing imbalance.	Less than Significant	None Required or Recommended	Less than Significant
Geology and Soils			
Impact 3-1. The project site contains State-designated Alquist-Priolo Fault-Rupture Hazard Zones. Seismic events occurring along these active fault zones, as well as other seismic events reasonably predictable throughout the area and over the life of the project, will expose people and property to potential surface rupture, ground shaking, and other seismic risks.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 3-1 through 3-3	Less than Significant
Impact 3-2. Project implementation will involve extensive earthwork. Unless conducted in a manner in keeping with the existing characteristics of the site and in light of the nature of the proposed development, soil conditions could result in stability problems that would adversely impact the structural integrity of proposed improvements.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 3-1 through 3-3	Less than Significant
Impact 3-3. On-site grading operations will disrupt surface soils and increase the potential for air and water-borne erosion.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Geology and Soils (Continued)			
Impact 3-4. Liquefaction susceptibility within the proposed development area is classified as non-susceptible and highly susceptible in Neighborhoods I and II, non-susceptible to highly susceptible in Neighborhood III, and non-susceptible and medium to highly susceptible in Neighborhood IV.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 3-1 through 3-3	Less than Significant
Impact 3-5. A substantial portion of the project site is designated MRZ-2, indicating that the project site contains aggregate resources of regional significance. The proposed project will impact the MRZ-2 classified resources by less than one (0.4) percent. This resource elimination will not affect other available resources in the region. As such, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.	Less than Significant	None Required or Recommended	Less than Significant
Impact 3-6. During the life of the project, lands and structures within the project site will be subject to periodic seismic events from localized and regional earthquake faults, producing the potential for damage to property, to the improvements located thereupon, and resulting in health and safety risks to site occupants.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 3-1, 3-2, 3-3, and 3-4	Less than Significant
Impact 3-7. Other projects located within proximity of the proposed development will be subjected to similar seismic forces and their associated hazards, subjecting those structures, improvements, and site occupants to potential seismic risks.	Less than Significant	None Required or Recommended	Less than Significant
Impact 3-8. With increased urbanization, the inventory of recoverable sand and gravel resources within the San Bernardino Production-Consumption Region diminishes; however, the resource elimination that will occur as a result of the proposed project will impact the MRZ-2 classified resource by less than one percent and remaining available resources in the SBPC Region exceed the projected 50-year aggregated demand.	Less than Significant	None Required or Recommended	Less than Significant
Hydrology and Water Quality			
Impact 4-1. The project site contains areas designated as being located within the 100-year floodplain. Site development could, therefore, result in the introduction of residential and non-residential land uses within those areas and/or expose site users to potential flood hazards.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Hydrology and Water Quality (Continued)			
Impact 4-2. Proposed drainage improvements have the potential to adversely impact the operation of those existing facilities now located within the Lytle Creek channel, including the I-15 Freeway bridge and those existing high-pressure pipelines that now traverse the wash.	Less than Significant	None Required or Recommended	Less than Significant
Impact 4-3. Construction activities may increase sediment discharge and/or result in the introduction of hazardous materials, petroleum products, or other waste discharges that could impact the quality of the area's surface and groundwater resources if discharged to those waters.	Less than Significant	None Required or Recommended	Less than Significant
Impact 4-4. The introduction of standing water on the project site, including those waters associated with the project's drainage facilities and BMPs, have the potential to introduce vector breeding habitat and harborage.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 4-1	Less than Significant
Impact 4-5. Storm water and non-storm water runoff have the potential to impair downstream receiving waters, particularly in Lytle and/or Sycamore Creeks.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 4-1 and 4-2	Less than Significant
Impact 4-6. Project plans include the construction of new levee systems adjacent to Lytle Creek. In addition, project implementation will result in the introduction of impervious surfaces and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the project site.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 4-4	Less than Significant
Impact 4-7. Four groundwater infiltration ponds, used by the Fontana Water District, are presently located in Neighborhood II (PAs 82, 91 and 92). The areas where those ponds are located are proposed for "Single-Family Residential 3 (SFR-2) (8-14 du/ac)," High Density Residential (HDR) (25-35 du/ac)," and "Village Center Commercial (VC)" development. The existing infiltration ponds will be relocated and incorporated into the design of Neighborhood II.	Less than Significant	None Required or Recommended	Less than Significant
Impact 4.8. Development of the project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within the Lytle and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Biological Resources			
Impact 5-1. Grading and grubbing activities will result in direct impacts to approximately 1,374.7 (1,368.0 on-site and 6.7 off-site) acres, resulting in the direct removal of existing vegetation within those areas. Temporary impacts include approximately 49.7 (40.8 on-site and 8.9 off-site) acres which will occur within temporary construction zones associated with the levee construction. With regards to non-sensitive plant species, project implementation will result in direct impacts to approximately 894.8 (889.9 on-site and 4.9 off-site) acres of non-sensitive plant communities. Temporary impacts to approximately 8.1 (5.1 on-site and 3.0 off-site) acres of non-sensitive plant communities will occur within temporary construction zones associated with the levee construction and the construction of a road under the I-15 Freeway. With regards to sensitive plant species, project implementation will result in direct impacts to approximately 478.0 (476.2 on-site and 1.8 off-site) acres of RAFSS (where RAFSS is the only or the primary community). Temporary impacts to 41.6 (35.7 on-site and 5.9 off-site) acres of RAFSS which will occur within temporary construction zones associated with the levee construction. Permanent impacts to sensitive plant communities include approximately 1.7 on-site acres of southern cottonwood willow riparian and 0.2 on-site acre of California sycamore alliance.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-1 and 5-2	Less than Significant
Impact 5-2. Common Plant Species. Project implementation would result in the direct removal of numerous native and non-native common plant species.	Less than Significant	None Required or Recommended	Less than Significant
Impact 5-3. Common Wildlife Species. In the short-term, project implementation would result in direct removal of wildlife habitat and the potential mortality of common wildlife species existing within the area of disturbance. Long-term indirect impacts include increased human-related disruption (such as an increase in nighttime lighting, noise, road kills, and the presence of domestic pets) which may result in additional mortality of native wildlife species.	Less than Significant	None Required or Recommended	Less than Significant
Impact 5-4. The proposed project will permanently impact approximately 43,741 (42,709 on-site and 1,032 off-site) linear feet and 58.02 (57.42 on-site and 0.60 off-site) acres of USACE non-wetland waters. [CONTINUED]	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 5-3	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Biological Resources (Continued)			
Impact 5-4 (Continued). In addition, the proposed project will permanently impact 60,894 (59,086 on-site and 1,808 off-site) linear feet and 93.98 (92.76 on-site and 1.22 off-site) acres of CDFG streambed (2.38 on-site acres consists of vegetated riparian habitat). The proposed project will temporarily impact approximately 8,852 (8,577 on-site and 275 off-site) linear feet and 26.73 (24.33 on-site and 2.40 off-site) acres of USACE non-wetland waters. In addition, the proposed project will temporarily impact 9,981 (9,706 on-site and 275 off-site) linear feet and 32.00 (27.73 on-site and 4.27 off-site) acres of CDFG streambed. Impacts may result in substantial changes to the bed, channel, and/or bank of jurisdictional waters.			
Impact 5-5. Project implementation has the potential to impede existing wildlife movement patterns across the project site, resulting in a potential fragmentation of habitat areas upon and surrounding the project site.	Less than Significant	None Required or Recommended	Less than Significant
Impact 5-6. Sensitive Plant Species and CNPS List 3 and List 4 Plant Species. Construction will result in the loss of an unknown number of Plummer's Mariposa lily (CNPS List 1B.1 species) and an unknown number of Parry's spineflower (CNPS List 1B.1 species). In addition, construction will result in the loss of one southern California black walnut (CNPS List 4.2 species).	Less than Significant	None Required or Recommended	Less than Significant
Impact 5-7. Sensitive Wildlife Species. Numerous sensitive wildlife species have been observed within the LCRSP study area or have the potential to occur therein. Project development, through direct loss or fragmentation of existing habitat and through the introduction of indirect exogenous effects, will reduce existing sensitive species populations and impact the existing biodiversity of the LCRSP study area.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-4 through 5-7	Less than Significant
Impact 5-8. Invasive Plant Species. Project development has the potential to result in the introduction of invasive non-native plants that could spread to retained on-site open space areas and/or adjoining off-site areas, potentially reducing the propensity of native species to succeed in the general project area.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 5-8	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Biological Resources (Continued)			
Impact 5-9. Project implementation will result in the introduction of additional indirect or secondary effects that could adversely impact the viability of on-site and off-site open space areas to serve a continuing viable habitat function.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-4 and 5-7	Less than Significant
Impact 5-10. Implementation of the proposed project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in relatively natural, undisturbed open space areas found within the general project area and contribute to the progressive fragmentation of habitat areas and decline in species diversity throughout the region.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 5-1 and 5-7	Less than Significant
Transportation and Traffic			
Impact 6-1. Based on the construction of new roadways and other infrastructure improvements, the project could substantially increase hazards due to a traffic-related design features.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 6-1 and 6-2	Less than Significant
Impact 6-2. Based on individual project-level schedules formulated by the developers of each planning area, construction activities may be occurring adjacent to occupied properties. Construction vehicles may, therefore, transport equipment, building materials, and hauling debris along local and collector streets within and adjacent to established residential areas and other areas where people congregate. In addition, project construction will result in the introduction of construction vehicles and equipment and could result in the release of soil and other debris onto public roadways.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 6-3	Less than Significant
Impact 6-3. Project operations could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 6-4, 6-5, and 6-6	Less than Significant
Impact 6-4. As a result of both ambient growth and other areawide development activities, the project's operations could cumulatively exceed the LOS standard established by the County Congestion Management Agency for designed roads and highways.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 6-4, 6-5, and 6-6	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Air Quality			
Impact 7-1. During construction, with regards to criteria pollutants, the projected maximum daily emissions of carbon monoxide (CO), oxides of nitrogen (NO_X), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and volatile organic compounds (VOC) could exceed SCAQMD recommended threshold standards.	**Significant**	Mitigation Measures 7-1 thru 7-9	**Significant**
Impact 7-2. Maximum PM_{10} and $PM_{2.5}$ concentrations, as primarily associated with grading activities, are projected to be 80.2 µg/m^3 and 17.9 µg/m^3, respectively, and would occur in the vicinity of those residential areas located to the south of the project site. Substantially lower PM_{10} and $PM_{2.5}$ concentrations would occur in the vicinity of those residential areas located to the east of the project site.	**Significant**	Mitigation Measures 7-1 thru 7-9	**Significant**
Impact 7-3. Construction activities will yield a maximum incremental increase in off-site individual cancer risk of about 4.2 in one million over the duration of construction. The maximum impact occurs at residential uses south of the project site.	Less than Significant	None Required or Recommended	Less than Significant
Impact 7-4. The increase in daily emissions resulting from operation of the proposed project are expected to exceed the SCAQMD thresholds for VOC, CO, PM_{10}, $PM_{2.5}$, and NOx.	**Significant**	Mitigation Measures 7-10 through 7-14	**Significant**
Impact 7-5. Increased traffic along project area roadways has the potential to result in the creation of carbon monoxide (CO) “hot spots” at any intersections projected to operate at a LOS “D” or worse.	Less than Significant	None Required or Recommended	Less than Significant
Impact 7-6. The introduction of new retail commercial and other non-residential land uses in close proximity to existing and proposed residential areas could place odor-generating uses near odor-sensitive uses. Additionally, since new development will occur adjacent to existing land uses, new on-site receptors could be impacted by any off-site odors generated by those uses.	Less than Significant	None Required or Recommended	Less than Significant
Impact 7-7. The project will locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million (10 X 10^{-6}).	**Significant**	Mitigation Measures 7-15 though 7-18	**Significant**

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Air Quality			
Impact 7-8. Projects that exceed the assumptions in the AQMP, based on the year of the project's build-out, or fail to demonstrate compliance with the criteria outlined in the Guidance Document, could result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, and/or delay the attainment of State and federal air quality standards.	**Significant**	Mitigation Measures 1-1, 1-6, 7-4 through 7-8, 7-11, 7-13, 7-15 through 7-18	**Significant**
Impact 7-9. Since the project will exceed SCAQMD regional emission thresholds during construction, even with the incorporation of all feasible mitigation measures, the project will contribute to a significant cumulative air quality impact.	**Significant**	No Feasible Mitigation Measures Identified	**Significant**
Impact 7-10. The project area is out-of-attainment for both ozone (O_3) and particulate (PM_{10} and $PM_{2.5}$) emissions. Peak daily emissions of operation-related pollutants would exceed SCAQMD regional significance thresholds. By applying SCAQMD's cumulative air quality impact methodology, implementation of the proposed project would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. The emissions generated by project operation would be deemed cumulatively considerable.	**Significant**	No Feasible Mitigation Measures Identified	**Significant**
Impact 7-11. The proposed project will result in both one-time and annual GHG emissions that are expected to occur after build-out, producing an estimated 256,432 tonnes of CO_2e one-time GHG emissions and calculated annual emissions of 93,985 tonnes of CO_2e. If the one-time emissions were annualized, the total annual emissions from the proposed project would be approximately 100,396 tonnes per year.	Less than Significant	None Required or Recommended	Less than Significant
Noise			
Impact 8-1. Although all construction activities will fully comply with the City's Noise Ordinance, those activities (especially the use of heavy equipment) will result in short-term noise increases at individual construction sites and may be perceptible to near-site receptors.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Noise (Continued)			
Impact 8-2. Upon completion, vehicular traffic added to those off-site roadways within the general project area will introduce new mobile noise sources and may create a higher noise exposure to residents and other sensitive receptors beyond the noise levels currently experienced or otherwise predicted in the absence of the proposed project.	**Significant**	Mitigation Measure 8-1	**Significant**
Impact 8-3. At project build-out, traffic internal to the project site could expose proximal receptors to noise levels in excess of City residential standards.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 8-2, 8-3, and 8-4	Less than Significant
Impact 8-4. Residential and non-residential development would be exposed to noise levels that range from 65.2 dBA CNEL (at 25 feet distance) along Live Oak Avenue (new internal roadway) to 83.5 dBA CNEL along the I-15 Freeway, exceeding the City's exterior noise standard of 65 dBA CNEL for noise sensitive land uses.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 8,1, 8-2, 8-3, and 8-5	Less than significant
Impact 8-5. Existing sand and gravel mining operations in the vicinity of Neighborhoods II and III will continue in accordance with the terms and conditions of an existing surface mining permit. Those operations have the potential to generate operational noise levels adversely affecting proximal sensitive receptors.	Less than Significant	None Required or Recommended	Less than Significant
Impact 8-6. Areawide development activities will result in increased traffic along local roadways. With increased traffic volumes, additional mobile source noise generators are introduced into the project area which can impact those sensitive receptors located adjacent to those roadways.	**Significant**	Mitigation Measure 8-1	**Significant**
Public Services and Recreation			
Impact 9-1. Police Protection. During construction, heavy equipment, construction materials, and other items of value will be brought to the project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in incidents of theft and vandalism that could increase demands upon the Rialto Police Department and other law enforcement agencies.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Public Services and Recreation (Continued)			
Impact 9-2. Fire Protection. Project implementation will result in the introduction of equipment, materials, and manpower into a designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards.	Less than Significant	None Required or Recommended	Less than Significant
Impact 9-3. Public Schools. Based on the proposed dedication of a number of on-site school sites, project-specific construction activities could occur in close proximity to an existing school facility and prove to be disruptive to school activities and operations.	Less than Significant	None Required or Recommended (Mitigation Measures 6-2 and 6-3)	Less than Significant
Impact 9-4. Public Recreational Facilities. Construction activities will occur adjacent to existing recreational areas, including Glen Helen Regional Park and the San Bernardino National Forest, and could, during construction, impede access to or temporarily detract from the enjoyment of those areas and facilities.	Less than Significant	None Required or Recommended (Mitigation Measures 6-2 and 6-3)	Less than Significant
Impact 9-5. Police Protection. Based on the Rialto Police Department's (RPD) existing staffing ratios, at full project build-out, the projected population of approximately 32,720 persons would generate an additional staffing demand for about 39.6 sworn offices and 17.2 full-time and 5.2 part-time civilian employees. Additional unquantified demands upon the RPD would also result from the operation of commercial and other non-residential uses and the congregation of people in public places. Those RPD employees would have corresponding equipment and spatial requirements that would not likely be met with existing RPD resources.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 9-1 through 9-5	Less than Significant
Impact 9-6. Police Protection. Construction and occupancy of 8,407 dwelling units and 849,420 square feet of non-residential uses and the traffic those units and uses generate on Interstate freeway system and along roadways in County unincorporated areas will increase existing demands upon California Highway Patrol resource.	Less than Significant	None Required or Recommended	Less than Significant
Impact 9-7. Fire Protection. Based on the Rialto Fire Department's (RFD) existing staffing ratios, at full project build-out, the projected population of approximately 32,720 persons would generate an additional staffing demand for about 27.2 department personnel. Additional unquantified demands upon the RFD would also result from the operation of commercial and other non-residential uses and the congregation of people in public places. [CONTINUED]	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 9-4 and 9-5	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Public Services and Recreation (Continued)			
Impact 9-7. (Continued) Those RFD employees would have corresponding equipment and spatial requirements that would not likely be met with existing RFD resources.			
Impact 9-8. Public Schools. Project implementation will increase enrollment within the Rialto Unified School District, Fontana Unified School District, and/or San Bernardino City Unified School Districts, thus placing additional personnel, resource, and spatial demands on existing facilities located in the general project area, and/or predicating the need to construct, staff, and equip new elementary, middle, and/or high schools to serve increased attendance.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 9-6 and 9-7	Less than Significant
Impact 9-9. Public Libraries. Project implementation will increase the resident population of the City or Rialto, including the number of school-age children, incrementally increasing existing spatial and resource-related demands now being placed on the San Bernardino County Public Library, Rialto Branch.	Less than Significant	None Required or Recommended	Less than Significant
Impact 9-10. Public Recreational Facilities. As indicated in the City General Plan, Rialto has adopted a standard of three acres of parkland for each one thousand residents. As further specified in Section 17.23.030 of the City Municipal Code, for qualifying projects, 3.0 acres of property for each one thousand persons residing within the City shall be devoted to neighborhood and community parks.	Less than Significant	None Required or Recommended	Less than Significant
Impact 9-11. Public Recreational Facilities. Numerous regional hiking, bicycling, and equestrian trails are identified in planning documents illustrating the project site. Failure to identify, preserve, and construct specified trail segments in a manner and in a location consistent with regional trail plans could adversely affect the functionality of those trails.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 9-8	Less than Significant
Impact 9-12. Public Recreational Facilities. As proposed, a number of sites have been designated “Open Space/Joint Use” (OS/JU) and are intended for joint use by the Rialto Unified School District for recreational purposes associated with adjoining school sites and by the City of Rialto for general recreational use. Operational joint-use problems could be encountered based on the distinct needs of those two separate users groups.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 9-9 and 9-10	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Public Services and Recreation (Continued)			
Impact 9-13. The approval of other reasonably foreseeable future development projects within the general project area will increase existing demands on the San Bernardino County Sheriff's Department and Rialto Police Department law enforcement activities, San Bernardino County Fire Department and Rialto Fire Department fire protection and emergency services, increase the number of school-aged children served by the Rialto Unified School District, Fontana Unified School District, and San Bernardino City Unified School District, and increase the demand for park and recreational facilities within the County and throughout the City.	Less than Significant	None Required or Recommended	Less than Significant
Utilities and Service Systems			
Impact 10-1. Water Supply. During construction, water is required for a variety of purposes (e.g., dust palliation, fire suppression, human consumption). The on-site need for water may predate its availability and the provision of infrastructure systems necessary to supply those location-specific water needs.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-9 and 10-1 through 10-3	Less than Significant
Impact 10-2. Sewerage Disposal. During construction, the project's wastewater collection system may not be operational or accessible to workers. Temporary facilities may be required to ensure that construction sites are operated and maintained in a sanitary fashion.	Less than Significant	None Required or Recommended	Less than Significant
Impact 10-3. Solid Waste. Construction wastes will be generated during site clearing and grading, through the development of required infrastructure, during building construction, and through the installation of landscaping. These wastes can consume inordinate amounts of landfill capacity unless efforts are taken to reduce the quantity and volume of materials being landfilled.	Less than Significant	None Required or Recommended	Less than Significant
Impact 10-4. Water Supply. At build-out, residential and non-residential uses will generate a peak daily demand of about 18.17 million gallons of potable water, thus placing a long-term demand on available water resources.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Utilities and Service Systems (Continued)			
Impact 10-5. Sewerage Disposal. At build-out, residential and non-residential uses will generate an estimated 5.016 million gallons of wastewater per day (mgd), thus placing a long-term demand on available wastewater treatment facilities. Of that, an estimated 4.295 mgd (from Neighborhoods II, III, and IV) of average daily flow will be conveyed to the City of Rialto Wastewater Treatment Plant and an estimated 0.721 mdg (from Neighborhood I) of average daily flow will be conveyed to the Lytle Creek North Wastewater Recycling Facility for treatment. Insufficient sewerage treatment capacity presently exists at the City of Rialto Wastewater Treatment Plant to accommodate anticipated future year flows.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-9 and 10-4	Less than Significant
Impact 10-6. Solid Waste. At build-out, an estimated 80,143 tons of solid waste will be generated per year (220 tons/day), inclusive of both residential and non-residential waste streams. Based on current estimated diversion rates (45 percent), an estimated 44,078 tons of waste will require landfilling per year (121 tons/day).	Less than Significant	None Required or Recommended	Less than Significant
Impact 10-7. Implementation of the proposed project and other related projects would impose cumulative impacts on water services and supplies, wastewater collection and treatment facilities, and solid waste collection and disposal within the general project area.	Less than Significant	None Required or Recommended	Less than Significant
Hazards and Hazardous Materials			
Impact 11-1. Construction activities involving the transport, storage, use, and consumption of small quantities of flammable, corrosive, and/or explosive materials, including petroleum products, will occur in close proximity to existing residential areas and other sensitive receptors.	Less than Significant	None Required or Recommended	Less than Significant
Impact 11-2. Construction activities could result in damage to existing high priority subsurface installations and/or other facilities, resulting in the discharge of hazardous materials and petroleum products, creating a risk of fire, explosion, and electrocution, and disrupting the delivery of those products and commodities which are transported through those systems.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Hazards and Hazardous Materials (Continued)			
Impact 11-3. Excluding those exempt facilities that handle hazardous materials contained solely in a consumer product and pre-packaged for direct distribution to and for use by the general public (household hazardous wastes), certain permitted non-residential land uses may transport, store, use, and/or consume hazardous materials as part of their routine operation. In addition, the routine operation of certain permitted land uses may result in the release or potential release of toxic air contaminants (TACs). Since the specific plan allows for the proximal siting of residential and non-residential development and allows for a variety of land uses to occur therein, non-residential uses that utilize hazardous materials above household levels or emit TACs could be located in close proximity to homes and other sensitive receptors.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-1, 7-12, and 7-13	Less than Significant
Impact 11-4. An overhead lattice transmission tower, associated with SCE's Lugo-Mira Loma 500-kV Transmission Line, could fail or collapse as a result of wind, fatigue, liquefaction of the underlying materials, fire, or other causes.	Less than Significant	None Required or Recommended	Less than Significant
Impact 11-5. The failure of an existing natural gas transmission line or liquid petroleum pipeline could result in the discharge of hazardous and/or flammable materials that could prove hazardous to people and property located in proximity to a pipeline rupture or leak.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 1-1 thru 1-5	Less than Significant
Impact 11-6. Implementation of the proposed project, in combination with other related projects, will result in the exposure of an increasing number of individuals and property improvements to existing hazards, including increased health and safety risks associated with exposure to hazardous materials.	Less than Significant	None Required or Recommended	Less than Significant
Cultural Resources			
Impact 12-1. All site disturbance activities have the potential to adversely affect cultural resources located within the area of disturbance.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 12-1 through 12-3	Less than Significant
Impact 12-2. Ground disturbance activities could result in impacts to on-site paleontological resources that may potential exist in Pleistocene-age sediments.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 12-4	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Cultural Resources (Continued)			
Impact 12-3. Project development could impede the implementation of that on-site segment of the Old Spanish National Historic Trail that traverses the project site.	Less than Significant	None Required or Recommended	Less than Significant
Impact 12-4. Grading activities conducted on other sites located within the general project area could result in impacts to any prehistoric, historic, and paleontological resources that may be located thereupon.	Less than Significant	None Required or Recommended	Less than Significant
Aesthetics			
Impact 13-1. Construction activities, including grubbing, grading, and the construction of authorized facilities and improvements, will alter the site's existing visual character and will transform the site's visual character from that which might be generally characterized as a natural environment to that of a built environment, producing changes in landform, vegetation, water, color, lighting, adjacent scenery and through the introduction of hardscape and other cultural modifications to the existing landscape.	Potentially Significant unless Mitigation Incorporated	Mitigation Measures 13-1 through 13-5	Less than Significant
Impact 13-2. The project site is visible from adjacent areas, including those views afforded from adjoining public roadways and from private residences. Alterations to the site's visual character during the construction process could produce changes to the available field of view from a limited number of public and private vantage points. Due to the wide field of view that is available from theses areas, the project's development would not result in substantial coverage of the existing visual environment from these vantage points.	Less than Significant	None Required or Recommended	Less than Significant
Impact 13-3. Following the construction of individual planning areas and the project's build-out, those areas will continue to undergo physical changes affecting the site's evolving scenic qualities.	Potentially Significant unless Mitigation Incorporated	Mitigation Measure 13-6	Less than Significant
Impact 13-4. Following the completion of construction, the project site will remain visible from adjacent and proximal publicly-accessible areas located off the site. As site improvements are completed and occupancy, use, and habitation occurs, further physical changes could alter the site's scenic qualities as perceived from those public vantage points.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Aesthetics (Continued)			
Impact 13-5. A number of residential and institutionally-designated areas within Neighborhoods II, III, and IV will abut operating industrial-types uses, including the Cemex USA quarry, SCE transmission lines, and Monier Lifetile. The occupants of those properties may perceive those uses as visually incompatible with the aesthetic character of those residential and institutional uses.	Less than Significant	None Required or Recommended	Less than Significant
Impact 13-6. The southern California area is rapidly undergoing change. As development continues to occur both within the County and throughout the region, the visual character of the general project area and the region itself will increasingly become more urbanized.	Less than Significant	None Required or Recommended	Less than Significant
Energy Resources			
Impact 14-1. Construction activities will result in the consumption of petroleum products by gasoline and diesel-powered equipment and electricity for the operation of electric-powered equipment.	Less than Significant	None Required or Recommended (Mitigation Measure 7-4)	Less than Significant
Impact 14-2. At project build-out, on-site land uses are projected to consume approximately 55.47 megawatt hours of electricity per year.	Less than Significant	None Required or Recommended	Less than Significant
Impact 14-3. At project build-out, on-site land uses are projected to consume about 228,736 million British thermal units of natural gas per year.	Less than Significant	None Required or Recommended	Less than Significant
Impact 14-4. Although the proposed project will generate a total of 91,513 total trip ends, a number of those trips which stop at the project site are already on the street network, project implementation will result in an estimated 47,545 new regional trips, adding 498,387 added vehicle miles traveled and resulting in the annual average estimated consumption of approximately 21,754 gallons of gasoline daily.	Less than Significant	None Required or Recommended	Less than Significant
Impact 14-5. Additional areawide development will increase existing demands for electricity, natural gas, and petroleum products.	Less than Significant	None Required or Recommended	Less than Significant

Table ES-3 (Continued)
SUMMARY OF ENVIRONMENTAL IMPACTS AND LEVEL OF SIGNIFICANCE

Environmental Effect	Level of Significance Before Mitigation	Recommended Mitigation Measures	Level of Significance After Mitigation
Growth Inducement			
Impact 15-1. Because the project's effectuation requires both a General Plan amendment and a zone change, as well as designated sphere of influence areas, the project may result in on-site development activities that exceed current development assumptions. Although the project area has been included in the master plan for services of water and other utilities and is surrounded by other already developed or entitled areas, the project will have growth-inducing effects with respect to sewer as it requires the provision of new facilities that provide additional capacity, thus permitting growth that can use the excess capacity.	**Significant**	No Feasible Mitigation Measures Identified	**Significant**
Impact 15-2. Project implementation will increase the City's population and add new employment opportunities within the City. At build-out, an estimated 32,720 individuals may reside on the project site. Excluding on-site schools, recreational facilities, and any indirect or induced jobs, proposed non-residential development may result in an estimated 3,398 permanent jobs. Localized increases in population and employment, including the infrastructure proposed to support project development, could contribute to growth beyond the project boundaries.	Less than Significant	None Required or Recommended	Less than Significant

Source: City of Rialto, Development Services Department

Table ES-4
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Land Use		
1-1	Unless otherwise waived by the City's Development Services Director (Director) on a case-by-case basis, development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Upon acceptance and subject to the Director's discretion, should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. All identified design measures, site planning measures, development standards, and other measures shall be imposed as subsequent conditions of approval for individual development projects. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.	Development Services Director	Ongoing
1-2	No grading, landscape, and street improvement plans shall be approved or authorized within the recorded easements of Calnev Interstate Pipeline (Calnev) and Southern California Gas Company's (SoCalGas) natural gas transmission pipelines until approved by the City and the utility company and/or pipeline operator.	Development Services Director	Ongoing
1-3	The specific plan land-use map shall be modified to depict the existing alignment of the recorded easement for the Calnev Interstate Pipeline and Southern California Gas Company's natural gas transmission pipelines where they traverse the project site. No habitable structures or structures that would impede access to the pipeline easement shall be placed within the easement area, unless otherwise approved by SoCalGas or Calnev.	Development Services Director	Ongoing
1-4	With the exception of open space, prior to approving any land use within an area designated as a "high consequence area" pursuant to Title 49, Part 92, Subpart O of the Code of Federal Regulations (CFR) for covered pipeline segments (as defined in 49 CFR 192.903), if any, of the Calnev Interstate Pipeline and Southern California Gas Company's natural gas transmission pipelines located within the project boundaries, the Applicant shall provide to the City if available a copy of the pipeline integrity management plan, as prepared by the pipeline operator pursuant to 49 CFR 192.907. The submittal of the pipeline integrity management plan is intended for the purpose of public disclosure and informed decision making and is not determinant of any project-level entitlements with regards to those properties subject thereto.	Development Services Director	Ongoing

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Land Use (Continued)		
1-5	The "Lytle Creek Ranch Specific Plan" identifies two sites that are proposed as school sites for an elementary school and an elementary/middle school. Prior to the submittal of any "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only) designating a potential school site or joint-use site which is intended to be made available for use by a local school district, if required, the Applicant shall consult with the Rialto Unified School District (RUSD) regarding the RUSD's school site selection process and obtain the RUSD's consent to include a potential school site or joint-use site as part of the tentative subdivision map application. Prior to acquisition of the school site, the RUSD shall prepare an initial school site evaluation, in accordance with the California Department of Education's (CDE) School Facilities Planning Division's SFPD 4.0 (Initial School Site Evaluation) (CDE, Revised July 2009) which shall include a "school site pipeline risk analysis" in accordance with the CDE's "Guidance Protocol for School Site Pipeline Risk Analysis" (CDE, 2007) or such alternative analytical methodology as may be designated by the benefitting school district and acceptable to the CDE.	Development Services Director	Tentative "B" Map Approval
1-6	Prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only) allowing for residential development or other sensitive land uses on lands abutting active mining areas, the Applicant shall delineate on the plan or map a buffer zone (which might be inclusive of road right-of-way) from the edge of those active mining areas of a width and configuration acceptable to the City and the Applicant shall incorporate within that buffer zone solid fencing, with a minimum height of not less than six feet above finish grade, and landscaping of a type and intensity acceptable to the City.	Development Services Director	Tentative "B" Map Approval
1-7	In order to avoid potential conflicts with the United States Forest Service's resource management plans, prior to the approval of any tentative tract map on lands abutting the National Forest, the Applicant shall prepare a land-line survey delineating the project's boundaries relative to boundaries of the San Bernardino National Forest. The Applicant shall avoid disturbance to all public land survey monuments, private property corners, and forest boundary markers. In the event that any such land markers or monuments on National Forest System lands are destroyed by an act or omission of the Applicant, depending on the type of monument destroyed, the Applicant shall reestablish or reference same in accordance with: (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States"; or (2) the specifications of the County Surveyor; or (3) the specifications of the Forest Service. Further, the Applicant shall ensure that any such official survey records affected are amended, as provided by law.	Development Services Director	Tentative "B" Map Approval
1-8	With the exception of Planning Area 15 which is subject to a 24-foot building setback requirements, unless otherwise approved by the responsible fire authority or a lesser setback is approved by the Director upon receipt of a use-specific application, design and development plans shall include a minimum 25-foot building setback from adjoining National Forest System lands. Landscape plans for the setback area shall, to the extent feasible, utilize plant materials indigenous to the San Bernardino National Forest.	Development Services Director	Ongoing

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Land Use (Continued)		
1-9	Prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only), the Applicant shall submit documentation, acceptable to the City Engineer, demonstrating the availability of potable water supplies, the sufficiency of fire flow, and the capacity of wastewater conveyance and treatment systems to the area of and adequate to support the level of development that would be authorized within the tract map area and/or the Applicant's plans and performance schedule for the delivery, to the tract map area, of those requisite services and systems.	Development Services Director	Tentative "B" Map Approval
1-10	If, as a result of the implementation of the proposed flood control improvements or other Applicant-initiated actions, the boundaries of the 100-year flood zone are modified or would likely be modified as a result thereof, the Applicant shall prepare and submit to the Federal Emergency Management Agency (FEMA), with proof of delivery to the City Engineer, a letter of map amendment (LOMA), including appropriate mapping and hydrologic analyses, requesting that FEMA revise the designation of affected on-site and off-site areas.	City Engineer	Ongoing
1-11	When a warehousing or a distribution center is proposed within 1,000 feet of an existing on-site or off-site sensitive receptor or within 1,000 feet of an on-site planning area designated for residential, school-related, or recreational use, the Applicant shall submit and, when acceptable, the Director shall approve a "good neighbor" plan, including the minimization of cut-through traffic and on-street parking, detailing each project's site design elements, operational strategies, and other proposed actions to minimize potential land-use and associated impacts attribute to that use upon those receptors. Implementation of the "good neighbor" site design elements, operational strategies, and other proposed actions, as approved by the Director, shall be adopted as conditions of approval for the associated warehousing or distribution center.	Development Services Director	Building Permit Issuance
1-12	Prior to the recordation of any final subdivision map, including both "A" level and "B" level maps, for any portion of Neighborhoods I and IV, those areas shall be annexed into the City and such map shall not be effective until annexation of such property to the City has been completed to the satisfaction of the Director. If annexation has not been completed within one year of the approval of any tentative subdivision map for any portion of Neighborhoods I and IV, then the approval of such map shall be null and void. No subdivision of unincorporated lands shall be effected by approval of any map by the City unless annexation thereof to the City has been completed prior to the approval of the final map thereof.	Development Services Director	Final "A" and "B" Map Approval
	Geology and Soils		
3-1	Unless otherwise waived or superceded, all development activities conducted on the project site shall be consistent with the recommendations contained in the following studies: (1) "EIR Level Geotechnical Review, Lytle Creek Ranch Land Use Plan, City of Rialto, San Bernardino County, California" (GeoSoils, Inc., May 22, 2008) and "Updated Geological and Geotechnical EIR Level Review of Documents Pertaining to the Lytle Creek Ranch Land Use Plan, City of Rialto, County of San Bernardino, California" (Pacific Soils Engineering, Inc., September 3, 2008); or (2) such alternative recommendations as may be approved by the City Engineer based on the findings of a project-specific geologic and geotechnical investigation.	City Engineer	Ongoing

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Geology and Soils		
3-2	Prior to the approval of a tentative "B" level subdivision map for residential or commercial development (excluding any "A" level subdivision map for financing purposes only), a subsequent site-specific and design-specific geotechnical and geologic report shall be submitted to and, when acceptable, approved by the City Engineer documenting the feasibility of each proposed use and the appropriate geotechnical, geologic, and seismic conditions associated with that use. Unless otherwise modified, any conditions, recommendations, or mitigation measures contained therein, including the imposition of specified setback requirements for proposed development activities within Alquist-Priolo Earthquake Fault Zones, shall become conditions of approval for the requested use.	City Engineer	Tentative "B" Map Approval
3-3	In recognition of the potential lateral forces exerted by predicted seismic activities, no habitable structures that may be located on the project site and which are located within the defined Alquist-Priolo Fault-Rupture Hazard Zones shall be over two stories in height. Habitable structures of greater height within defined Alquist-Priolo Fault-Rupture Hazard Zones may only be authorized following the submittal of a subsequent site-specific and design-specific geotechnical and geologic report acceptable to the City Engineer and, at a minimum, the imposition of both the recommendations contained therein and such additional conditions as may be imposed by the City Engineer.	City Engineer	Ongoing
3-4	At a minimum, pending the development of seismic hazard zone maps encompassing the project site by the State Geologist under the Seismic Hazard Mapping Act (Sections 2690-2698.6, Public Resources Code), prospective purchasers of real property within the LCRSP shall be provided a copy of San Bernardino County General Plan – Hazard Overlay Map or similar information disclosing the potential presence of seismic hazards, including liquefaction susceptibility and earthquake-induced landslide susceptibility. This condition does not replace, negate, or otherwise alter any existing obligations between sellers, their agencies, and prospective purchases as may be established by the California Department of Real Estate or under State law.	Development Services Director	Ongoing
	Hydrology and Water Quality		
4-1	Prior to the approval of any subdivision map (except for an "A" level map for financing purposes only) in which dry extended detention basins or wet ponds are located, the Applicant shall prepare and, when acceptable, the City Engineer shall accept an inspection plan for each of the basins demonstrating that routine inspections for possible vector harborage will be performed monthly within 72 hours after a storm event or under such alternative inspection schedule as may be determined by the City Engineer.	City Engineer	Tentative "B" Map Approval

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Hydrology and Water Quality (Continued)		
4-2	Source Control BMPs. The following source control BMPs, or such other comparable measures as may be established by the City Engineer, shall be adopted as a condition of approval for subsequent tract maps approved by the City within the project boundaries. (1) The master homeowners' association (HOA) and/or property owners' association (POA) will be given a copy of the SWQMP. Annually, the representatives of the HOA/POA, their employees, landscapers, property managers, and other parties responsible for proper functioning of the BMPs shall receive verbal and written training regarding the function and maintenance of the project's BMPs. The homeowners will be provided annual notices of water quality issues through an association-published newsletter. (2) Vegetated buffer strips shall be properly maintained with vegetation but not overly fertilized. (3) Resident education and participation will be implemented to manage pollutants that contribute to biological oxygen demand. For example, residents shall be encouraged to keep pets on leashes and to remove feces in order to limit organic material in storm water runoff. Residents shall be further encouraged to irrigate their properties at certain times of the day in order to limit nuisance flow runoff carrying pesticides and other organic material. (4) Vehicle leak and spill control shall be implemented by educating and requiring vehicle and equipment maintenance, proper vehicle and maintenance fueling, and education of how to handle accidental spills. Stringent fines shall be applied to those who violate these requirements and participate in illegal dumping of hazardous material. Street and storm drain maintenance controls shall be put in place with signs posted prohibiting illegal dumping into street and storm drains. (5) Household hazardous waste collection facilities shall be put into place for proper disposal of fertilizers, pesticides, cleaning solutions, paint products, automotive products, and swimming pool chemicals. Proper material storage control shall be encouraged to keep materials from causing groundwater contamination, soil contamination, and storm water contamination.	City Engineer	Tentative "B" Map Approval
4-3	Water Quality Monitoring. Prior to the issuance of any grading permits, the Applicant shall submit, and when acceptable, the City Engineer shall approve, a long-term water monitoring program designed to ensure that the project's proposed BMPs meet or exceed applicable water quality standards established by the California Regional Water Quality Control Board, Santa Ana Region (SARWQCB) and contained in the then current NPDES Permit. In accordance with that program, the Applicant shall institute regularly testing of the water quality at the storm drainage outlets within Lytle and Sycamore Creeks. If the monitoring program's test results determine that the water quality standards established by the SARWQCB are not being met, corrective actions acceptable to the SARWQCB and the City Engineer shall be promptly taken to improve the quality of surface runoff discharged from the outlets to a level in compliance with the adopted SARWQCB standards.	City Engineer	Issuance of Grading Permit
4-4	Final Design Plans. Prior to the issuance of grading permits in Neighborhoods II, III, or IV, final design plans for the proposed Lytle Creek flood control revetment shall be submitted to, and when deemed acceptable, approved by the City Engineer. As determined by the City Engineer, the final design of the Lytle Creek flood control revetment shall provide adequate structural protection for affected I-15 Freeway bridge structures. Design for the toe-down of the Lytle Creek west bank revetment shall take into account the maximum scour potential that may occur at the I-15 Freeway bridge to ensure that adequate protection is provided for both adjacent on-site and off-site development area and the bridge structure.	City Engineer	Issuance of Grading Permit

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources		
5-1	Riversidean Alluvial Fan Sage Scrub. Two alternative compensatory approaches to Riversidean alluvial fan sage scrub (RAFSS) mitigation have been identified and are described herein. The first approach is based on an "appropriately-scaled ratio" of acres to be preserved to acres to be impacted. The second approach is based on a "habitat equivalency analysis" (HEA) incorporating the measurement and comparative analysis of common ecological metrics (or indicators) between impacted sites and mitigation sites such that the functions and values between those areas can be demonstrated to be reasonably equivalent. Mitigation Based on Appropriately-Scaled Ratios. Impacts to 519.6 acres (478.0 acres of permanent and 41.6 acres of temporary impacts) of RAFSS may be mitigated at a minimum mitigation ratio of 2:1 (replacement:disturbance) through the preservation of 1,039.2 acres of alluvial fan sage scrub (AFSS) vegetation both on and off the project site. This shall be accomplished, in part, by the preservation of 395.4 acres of RAFSS on the site and the preservation of existing and/or the enhancement, restoration, or creation of AFSS off the site, on private and/or public lands. The Applicant's acquisition of qualifying off-site and/or dedication of qualifying on-site AFSS habitat and/or the Applicant's securing of appropriate rights and authorization allowing for the preservation, enhancement, restoration, and/or creation of protected habitat on public and/or private lands, together with adequate funding to achieve the necessary preservation, enhancement, restoration, and/or creation, shall be secured by the Applicant at a minimum ratio of 2:1 (replacement:disturbance) prior to directly impacting RAFSS habitat for grading, grubbing, construction, and/or fuel modification activities. Prior to the issuance of any permits and/or approvals that would result in the removal of RAFSS habitat, the Development Services Director (Director) shall verify that the Applicant has secured sufficient and appropriate AFSS habitat (whether on and/or off the site) to be preserved, enhanced, restored, and/or created to fulfill this 2:1 mitigation ratio, based on the amount of RAFSS habitat that would be removed under the then-issued grading, clearing, or grubbing permits, and has delivered to the City a binding instrument ensuring the implementation of the specified action. Mitigation Based on Habitat Equivalency Analysis. An alternative method for determining the extent and location of mitigation lands for impacts to RAFSS is to calculate the amount of compensatory acreage of RAFSS habitat to be provided based upon a "habitat equivalency analysis" (HEA). The basic steps that shall be used for implementation of the HEA approach are: (A) determine the extent of potential impact; (B) determine the value of candidate mitigation site(s); and (C) determine required mitigation. [CONTINUED]	Development Services Director	Issuance of Grading Permit

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-1 (Cont.)	Prior to issuance of any grading permit that would result in the removal of RAFSS, the Director shall verify that the Applicant has: (1) applied the HEA metrics to the acres of RAFSS to be removed; (2) determined the appropriate set of mitigation/conservation activities to apply to the mitigation lands (in accordance with the ecological currency established by the HEA metrics); and (3) has assured that the mitigation lands will serve as mitigation in perpetuity and assured that long-term management will be provided. The provision of compensatory resources and/or the acquisition of mitigation credits to offset impacts shall be secured by the Applicant prior to removing RAFSS for grading, grubbing, construction, and/or fuel modification activities. Prior to the issuance of any permits and/or approvals resulting in the removal of RAFSS, the Director shall verify that the Applicant has secured sufficient and appropriate RAFSS habitat conservation credits (whether on and/or off the site) based on the amount of RAFSS habitat that would be removed under the then-issued grading, clearing, or grubbing permit and has delivered to the City a binding instrument ensuring the implementation of the specified action. The Applicant shall assure, to the satisfaction of the Director, that the compensatory acreage and/or mitigation credits to serve as mitigation will be secured to serve its specified function and that the appropriate long-term management of this habitat will be provided. Such assurance shall include those performance measures and guarantees as may be reasonably required by the Director to ensure the fulfillment of the intent of this measure. At the Applicant's sole expense, the City may select and hire a qualified biologist(s) to provide technical consultation, third-party review, and independent oversight of specified biological mitigation. At its sole discretion, the City's acceptance of any Applicant-nominated compensatory resources and/or mitigation credits shall occur prior to the issuance of any permits and/or approvals resulting in direct impacts to RAFSS and any such permits or approvals shall be conditioned with the details of those actions which are to be implemented.		
5-2	Other Sensitive Riparian Communities. Mitigation for direct impacts to approximately 1.7 acres of southern cottonwood willow riparian shall include preservation, enhancement, and restoration of a minimum combined 3.4 acres within the existing and available mule fat scrub, southern willow scrub, and southern cottonwood willow riparian habitat within the Sycamore Flat East riparian corridor. This mitigation represents a minimum 2:1 (replacement:disturbance) mitigation ratio. Prior to issuance of any permits or approvals that would result in the removal of RAFSS, the Director shall verify that the Applicant has secured sufficient qualifying RAFSS habitat to be preserved, enhanced, restored, and/or created to conserve habitat functions and values equivalent to the functions and values of habitat that would be removed under the then-issued grading permits for the project, as determined through the HEA approach. [CONTINUED]	Development Services Director	Issuance of Grading Permit

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-2 (Cont.)	The Applicant's acquisition of qualifying off-site and/or dedication of qualifying on-site riparian habitat and/or the Applicant's securing of appropriate rights and authorization allowing for the preservation, enhancement, restoration, and/or creation of protected habitat on public and/or private lands, together with adequate funding to achieve the necessary preservation, enhancement, restoration, and/or creation, shall be secured by the Applicant at a minimum ratio of 2:1 prior to directly impacting southern cottonwood willow riparian habitat for grading, grubbing, construction, and/or fuel modification activities. Prior to the issuance of any permits and/or approvals resulting in the removal of southern cottonwood willow riparian habitat, the Director shall verify that the Applicant has secured sufficient and appropriate riparian habitat (whether on and/or off the site) to be preserved, enhanced, restored, and/or created to fulfill this 2:1 mitigation ratio, based on the amount of southern cottonwood willow riparian habitat that would be removed under the then-issued grading, clearing, or grubbing permit, and has delivered to the City a binding instrument ensuring the implementation of the specified action. The Applicant shall assure, to the satisfaction of the Director, that the compensatory acreage to serve as mitigation will be secured to serve its specified function and that this function will continue over the long term. Such assurance shall include those performance measures and guarantees as may be reasonably required by the Director to ensure the fulfillment of the intent of this measure.		
5-3	Jurisdictional Waters. Prior to the issuance of any grading permits affecting State and/or federal jurisdictional waters, the Applicant shall provide the Director with documentation, as may be deemed acceptable by the Director, demonstrating the Applicant's ability and binding commitment to provide the following compensatory resources: (1) the preservation, restoration, and/or enhancement (individually or in combination) of USACE jurisdictional waters on or off the site (within the watershed) at a ratio of no less than 1:1 (replacement:disturbance); and (2) preservation, restoration, and/or enhancement (individually or in combination) of CDFG jurisdictional areas on or off the site (within the watershed) at a ratio of no less than 1:1. Temporary impacts to jurisdictional waters may be mitigated through restoring affected areas to pre-project conditions, followed by hydroseeding with native plant species typical of the area. Prior to issuance of any grading permit for work in jurisdictional waters, as applicable, the Applicant shall provide the City with evidence of the Applicant's receipt of a Section 404 permit issued by the United States Army Corps of Engineers (USACE), a Section 1600 streambed alteration agreement with California Department of Fish and Game (or other evidence of compliance with Section 1600 et seq. of the California Fish and Game Code), Section 401 water quality certification issued by the Regional Water Quality Control Board, Santa Ana Region and shall provide the Director with an agency approved habitat mitigation and monitoring plan (HMMP), prepared pursuant to USACE guidelines.	Development Services Director	Issuance of Grading Permit

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-4	Least Bell's Vireo. Mitigation for direct impacts to approximately 2.9 acres of least Bell's vireo (LBV) habitat (including the loss of 1.2 acres of mule fat scrub and 1.7 acres of southern cottonwood willow riparian within Neighborhood II) shall include on-site preservation, restoration, and enhancement of southern willow scrub and adjacent mule fat scrub habitat at a minimum 2:1 (replacement:disturbance) ratio. Mitigation shall be accomplished through the enhancement and/or restoration of lands within the Sycamore Flat East riparian corridor. Mitigation shall include a combination of enhancement and restoration of approximately 5.8 acres within the existing Sycamore Flat East riparian corridor and adjacent floodplain to improve the quality of habitat for this species. Potential indirect impacts to LBV shall be mitigated by implementing the following measures during all construction activities within 300 feet of potential LBV habitat: (1) to the extent feasible, grading and other construction activities within 300 feet of potential LBV habitat should take place outside the breeding season (March 15 to September 15); if grading or construction activities occur during breeding season, the mitigation measures in items (8)-(11) below shall be implemented; (2) to the extent practicable, all potential LBV habitat to be removed by the project should be cleared outside the breeding season (March 15 to September 15); if grading or construction activities occur during breeding season, the mitigation measures in items (8)-(11) below shall be implemented; (3) construction limits in and around LBV potential habitat shall be delineated with flags and fencing prior to the initiation of any grading or construction activities; (4) prior to grading and construction a training program shall be developed and implemented to inform all workers on the project about listed species, sensitive habitats, and the importance of complying with avoidance and minimization measures; (5) all construction work shall occur during the daylight hours; (6) noise from construction activities shall be limited to the extent possible through the maximum use of technology available to reduce construction equipment noise; (7) two brown-headed cowbird traps shall be installed and maintained within the general vicinity (within 500 feet) of the habitat for five years. Additional measures shall be taken for all construction activities within 300 feet of potential LBV habitat during the breeding season (March 15 to September 15) and are set forth in items (8)-(11) herein; (8) pre-construction surveys shall be conducted within one week prior to initiation of construction activities and all results forwarded to the USFWS and CDFG; focused surveys shall be conducted for LBV during construction activities; (9) if at any time LBV are found to occur within 300 feet of construction areas, the monitoring biologist shall inform the appropriate construction supervisor to cease such work and shall consult with the USFWS and CDFG to determine if work shall commence or proceed during the breeding season; and, if work may proceed, what specific measures shall be taken to ensure LBV are not affected; (10) monitoring by a qualified acoustician shall be conducted as needed to verify noise levels are below 60 dBA required within identified, occupied LBV territories; if the 60 dBA requirement is exceeded, the acoustician shall make operational changes and/or install a barrier to alleviate noise levels during the breeding season; and (11) installation of any noise barriers and any other corrective actions taken to mitigate noise during the construction period shall be communicated to the USFWS and CDFG.	Development Services Director	Ongoing

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-5	Nesting Birds. To protect nesting birds regulated by the federal Migratory Bird Treaty Act, to the extent feasible, vegetation removal activities shall be scheduled between September 1 and February 14 to avoid the nesting bird season. If clearing and/or grading activities cannot be avoided during the nesting season, all suitable habitat will be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to removal. If any active nests are detected, the area will be flagged, along with a minimum 100-foot buffer (buffer may range between 100 and 300 feet as determined by the monitoring biologist) and will be avoided until the nesting cycle is complete or it is determined by the monitoring biologist that the nest has failed. A biologist will be present on the site to monitor any vegetation removal to ensure that nests not detected during the initial survey are not disturbed.	Development Services Director	Issuance of Grading Permit
5-6	Burrowing Owl. In order to avoid impacts to any burrowing owls that may colonize the development impact footprint prior to commencement of construction activities, a Phase III protocol survey shall be conducted within 30 days prior to commencement of any ground disturbance activities (California Burrowing Owl Consortium, 1993). This pre-construction survey would entail four separate days between two hours before sunset to one hour after or one hour before sunrise to two hours after. This survey applies during both the breeding season (February 1 through August 31) as well as the non-breeding season when wintering owls are most likely detected if present (December 1 through January 31). If burrowing owls are detected within the development impact footprint or within approximately 150 feet of the impact area, on-site passive relocation would be conducted during the non-breeding season in accordance with the established protocol (California Burrowing Owl Consortium, 1993).	Development Services Director	Issuance of Grading Permit
5-7	San Bernardino Kangaroo Rat. In order to effectively mitigate the project-related impacts to the San Bernardino kangaroo rat (SBKR), a combination of several measures shall be implemented including: (1) avoidance, preservation, and creation of on-site habitat; (2) preservation, creation, and connectivity of off-site habitat; (3) avoidance and minimization of direct individual SBKR mortality during construction; (4) minimization of indirect individual SBKR mortality through edge effects; and (5) management programs to assure the ability to sustain on-site and off-site SBKR populations in the long-term. Implementation of these measures shall result in the preservation of a minimum of 316.2 acres of occupied on-site habitat and the creation of a minimum of 75.0 additional acres of habitat for the species (approximately 34.5 acres upstream of and a minimum of 40.5 acres downstream of the Cemex USA quarry). On-site avoidance and preservation. On-site avoidance and preservation of occupied habitat shall contribute a total of approximately 316.2 acres to the existing 216.8-acre "SBKR Conservation Area." The acreage to be contributed shall support pioneer and intermediate RAFSS where SBKR populations are reported to reach their highest numbers and densities and mature RAFSS which are theorized to serve as refugia and sources for recolonization and repopulation following episodic flooding in active wash areas. [CONTINUED]	Development Services Director	Issuance of Grading Permit

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-7 (Cont.)	On-site mitigation shall include restoration, creation, and preservation of approximately 34.5 acres of chamise chaparral within Neighborhood II above the 100-year floodplain that is immediately downstream of, and contiguous with, the "SBKR Conservation Area." The Applicant shall remove the chamise and other species detrimental to the SBKR (such as non-native grasses) and manage these approximately 34.5 acres to supplement the already established founder population (that utilizes the habitat in the "SBKR Conservation Area") within the wash upstream of the Cemex USA quarry operation. Individual SBKR within the impact footprint shall be salvaged and translocated to unoccupied rehabilitated habitat within the mitigation area. Off-site preservation and connectivity. In order to achieve adequate mitigation for impacts to occupied habitat downstream of the Cemex USA quarry, the Applicant shall remove chamise from and manage a total of 40 acres within off-site areas offering refugia habitat downstream of the Cemex USA quarry operations to assure a stable population in the downstream wash area. This shall be done by the Applicant in combination with a long-term management plan and managed in perpetuity within the existing Cemex USA mitigation area, San Bernardino County Sheriff woollystar preserve, San Bernardino County Flood Control conservation area, and/or Vulcan Materials Company's Cajon Creek conservation bank. The criteria for such off-site lands are: (1) upland refugia must be adjacent to active wash areas; (2) the minimum size of any single upland island/patch is 5 acres; and (3) upland refugia must have 80 to 90 percent of its interface between the active wash and upland (common perimeter) that is topographically passable by the species (not supporting steep escarpments) to ensure individuals have access to the wash. Individual SBKR shall be translocated from the impact areas to newly acquired and restored areas to assist with initial colonization. Refinement of mitigation program through consultation with USFWS. As required under the Federal Endangered Species Act, during the "formal" Section 7 consultation the USFWS will gather all relevant information concerning the proposed project and the potential project-related impacts on the SBKR and designated critical habitat, prepare a biological opinion with respect to whether the project is likely to jeopardize the continued existence of the species, and formulate alternatives and mitigation/conservation measures where appropriate. Among those measures to be considered by USFWS are those described herein. At its sole discretion, the USFWS may refine, expand, and/or substitute some of these measures, or parts thereof, based on its analysis and determination that such modifications are required to comply with federal law. Accordingly, as long as any such modified, different or substituted on-site or off-site habitat creation, restoration, enhancement and/or management measures are found by the USFWS to result in a SBKR conservation program that is at least as effective in mitigating the impacts to SBKR as proposed herein (as evidenced by a determination by USFWS that the proposed project will not jeopardize the continued existence of the SBKR or result in the adverse modification of its designated critical habitat), such measures may be substituted for the on-site and off-site habitat creation, restoration, enhancement and/or management measures identified herein. [CONTINUED]		

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-7 (Cont.)	Avoidance and minimization of direct mortality of individuals. Construction-related mortality to individual SBKR shall be avoided through the design and implementation of a pre-construction trapping and relocation program. Key elements of this program shall include: (1) initial establishment of one or more receiver sites where suitable habitat is known to be unoccupied, is significantly below carrying capacity levels, and/or where scrub vegetation has been restored and colonization by the species has not occurred; (2) installation of exclusionary fencing at the limits of construction within suitable habitat areas; and (3) live-trapping of suitable habitat within construction areas and the relocation of trapped individuals to one or more biologically appropriate receiver sites. Implementation of the trapping and relocation program shall begin with the installation of appropriate exclusionary fencing to a height of three feet around all construction areas within occupied SBKR habitat. A qualified and permitted biologist shall then conduct live trapping of the construction area to the extent necessary to be confident that all SBKR have been removed and relocated. It is anticipated that live trapping and relocation shall be conducted one time prior to construction; however, follow-up monitoring of the silt fence integrity shall be preformed on a daily basis during construction. If at any point the fencing is compromised, construction shall be suspended in the area, repairs to the fence shall be made, and the trapping and relocation program shall be repeated. Minimization of indirect mortality of individuals. Edge effects, or mortality due to the “spillover” effects of development near and adjacent to areas preserved for the benefit of the species shall be minimized through design elements intended to buffer and avoid human-wildlife conflicts. Key elements shall include: (1) installation of a cat-proof fence at the perimeter of development where it abuts preservation areas, and the location of all pedestrian and vehicular routes and trails outside the fence (except any routes necessary solely for conservation activities within the preserved habitat areas or associated with any pre-existing easements); (2) prohibition of night lighting along the perimeter of preserved areas; (3) direction of all night lighting within development areas away from preserved areas; (4) installation of signage to direct human activity away from preserved habitat areas; (5) prohibition of unleashed dogs within preserved habitat areas; and (6) implementation of a homeowner’s awareness program to educate residents about the conservation values associated with preserved habitat areas. Long-term management of preserved habitat areas. All areas to be preserved as natural (undisturbed) biological open space to benefit the SBKR within the LCRSP study area, as well as all areas to be restored both on and off the site, shall be monitored biologically for five years and managed in perpetuity by an appropriate management entity. Monitoring of SBKR populations within the areas to be preserved shall take place over a five-year period to ensure the success of the mitigation efforts such that they provide suitable habitat for this species. On-going maintenance (e.g., fence and sign repair) and management (e.g., periodic vegetation thinning) shall be a part of the long-term management plan. [CONTINUED]		

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Biological Resources (Continued)		
5-7 (Cont.)	As determined by the Director, this plan shall be funded through a combination of up-front capital costs and revenue-generating, non-wasting endowment funded by the Applicant. If additional work is determined to be necessary after the five years of monitoring, the funds provided by the Applicant shall be such that they cover adaptive management necessary to meet the success criteria stated therein.		
5-8	Invasive Plant Management Plan. Prior to the commencement of any grubbing or grading activities, the Applicant shall submit and, when acceptable, the Director shall approve an invasive plant management plan, including, but not necessarily limited to: (1) preventive practices to avoid the transport and spread of weeds and weed seed during project development and operation; (2) a plan to control noxious weeds and weeds of local concern within designated open space areas; and (3) a strategy to educate construction personnel and homeowners in noxious weed identification and awareness. The invasive plant management plan shall incorporate weed prevention and control measures including, but not necessarily limited to: (1) use of only certified weed-free hay, straw, and other organic mulches to control erosion; (2) use of road surfacing and other earthen materials for construction that are certified weed free; and (3) use of only certified weed-free seed for the reclamation of disturbed areas.	Development Services Director	Issuance of Grading Permits
	Transportation and Traffic		
6-1	As a condition to the issuance of final grading permits, the Applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy equipment and building materials and the import and export of soil and other materials to and from the project site. Any resulting roadway repairs shall be to the satisfaction of the City, if within the City, or the County, if located in an unincorporated County area.	City Engineer	Issuance of Grading Permits
6-2	Traffic Control Plan. Prior to the issuance of the final grading plan for new major development projects, defined herein as 50 or more new dwelling units and/or 50,000 or greater square feet of new non-residential use, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a traffic control plan (TCP), consistent with Caltrans' "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City Engineer, describing the Applicant's efforts to maintain vehicular and non-vehicular access throughout the construction period. If temporary access restrictions are proposed or deemed to be required by the Applicant, the plan shall delineate the period and likely frequency of such restrictions and describe emergency access and safety measures that will be implemented during those closures and/or restrictions.	City Engineer	Issuance of Grading Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Transportation and Traffic (Continued)		
6-3	Construction Traffic Safety Plan. Prior to the issuance of the final grading permit for new major development projects, the Applicant shall submit and, when deemed acceptable, the City shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes through residential neighborhoods, if any, to be used by construction vehicles; the points of ingress and egress of construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; the location of materials and equipment staging areas; maintenance plans to remove spilled debris from neighborhood road surfaces; and the hours during which large construction equipment may be brought onto and off the project site. The CTMP shall provide for the scheduling of construction and maintenance-related traffic so that it does not unduly create any safety hazards to children, to pedestrians, and to other parties.	City Engineer	Issuance of Grading Permits
6-4	Fair-Share Contribution. Based on a schedule and in an amount established by the City, as developed in consultation with the County, the Applicant shall equitably contribute to the implementation of identified improvement to the following project area and CMP intersections by paying a "fair share" of the cost of those improvements. These measures are included as part of those transportation improvements being funded by the City's transportation development impact fees. The project will be required to pay into this fund, less any in-lieu credit for measures which the Applicant implements. [1] I-215 Freeway NB On/Off Ramps/Arrowhead Boulevard/Devore Road. Install traffic signal. [2] Cajon Blvd/Glen Helen Parkway. Install traffic signal. [3] I-215 Freeway NB On/Off Ramps/Palm Avenue. Install traffic signal. [4] I-215 Freeway SB On/Off Ramps/Palm Avenue. Install traffic signal. [5] I-215 Freeway SB On/Off Ramps/University Parkway. Improve University Parkway to provide an exclusive right-turn lane in the NB direction and one left-turn lane, one left/through-shared lane, and one through lane in the SB direction. In order to accommodate the left-through-shared lane, modify the existing traffic signal to allow split phases for the NB and SB approaches. [6] Lytle Creek Road/Glen Helen Parkway. Restripe Lytle Creek Road to accommodate one left-turn lane and two through lanes in the southeast-bound direction and two through lanes and one right-turn lane in the northwest-bound direction. Improve and restripe the Glen Helen Parkway approach at Lytle Creek Road to provide dual left-turn lanes and one right-turn lane. Install a traffic signal at this location. [7] Lytle Creek Road/Sierra Avenue. Restripe Lytle Creek Road and Sierra Avenue to accommodate one left-turn lane and two through lanes in the northwest-bound direction and one through lane and one through/right-shared lane in the southeast-bound direction. Install a traffic signal at this location. [8] I-15 Freeway SB On/Off Ramps/Sierra Avenue. Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the northwest-bound direction and two through lanes and one free right-turn lane in the southeast-bound direction. Widen the SB off-ramp to accommodate one left-turn lane, one left/right-shared lane, and one right-turn lane. Install a traffic signal at this location. [9] I-15 Freeway NB On/Off Ramps/Sierra Avenue. Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the southeast-bound direction and two through lanes and one right-turn lane in the northwest-bound direction. Reconstruct the NB off-ramp to accommodate one left-turn lane, one left/through-shared lane, and one free right-turn lane. Install a traffic signal at this location. [CONTINUED]	Development Services Director	Tentative "B" Map Approval

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Transportation and Traffic (Continued)		
6-4 (Cont.)	[10] I-15 Freeway SB On/Off Ramps/Summit Avenue. Restripe Summit Avenue to accommodate one additional left-turn lane in the EB direction. [11] I-15 NB Freeway On/Off Ramps/Summit Avenue. Restripe the NB off-ramp to provide dual left-turn lanes and one right-turn lane. [12] Riverside Avenue/Sierra Avenue. Widen and restripe Sierra Avenue to provide dual left-turn lanes and two through lanes in the SB direction. Improve the intersection to allow a free right-turn from Riverside Avenue onto Sierra Avenue. Install a traffic signal at this intersection. [13] Riverside Avenue/Linden Avenue. Widen and restripe to provide one left-turn lane, one through lane, and one through/right-shared lane in the northwest-bound direction. [14] SR-210 Freeway WB On/Off Ramps/Alder Avenue. Restripe the WB approach to provide one left-turn lane and one left/through/right-shared lane. [15] SR-210 Freeway WB On/Off Ramps/Riverside Avenue. Flare and restripe Riverside Avenue to provide an exclusive right-turn lane in the SB direction. In addition, improve the Sr-210 off-ramp to provide one left-turn lane, left/through/right shared lane, and one right-turn lane. [16] SR-210 Freeway EB On/Off Ramps/Riverside Avenue. Improve Riverside Avenue to provide two through lanes and two right-turn lanes in the NB direction and dual left-turn lanes and two through lanes in the SB direction. [17] SR-210 Freeway WB On/Off Ramps/State Street. Improve State Street to provide dual left-turn lanes and two through lanes in the NB direction and one through lane, one through/right shared lane, and one right-turn lane in the SB direction. [18] SR-210 Freeway EB On/Off Ramps/State Street. Flare and restripe the EB off-ramp to provide one left-turn lane, one left/through-share lane, and two right-turn lanes. Modify the traffic signal to accommodate a right-turn overlap phase for the off-ramp EB approach and the SB approach on State Street. [19] Highland Avenue/State Street. Flare and restripe Highland Avenue to provide dual left-turn lanes, one through lane, and one through/right-shared lane in the WB direction and one left-turn lane, one through lane, one through/right-shared lane, and one right-turn lane in the EB direction. [20] Easton Street/Ayala Drive. Flare and restripe Easton Street in the EB direction to accommodate an exclusive right-turn lane. Modify the traffic signal to include a right-turn overlap phase with the left-turn phase in the NB direction. [21] Baseline Road/Alder Avenue. Flare and restripe Alder Avenue to provide one left-turn lane, one through lane, and one through/right shared lane in the SB direction. [22] Rialto Avenue/Cedar Avenue. Flare and restripe Cedar Avenue to provide an exclusive right-turn lane in the SB direction. [23] Merrill Avenue/Cedar Avenue. Flare and restripe Cedar Avenue to provide an exclusive right-turn lane in the NB direction and Merrill Avenue to provide an exclusive right-turn lane in the EB direction. Additional right-of-way may be required to implement this measure.		
6-5	Study Area Roadways. Based on a schedule established by the City, in consultation with the County, the Applicant shall undertake the following non-intersection improvements to study area roadways. These improvements could, however, be implemented by SanBAG, the City, the Applicant, and/or by others. [1] Lytle Creek Road. Widen and restripe Lytle Creek Road from Glen Helen Parkway to Sierra Avenue to provide two through lanes in each direction. [2] Glen Helen Parkway. [CONTINUED]	City Engineer	Tentative "B" Map Approval

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Transportation and Traffic (Continued)		
6-5 (Cont.)	Widen and restripe Glen Helen Parkway between Lytle Creek Road and Cajon Boulevard to provide two through lanes in each direction. [3] Sierra Avenue. Improve Sierra Avenue to provide two through lanes in each direction between Riverside Avenue and just north of Glen Helen Parkway. [4] Riverside Avenue. Widen and restripe Riverside Avenue between Sierra Avenue and Ayala Drive to provide two through lanes in each direction.		
6-6	Freeway Study Segments. Those CMP freeway improvements that are located in the study area are described below: (1) add a high-occupancy-vehicle (HOV) lane in the NB and SB directions on I-15 Freeway between the I-215 and the I-10 Freeways; (2) add a mainline lane in the NB and SB directions on the I-215 Freeway between the I-15 and the SR-259 Freeway; (3) improve the I-215 Freeway between the SR-259 and the I-10 Freeways to provide four mainline and one HOV lane in the NB and SB directions; (4) improve the SR-210 Freeway between the I-15 Freeway and Highland Avenue to provide a total of three mainline lanes and one HOV lane in the WB and EB directions; and (5) add a mainline lane on the SR-30 Freeway between Highland Avenue and the I-10 Freeway in the WB and EB directions. In addition to those freeway improvements, other physical improvements to address the cumulative impact of overall regional growth could include the addition of one freeway lane on the segments below: (1) I-215 Freeway between Highland Avenue and Massachusetts Avenue (NB and SB); (2) I-215 Freeway between Massachusetts Avenue and SR-259 Freeway (NB and SB); (3) I-215 Freeway between SR-259 Freeway and Baseline Street (NB only); (4) I-215 Freeway between Baseline Street and 5th Street (NB and SB); (5) I-215 Freeway between 2nd Street and Mill Street (NB and SB); (6) SR-210 Freeway between Riverside Avenue and Pepper Avenue (EB only); (7) SR-210 Freeway between Pepper Avenue and State Street (WB and EB); and (8) SR-210 Freeway between State Street and I-215 Freeway (WB and EB). Based on an implementation schedule and in an amount to be established by the City, as developed in consultation with the County and Caltrans, the Applicant shall equitably contribute to the implementation of identified regional transportation system improvement by paying a "fair share" of the cost of those improvements. These measures are included as part of those transportation improvements being funded by the City's transportation development impact fees. The project will be required to pay into this fund, less any in-lieu credit for measures which the Applicant implements.	City Engineer	Tentative "B" Map Approval
	Air Quality		
7-1	The Applicant shall water all active grading areas a minimum of three times per day (as opposed to two).	Building Inspector	Ongoing
7-2	All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.	Building Inspector	Ongoing

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Air Quality (Continued)		
7-3	The Applicant shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Construction emissions shall be phased and scheduled to avoid emissions peaks to the extent feasible and discontinued during second-stage smog alerts.	Building Inspector	Ongoing
7-4	The Applicant shall use line power instead of diesel- or gas-powered generators at all construction sites where ever line power is reasonably available.	Building Inspector	Ongoing
7-5	Unless required for safety reasons, during construction, equipment operators shall limit the idling of all mobile and stationary construction equipment to no more than five minutes. The use of diesel auxiliary power systems and main engines shall also be limited to no more than five minutes when within 100 feet of homes or schools while driver is resting.	Building Inspector	Ongoing
7-6	Active grading activities shall be limited to 10 acres per day or less when grading within 1,000 feet of residential receptors.	Building Inspector	Ongoing
7-7	The Applicant shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the project site throughout the project construction. The Applicant shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. These measures include the following: (1) Use Tier II (2001 or later) heavy-duty diesel-powered equipment at the project site; (2) Apply NO_X control technologies, such as fuel injection timing retard for diesel engines and air-to-air cooling, and diesel oxidation catalysts as feasible; feasibility shall be determined by using the cost-effectiveness formula developed by the Carl Moyer Program; and (3) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions and keep all construction equipment in proper tune in accordance with manufacturer's specifications.	City Engineer	Issuance of Grading Permits
7-8	If stationary equipment, such as generators for ventilation fans, must be operated continuously, locate such equipment at least 100 feet from homes or schools, where possible.	Building Inspector	Ongoing
7-9	Applicant shall ensure that the construction contractors utilize architectural coatings that contain a VOC rating of 75 grams/liter of VOC or less.	Development Services Director	Issuance of Building Permits
7-10	The Applicant shall, to the extent feasible, promote, support, and encourage the scheduling of deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods.	Building Inspector	Ongoing
7-11	The specific plan shall include design and development standards and plans describing and delineating the location of all planned bicycle paths, routes, and trails and, excluding street-adjacent sidewalks, pedestrian pathways located within the project boundaries.	Development Services Director	Specific Plan Approval

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Air Quality (Continued)		
7-11 (Cont.)	Bicycle and pedestrian facility plans shall illustrate the physical linkages between on-site residential, commercial, and publicly accessible recreational areas and show the connectivity between those on-site facilities and existing and proposed off-site facilities delineated on adopted City and County plans. Motorized and non-motorized travel routes shall be minimized to the maximum extent feasible.		
7-12	During site plan review, due consideration shall be given to the provision of safe and convenient pedestrian and bicycle access to transit stops and to public transportation facilities.	Development Services Director	Tentative "B" Map Approval
7-13	Without forfeiting other development opportunities that may exist thereupon, development plans for Neighborhoods III or IV shall be revised to incorporate a park-and-ride/park-and-pool facility in proximity to the intersection of Sierra Avenue and Riverside Avenue (in the vicinity of PAs 27 or 33) or in an alternative location and of a size acceptable to the Director. Park-and-ride/park-and-pool facilities can be accommodated as part of or independent from a commercial development thought the provision of on-site parking opportunities in exceed of the parking requirements otherwise imposed by that use, accommodated at the perimeter of a residential development through the incorporation of appropriate design elements, or accommodated in a non-conservation open space area where such use can be shown not be produce a deleterious biological resource impact.	Development Services Director	Tentative "B" Map Approval
7-14	The Applicant shall provide covered transit benches at the park-and-ride/park-and pool facility and, should the local transit authority change existing and/or add new bus routes within the project site or along public roadways abutting the project site, at additional transit stops within the project boundaries.	Development Services Director	Tentative "B" Map Approval
7-15	The specific plan shall be modified to prohibit the on-site development of the following land uses: (1) heavy industrial; (2) landfills and transfer stations; (3) hazardous waste and medical waste incinerators; and (4) chrome plating facilities.	Development Services Director	Specific Plan Approval
7-16	Future purchasers of real property located within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main truck route and active mining areas at the Cemex USA quarry and the Vulcan Materials Company plant shall, in accordance with the disclosure requirements of the California Department of Real Estate, receive notification that residential occupants and other sensitive receptors may be exposed to excess cancer risks as a result of long-term exposure to toxic air contaminants, including diesel particulate matter, associated with diesel-powered vehicles traveling along and operating within those areas.	Development Services Director	Ongoing
7-17	All dwelling units within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main truck route and active mining areas at the Cemex USA quarry and Vulcan Materials Company plant shall incorporate an air filtration system designed to have a minimum efficiency reporting value (MERV) of 12 or better as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.	City Engineer	Issuance of Building Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Air Quality (Continued)		
7-18	Excluding pedestrian and bicycle trails, sensitive public recreational uses, such as active outdoor playground, shall be prohibited within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main truck route and active mining areas at the Cemex USA and Vulcan Materials Company quarries.	Development Services Director	Tentative "B" Map Approval
	Noise		
8-1	Noise barrier shall be constructed along any residential lots and school sites adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue. Depending on the final lot grade elevations relative to the roadway elevations, noise barrier height of ranging between 5-8 feet would reduce the traffic noise to 65 dBA CNEL at outdoor noise sensitive uses, including residential backyards and courtyards and school playgrounds. A higher noise barrier will likely be required to mitigate I-15 Freeway noise. Overall height of noise barrier can be achieved by solid walls, earthen berms or combination of walls and earthen berms. Final noise barrier height shall be assessed when the final site and grading plans are completed. Prior to the issuance of grading permits for development projects located along I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer. The report shall determine the need for any noise barriers or other mitigation strategies and, if required, identify noise barrier heights, locations, and configurations capable of achieving compliance with applicable City standards.	Development Services Director	Tentative "B" Map Approval
8-2	The interior noise environment of residential structures (habitable rooms) and school classrooms shall not exceed 45 dBA CNEL. Prior to the issuance of building permits for those uses, an acoustical analysis shall be prepared by a qualified consultant and submitted to, and when deemed acceptable, accepted by the City Engineer for all new residential and school developments where exterior areas are projected to be 65 dBA CNEL or higher at the project's build-out, documenting that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved with the windows and doors closed and identifying any design or development measures that would be required to achieve that standard.	City Engineer	Issuance of Building Permits
8-3	Prior to the issuance of building permit for non-residential uses within the "Village Center Commercial (VC) district and "General Warehousing Overlay, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer demonstrating that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved for adjacent residential uses (including hotel, motel, transient lodging), office buildings, amphitheaters, auditoriums, meeting halls, movie theaters, churches, and other similar sensitive uses and that an acceptable interior noise level of 50 dB L_{dn} (or CNEL) or below will be achieved for retail commercial uses, banks, restaurants, and other similar uses with the windows and doors closed and identifying any design or development measures that would be required to achieve those standards.	Development Services Director	Issuance of Building Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Noise (Continued)		
8-4	To the extent feasible, schools and parks shall be designed to: (1) locate and orient vehicle access points, including pick-up and drop-off areas, away from noise sensitive uses; (2) locate loading and shipping facilities away from adjacent noise sensitive uses; (3) minimize the use of outdoor speakers and amplifiers oriented toward adjacent sensitive receptors; and (4) incorporate fences, walls, landscaping, and other noise buffers and barriers between the proposed use and other abutting noise sensitive uses.	Development Services Director	Tentative "B" Map Approval
8-5	Since the upper levels of residential units located adjacent to I-15 Freeway could be exposed to noise levels in excess of City standard, design plans for residential projects adjacent to the I-15 Freeway shall either exclude balconies facing the I-15 Freeway or incorporate noise barriers in the design of those balconies, such as transparent plexiglass, which would reduce freeway noise at those balconies to 65 dBA CNEL.	Development Services Director	Issuance of Building Permits
	Public Services and Recreation		
9-1	Police Protection. The Applicant shall take such actions and pay such fees as may be reasonably imposed by the Rialto Fire Department (RPD) to ensure the timely provision of adequate and appropriate police protection and emergency services to the LCRSP and the uses authorized therein. This measure neither precludes the Applicant from identifying alternative actions and/or fees which can be demonstrated to result in the attainment of those same or similar objectives nor obligates the RPD to accept those alternative measures and/or fees in lieu of those identified by the RPD. If consensus cannot be reached between the RPD and the Applicant, the City Council shall establish the actions and fees applicable to the proposed project. Should the City subsequent adopt an impact fee program for police protection services, unless a substitute measure(s) is imposed by the City, payment of applicable impact fees would effectively mitigation project-related impacts upon police protection services and serve to fulfill the Applicant's obligations hereunder.	Police Chief	Specific Plan Approval
9-2	Police Protection. As specified by the RPD and in accordance with Section 505.1 (Premise Identification) in Chapter 15.28 (Fire Code) in Title 15 (Building and Construction) of the City Municipal Code, final design plans for individual residential and non-residential development projects shall include clearly visible street address signs and/or building numbers to allow for ease of identification during both day and nighttime periods and facilitate emergency response.	Development Services Director	Issuance of Building Permits
9-3	Police Protection. Prior to the issuance of building permits for new construction projects, the RPD shall be provided the opportunity to review and comment upon building plans in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; (3) offer specific design recommendations to enhance public safety; and (4) through the incorporation of "crime prevention through environmental design" (CPTED) strategies, reduce potential demands upon police services.	Police Chief	Issuance of Building Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Public Services and Recreation (Continued)		
9-4	Fire Protection. Prior to the issuance of building permits for any habitable use in Neighborhoods I and IV, the Applicant shall demonstrate to the satisfaction of the RFD and/or to the agency with fire protection and emergency service jurisdiction over that area that either: (1) NFPA 1710 response standards can and will be satisfied prior to the issuance of any occupancy permits within those areas; or (2) although NFPA 1710 response standards cannot be satisfied, that alternative actions, measures, and/or design features, acceptable to the RFD and/or the jurisdictional agency, have been incorporated into the project's development plans and/or habitable uses as to constitute an acceptable response standard for those areas.	Fire Chief	Issuance of Building Permits
9-5	Fire Protection. The Applicant shall take such actions and pay such fees as may be reasonably imposed by the RFD to ensure the timely provision of adequate and appropriate fire protection and emergency services to the LCRSP and the uses authorized therein. This measure neither precludes the Applicant from suggesting alternative actions and/or fees which can be demonstrated to result in the attainment of those same or similar objectives nor obligates the RFD to accept those alternative measures and/or fees in lieu of those identified by the RFD. If consensus cannot be reached between the RFD and the Applicant, the City Council shall establish the actions and fees applicable to the proposed project. Should the City subsequent adopt an impact fee program for fire protection services, unless a substitute measure(s) is imposed by the City, payment of applicable impact fees would effectively mitigation project-related impacts upon fire protection services and serve to fulfill the Applicant's obligations hereunder.	Fire Chief	Specific Plan Approval
9-6	Schools. Prior to the issuance of any building permits for residential and/or non-residential uses within the boundaries of the Rialto Unified School District (RUSD), the Fontana Unified School District (FUSD), and/or the San Bernardino City Unified School District (SBCUSD), the Applicant shall present the City with a certificate of compliance or other documentation acceptable to the City demonstrating that the Applicant has complied with applicable school board resolutions governing the payment of school impact fees and/or has entered into an Assembly Bill 2926-authorized school facilities funding mitigation agreement with the applicable school district(s) or is exempt from the payment of school impact fee exactions.	Development Services Director	Issuance of Building Permits
9-7	Schools. Prior to the recordation of any final "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only) specifying the location for a new public school site(s), the Applicant shall present the City with documentation, acceptable to the City, evidencing that the location, configuration, and size of the proposed school site has been found acceptable or has been found conditionally acceptable by the public school district in whose jurisdiction the site is located. The City, at its discretion, may condition the approval of the final subdivision map and/or any subsequent entitlements therein upon the fulfillment of any conditions subsequent or the Applicant's performance of such other actions as may be reasonably anticipated to produce compliance with conditions identified by that school district.	Development Services Director	Tentative "B" Map Approval

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Public Services and Recreation (Continued)		
9-8	Parks and Recreation. Prior to the recordation of any "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only) affecting lands upon which a regional trail segment has been identified in the "County of San Bernardino General Plan" (e.g., "Open Space – A Plan for Open Space and Trails for the County of San Bernardino"), the Applicant shall submit and, when acceptable, the City shall approve a "regional trail component plan" addressing the Applicant's plans to implement any on-site segments of those identified trails, including preservation of rights-of-way, recordation of easements, and applicable design and development standards governing the construction, operation, and maintenance of those trail segments, if any.	Community Development Director	Tentative "B" Map Approval
9-9	Parks and Recreation. To the extent that the Applicant seeks to apply the dedication and/or physical improvement of any lands designated "open space/joint use" in the LCRSP against City-imposed Quimby Act obligations, the City, at its sole discretion, shall determine to what extend, if any, such dedication and/or physical improvement constitutes an off-set against the Applicant's obligations under Chapter 17.23 (Park and Recreation Facilities Dedication) in the City Municipal Code.	Community Development Director	Tentative "B" Map Approval
9-10	Parks and Recreation. Prior to the recordation of the first "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only), the Applicant shall execute a park-dedication agreement, in a form acceptable to the City, stipulating: (1) the type, quantity, location, and timing of any real property to be dedicated to the City; (2) any improvements thereupon which will be undertaken by the Applicant; and (3) identifying the party or parties that will be responsible for the maintenance of those lands. The land to be dedicated shall be suitable for public use as parks, trails, and/or active open space, as shall be determined in the sole discretion of the City and the City shall not be required to accept land which, in the sole discretion of the City, is not useable for parks, trails, and/or active open space or which would require extensive expenditures on the park of the City to make usable or which possess environmental conditions or constraints that would preclude their use for public park and recreational purposes. If deemed applicable, the City may require that the Applicant provide a bond or other instrument acceptable to the City ensuring the Applicant's performance under that agreement.	Community Development Director	Tentative "B" Map Approval
	Utilities and Service Systems		
10-1	Water Supply. Prior to the issuance of any grading permits, the Rialto Fire Department shall review and, when deemed acceptable, approve final water improvement plans including, but not limited to, the location, sizing, design, and capacity of any proposed water storage tanks, water mains, and fire hydrants to ensure the sufficiency of fire storage and delivery capacity and compliance with applicable City requirements.	Fire Chief	Issuance of Grading Permits
10-2	Water Supply. Prior to the issuance of grading permits, fire hydrants shall be installed in compliance with applicable code requirements (e.g., Section 10.301 of the Uniform Fire Code) or, if fire flow requirements cannot be fully satisfied from existing on-site fire hydrants and mains, alternative fire flow delivery measures acceptable to the Chief Officer of the Fire Department (Fire Chief) serving the jurisdiction shall be formulated and make conditions of grading permit approval. Prior to permit issuance, a letter of compliance or similar documentation shall be submitted to the City Engineer by the Fire Chief or designee.	City Engineer	Issuance of Grading Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Utilities and Service Systems (Continued)		
10-3	Water Supply. Prior to the issuance of any building permits, the Applicant shall deliver to the City a will-serve letter or similar documentation from the project's water purveyor, as may be acceptable to the City Engineer, documenting the availability and sufficiency of water supplies to serve the proposed development.	City Engineer	Issuance of Building Permits
10-4	Wastewater. Prior to the issuance of building permits for any use that generates additional sewer flows, the City Engineer shall verify that adequate sewer capacity is in place to accommodate that development. This measure neither obligates the City to fund nor stipulates a performance schedule whereby any publicly funded improvements to the City's sewer collection and treatment system shall be implemented.	City Engineer	Issuance of Building Permits
	Cultural Resources		
12-1	Prior to the issuance of any grading permits in Neighborhoods II, III, and IV, the Applicant shall retain a qualified cultural resources consultant, meeting the United States Secretary of the Interior's Professional Qualification Standards for Archaeology or Architectural History, to prepare and submit to the City of Rialto and the California Historical Resources Information System San Bernardino Archaeological Information Center (CHRIS-SBAIC) a National Register nomination form for the Fontana Union Water Company Spreading Ground, incorporating SBR-6698H and SBR-6705H.	Development Services Director	Issuance of Grading Permits
12-2	The Applicant shall develop and incorporate into the project planning a preservation plan for a representative portion(s) of the southern intact sections of SBR-6698H. The preservation plan shall be developed by a qualified archaeologist or architectural historian meeting the United States Secretary of the Interior's Professional Qualification Standards for Archaeology or Architectural History. The preservation plan shall include a detailed map of the intact portions of SBR-6698H, place those portions in perpetual open space, and present interpretive information about the site and its history accessible to the public. Interpretive information shall include, but may not be limited to, appropriate informative signage and public access. The preservation plan shall be submitted to the City and the California Office of Historic Preservation and, when deemed acceptable, shall be accepted by the Development Services Director (Director) prior to issuance of grading permits in Neighborhoods II, III, and IV.	Development Services Director	Issuance of Grading Permits
12-3	In the event that in-situ preservation of the Fontana Union Water Company Spreading Ground is infeasible, as an alternate to and in lieu of Mitigation Measure 12-2, intact portions of the Fontana Union Water Company Spreading Ground (as identified during preparation of the National Register nomination form) that will be directly or indirectly impacted by the project's development shall be documented by means of a Historic American Landscape Survey (HALS) recordation, Level II. This level of documentation includes large-format archival-quality black-and-white photographs linked to a detailed site plan and a written narrative. Completion of the HALS recordation, including acceptance by the Director, shall be implemented prior to the issuance of any grading permits in Neighborhoods II, III, and IV. This documentation shall be prepared by a qualified architectural historian or historic landscape architect and a photographer experienced in Historic American Building Survey/Historic American Landscape Survey (HABS/HALS) photography. [CONTINUED]	Development Services Director	Issuance of Grading Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Cultural Resources (Continued)		
12-3 (Cont.)	The overall landscape layout, structural elements, and features, as well as the property setting and contextual views shall be documented. Original archival prints and negatives of the photographs shall be submitted to the Library of Congress. Original archival prints shall also be submitted to the California State Archives. Archival copies of the documentation shall be distributed to the CHRIS-SBAIC and the Rialto Public Library.		
12-4	Prior to the issuance of any grading permit in Neighborhood IV, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. The monitoring plan shall be submitted to and, when deemed acceptable, accepted by the Director. Where deemed applicable in the judgment of the Director, the monitoring plan shall be imposed as a condition to the issuance of grading permits in Neighborhood IV.	Development Services Director	Issuance of Grading Permits
	Aesthetics		
13-1	The project design shall include a detailed "freeway edge treatment" which incorporates both extensive landscaping and a 15-foot wide landscape easement adjacent to the freeway in the developed portions of Neighborhoods I and IV. Although no landscaping is proposed within the Caltrans' right-of-way, trees and shrubs selected for their height and visual appearance shall be utilized to create a landscaped edge that will serve as a visual screen separating the freeway from on-site land uses, will serve to demarcate the project site, and will frame the development that will occur beyond. A landscape plan shall be submitted to the City and approval by the City prior to the recordation of the final "B" level subdivision map.	Development Services Director	Tentative "B" Map Approval
13-2	Development projects proposed in all neighborhoods shall incorporate landscape buffer areas along those major arterial highways within and abutting those neighborhoods and shall incorporate decorative wall and fence treatments and architectural details designed to enhance the visual appearance of those neighborhoods, allowing for individual identity while including unifying design elements consistent with the development standards and design guidelines set forth in the LCRSP. A landscape plan shall be submitted to the City and approved by the City prior to the recordation of each final "B" level subdivision map within all neighborhoods.	Development Services Director	Tentative "B" Map Approval
13-3	Where feasible, because of projected long-term water demands, landscape vegetation shall be comprised of drought tolerant and low-water consuming species that provide color and a visual softening to the hardscape structures that comprise the built environment. The landscape plan shall include a mix of such species and shall be approved by the City prior to recordation of the final "B" level subdivision map.	Development Services Director	Tentative "B" Map Approval
13-4	Areas that have been mass graded to accommodate later development upon which no project is immediately imminent shall be hydro-seeded or otherwise landscaped with a plant palette incorporating native vegetation and shall be routinely watered to retain a landscape cover thereupon pending the area's subsequent development. The landscape plan shall include a mix of such species appropriate for hydro-seeding and shall be approved by the City and appropriate fire departments (City and/or County) prior to the issuance of grading permits.	Development Services Director	Issuance of Grading Permits

Table ES-4 (Continued)
DRAFT MITIGATION REPORTING AND MONITORING PROGRAM

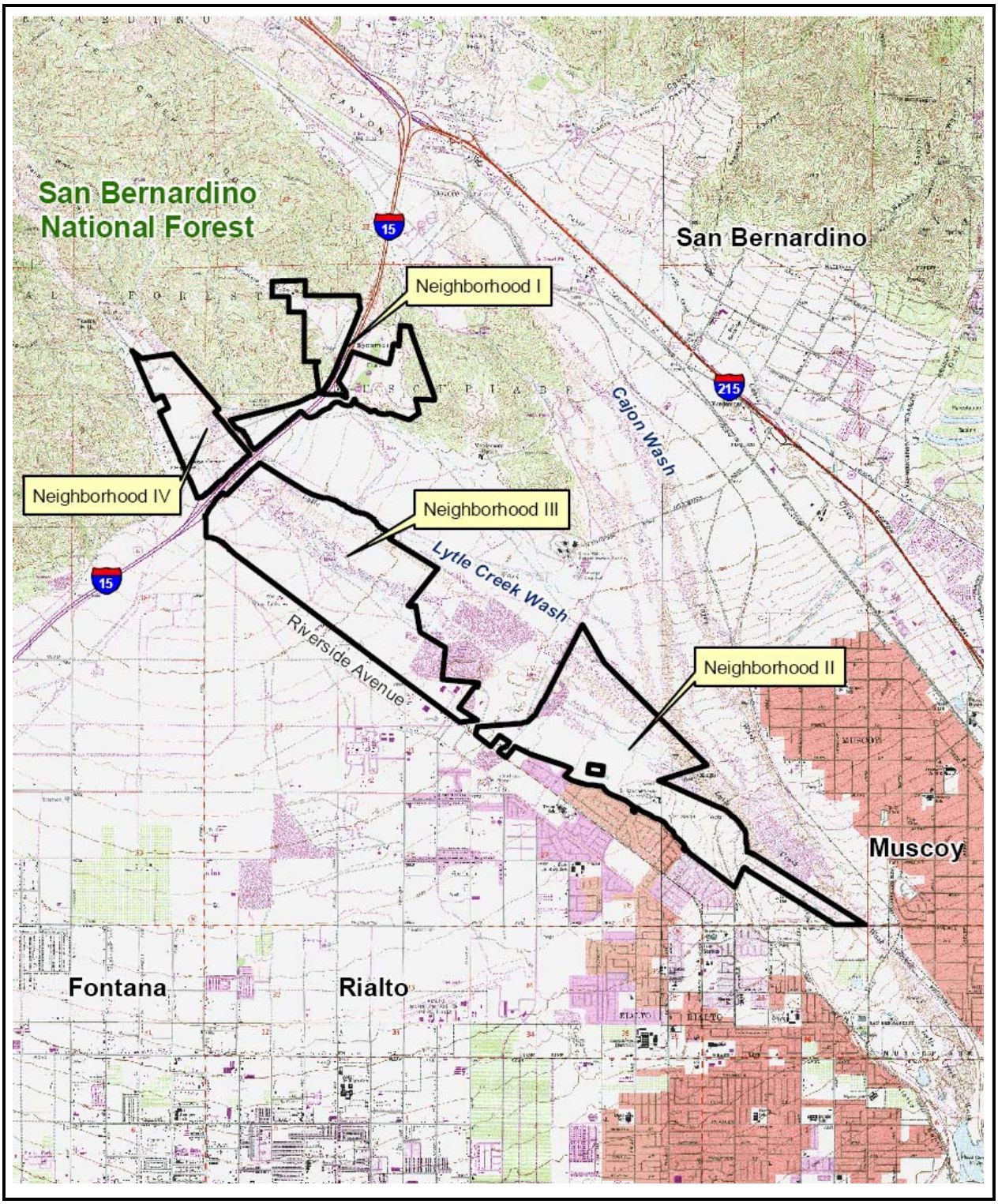
No.	Mitigation Measure	Compliance Verification	Mitigation Milestone
	Aesthetics (Continued)		
13-5	Grading within retained open space areas shall be minimized to the extent feasible. Graded open space areas within and adjacent to retained open space areas shall be revegetated with plants selected from a landscape palette emphasizing the use of native plant species.	Development Services Director	Issuance of Grading Permits
13-6	Prior to the installation of any high-intensity, outdoor sports lighting within a park site and/or school facility, a detailed lighting plan shall be prepared for the illumination of active recreational areas, including a photometric analysis indicating horizontal illuminance, and submitted to and, when deemed acceptable, approved by the Development Services Director. Plans shall indicate that high-intensity, pole-mounted luminaries installed for the purpose of illuminating field and hardcourt areas include shielding louvers or baffles or contain other design features or specification, such as selecting luminaire with cut-off features, to minimize light intrusion to not more than 0.5 horizontal foot candle, as measured at the property boundary. Compliance with these standards shall not be required for adjoining public streets, school or recreational facilities, and other non-light-sensitive land uses.	Development Services Director	Ongoing

Source: City of Rialto, Development Services Department

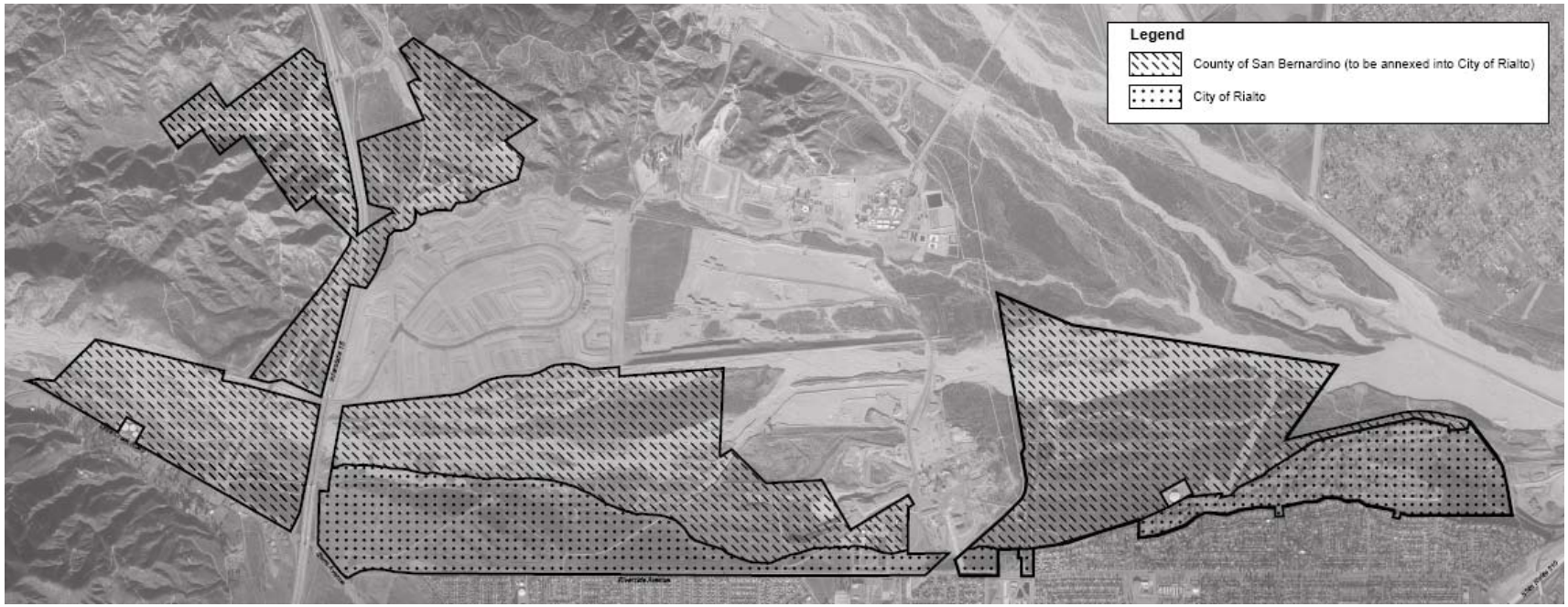
Exhibits

This page intentionally left blank.

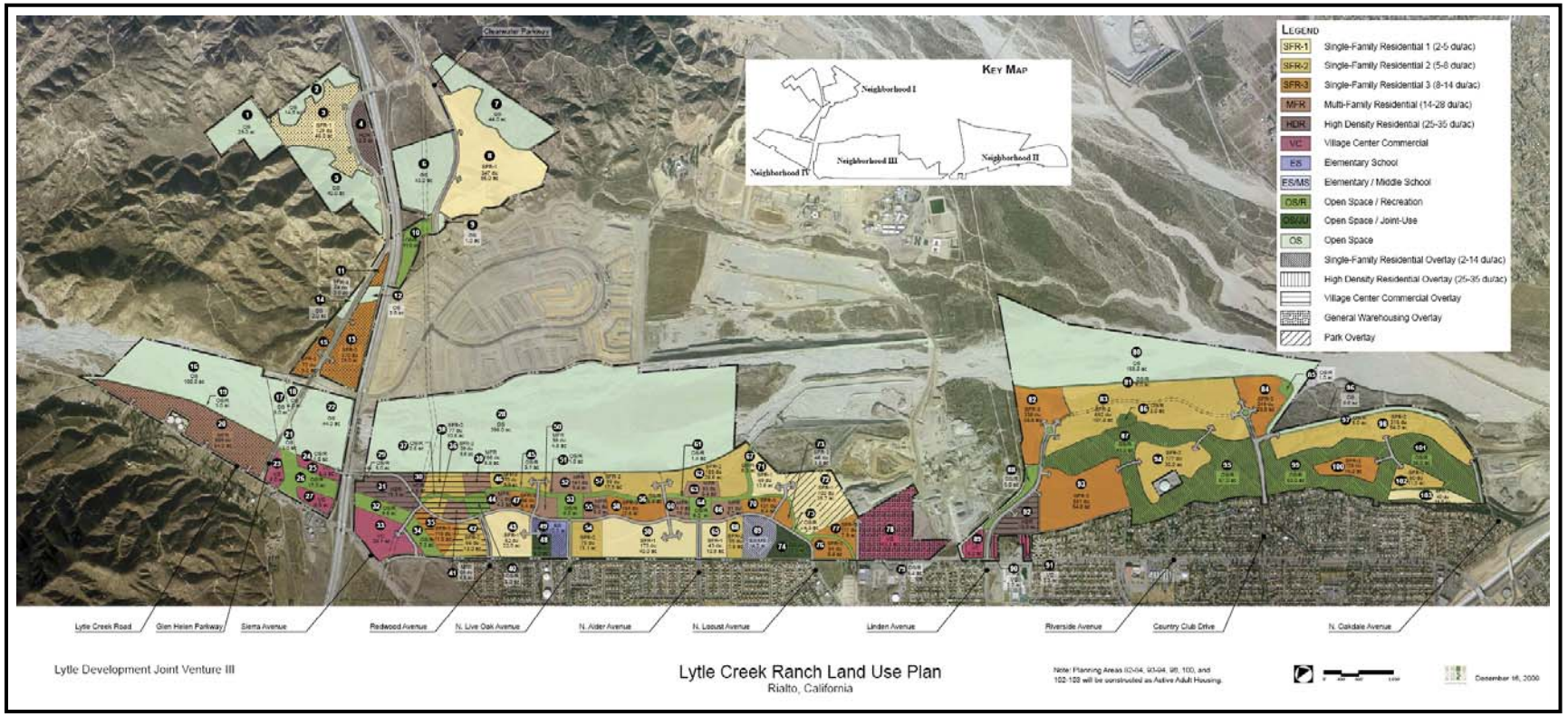
REGIONAL LOCATION MAP
Source: City of Rialto



LOCAL VICINITY MAP
Source: City of Rialto



LYTLE CREEK RANCH SPECIFIC PLAN
CONCEPTUAL ANNEXATION PLAN
Source: Lytle Development Joint Venture III



LYTLE CREEK RANCH SPECIFIC PLAN
CONCEPTUAL LAND-USE PLAN
Source: Lytle Development Joint Venture III

This page intentionally left blank.

Environmental Impact Sciences
26051 Via Concha
Mission Viejo, California 92691-5614
(949) 837-3935 FAX
(949) 837-1195