

**CANDIDATE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
ENVIRONMENTAL EFFECTS FROM APPROVAL OF LAFCO 3066 -
REORGANIZATION TO INCLUDE ANNEXATION
[RANCHO EL RIVINO SPECIFIC PLAN]
TO CITY OF RIALTO AND WEST VALLEY WATER DISTRICT,
DETACHMENTS FROM BLOOMINGTON RECREATION AND PARK
DISTRICT AND CENTRAL VALLEY FIRE PROTECTION DISTRICT
AND DISSOLUTION OF COUNTY SERVICE AREA 70,
IMPROVEMENT ZONE P-11 (CACTUS INVESTMENT LLC)**

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A. INTRODUCTION

The San Bernardino County Local Agency Formation Commission (LAFCO or Commission), in approving LAFCO 3066, Reorganization to include annexation to City of Rialto and West Valley Water District, Detachments from Bloomington Recreation and Park District and Central Valley Fire Protection District and Dissolution of County Service Area 70, Improvement Zone P-11 makes the findings described below and adopts the statement of overriding considerations presented at the end of these findings. Hereafter, the following documents (Rancho El Rivino Specific Plan (RERSP), Notice of Preparation, Draft Environmental Impact Report (DEIR) for the Rancho El Rivino Specific Plan, EIR Appendices, Final EIR and Response to Comments, Mitigation Monitoring and Reporting Program (MMRP), Development Agreement (DA) between Young Homes LLC and the City of Rialto, and the City of Rialto General Plan will be referred to collectively as “the EIR.” Where specific page references are given, DEIR refers to the Draft EIR and FEIR refers to the Final EIR. The total action that may be implemented by approval of the Commission (approval of LAFCO 3066, and subsequent implementation of the land use designations in RERSP) will be referred to as the “proposed project.”

B. PROJECT SUMMARY

B.1 Project Location

The site is an unincorporated area of the County of San Bernardino (Bloomington) within the City of Rialto Sphere of Influence. The project site is centered between Interstate 10 and the 60 freeway and lies within five miles to the west of Interstate 215. Cactus Avenue bisects the proposed project site with El Rivino Road to the south and Jurupa Avenue to the north. Exhibits 2-1 and 2-2 of the EIR illustrate the location of the RERSP area and are incorporated into this document by reference.

B.2 Project Characteristics

The proposed project includes a 165-acre Specific Plan projecting a planned residential community of 726 single-family units with a variety of lot sizes ranging from 4,500 to 20,000 square feet, the majority of which would be in the latter category, a 5.3-acre neighborhood park, two pocket parks totaling 3.4 acres, just under one acre of paseos and a half acre for equestrian trails. The proposed project also includes Annexation of the Specific Plan area property into the City of Rialto, annexation into West Valley Water District, Detachments from Bloomington Recreation and Park District and Central Valley Fire Protection District and Dissolution of County Service Area 70, Improvement Zone P-11.

At present, approximately one third of the planned area is vacant and undeveloped, while the majority of the planned area supports a closed private golf course. The San Bernardino County

General Plan currently designates the site for Institutional, Recreation for Golf Course, and Low Density Residential with no more than three dwelling units per acre.

The proposed project actions evaluated in the EIR include annexation of the site into the City of Rialto, adoption of a Specific Plan and General Plan land use designation (Specific Plan District, SP) for the project area, and a prezone designation of the area as Specific Plan District.

The proposed annexation, LAFCO 3066, is an essential procedural step in the development of the RERSP and will allow the City of Rialto to oversee implementation of such. Therefore, this compilation of facts, findings, and statements of overriding consideration describes all of the issues identified in the EIR and addresses the Commission's responsibilities, where appropriate.

B.3 Project Objectives

According to the Rancho El Rivino Specific Plan, the proposed project intends to provide a planned community with residential neighborhoods, recreational areas, and trail systems, and has the following objectives:

- *To establish a comprehensive land use plan that designates the distribution, location and extent of all land uses, roadways, and public facilities in the Specific Plan area;*
- *To promote quality development consistent with the goals and objectives of the City of Rialto General Plan;*
- *To provide a variety of lot sizes and architectural products for a high-quality aesthetic residential community, unique in design and visual character;*
- *To establish neighborhood character by creating uniquely identifiable neighborhoods, through landscaping, open space, buffers and residential product type;*
- *To provide improved access for the efficient and safe movement of vehicles, pedestrians, and equestrians with minimum intrusion on residential neighborhoods;*
- *To provide a system of parks and open space that combines natural and man-made areas creating a scenic living environment for residents;*
- *To provide recreational opportunities for the residents; and*
- *To assure adequate analysis and planning of all community facilities, including circulation improvements, drainage facilities, domestic water, and waste treatment facilities.*

C. ENVIRONMENTAL REVIEW

The entire administrative record, including the Rancho El Rivino Specific Plan (RERSP), Notice of Preparation, Draft Environmental Impact Report (EIR) for the Rancho El Rivino Specific Plan, EIR Appendices, Final EIR and Response to Comments, the Development Agreement (DA) between Young Homes LLC and the City of Rialto, and the City of Rialto General Plan and these facts, findings and statement of overriding considerations, serve as the basis for the Commission's environmental determination.

The detailed environmental impacts and proposed mitigation measures for the proposed project are presented in Section 5 of the DEIR document and in the responses to comments (incorporated into Final Environmental Impact Report (SCH: 2005101117) which are part of the EIR. Alternatives to the proposed project are discussed in Section 7 of the EIR, and the evaluation of growth inducement is provided in Section 6. The following findings contain a summary of the facts used in making determinations for each environmental issue addressed in the EIR.

D. FINDINGS

Presented below are the environmental findings made by the Local Agency Formation Commission after its review of the documents referenced above; and consideration of written and oral comments on the proposed project at a public hearing, including all other information provided during the decision-making process. These findings provide a summary of the information contained in the EIR, related technical documents, and the public hearing record that have been referenced by the Commission in making its decision to approve LAFCO 3066 as one of the steps in implementing the approved RERSP.

The EIR prepared for the RERSP and LAFCO 3066 evaluated sixteen (16) major environmental issue categories for potential significant adverse impacts. These major environmental issue categories, in the order presented in the EIR, are: aesthetics, air quality, agricultural resources, biological resources, land use, geology, hydrology and water quality, cultural resources, noise, public services, traffic, utilities, hazards, mineral resources, recreation, and population and housing. The EIR also evaluated the cumulative impacts as a result of the proposed project.

Of these 16 major environmental categories, the Commission concurs with the findings in the EIR that the issues discussed below can be mitigated below a significant impact threshold; or for those issues which cannot be mitigated below a level of significance, that overriding considerations exist which make those impacts acceptable.

Those environmental issue categories identified in the EIR as having no potential for significant adverse impact without mitigation are described below in Section D.1. The discussion in Section D.1 summarizes the findings contained in the EIR for the nonsignificant issues. Section D.2 discusses the

issue categories found to be nonsignificant after mitigation. The (unmitigable) significant adverse impacts of the project are described in Section E of this document. An analysis and comparison of the alternatives to the proposed project are described in Section F of this document. Project benefits are described in Section G. The balancing of benefits and impacts and the statement of overriding considerations are described and evaluated in Section H of this document.

Where mitigation measures are summarized in this document, the agent responsible for implementation and monitoring is identified. The mitigation measures were carried forward into the Mitigation Monitoring and Reporting Program (MMRP) prepared by the City. Based on the analysis in this document, none of the identified mitigation measures are the responsibility of or will require monitoring by the Commission. The City's monitoring program ensures that the measures identified in the EIR are implemented in accordance with discussions in the EIR.

As the Lead Agency, the City of Rialto is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. If, during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation is appropriate. Table MMRP-1 presents the implementation plans for the proposed mitigation measures for the RERSP (DEIR p. 5-2).

D.1 Nonsignificant Impacts Without Mitigation Identified in the EIR

D.1.1. MINERAL RESOURCES

Data from the State indicate there are no significant mineral resources onsite, although there are significant aggregate resources in the surrounding region. The RERSP project will not have a significant impact on mineral resources (DEIR p. 4.14-2).

D.1.2 POPULATION AND HOUSING

The RERSP will generate up to 726 new housing units and 2,795 new residents. The proposed project is more intense than indicated in the City's General Plan or the Bloomington Community Plan, so the project is not within the population and housing projections for City and this portion of the County (DEIR p. 4.16-5). However, the project is consistent with regional long-term growth projections (SCAG) and, therefore, does not represent a significant impact in this regard (DEIR p. 4.16-7). See Exhibit 4.16-1 for San Bernardino County population and employment forecasts. Note that mitigation measures proposed in other impact sections help reduce indirect impacts of increased housing and population (e.g., traffic, noise, air quality) to less than significant levels (DEIR p. 4.16-9).

D.2 Nonsignificant Impacts With Mitigation Identified in the EIR

The following issues were identified in the EIR as having no potential to cause significant impact because they are capable of having impacts reduced below a significant level by implementing the identified mitigation measures (i.e., policies). In the following presentation, each resource issue is identified; it is followed by a description of the potential significant adverse environmental effect and a short discussion of the findings and facts in the administrative record, as defined above.

The Commission hereby finds that all mitigation measures identified in the EIR that will be implemented to mitigate the impacts of this project have been incorporated into, or required of, the project to avoid or substantially lessen significant environmental impacts to a level of insignificance. Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects unless the public agency makes one, or more, of the following findings:

- a) Changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report;
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency; and/or
- c) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

The Commission hereby finds, pursuant to Public Resources Section 21081, that the following issues are nonsignificant because mitigation measures will be implemented as outlined below. The Commission further finds that no additional mitigation measures or project changes are required to reduce the potential impacts discussed below to a level of nonsignificance. These issues and the measures adopted to mitigate them to a level of insignificance are as follows:

D.2.1. AESTHETICS

Potential Significant Impacts

The proposed project would change in views of the area, and would result in new light source for the area during night hours, and the windows of the structures may create glare during the day which is currently not present on the vacant site. Lighting for the streets, parks and outdoor house lighting and a consequence of illuminating the suburban environment for public safety. The aforementioned lighting is a potential source of glare and sky glow if not properly designed (DEIR p. 4.1-2).

Findings

The following mitigation measure identified in the EIR and MMRP would reduce the lighting impacts to below a level of significance (DEIR p. 4.1-14):

- 1-1** All lighting within the project site, including outdoor, houses, streets, and park lighting, shall be shielded, directed downward, and shall use the minimum wattage required to properly illuminate the private and community areas. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Supporting Explanation

The RERSP is designed to provide a transition from higher density housing in the western portion of the site to lower density uses along the eastern portion of the site. This transition will help soften the change of views from west to east (i.e., from higher to lower densities of existing uses) which will be more compatible with rural and lower intensity uses in the Bloomington area. The RERSP includes a master wall and fence plan and master landscape plan that will provide for enhanced visual treatments along the boundary roadways and parkways. See Exhibits 4.1-3, Conceptual Landscape Plan, and 4.1-4, Conceptual Wall and Fence Plan (DEIR p. 4.1-13). The project will remove existing dilapidated structures and create several suburban residential neighborhoods with smaller lots in a mixed use area dominated by rural residential lots and industrial uses. Removing the dilapidated structures and dump piles from the site and replacing them with residential structures, meandering sidewalks, parks and tree lined streets is considered a positive impact (DEIR p. 4.1-2). With the design standards and landscaping guidelines of the RERSP, the aforementioned mitigation measures, and the other mitigation listed throughout this DEIR, the impacts to aesthetics would be reduced to less than significant levels (DEIR p. 4.1-14).

D.2.2 BIOLOGICAL RESOURCES

Potential Significant Impacts

The project will remove landscaping, disturbed vegetation, and riparian plants associated with the golf course. The site has been largely impacted by historical agricultural and residential activities and contains only remnant native vegetation. The site contains potential critical habitat for Delhi sands flower-loving fly (DSF). San Bernardino Merriam's Kangaroo Rat (SBKR) has a low potential for occurrence on site. The site contains potential habitat for one State species of special concern, the burrowing owl. Loss of the golf course and its associated trees may have a direct impact on nesting birds, including raptors. Development of the site, therefore, has the potential to have significant impacts on biological resources (DEIR p. 1.10).

Findings

Section 4.4.3 of the DEIR identified potentially significant impacts from the project on biological resources. The following measures are, therefore, proposed to eliminate or reduce potential impacts on these resources to less than significant levels (DEIR p. 4.4-10):

- 4-1 Prior to the start of grading of any jurisdictional areas on-site, the applicant may need to obtain clearances or permits from the CDFG. Copies of any permits, clearances, agreements or documentation providing that no such permits or clearances are needed shall be provided to the City Development Services Department prior to the issuance of a grading permit for any jurisdictional areas. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 4-2 Prior to the start of grading, surveys for the burrowing owl shall be conducted by a qualified biologist according to CDFG protocol. If initiation of grading is scheduled during the nesting season (Feb 15 to August 30) and active burrows are found, grading activities shall commence within 300 feet of active nests only at such a time that a qualified biologist has determined that the nest has successfully fledged young. In such situation, no such grading shall take place within 300 feet of active nests with fledglings or eggs, until the fledglings have left the nests. If initiation of grading is scheduled outside the breeding season and active burrows are found, passive relocation of the owls shall be conducted by a qualified biologist. Grading and associated activities shall commence only at such time that the biologist has determined that the burrows are no longer active. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 4-3 A certified arborist shall determine which on-site trees will be preserved and the project shall mitigate the loss of all trees that are deemed salvageable by the certified arborist. The developer shall attempt to preserve as many trees as possible; however, some trees may not be healthy enough for preservation. This requirement shall not apply to scrub oak (*Quercus berberidifolia*) or other large shrub species. Mitigation trees can be planted as landscape trees within the residential neighborhoods, onsite parks, or any offsite mitigation land. A planting plan for the mitigation trees shall be completed by a qualified landscape architect and approved by a licensed arborist. The planting plan shall address the planting specifications as well as maintenance requirements, including irrigation. Mitigation oaks shall be monitored by a qualified biologist for 5 years; quarterly the first year, semi-annually the second year, and annually for the third, fourth, and fifth years. Monitoring reports with standard data sheets and photos shall be provided to the City Development Services Director at the end of each year. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

- 4-4 The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season extends from February 15 through August 30. If ground-disturbing activities are scheduled during the nesting season, a survey for nesting birds shall be conducted by a qualified biologist prior to any ground disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Supporting Explanation

Site has been largely impacted by historical agricultural and residential activities and contains only remnant native vegetation. The project will remove disturbed vegetation and impact riparian plants associated with the golf course; however, these impacts would be mitigated through the permitting agencies. Parks and paseos will incorporate drainage channels to some degree (DEIR p. 4.4-9). The site contains potential critical habitat for Delhi sands flower-loving fly (DSF), but protocol surveys for three years determined the species was not present onsite (DEIR p. 4.4-6). San Bernardino Merriam's Kangaroo Rat (SBKR) has a low potential for occurrence on site as there is no connectivity to the Santa Ana River and the habitat is of poor quality (DEIR p. 4.4-6). The site does contain potential habitat for one State species of special concern—the burrowing owl; however, it is not considered to be present onsite (DEIR p. 4.4-6). The Specific Plan includes landscaped parkways, tree-lined vehicular entrances, landscaped paseos, one park and several neighborhood parks within the gated community. Furthermore, the residential units will also contain landscaping and trees that will provide minimal benefit for birds (DEIR p. 4.4-10).

With implementation of the project as proposed, recommended mitigation measures, potential impacts to biological resources from construction and operation of the proposed project will be reduced to less than significant levels (DEIR p. 4.4-12).

D.2.3 LAND USE AND PLANNING

Potential Significant Impacts

The Rancho El Rivino Specific Plan is not consistent with some existing land uses or planned land uses under the City of Rialto General Plan or Bloomington Community Plan, and the project may place incompatible land uses within close proximity to each other (DEIR p. 1.10)..

Findings

The following mitigation measure identified in the FEIR and MMRP would reduce the land use impacts to below a level of significance (DEIR p. 3-83):

- 5-1 The seller shall disclose to each potential buyer within the RERSP that the TXI Cement plant (Crestmore facility) is located at the intersection of Cedar Avenue and El Rivino Road within close proximity to the RERSP, and that living in close proximity to the cement plant may result in exposure to the cement plant operation, including dust, air emissions from trucks and equipment, noise, traffic, and light and glare. It should also be noted that this facility operates 24-hours a day. Potential buyers will acknowledge receipt of this disclosure in the title document as part of the process to purchase a home. Prior to issuing certificates of use and occupancy, the developer will provide written evidence of the disclosure to the Director of Development Services or his designee.

Supporting Explanation

The Rancho El Rivino Specific Plan is not consistent with some existing land uses or planned land uses under the City of Rialto General Plan or Bloomington Community Plan; however, the area contains mixed land uses, some of which are consistent with the RERSP. The project is consistent with the following Bloomington Community Plan policy: *Provide a mix of housing choices that support a range of lifestyles in the community, ranging from traditional urban neighborhoods to more "rural" neighborhoods* (DEIR p. 4.5-6). The RERSP is generally consistent with the overall development pattern in the area, but is not consistent with the rural atmosphere of Bloomington (DEIR p. 4.5-7). The project includes several 20,000-square-foot minimum lots (half-acre) east of Cactus Avenue, which will abut the existing rural lots in the area (DEIR p. 4.5-7). The project is proposed as a gated community, which would help reduce potential incompatibility with existing lots (DEIR p. 4.5-8). The project will have distinct design features (e.g., a block wall perimeter and gated ingress) which will facilitate recognition of the RERSP area for public service agencies, and all maintenance within the Specific Plan area (DEIR p. 4.5-12). With the implementation of the RERSP and the mitigation listed in the MMRP, the impacts to land use are considered less than significant (DEIR p. 4.5-15).

D.2.4 GEOLOGY

Potential Significant Impacts

Development of site will expose local soils to potential erosion by water and wind. Some building areas may have soil limitations. Future residents would be subject to moderate ground shaking and seismic hazards (DEIR p. 4.6-11 to-4.6-13).

Findings

The following mitigation measure identified in the EIR and MMRP would reduce the geologic impacts to below a level of significance:

- 6-1 Prior to the issuance of grading permits, all grading procedures shall be in compliance with City Grading Standards, including requirements for erosion control during rainy months. This measure shall be implemented to the satisfaction of the City of Rialto Public Works Director.
- 6-2 Prior to the issuance of building permits, graded but undeveloped land shall be maintained in a relatively weed-free condition and/or planted with interim landscaping (i.e. hydro-seeding with a mix standard for erosion control purposes) within 60 days of completion of grading, unless building permits are obtained. This measure shall be implemented to the satisfaction of the City of Rialto Public Works Director.
- 6-3 Prior to the issuance of occupancy permits, planting of developed land shall comply with the National Pollutant Discharge Elimination System (NPDES) Best Management Practices Construction Handbook Section 6.2. This measure shall be implemented to the satisfaction of the City of Rialto Public Works Director.
- 6-4 Prior to issuance of a grading permit, the developer shall retain qualified geotechnical personnel to provide additional evaluation of onsite grading and the potential for soil importation, oversized materials, corrosive soils, or localized threat of liquefaction. This work may or may not include additional subsurface sampling and testing of soils beneath the golf course property to identify the presence or location of uncompacted fill or grading techniques to accommodate such fill if needed. This measure shall be implemented to the satisfaction of the City Public Works Director. The performance standard for this measure is to assure that all grading for the project conforms to City standards.
- 6-5 Prior to issuance of a grading permit, the developer shall retain qualified hydrogeotechnical personnel to investigate and prepare a plan for draining and grading the various ponds within the golf course. The performance standard for this measure is to assure that all grading for the project conforms to City standards, and that substantial amounts of soil do not need to be imported to or exported from the site. This measure shall be implemented to the satisfaction of the City Public Works Director.

Supporting Explanation

The project geotechnical and soils studies recommend replacing the upper dry loose soils with engineered fills in order to provide adequate support for the proposed dwellings (DEIR p. 6-13).

The City will also require development within the RERSP to conform to the requirements of the project geotechnical and soils studies (SSI 2005a, SSI 2005b) in terms of foundation design, grading and slope limitations, etc. (DEIR p. 4.6-14).

The specific layout of land uses, streets, and lots within the Rancho El Rivino RERSP will be prepared by certified engineering and trained planning personnel, based on recommendations in the two geotechnical studies prepared by Soils Southwest, Inc. This will help minimize potential impacts on the project from geologic, seismic, and soil-related constraints (DEIR p. 4.6-14).

Implementation of the RERSP will proceed under the requirements of the uniform building, fire, electrical, and plumbing codes. In addition, development plans are reviewed by certified engineering and planning staff. Development activities are also regulated by the City of Rialto Development Code. These help assure that the proposed development is consistent with standard conditions and uniform codes applicable to the proposed RERSP as shown in Table 4.6-2 (DEIR p. 4.6-14).

With implementation of the City's development review process and the proposed mitigation measures, potential impacts of the project related to geologic, seismic, grading, and soil-related constraints will be reduced to less than significant levels. Note that mitigation measures listed under Hydrology and Water Quality will also reduce the impacts to geology (DEIR p. 4.6-16).

D.2.5 HYDROLOGY AND WATER QUALITY

Potential Significant Impacts

The site contains numerous natural drainages within the golf course. Because of reducing the amount of pervious surfaces, the project will increase runoff. Local residents report areas of isolated flooding or water impoundment during recent heavy storms (DEIR p. 4.7-7).

Development will change overall drainage patterns and eliminate offsite runoff to the southwest across active mining operations. Construction of impervious surfaces and loss of golf course will substantially reduce infiltration of rainfall. New development will tie into existing and/or newly constructed drainage control structures as appropriate (DEIR p. 4.7-8).

Findings

The following measures are proposed to help assure that potential impacts related to flooding will be maintained at less than significant levels:

- 7-1 Prior to issuance of building permits, the developer shall coordinate the design and obtain approval of all flood control and storm drain structures from the City of Rialto Public Works Department as identified in the project hydrology study (AE 2005). This measure shall be implemented to the satisfaction of the City Public Works Director.

- 7-2 Prior to issuance of a grading permit, the developer shall obtain a General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activity General Permit). The implementation of this measure shall be at the discretion of the City Public Works Department, and shall be implemented to the satisfaction of the City Public Works Director.
- 7-3 Prior to the issuance of grading permits, the developer shall prepare and submit a Water Quality Management Plan (WQMP) to the Regional Water Quality Control Board (RWQCB), Santa Ana Region for review and comment. The City shall approve the WQMP based on input from the RWQCB. This measure shall be implemented to the satisfaction of the City Public Works Director.

The City requires standard erosion control BMPs for new construction projects. However, onsite soils have a moderate to high potential for erosion, and the surrounding area has experienced flooding and erosion problems during recent storms. Therefore, the following measures are recommended to assure that this project will not create significant water quality impacts by controlling sediment and other urban pollutants that may be generated on the project site:

- 7-4 Prior to the issuance of building permits, graded but undeveloped land shall be maintained in a relatively weed-free condition and/or planted with interim landscaping within ninety days of completion of grading, unless building permits are obtained. This measure shall be implemented to the satisfaction of the City Public Works Director.
- 7-5 Prior to the issuance of occupancy permits, planting of developed land shall comply with the NPDES Best Management Practices Construction Handbook Section 6.2. This measure shall be implemented to the satisfaction of the City Public Works Director.
- 7-6 Prior to the issuance of a grading permit, the City shall identify a bond amount for implementing the erosion control program and the developer shall provide the City with a bond for this amount. This measure shall be implemented to the satisfaction of the City Public Works Director.
- 7-7 Prior to issuance of the first occupancy permit, the developer shall provide proof to the Public Works Department that the onsite drainage facilities will be maintained by the HOA. The developer must demonstrate that these facilities will be adequately maintained by an appropriate mechanism or organization, to the satisfaction of the City Public Works Department. This measure shall be implemented to the satisfaction of the City Public Works Director.

Note that the several of the Mitigation Measures listed in Section 4.6, Geology and Soils, will also reduce the impact to hydrology and water quality.

Supporting Explanation

In order to mitigate potential flooding on and downstream of the RERSP site, the RERSP proposes an onsite drainage system of curbs, gutters, down drains, and underground storm drain pipes, as shown in the conceptual drainage master plan (Exhibit 4.7-2) (DEIR p. 4.7-7). The project would not exceed the capacity of existing or planned storm water drainage systems (DEIR p. 4.7-8).

The WQMP prepared for the project shows how bio-swales and other improvements will be used to provide “first flush” water quality treatment of project runoff. For example, the landscaped paseos will have grassy swales on both sides to provide “bio-treatment” for urban runoff before it flows offsite (the WQMP is included in Appendix J) (DEIR p. 4.7-13).

Potentially significant hydrology and water quality impacts would be reduced to less than significant levels with implementation of the proposed mitigation measures. Note that mitigation measures listed under Geology and Soils will also reduce the impacts to Hydrology and Water Quality.

D.2.6 CULTURAL RESOURCES

Potential Significant Impacts

A detailed survey of the El Rivino Golf Course clubhouse buildings was conducted and determined the buildings were not historically significant. The area was historically inhabited by Native American tribe(s) including the Cahuilla and Gabrielino peoples. Although no archaeological artifacts were observed onsite, and no archaeological sites have been recorded on the site, there is a potential for archeological resources to be found on site during grading activities. The cultural assessment report found low probability, but potentially significant impacts to undiscovered archaeological and paleontological resources (DEIR p. 4.8-5).

Findings

Impacts to potential cultural resources from construction of the proposed RERSP will be less than significant after implementation of the recommended mitigation measures (DEIR p. 4.8-8).

- 8-1 Prior to the start of grading, the City shall retain a qualified archaeologist, funded by the developer, to prepare and implement a Cultural Resource Monitoring Plan (CRMP). The project archaeologist shall prepare the CRMP prior to ground-disturbance within the project site. A pre-grading meeting detailing the CRMP shall occur between the monitoring archaeologist(s) and the grading contractor before ground-disturbance begins. The CRMP document must contain a description of how and where artifacts will be curated if found during monitoring, and contingency plans associated with Native American tribal

representation if the recovered artifacts are considered sacred items by one or more Native American tribes.

Monitoring of development-related excavation is required during all construction-related ground-disturbance. Disturbance should be monitored on a full-time basis to a depth of 5 feet below original grade. Once 50 percent of the earth to be moved during grading has been examined by the archaeological monitor(s), the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected. If buried cultural resources are detected during monitoring, no matter whether such resources are significant or not, monitoring must continue until 100 percent of virgin earth within the project has been disturbed and inspected by the monitor(s).

Should prehistoric or historic cultural resources be encountered during monitoring that have not been identified previously, they should be Phase-II tested and evaluated for significance following CEQA Guidelines prior to allowing a continuance of grading in the area.

The project archaeologist shall also notify and work with the appropriate local Native American group(s) to allow tribal monitors access to the project site during excavation. The developer shall pay reasonable costs in this regard for up to two tribal monitors to access the site with proper advance notice to protect monitor safety. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

The following measure is proposed to help assure that the project complies with the requirements of Public Resources Code 5097.98 if human remains found during grading:

- 8-2 If any human remains are discovered during grading, the following steps shall be taken:
- 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Bernardino County Coroner is contacted to determine if the remains are prehistoric and that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
 - 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave

goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Although the cultural resource assessment determined that the El Rivino Country Club was not a significant resource according to state and federal criteria, it nonetheless has local historical importance; therefore, the following measure is proposed:

- 8-3** Prior to issuance of the first occupancy permit for the project, the developer shall construct a small monument (e.g., grove of trees or a bench and a stone marker with brass plate, etc.) in the neighborhood park commemorating the El Rivino Country Club and its contribution to local history. This measure shall be implemented to the satisfaction of the City Development Services Director and the City Recreation and Community Services Director, based on input from the local historical society and the developer.

The cultural resource assessment determined that there was a potential for impacts to paleontological resources during grading of the project, therefore, the following measure is proposed:

- 8-4** During grading of the RERSP, all excavations below 5 feet shall be monitored by a qualified professional to identify any paleontologic resources revealed during grading. The paleontological monitor shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. The monitor shall prepare recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. The monitor shall coordinate the identification and curation of specimens into an established, accredited museum repository with permanent retrievable storage (e.g., San Bernardino County Museum, etc.). The paleontologist must have a written repository agreement in hand

prior to initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented. A final report of findings must be prepared with an appended itemized inventory of all recovered specimens. The report and inventory, when submitted to the City along with confirmation of the curation of recovered specimens into an established accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Supporting Explanation

The area has experienced activity by Native Americans in the past; however, the SB 18 Consultation with Native Americans has been completed and no tribes expressed an interest in the site (DEIR p. 4.8-5). The MBA cultural report determined it is possible that sensitive fossil resources may be found at depths reached during typical earthmoving processes associated with residential development. The paleontological records search found that the potential for impacts to fossil resources is considered "low" and, therefore, minimal project-level mitigation measures will be required (DEIR p. 4.8-5). Based on available data, it is not likely that the RERSP will have potentially significant impact on paleontological resources. However, the survey recommended monitoring for potential impacts to buried paleontological resources but only when excavations reach 5 feet in depth (MBA 2006c) (DEIR p. 4.8-5).

State law (California Health and Safety Code 7050.5) requires that, if human remains are recovered, the County Coroner must be immediately notified and work must be halted until the situation is resolved (DEIR p. 4.8-6).

Impacts to potential cultural resources from construction of the proposed RERSP will be less than significant after implementation of the recommended mitigation measures (DEIR p. 4.8-8).

D.2.7 NOISE

Potential Significant Impacts

The project area experiences elevated noise levels from traffic from mixed uses in the surrounding area, including trucks and industrial activities to the east and south (DEIR p. 4.9-5). Short-term noise levels during project construction may be significant (DEIR p. 4.9-8). Long-term noise from project traffic will not exceed 3dB threshold over ambient levels; however, isolated noise levels at project ingress/egress points will increase noise levels during peak hours for existing residents east of Cactus Avenue and north of El Rivino Road (DEIR p. 4.9-15).

Findings

Since there are existing sensitive receptors in the project area, the noise study recommended that a construction noise mitigation plan be prepared and approved prior to the start of construction (DEIR p. 4.9-21):

- 9-1 During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors (residences) nearest the project site. This measure shall be implemented to the satisfaction of the City Public Works Director or his designee.
- 9-2 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction. This measure shall be implemented to the satisfaction of the City Public Works Director or his designee.
- 9-3 The construction contractor shall limit all construction-related activities that would result in high noise levels according to the construction hours to be determined by the City staff. City of Rialto limits construction to the hours between 7 a.m. and 6 p.m. Monday through Friday. This measure shall be implemented to the satisfaction of the City Public Works Director or his designee.
- 9-4 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The haul route(s) shall be submitted to and approved by the City Public Works Department prior to the start of grading. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Potentially significant long-term noise impacts to onsite residential uses will be effectively mitigated by the installation of block walls and appropriate setbacks as outlined in the Specific Plan. Since the project will not create significant noise impacts on surrounding (i.e., offsite) land uses, no mitigation measures are proposed in that regard (DEIR p 4.9-22).

Supporting Explanation

Nearby to the project site is a warehouse roughly 300 feet east of the project site and a cement plant approximately 700 feet south of the project site. These are noise sources that could potentially create a significant impact on the proposed project. A site visit to the project site by Urban Crossroads determined that the cement operations did not create a significant amount of noise at the project site

because most of the operations that create noise are located over 1,000 feet from the project site, and the noise was not easily perceptible at the project site (UC 2005). Urban Crossroads also measured noise on the project site in the eastern portion of the site, nearest to the warehouse. The results showed the noise level to be 51.0 dBA Leq at this point, which is significantly below the City exterior threshold of 65 dBA. These two operations will not create noise in excess of the City standard, thus this will not create a significant impact (DEIR p. 4.9-20).

After General Plan buildout year 2030, projected traffic along El Rivino and Cactus Avenue could generate significant noise impacts on future project residents. Therefore, onsite uses must be shielded or otherwise protected from anticipated future noise impacts. Block walls are incorporated into the site design along each of these roadways that will mitigate the noise impacts to less than significant levels (DEIR p. 4.9-20).

The project traffic and noise studies demonstrate that project traffic alone will not expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Similarly, the project is not expected to produce a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (DEIR p. 4.9-20).

The noise impact analysis section identified a number of City policies and ordinances that regulate noise from construction as well as noise from ongoing activities. City inspectors will assure that walls and other noise attenuation devices or improvements are installed as needed and proposed (DEIR p. 4.9-20).

The Urban Crossroads Noise Analysis demonstrates that block walls would be needed along Cactus Avenue and El Rivino Road; however, these features are incorporated into the Specific Plan so no mitigation is required in this regard (DEIR p. 4.9-19).

In accordance with the City of Rialto Municipal Code, all construction activity will be limited to between the hours of 7 a.m. to 6 p.m., Monday through Friday. The Specific Plan contains a conceptual wall and fence plan that indicates all perimeter units along Cactus Avenue and El Rivino Road are shielded by solid block walls, which will help reduce future noise levels within the project. All units will be built according to Uniform Building Code and noise attenuation mechanisms (insulated windows, walls and ceilings) will be included as standard practice (DEIR p. 4.9-21).

With implementation of the Specific Plan, including the Walls and Fence Plan, the and the proposed mitigation measures, potential short- and long-term noise impacts on and from the proposed project will be reduced to less than significant levels (DEIR p.4.9-22).

D.2.8 PUBLIC SERVICES

Potential Significant Impacts

The project site is currently served by the County of San Bernardino (e.g., sheriff, fire) and is currently within the Central Valley Fire Protection District. When annexed into the City, the site would be served by the City Police Department, City Fire Department, and the Colton Joint Unified School District (CJUSD). Existing service needs are low due to current land uses and rural conditions (DEIR p. 4.10-1).

The project would generate a need for additional police and fire personnel and additional space at local elementary, middle, and high schools. New projects are required to pay development impact fees and property taxes to fund services and facilities. Fiscal impact assessment indicates that at worst the project has a neutral ratio of revenues to costs after annexation (DEIR p. 4.10-3).

Findings

The following mitigation measure identified in the EIR and MMRP would reduce the public service impacts to below a level of significance (FEIR p. 5-12):

- 10-1** In order to facilitate an adequate fire services response time of five minutes or less to the RERSP area, the developer (YH Cactus, LLC) shall enter into a Development Agreement with the City. The Development Agreement shall include the funding and construction of the fire station that will be located south of Interstate 10 on the corner of Willow and Santa Ana Avenues. The Development Agreement shall be approved concurrently with certification of the EIR. This measure shall be implemented in a timely manner in order to provide adequate fire and police services. This measure shall be implemented to the satisfaction of the Development Services Director and the City Fire Chief.
- 10-2** If the project site is not annexed into the City of Rialto, the Developer shall install fire sprinklers or provide alternative fire protection measures to meet County of San Bernardino Fire Department requirements. This measure shall be implemented to the satisfaction of the County of San Bernardino Fire Chief.

Supporting Explanation

Residential development of the RERSP property will substantially increase the demand for public services in this portion of the City once annexed into Rialto. The residential development will have to pay appropriate school impact fees to the CJUSD and development impact fees to both the fire and police departments (DEIR p. 4.10-7). The Fiscal Impact Report prepared by David Taussig and Associates demonstrates that the project will pay its fair share of annual recurring costs to the City

via various existing and proposed taxes and revenues, and the fiscal impacts resulting from the project at worst would be neutral (DEIR p. 4.10-3).

Fire Services

Although the area is already impacted with fire services response times and fire stations that are functioning at maximum capacity, the RERSP will accelerate the need for a fire station south of I-10. The City and the developer have negotiated a Development Agreement (DA) that includes a financing plan for the new fire station (DEIR p. 4.10-6). The DA was approved by the City of Rialto on February 20, 2007.

The City Fire Department requires that all land use proposals, including subdivisions, site plans, and use permits, be consistent with Uniform Fire Code and other site design requirements relative to fire safety such as water supply, fire hydrant number and location, etc. The RERSP has a comprehensive circulation plan which will allow emergency access to all portions of the project and to allow entry of emergency fire equipment (DEIR p. 4.10-7). Continuous fire access roadways and public hydrants will be provided throughout the project site in order to allow adequate emergency service. The RERSP includes an emergency access only gate between the project site and Hall Street, and the project includes the construction of water system improvements that meet the requirements of the RFD (DEIR p. 4.10-6).

Police Services

The projected budget includes nearly \$700,000 for law enforcement services, which will cover the recurring cost of operations (DEIR p. 4.10-6). The City Police Department reviews development plans to make sure they provide “defensible space” (e.g., areas visible at night to patrolling officers, unit numbers readily visible, etc.). Service levels and needs for additional staff or facilities are determined by the Police Department as development is proposed (DEIR p. 4.10-7).

School Services

Senate Bill 50 dated August 27, 1998 mandates that complete mitigation of school-related impacts are covered by lawful payment of required school impact fees. New development within the City of Rialto are required to pay a school impact fee of \$4.45 per square foot to Colton Joint Unified School District (DEIR p. 4.10-7). The project will pay development impact fees to the CJUSD which is considered full mitigation under CEQA. Note that service levels and needs for additional staff or school facilities are determined by the CJUSD as development is proposed (DEIR p. 4.10-8).

With implementation of the required development impact fees, Community Facility District fees, and the construction of a fire station at Willow and Santa Ana Avenues, potential impacts to public services as a result of the proposed RERSP would be less than significant (DEIR p. 4.10-9).

D.2.9 TRAFFIC

Potential Significant Impacts

Current traffic volumes in the area are relatively low except for peak periods along freeway access routes. Major area roads include Cactus Avenue, Jurupa Avenue, and El Rivino Road. Regional access is via the I-10 to the north and the SR-60 to the south. Due to its size, the project has the potential to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system in that it would result in a substantial increase in the number of vehicle trips. The TIA for the RERSP would produce significant traffic impacts on local roadways by 2030 unless a number of roadway and intersection improvements are provided (FEIR p. 4.11-31).

Findings

The following measures are recommended to mitigate potential traffic impacts from the RERSP below a level of significance:

- 11-1** Prior to issuance of the first occupancy permit, the developer shall participate in the phased construction of the following roadway improvements through payment of an established City of Rialto impact fee and participation in the County's transportation mitigation fee program, as appropriate, or construction of offsite facilities under appropriate fee credit agreements for lane improvements at the following intersections:

Rubidoux Blvd. (NS) at 30th Street/SR-60 west bound off ramp (EW):

- Construct 3rd southbound through travel lane;
- Construct 2nd westbound left-turn lane; and
- Construct 1st eastbound right-turn lane.

SR-60 eastbound off ramp/30th Street (EW):

- Construct 1st northbound right-turn lane; and
- Construct 2nd eastbound left-turn lane.

Cedar Avenue (NS) at Jurupa Avenue (EW):

- Construct 1st eastbound left-turn lane; and
- Restripe shared westbound left-turn/through lane as an exclusive westbound turn-lane.

Cedar Avenue (NS) at 7th Street (EW):

- Construct 2nd northbound left-turn lane (including westbound receiving lane);
- Construct 3rd southbound through travel lane;
- Construct 1st eastbound left-turn lane;
- Construct 1st eastbound right-turn lane with overlap phasing; and
- Construct 1st westbound left-turn lane.

Rubidoux Boulevard (NS) at El Rivino Road (EW):

- Construct a 3rd northbound through travel lane;
- Construct a 1st eastbound left-turn lane; and
- Construct 1st westbound left turn lane.

Rubidoux Boulevard (NS) at Market Street (EW):

- Construct 2nd southbound left-turn lane (including eastbound receiving lane);
- Construct 1st eastbound left-turn lane; and
- Construct 1st and 2nd westbound left-turn lanes.

Agua Mansa Road (NS) at Market Street (EW):

- Construct 1st northbound left-turn lane;
- Construct 1st and 2nd southbound left-turn lane;
- Construct southbound free flow right-turn lane;
- Construct 2nd eastbound left-turn lane (including northbound receiving lane);
- Construct 3rd westbound through travel lane; and
- Construct westbound free flow right-turn lane.

Cactus Avenue (NS) at Slover Avenue (EW):

- Restripe shared westbound left-turn through lane as an exclusive westbound left-turn lane.

Cactus Avenue (NS) at Santa Ana Avenue (EW):

- Reconstruct northbound right-turn lane into a northbound through travel lane;
- Construct 1st southbound left-turn lane;
- Reconstruct eastbound right-turn lane into an eastbound through travel lane; and
- Construct 1st westbound left-turn lane.

Cactus Avenue (NS) at Jurupa Avenue (EW):

- Construct 1st northbound left-turn lane;
- Construct 1st southbound left-turn lane;
- Construct 1st eastbound left-turn lane; and
- Construct 1st westbound left-turn lane.

Cactus Avenue (NS) at El Rivino Road (EW):

- Construct 1st eastbound left-turn lane.

Riverside Avenue (NS) at I-10 Freeway eastbound ramps (EW):

- Construct 2nd southbound left-turn lane (see traffic study for complete discussion of the I-10 Freeway/Riverside Avenue interchange improvement needs); and
- Construct 2nd eastbound left-turn lane (part of new interchange).

Riverside Avenue (NS) at Agua Mansa Road (EW):

- Construct 3rd southbound through travel lane;
- Construct 2nd eastbound left-turn lane;
- Construct 2nd and 3rd eastbound through travel lanes;
- Construct 2nd westbound left-turn lane; and
- Construct 2nd westbound through travel lanes.

Market Street (NS) at SR-60 Westbound Ramps (EW):

- Construct 2nd northbound left-turn lane.

Market Street (NS) at SR-60 Eastbound Ramps (EW):

- Construct 2nd southbound left-turn lane.

If the fee credits are insufficient to reimburse the developer, the City shall enter into reimbursement agreements for lane improvements. The developer shall pay their fair share towards the aforementioned traffic improvements as described in the Urban Crossroads TIA Table 6-2. This measure shall be implemented to the satisfaction of the City Public Works Director.

11-2 Prior to issuance of the first occupancy permit, the developer shall participate in the phased construction of traffic signals at the following intersections through payment of an established City of Rialto impact fee and participation in the County's signal mitigation fee program, or construction of offsite facilities under appropriate fee credit agreements for traffic signals, the following intersections:

- Rubidoux Boulevard (NS) at SR-60 westbound on-ramp (EW);
- Cedar Avenue (NS) at Jurupa Avenue (EW);
- Cedar Avenue (NS) at 7th Street (EW);
- Rubidoux Boulevard (NS) at El Rivino Road (EW);
- Agua Mansa Road (NS) at Market Street (EW);
- Agua Mansa Road (NS) at El Rivino Road (EW);
- Cactus Avenue (NS) at Slover Avenue (EW);
- Cactus Avenue (NS) at Santa Ana Avenue (EW);
- Cactus Avenue (NS) at Jurupa Avenue;
- Cactus Avenue (NS) at El Rivino road (EW);
- Market Street (NS) at SR-60 westbound on ramp (EW); and
- Market Street (NS) at SR-60 eastbound on ramp (EW).

These traffic signals shall include interconnections so they can function as a coordinated system once completed. The developer shall pay their fair share towards the aforementioned traffic improvements as described in the Urban Crossroads TIA Table 6-2. This measure shall be implemented to the satisfaction of the City Public Works Director.

11-3 Prior to issuance of building permits, the developer shall install the site-specific circulation and access recommendations shown in EIR Exhibit 4.11-7, and Figure 7-A from the TIA by Urban Crossroads (see Appendix H). This measure shall be implemented to the satisfaction of the City Public Works Director.

11-4 Prior to issuance of the first occupancy permit, the developer shall construct Cactus Avenue from the north project boundary to the south project boundary at its ultimate full-width within the project and at its ultimate half-width adjacent to the project as a collector street

(64-foot right-of-way), including sidewalks and landscaping pursuant to the RERSP and Traffic Impact Analysis. This measure shall be implemented to the satisfaction of the Public Works Director in compliance with the master circulation plan for the RERSP.

- 11-5** Prior to issuance of building permits, the developer shall contact Omnitrans in writing to determine if any bus stops are required along Cactus Avenue or El Rivino Road. The developer shall install up to two bus stops on Cactus Avenue and one on El Rivino Road if so requested by Omnitrans. The developer shall provide documentation from Omnitrans regarding bus stops prior to the issuance of building permits for these areas. This measure shall be implemented to the satisfaction of the City Public Works Director.
- 11-6** Prior to issuance of the 500th building permit for the project, the developer shall contact CalTrans in writing to determine the fair share contribution for providing park and ride spaces in the project vicinity along the I-10 Freeway corridor. The number, location, and configuration of any park and ride spaces shall be at the discretion of the City Public Works Director based on input from the CalTrans. As an alternative, the developer can choose to pay CalTrans an in lieu or fair share contribution fee for park and ride spaces. This measure shall be implemented to the satisfaction of the Public Works Director.
- 11-7** Prior to issuance of grading permits, a Construction Truck Route Plan shall be submitted to delineate a specific truck route for all construction trucks entering and leaving the project site. In order to minimize the impact to sensitive receptors, the route shall avoid residential and school zones to the greatest extent possible. This measure shall be implemented to the satisfaction of the Public Works Director.
- 11-8** Prior to issuance of building permits, the developer shall submit plans showing that the project entrances, turnarounds, etc. do not conflict with roadway traffic or planned traffic signals. This measure shall be implemented to the satisfaction of the Public Works Director.

Supporting Explanation

The RERSP provides an internal circulation network that will route local traffic onto appropriate points along the two regional arterials serving this area (i.e., Cactus Avenue, El Rivino Road, etc.). The RERSP project will improve both of these arterials adjacent to the project, Cactus Avenue to its full ultimate width as it crosses the project site, and both roads to their ultimate half-widths where only one side of the road is adjacent to the site. The entrances on both Cactus Avenue and El Rivino Road will have a five car stacking capacity and turn-arounds, which will allow for automobiles to easily turn around if they erroneously enter or decide to exit for whatever reason. The final tract maps for the project would include the specific design features recommended by Omnitrans relative to pedestrian access and bus transit (DEIR p. 4.11-33). Based on the City's current development

impact fee program, the proposed Rancho El Rivino Specific Plan project would generate a maximum of \$191,286 (726 units x \$263.48) in traffic mitigation fees at buildout (DEIR p. 4.11-12).

A Comprehensive Traffic Impact Analysis (TIA) was conducted for the proposed RERSP project by Urban Crossroads (UC). The TIA was prepared according to Congestion Management Plan (CMP) guidelines, which incorporates traffic management goals from Caltrans and SanBAG (DEIR p. 4.11-1).

The trip distribution was also reviewed and approved by City of Rialto staff and represent the most reasonable and defensible trip distribution assumptions for analysis purposes. Impacts to the surrounding area were considered in the traffic analysis (FEIR p. 3-52).

All arterial intersections satisfying the project contribution test of 50 peak hour trips were in fact analyzed for PM peak hour conditions and, therefore, the analysis satisfies the requirements of the City of Rialto, the County of San Bernardino (Congestion Management Program), the County of Riverside, and the City of Riverside (FEIR p. 3-53).

The project trip distribution was quantitatively determined on the basis of the regionally accepted travel demand model and is appropriate for the proposed project. The trip distribution was also reviewed and approved by City of Rialto and the County of San Bernardino public works staff. The TIA represents the most reasonable and defensible trip distribution assumptions for analysis purposes and was prepared in accordance with the requirements of the City of Rialto, County of San Bernardino Congestion Management Program, County of Riverside, and City of Riverside (FEIR p. 3-54).

The traffic study evaluated traffic conditions for 2008 conditions and the needed improvements. The traffic improvements that are located within the existing City of Rialto boundaries are included in the City's Capital Improvement Plan (CIP); however, those improvements within areas that will be annexed into the City of Rialto, will be added to the City's CIP upon approval of the annexation. The traffic-related mitigation measures listed in the Draft EIR are considered adequate as presented to mitigate for project impacts (FEIR p. 3-55).

The project TIA indicates that all intersections will operate at LOS D or better by 2008 and 2030 with the planned improvements. The project is consistent with the County's CMP requirements. The project also must make allowance for future bus service/routes and should provide bicycle facilities at its parks. As long as the planned improvements are installed or funded as proposed, the project is consistent with this goal of the City's Circulation Element (DEIR p. 4.11-29).

Data from the consultant preparing the Circulation Element as part of the City's General Plan update indicates that implementation of the improvements shown in Mitigation Measures 11-1 and 11-2,

including the fair share contribution by the RERSP project, would allow local streets to function within City standards at build out (DEIR p. 4.11-37).

With planned improvements, the TIA indicates that project traffic will not cause local intersections to exceed the applicable LOS standards during peak hours, as demonstrated by intersection delay and LOS values shown in DEIR Tables 4.11-5 and 4.11-6. The project TIA demonstrates that the project will not exceed, either individually or cumulatively, a level of service standard established by the County CMP for designated roads or highways (criteria b) as long as the recommended roadway and intersection improvements are constructed as proposed. The TIA also demonstrates that the project will not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (DEIR p. 4.11-31).

The City's development review process will assure that future development within the RERSP area is consistent with the adopted RERSP. Tract maps, grading plans, and other more detailed development plans are submitted to the City for review and approval, and the City retains qualified staff, including engineers, to review. In addition, the project will be required to pay various impact mitigation fees established by the City, including traffic signals and the County's traffic mitigation fee program (DEIR p. 4.11-33).

With implementation of the recommended mitigation measures, including fair-share contributions, the proposed RERSP project would not have significant long-term impacts related to traffic, circulation, or parking (DEIR p. 4.11-37).

D.2.10 UTILITIES

Potential Significant Impacts

Residential development in the RERSP area will increase consumption of water, production of wastewater and solid waste, and will require annexation into existing service districts. The proposed development would consume approx. 610,000 gallons of water per day compared to up to 1,000 gallons currently consumed by the golf course. Residents of the RERSP will consume water from West Valley Water District. On a daily basis, development would generate 284,000 gallons of wastewater and 7.3 tons of trash daily, and consume 12,100 kilowatt-hours of electricity, and 159,100 cubic feet of natural gas (DEIR p.1-13).

Findings

The following measures are recommended to help assure that potential impacts related to water consumption, sewage and solid waste generation, and utility systems will remain at less than significant levels (DEIR p. 4.12-11):

- 12-1** Prior to the issuance of building permits, the applicant shall submit landscape plans to and receive approval from the City Planning Department. These plans shall include state-of-the-art water conservation devices for landscape irrigation, including electronic sprinkler systems controlled by hygrometers installed in planter areas to deliver water on when actually needed by the plants. These systems shall be maintained on a regular basis, to the satisfaction of the City Planning Department.
- 12-2** Prior to the issuance of building permits, the applicant shall submit plans to and receive approval from the City Building and Safety Department. These plans shall demonstrate the project will have state-of-the-art water conservation devices in all project parkways and buildings, including, but not limited to, ultra-low-flow toilets and shower heads.
- 12-3** Prior to the issuance of building permits, development plans shall be provided to Southern California Edison, the Southern California Gas Company, and other local utilities as they become available in order to facilitate engineering, design and construction of improvements necessary to provide electrical, natural gas, and telephone service to the project site.
- 12-4** Prior to the issuance of building permits, the applicant shall coordinate planned construction activities with local utility agencies and companies in regard to easement restrictions, construction guidelines, protection of pipeline easements, and potential amendments to right-of-way in the areas of any existing easements of these companies to prevent impacts from construction on existing utility lines.

Supporting Explanation

Implementation of the project will not result in the need for new utility systems, or substantial alterations to electric or natural gas systems, communication systems, water, sewer, or solid waste disposal systems. The master water and sewer plans of the Rancho El Rivino Specific Plan will provide comprehensive water and sewer systems that will be installed to the satisfaction of the City Public Works Department. WVWD, Edison, and the SCGC will maintain their respective utility lines within the public right-of-way, as appropriate. DEIR Exhibits 4.12-1 and 4.12-2 show the master water and sewer plans for the project. In addition, the project will comply with the City's recycling program which will help minimize the amount of solid waste generated by the project (DEIR p. 4.12-11).

All utility improvements constructed as part of the proposed project will meet applicable uniform codes (i.e., plumbing, fire, building), including potable water and sewer systems, electrical cables and wiring, natural gas lines, solid waste containers and enclosures, and telephone lines. The City's development review process and construction inspection program will assure that these improvements are constructed according to appropriate standards (DEIR p. 4.12-10).

The project will also pay applicable utility impact fees charged by various service providers. Payment of these fees helps the local agencies anticipate future demand and establish plans and construct new facilities to serve growth (DEIR p. 4.12-10). Local service providers can accommodate this increased usage (DEIR p. 1.-13).

Water

Based on the information presented in the Water Supply Assessment, the WVWD can provide adequate water service to the proposed project, and still have enough for other potential new users (FEIR p. 4.12-3). Water conservation measures recommended by the California Department of Water Resources will be incorporated as appropriate, including but not limited to: a) low flush toilets of no greater than 1.6 gallons per flush; b) low flow shower heads; c) insulation of hot water lines to provide hot water faster with less waste; and e) keeping water pressure at 55 pounds per inch or less (DEIR p. 4.12-10).

Sewer

Upon annexation into the West Valley Water District, the project will hook up to the sewer service through the City, and the effluent will be routed to the Rialto Sewage Treatment Plant located northeast of the site. A sanitary sewer system which includes gravity sewer pipes, sewer lift stations and sewage pressure pipes is located immediately east of the project site. This project will not require expansion or upgrade of the existing wastewater treatment plant; however, it will require installation of approximately 3,600 feet of underground pipeline along El Rivino Road to connect to existing lines leading to the Rialto Sewage Treatment Plant. The cost of wastewater treatment will be offset via monthly fees charged to the residents of the RERSP area and the City charges a one-time connection fee to cover the expansion expenses. DEIR Exhibit 4.12-2 illustrates the conceptual sewer plan for the RERSP (DEIR p. 4.12-4).

Electricity

Implementation for the proposed project will result in the consumption of approximately 12,000 kilowatt-hours per day (kWh/day) of electricity at full occupancy, as shown in DEIR Table 4.12-1, *Project Utility Use*. Edison International already serves the surrounding area and has indicated that it can adequately serve the project. Service to the project site will be provided by tying into existing distribution lines and installing new service lines and transformers on the project site. Edison International will charge the residents of the RERSP area monthly service fees which will cover the ongoing expense of the expanded service area and the City charges a one-time facility fee to offset the initial expansion expenses (DEIR p. 4.12-4).

The project will be required to comply with energy conservation standards contained in Titles 20 and 24 of the California Code of Regulations, Section 2-5307(b), which is the California Energy Conservation (CEC) Standard for New Buildings. These regulations prohibit the installation of fixtures unless the manufacture has certified to the CEC compliance with the flow rate standards.

Title 24, California Code of Regulations Sections 2-5452(I) and (j) addresses pipe installation requirements, which can reduce water use before hot water reaches equipment or fixtures. Title 20, California Code of Regulations Section 1604(f) and 1606(b) are Applicable Efficiency Standards that set the maximum flow rates of all plumbing fixtures and prohibit the sale of non-conforming fixtures (DEIR p. 4.12-10).

Natural Gas

Implementation for the proposed project will result in the consumption of approximately 159,000 cubic feet per day, as shown in DEIR Table 4.12-1, *Project Utility Use*. The Southern California Gas Company currently serves the project area and has indicated it can adequately serve the project. The project will be provided with gas service by tying into existing main lines and installing new service lines within the project site. Southern California Gas Company will charge the residents of the RERSP area monthly service fees which will cover the ongoing expense of the expanded service area and the City charges a one-time facility fee to offset the initial expansion expenses (DEIR p. 4.12-4).

Solid Waste

The project could generate as much as 14,520 pounds or 7.26 tons of solid waste per day (DEIR p. 4.12-4). EDCO Disposal Services provides trash pick up services to the Rialto area, and the solid waste is typically delivered to the Mid-Valley Sanitary Landfill, which has the capacity to serve the project site. Fees are charged for refuse collection services; therefore, increased service levels can be expanded and funded through user fees (DEIR p. 4.12-9).

Implementation of the standard conditions and compliance with system requirements of the City and other utility providers, along with execution of the aforementioned mitigation measures, the project will have less than significant impacts on utilities and utility systems (DEIR p. 4.12-12). Note that impacts related to storm water drainage and flood control are specifically addressed in Section 4.7, Hydrology and Water Quality (DEIR p. 4.12-10).

D.2.11 HAZARDS

Potential Significant Impacts

Previous rural and agricultural uses onsite may have contributed to soil, surface, and groundwater contamination. Grading of the site may be affected by contaminated soils. Construction will have to remediate or remove any isolated contamination found during grading (DEIR p. 13-5).

Findings

Development of the Specific Plan site will remove an historic source of potential hazmat contamination which is considered a project benefit. However, excavation onsite could release

hazardous materials. The following measure is, therefore, recommended to reduce the potential risks associated with accidental release of hazardous materials during grading to less than significant levels (DEIR p. 4.13-6):

- 13-1** If any hazardous materials or contamination is found during excavation, all work will be halted in the affected area until a qualified hazmat consultant (i.e., Registered Environmental Assessor, Registered Geologist) makes a determination as to the scope and extent of the contamination. If contamination is limited, remediation of the site shall be conducted by a licensed contractor in accordance with state and local guidelines. If the scope of the contamination is considered extensive, the developer shall contact the State Department of Toxic Substances Control (DTSC) to determine the appropriate form of remediation, which may include the developer entering into a Voluntary Work Plan (VWP). The hazmat consultant shall file a final report to the City upon completion of remediation activities. This measure shall be implemented to the satisfaction of the Development Services Director or his designee.

Supporting Explanation

The proposed Specific Plan contains master circulation, water, and landscaping plans which will be reviewed by qualified personnel on City staff to assure potential hazards and public risks are minimized. The master circulation plan will assure that the project has adequate emergency access and evacuation routes. Development within the Specific Plan must comply with applicable portions of the uniform fire, building, and plumbing codes. The City will also require “knox boxes” to be installed at all the gated accesses to the site to allow immediate access for emergency vehicles (e.g., police, fire, paramedic vehicles, etc.). The site is not in a high fire hazard area, is not subject to flooding or inundation from dam failure, or near any airport or private airstrips and so is not generally subject to aircraft overflights. Proposed drainage improvements will help reduce area flooding and convey onsite runoff to existing flood control structures (DEIR p. 4.13-6).

With implementation of the recommended mitigation measure, the proposed Specific Plan will not have significant impacts relative to hazardous materials or hazards (DEIR p. 4.13-6).

D.2.12 Recreation

Potential Significant Impacts

The project area is relatively rural with few park facilities, but does contain a former public golf course that will be eliminated with the implementation of the RERSP (DEIR p. 4.15-2).

Findings

The following measures are proposed to assure that the project parks are available in a timely manner for the project residents (DEIR p. 4.15-5):

- 15-1 Prior to issuance of the 100th occupancy permit, the developer shall construct required improvements to the 5.3-acre neighborhood park. This park shall be built to the standards and specifications of the City Recreation and Community Services Department, to the satisfaction of the Recreation and Community Services Director or his designee.
- 15-2 Prior to issuance of the 500th occupancy permit, the developer shall construct required improvements to the four pocket parks shown in the RERSP. These parks shall be built to the standards and specifications of the City Recreation and Community Services Department, to the satisfaction of the Recreation and Community Services Director or his designee.
- 15-3 Prior to issuance of the 1st occupancy permit for units east of Cactus Avenue, the developer shall construct the trail along the east side of the property. This trail shall be built to the standards and specifications of the City Recreation and Community Services Department, to the satisfaction of the Recreation and Community Services Director or his designee.

Supporting Explanation

The project will generate a need for 8.15 acres of parkland, and provides 8.6 acres of private parks to offset this increased need. The proposed RERSP would provide a total of 10.3 acres of parkland, including neighborhood parks, pocket parks, and paseos and trails as illustrated in DEIR Exhibit 4.15-1 (DEIR p. 4.15-2). In addition, there are several parks and golf courses in the surrounding area. The project will also provide a network of pedestrian trails and walkways to facilitate non-vehicular circulation. The City requires onsite dedication/improvement of necessary parkland, or payment of equivalent in lieu park fees (DEIR p. 4.15-5). With implementation of the RERSP and proposed mitigation, the project will not have significant impacts on recreation.

E. SIGNIFICANT UNAVOIDABLE EFFECTS OF THE PROJECT

The Commission finds that despite the incorporation of extensive alternatives, mitigation measures, or design changes into the proposed project, approving the annexation (LAFCO 3066) to the City of Rialto will allow several impacts to remain unavoidably significant because these impacts cannot be mitigated to a nonsignificant level. These impacts and the measures identified to minimize it to the extent feasible are summarized below.

The potential impacts were concluded to be significant based on the whole record which demonstrated that these impacts could not be reduced below thresholds of significance by the

proposed project changes (alternatives, mitigation measures, or design changes). Thus, despite the incorporation of changes to the proposed project outlined in the EIR, and summarized below, the following impacts attributable to the proposed project cannot be fully mitigated to a level of insignificance and a statement of overriding consideration is thereby included herein.

E.1 AGRICULTURAL RESOURCES

Potential Significant Impacts

Although the site is not likely to be used for agricultural use, loss of prime agricultural soils is considered significant according to State Land Evaluation and Site Assessment (LESA) model (DEIR p. 4.3-7). According to Appendix G of the State CEQA Guidelines (Environmental Checklist Form), “in determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as a method of assessing impacts on agriculture and farmland.” Therefore, the LESA model is an acceptable method for determining significance of the loss to agricultural resources. The LESA Model indicates that the project area contains prime agricultural soils, which is a major contribution to the conclusion that the project has significant impacts on agricultural resources (DEIR p. 4.3-5).

Findings

Although the LESA modeling indicates that the project has significant impacts on agricultural resources, this conclusion does not take into account whether or not agriculture is actually viable for this site. While CEQA does not require an analysis of fiscal or economic factors of a project, such an analysis is warranted if those factors have a direct or indirect influence on land use or other environmental impacts. In this case, the site is currently not in agricultural production. The majority of the site has been in operation as a golf course since 1956, and agricultural use is no longer desirable or economically viable in much of the Inland Empire (DEIR p. 4.3-7).

Development within the proposed project will result in the permanent loss of prime agricultural soils (according to the LESA model), and will result in the loss of substantial agricultural activities or resources, because once the site is developed for residential use, it is no longer available for agricultural use. There is no precedent or requirement that loss of agricultural land that exceeds LESA thresholds must be mitigated by purchase of similar offsite lands. Therefore, there are no feasible onsite mitigation measures for loss of significant agricultural resources, since any measures that would preserve existing agricultural operations onsite would preclude implementation of the RERSP or any development of the site for non-agricultural use (DEIR p. 4.3-8).

Supporting Explanations

According to other acceptable methods of determining significance to agricultural resources, the impacts are not considered significant. For example, there are no Williamson Act contract agricultural preserves on or adjacent to the project site; therefore, there are no significant impacts in this regard (DEIR 4.3-7).

The California Department of Conservation (CDC) established the Farmland Mapping and Monitoring Program (FMMP) in 1982. The FMMP is a non-regulatory program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called prime farmland with additional categories including farmland of statewide importance, unique farmland and farmland of local importance (DEIR p. 4.3-1).

According to the San Bernardino County Important Farmland Map, the project site is classified with 109 acres of "Urban and Built Up Land" and 49 acres of "Other Land", as shown in Exhibit 4.3-1. Urban and Built up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Other Land is defined as land which does not meet the criteria of any other category. Typical uses of Other Land include low-density rural development, heavily forested land, mined land, or government land with restrictions on use. The remaining acreage is categorized as water (contained within the golf course lakes). See Exhibit 4.3-1 for a map illustrating the CDC FMMP designations (DEIR p. 4.3-1). The project is not classified as having prime farmland or farmland of local significance according to the CDC FMMP (DEIR p. 4.3-7).

There are no standard conditions or uniform codes within the City of Rialto (i.e., General Plan or Development Code) that address loss of agricultural land. Note that any development that occurs over prime farmland or prime agricultural soils, would create a significant impact, as once the land developed it is not very likely that it will ever be used for agricultural use (DEIR p. 4.3-7).

There are no feasible mitigation measures for loss of agricultural resources (DEIR p. 4.3-8). Since there is no feasible mitigation, project impacts on agricultural resources are considered significant in terms of loss of prime agricultural soils according to the California LESA Model (DEIR p. 4.3-8). Therefore, the adverse impacts to agricultural land is an unavoidable significant adverse impact as defined pursuant to CEQA (DEIR p. 4.3-8).

E.2 AIR QUALITY

Potential Significant Impacts

The project site is in the South Coast Air Basin – it has relatively poor air quality and suffers from pollutants transported from areas to the west, and from blowing dust. There is also evidence that the area suffers from downwind emissions of mineral dust from the mining operations to the south.

Short-term (Construction) and Long-term (Occupancy) Impacts

Both short-term and long-term air quality impacts would likely result from the RERSP. Temporary air quality impacts will result from construction activities associated with the development of the RERSP. (DEIR, p. 4.2-15), and long-term emissions would also be significant. The most significant contributor of long-term air quality emissions resulting from development of the RERSP Annexation area would come from surface vehicle emissions (DEIR, p. 4.2-16).

The project will produce significant short-term emissions of ROG, NO_x, CO, and PM₁₀ during construction (DEIR p. 4.2-15), and will also exceed SCAQMD thresholds for ROG and NO_x during project occupancy (i.e., long-term emissions) (DEIR p. 4.2-15). Project residents will also suffer from particulates from mining emissions.

Long-term emissions from occupancy or build-out of the proposed project include mobile and stationary emissions. Mobile emissions are mainly from motor vehicle traffic, while stationary sources include consumer products, water and area heaters and other products that consume natural gas, as well as gasoline-powered landscaping equipment. Mobile emissions from motor vehicles are the largest single long-term source of air pollutants from the project, based on an estimated 10,890 daily trips from the project traffic study (UC 2006b) (DEIR p. 4.2-16 and 4.2-17).

During operation, the SCAQMD thresholds for ROG_s, NO_x, and CO are expected to be exceeded as a result of the operation of the RERSP at build-out. This may result in contributing to an air quality violation of ozone (from the combination of ROG and NO_x) (DEIR p. 4.2-17)

Health Effects from Local Emission Sources

The project will introduce sensitive receptors into the area because residential development will include children within the households (DEIR p.4.2-19). Warehousing is located adjacent to the eastern boundary of the proposed project site and includes a high number of truck trips which emit diesel exhaust. As discussed in Section 4.2.2, diesel exhaust contains carcinogenic compounds. A cement plant is approximately 700 feet south of the proposed project. (DEIR p.4.2-19). The Urban Crossroads air study concluded that, although these surrounding land uses have a potential to have a significant impact on sensitive receptors in the area (i.e., the proposed project), the prevailing winds in the project area blow to the east, as shown in the wind rose, which would tend to disperse pollutants away from the project area. However, the project is introducing additional sensitive

receptors into an area that has existing poor air quality. Therefore, the project has a potential to expose sensitive receptors to the toxic air pollutants emitted by the local sources (DEIR p.4.2-19).

Overall Compliance with the AQMP

The project exceeds the SCAQMD thresholds for short-term and long-term operations; therefore, may contribute to an air quality violation. Considering that criterion, the project is not consistent with the AQMP. The project does comply with the vehicle miles traveled assumptions in the AQMP. The project will comply with applicable control measures in the AQMP. Therefore, the project is not consistent with one out of the three criteria. Therefore, the project does not comply with the AQMP (DEIR p. 4.2-24).

Findings

Rialto General Plan Consistency

The City of Rialto General Plan (1992) contains an air quality section in its chapter on Conservation. There are a number of applicable policies and programs relevant to the proposed project and worthy of discussion (DEIR p. 4.2-25).

- Goal 5.1* To achieve conformance with the AQMP by adopting a comprehensive plan for implementation, so that all general development projects approved are consistent with the AQMP.

- Policy 5.1.2 Require all developments to comply with the AQMP, particularly regarding Transportation Demand Management (TDM) programs. A TDM plan for new developments shall include but not be limited to design considerations to encourage ridesharing, transit use, park and ride facilities, as well and bicycle and pedestrian facilities.

- Policy 5.1.4 Locate and design new development in a manner that will minimize direct and indirect emission of air contaminants. To this end, participate with SANBAG in jointly formulating appropriate standards for regulating the location and protection of sensitive receptors (i.e., schools, day care facilities, and hospitals) from excessive and hazardous emissions.

- Goal 5.2* Improve the balance between jobs and housing in order to create a more efficient urban form and/or reduce the VMT.

- Policy 5.2.6 Improve the jobs-housing balance through new development and redevelopment project reviews and actions.

- Goal 5.9* Reduce emissions through reduced energy consumption

Policy 5.9.5 Require all new development to meet or exceed Title 24 building standards for energy efficiency.

Regarding Policy 5.1.2, the proposed project will include trip management features such as tree-lined sidewalks throughout the project area and pedestrian crosswalks and traffic control devices where necessary. The project will be required to provide bus turnouts to improve bus service by Omnitrans to the project site if deemed beneficial by Omnitrans (DEIR p. 4.2-25).

Regarding Policy 5.1.4, the project is located near a cement plant and a warehousing/distribution center, which emit some toxic air components. Therefore, the project does not comply with this policy (DEIR p. 4.2-26)

The purpose of Goal 5.2 and Policy 5.2.6 is to reduce vehicle miles traveled by ensuring the housing and jobs are balanced, reducing the commuting distance for residents and/or workers. The project area and surrounding communities have been experiencing a growth trend, requiring additional housing. The proposed project is consistent with the current housing demand for the project area, as it provides housing near the employment demand. When people live and work in the same area, they create less air pollution because they drive fewer miles. See Section 4.16 of this EIR for more information on this subject (DEIR p. 4.2-26).

Goal 5.9 and Policy 5.9.5 have been designed to reduce the energy consumption of projects and, therefore, reduce emissions as a result of projects. The proposed project will be required to exceed minimum statewide energy construction requirements beyond Title 24, as stated in Mitigation Measure 2-8 (DEIR p. 4.2-26).

In summary, the project complies with all applicable air quality policies except for Policy 5.1.4; because sensitive receptors are being located near land uses that emit hazardous air contaminants (DEIR p. 4.2-26).

SCAQMD Regulations

The SCAQMD requires the preparation of a dust control management plan. Additionally, as indicated in DEIR Section 4.2.3, the project shall comply with the following SCAQMD rules:

- Rule 403 governs the emissions of fugitive dust;
- Rule 1108 governs the sale, use, and manufacture of asphalt; and
- Rule 1113 governs the sale, use, and manufacture of architectural coatings.

Mitigation

The project air quality analysis determined that the project would have significant short-term air quality impacts due to ROG, NO_x, CO, and PM₁₀ emissions. The following measures are proposed to help reduce project impacts to the greatest extent feasible:

- 2-1 Prior to the issuance of a grading permit, the project proponent will provide a Dust Control Plan that will describe the application of standard best management practices to control dust during construction. Best management practices will include application of water on disturbed soils a minimum of two times per day, covering haul vehicles, replanting disturbed areas as soon as practical, and restricting vehicle speeds on unpaved roads to 15 mph, limiting grading to no more than 25 acres per day, and other measures, as deemed appropriate to the site, to control fugitive dust. The Fugitive Dust Control Plan shall be submitted to the City and SCAQMD for approval and approved prior to construction. This measure shall be implemented to the satisfaction of the City Development Services Director or designee.
- 2-2 During all construction of the proposed improvements, construction equipment will be properly maintained at an offsite location and includes proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-3 During all construction of the project, the developer shall require painting contractors to use only zero-VOC paints (assumes no more than 100 grams/liter of VOC) and coatings. All paints shall be applied using either high-volume low-pressure (HVLP) spray equipment or by hand application. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-4 During all construction, off-road construction vehicles will utilize lean NOx catalysts. Equipment inspections shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-5 During all construction of the project, the developer shall require all contractors not to idle construction equipment on site for more than 5 minutes. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-6 Prior to the issuance of a grading permit, the project proponent will provide a traffic control plan that will describe in detail safe detours around the project construction site and provide temporary traffic control (i.e., flag person) during demolition debris transport and other construction related truck hauling activities. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-7 Prior to the issuance of a grading permit, the developer will provide documentation to the City indicating that workers will carpool to the greatest extent practical. Workers will be informed in writing and a letter placed on file at the City documenting the extent of

carpooling anticipated. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

- 2-8 During construction of the proposed improvements, on-site electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.
- 2-9 Prior to the issuance of occupancy permits, the developer shall demonstrate that all homes are built in such a way as to meet or exceed the minimum statewide energy Title 24 construction requirements. This measure shall be implemented to the satisfaction of the City Development Services Director or his designee.

Implementation of the aforementioned measures will substantially reduce construction-related emissions; however, they will still not reduce the anticipated amount of ROG, NO_x, and CO from project construction to less than significant levels, as shown in Table 4.2-10. Mitigation will reduce emissions of PM₁₀ to below the SCAQMD regional significance thresholds. Mitigation will reduce localized impacts of NO_x to below the SCAQMD localized significance threshold and will reduce the health impacts of NO_x to less than significant. Note that several mitigation measures listed in the Section 4.11 *Traffic, Circulation and Parking* will also reduce the impacts to air quality (DEIR p. 4.2-30). In addition, the project includes a network of sidewalks, trails, paseos, and landscaped areas that provide alternatives to individual vehicle trips to access other areas of the project, including parks (DEIR p. 4.2-26).

Incorporation of the mitigation measures identified in the EIR will reduce impacts to air quality but not to a level of insignificance. Project and cumulative impacts to air quality will remain significant and unavoidable.

Supporting Explanation

Project Construction (Short-Term Impacts)

Short-term impacts will include fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities and operation of grading equipment during site preparation. Construction emissions can be caused by onsite or offsite emissions. Onsite emissions principally consist of exhaust emissions (NO_x, SO_x, CO, ROG, and PM₁₀) from heavy-duty construction equipment, motor vehicle operation, and fugitive dust (PM₁₀) from disturbed soil. Offsite emissions are principally caused by motor vehicle exhaust from delivery vehicles, as well as worker traffic, but also include road dust (PM₁₀). The project may require importing up to 100,000 cubic yards of soil. Using both single and double load dump trucks at 25 yards per load, this

would require approximately 50 truck trips per day over a three month period (or fewer if less soil needs to be imported) (DEIR 4.2-15).

Project Occupancy (Long-Term Impacts)

Long term operational impacts from the project will result in significant impacts to CO. A CO hotspot analysis determined that the levels of CO at impacted intersections are below the state and federal ambient air quality standards. Therefore, localized concentrations of CO are not a significant impact in the project area and do not pose significant localized health effects (DEIR p. 4.2-20).

Long-term emissions of NOx and ROG are above the regional significance thresholds. However, emissions of ROG and NOx are not anticipated to result in health effects from exposure. In regard to ROG, there is no ambient air quality standard for the pollutant. Health effects from ROG are only observed in high concentrations, such as in an accident in a factory. Although there is an ambient air quality standard for nitrogen dioxide (a component of NOx), background levels of nitrogen dioxide are not such that the project would contribute to an exceedance of the pollutant. Automobile emissions will be distributed over miles of roadway and will not be at a level to result in a significant health effect from exposure of nitrogen dioxide (DEIR p. 4.2-21).

Project and cumulative impacts to air quality will remain significant and unavoidable. The impacts to short- and long-term air quality will be significant even with intense mitigation. Even with implementation of all feasible mitigation, the proposed project will create significant short-term air quality impacts during construction from ROG, NOx, and CO emissions. PM10 emitted during grading could exceed the localized significance thresholds. The project will also create long-term impacts during project occupancy from ROG, NOx, and CO emissions, mainly from project vehicular trips. The close proximity of the project to industrial land uses, including a cement plant and distribution warehouse, would incrementally contribute to long-term significant air quality impacts. Short-term localized emissions of PM10 may cumulatively cause health effects to the surrounding residents. Short-term emissions of ROG and NOx may cause health effects from the formation of ground-level ozone. Operational emissions of ROG and NOx may also cause health effects from the formation of ground-level ozone (DEIR p. 4.2-30).

The RERSP Annexation imposed all feasible mitigation measures to avoid adverse impacts to air quality. The long and short-term air quality impacts from the RERSP Annexation will be minimized with implementation of appropriate SCAQMD mitigation measures. Despite the imposition of all feasible mitigation measures, the impacts to air quality from the RERSP Annexation cannot be mitigated to a level of insignificance given the potential adverse impacts to air quality. Further, because the RERSP Annexation area is in a non-attainment region, any release of air emissions from the RERSP Annexation area would contribute to a cumulative negative impact on regional air quality. Consequently, the Commission finds cumulative air quality impacts would be considered significant and adverse despite the implementation of the SCAQMD recommended mitigation

measures. Therefore, the adverse impacts to air quality are an unavoidable significant adverse impact as defined pursuant to CEQA (DEIR p. 4.2-30).

F. ALTERNATIVES TO THE PROPOSED ACTION

The California Environmental Quality Act (CEQA) requires discussion of reasonable project alternatives that could feasibly attain the project's objectives (14 CCR § 15126(d)). CEQA requires that an EIR evaluate a reasonable range of alternatives to the project, or to the location of the project that: (1) offers substantial environmental advantages over the proposed project, and (2) may be feasibly accomplished in a successful manner and within a reasonable period of time considering the economic, environmental, legal, social, and technological factors involved.

The CEQA Guidelines state that the alternatives analysis should discuss "predictable actions by others, such as the proposal of some other project" (Section 15126.6). These "predictable actions" are to be assessed based on current plans and consistent with available infrastructure and community services.

The proposed project intends to provide a planned community with residential neighborhoods, recreational areas, and trail systems, and has the objectives listed previously in Section B.3 (DEIR p. 2-7).

The Commission has considered and rejected as infeasible the alternatives identified in EIR. CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of project, which: (1) offer substantial environmental advantages over the project proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR must only evaluate reasonable alternatives to a project which could feasibly attain the project objectives, and evaluate the comparative merits of the alternatives. In all cases, the consideration of alternatives is to be judged against a "rule of reason." The lead agency is not required to choose the "environmentally superior" alternative identified in an EIR if the alternative does not provide substantial advantages over the proposed project and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

F.1 Comparison of Alternatives

The matrix on the following page compares the project alternatives.

Rancho El Rivino Specific Plan Alternatives (DEIR p. 7-9)

Issue	Proposed Project	No Project* General Plan	Alternative 1 Modified Site Plan	Alternative 2 Modified Golf Course Plan	Alternative 3 Clustered Golf Course	Alternative 4 Industrial Center
Project	726 units, golf course closed and reused for residential uses, several parks, homes gated.	70 units, not gated, half-acre and acre lots with golf course still operating	410 units, no golf course, mixture of quarter, half- and one-acre lots, not gated	500 units, golf course re-designed and expanded to entire site, gated housing within golf course.	260 units, golf course remains, higher density north of course, lower density east of Cactus Ave.	Industrial/distribution use on the entire 165 acres (similar to FedEx and the Agua Mansa Specific Plan).
Aesthetics	Potentially Significant	Not Significant	Potentially Significant	Potentially Significant	Not Significant	Potentially Significant
Air Quality						
Construction Occupancy	Significant Significant	Not Significant Not Significant	Significant Significant	Significant Significant	Not Significant Not Significant	Significant Significant
Agriculture	Significant	Significant	Significant	Significant	Significant	Significant
Biology	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Land Use	Potentially Significant	Not Significant	Potentially Significant	Potentially Significant	Potentially Significant	Potentially Significant
Geology	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Hydrology	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Cultural Resources	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Noise	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Significant
Public Services	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Traffic	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Significant
Utilities	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Hazards	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Mineral Resources	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Recreation	Not Significant	Not Significant (beneficial)	Not Significant	Not Significant (beneficial)	Not Significant (beneficial)	Potentially Significant
Population and Housing	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
Achieves Objectives?	Yes	No	Possibly, but not to same degree	Possibly, but not to same degree	No	No
Feasible?	Yes	Probably not (golf course \$)	Yes	Probably not (golf course \$)	Probably not	Yes
* No Project-No Development alternative maintains existing conditions						

F.1.1 NO PROJECT ALTERNATIVE

Description

A No Project – No Development Alternative is equivalent to only allowing (possible) continued use of the golf course and vacant land to remain on the site. CEQA requires a specific “No Project” alternative shall be evaluated along with its impacts compared to the proposed project. The “No Project” analysis essentially evaluates existing conditions on the site (i.e., no development). Under this alternative, existing uses on the property would remain and it would not be developed into a residential community (DEIR p. 7-2).

Findings

The Commission finds that this Alternative is environmentally superior to the RERSP Annexation. However, according to CEQA, if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Therefore, this Alternative is rejected because it fails to meet RERSP Annexation objectives (DEIR p. 7-2).

Supporting Explanation

This alternative would eliminate any adverse environmental consequences associated with land development such as the proposed project. It would also eliminate the significant impacts identified for the proposed project (construction and long-term air emissions, and loss of agricultural land). While it would reduce or eliminate the identified environmental impacts of the proposed project, data from the developer indicates that it is infeasible because operation of the golf course is no longer economically feasible. This alternative also does not meet one of the project’s basic objectives (i.e., conversion of the golf course to appropriate residential neighborhoods).

Assuming that the site remains undeveloped, all significant project specific impacts will be avoided. However, any benefits of the project related to housing supply, convenience, employment, or economics would not be realized. Cumulative impacts including traffic, noise, and air quality, will eventually occur regardless of whether the site is developed for the proposed uses, although not to the same degree as with the proposed project.

The golf course management has indicated that continued operation of the golf course is not viable in the long-term for a variety of economic reasons. Therefore, the owner is proposing development of the site to provide for a smooth transition to more suburban-type uses, consistent with area-wide growth in terms of type and intensity.

According to CEQA, if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (DEIR p. 7-2).

F.1.2 NO PROJECT GENERAL PLAN ALTERNATIVE

This is a type of “no project” alternative in that it is what would be allowed to be built on the site if the proposed project were not built. This alternative would eliminate the need for a specific plan and general plan amendment and would most likely require only a tract map to implement. It could be done under the County jurisdiction or with annexation into the City of Rialto (DEIR p. 7-3).

Under this alternative, the golf course would continue to be operated, either under new private ownership or by the City of Rialto. The vacant land north of the golf course and west of Cactus Avenue would be designated for low density. The vacant land north of the golf course would be designated for 40 half-acre lots (20,000 square feet minimum or two units per acre) and the 30 acres of vacant land east of Cactus Avenue would be designated for 30 one-acre lots (40,000 square feet minimum or one unit per acre). Therefore, this alternative would allow approximately 70 residential units on the site, in addition to the golf course, consistent with the existing land use designations of both the Rialto General Plan and Bloomington Community Plan (golf course plus residential uses at 0-3 units per acre) (DEIR p. 7-3).

As one variation on this alternative, the City could operate the golf course for golf or could utilize it as a type of Community Park, although a number of improvements would be needed to fully utilize this area as a community park (e.g., parking, play lots, sports fields, etc.) (DEIR p. 7-3).

As another variation on this alternative, the golf course property could be sold to the County as a regional park. However, a number of improvements would be needed to fully utilize this area as a County park (e.g., parking, campsites, sports fields, etc.). This alternative would more than meet the project’s Quimby Act parkland requirements, and would generate much fewer new residents compared to the proposed project (DEIR p. 7-3).

Findings

The Commission finds that although the General Plan Alternative is environmentally superior to the proposed project, it is infeasible for economic reasons, mainly related to continued operation of the golf course and infrastructure improvements required for any size development of the site. Therefore, this Alternative is rejected because it fails to meet project objectives (DEIR p. 7-3 and 7-4).

Supporting Explanation

With the exception of impacts to agricultural land (which cannot be remedied with any development within the project site, as the entire area will still be rendered useless for agricultural use), this alternative would reduce the air quality impacts of the project to less than significant levels under certain conditions. This alternate would be consistent with existing land use designations for the project site under both the Rialto General Plan and BCP, so any land use impacts of the project would be reduced to less than significant levels even without mitigation. This alternative would allow construction of 70 residential units on 50 acres which would reduce long-term air quality and likely short-term air quality impacts to less than significant levels. If the two residential neighborhoods (east and west of Cactus Avenue) were phased so that they were not developed at the same time as the other, short-term air quality impacts would likely be reduced to less than significant levels. This alternative would generate approximately 90 percent less traffic, both average daily vehicle trips compared to the proposed project (i.e., 700 vs. 7,260 ADT) with similar reductions in a.m. and p.m. peak trips. However, traffic was also not identified as a significant impact after mitigation. It would, however, make views of the area along Cactus Avenue and El Rivino Road compatible with existing rural residential uses to the east (DEIR p. 7-3 and 7-4).

It is possible that grading of the two residential neighborhoods would not be balanced onsite, and fill materials might have to be imported onto or exported from the site during grading. It is not known if these earth-related impacts would rise to the level of significance as there is insufficient information at this time on the specifics of grading the site under this alternative. In addition, this alternative may be infeasible as the developer may not be able to find an interested private buyer, or the City of Rialto may not have sufficient funds to purchase and operate a golf course, or a community park if the City chose to convert the golf course to a park. The County may also not have sufficient funds to purchase and operate the golf course as a regional park. These aspects of the alternative are too speculative at this time to make accurate assumptions. The developer has also indicated that 70 lots would not generate sufficient revenues to fund the necessary infrastructure needed to provide adequate utilities and services to this site under this alternative. Although this alternative is environmentally superior to the proposed project, it is infeasible for economic reasons, mainly related to continued operation of the golf course and infrastructure improvements requires for any size development of the site (DEIR p. 7-3 and 7-4).

F.1.3 MODIFIED SITE PLAN ALTERNATIVE

Description

This alternative would convert the golf course to residential uses but at densities much lower than those proposed under the RERSP. Higher density uses (a combination of half-acre and quarter-acre lots) would be located on the 130-acres along the western portion of the site. One-acre lots would be

located on the 35 acres east of Cactus Avenue. This alternative would allow the development of approximately 410 residential lots which represents a gross density of 2.6 units per acre. This alternative is within the density range allowed under the Rialto General Plan and Bloomington Community Plan (0-3 units per acre), except that it allows conversion of the golf course to residential use. It would generate less than half the residents expected from the proposed project. It would likely contain sufficient parkland to meet its Quimby Act and City of Rialto park requirements. It is also proposed that this alternative not be gated to allow general public access in and out of the project, similar to other developments in the City (DEIR p. 7-4).

Findings

The Commission finds that although the General Plan Alternative is slightly environmentally superior to the proposed project, it is infeasible for economic reasons—mainly because infrastructure could not be implemented because it could not be adequately funded. Therefore, this Alternative is rejected because it fails to meet project objectives (DEIR p. 7-4 and 7-5).

Supporting Explanation

This alternative would reduce overall impacts of the project; however, this alternative would not alter the LESA Model findings on agriculture, as the entire area will still be rendered useless for agricultural use. Therefore, this alternative land plan would still result in a significant impact to agricultural resources. This alternative would generate approximately 44 percent less average daily vehicle trips compared to the proposed project (i.e., 4,100 vs. 7,260 ADT) with similar reductions in AM and PM peak trips. However, traffic was not identified as a significant impact after mitigation. This alternative would generate less long-term air pollutant emissions, but it would not reduce construction-related emissions to less than significant levels due to the amount of land that would be disturbed (i.e., same as under the proposed project). This alternative would still require a specific plan and general plan amendment to allow for residential use within the golf course area (DEIR p. 7-4 and 7-5).

This alternative is slightly environmentally superior compared to the proposed project. It would still meet most of the overall project's objectives, except that it will not generate sufficient revenues to fund the infrastructure needed to adequately serve this project; therefore, it is infeasible for economic reasons. In addition, this alternative would not provide the same number of residential units and housing units would not be assisted at the level of the proposed project (DEIR p. 7-4 and 7-5).

F.1.4 MODIFIED GOLF COURSE ALTERNATIVE

Description

This alternative would require reconstruction of the golf course onto the land that is currently vacant to the north and northeast of the course. It would also intersperse smaller-lot residential uses along and within the course to create a golf-oriented residential community. This alternative would still require a specific plan and general plan amendment to allow smaller lots (possibly as small as 4,000 to 7,200 square feet) with larger lots (half-acre and one-acre lots) providing a buffer for existing large lots east of Cactus Avenue. The golf course could be operated either under new private ownership or by the City of Rialto. A specific layout of lots has not been prepared for this alternative at this time due to the uncertainties of integrating golf course design with small residential lots. However, this alternative could allow up to 500 residential units on the site, in and around the golf course, consistent in many ways with the existing land use designations of both the Rialto General Plan and BCP (golf course plus residential uses at 0-3 units per acre). However, it would not be consistent with the minimum lot sizes represented by the density limits of these plans (e.g., three units per acre equals 15,000-square-foot lots, two units per acre equals 20,000-square-foot lots, etc.) (DEIR p. 7-5 and 7-6).

As one variation on this alternative, the City could operate the golf course for golf or could utilize it as a type of Community Park, although a number of improvements would be needed to fully utilize this area as a community park (e.g., parking, play lots, sports fields, etc.). Some number of homes could be clustered or interspersed with the park, but the number of units would depend on what improvements needed to be made to the property to utilize it as a community park. If this option were utilized, homes in and around the park could be clustered to maximize park space, but would have correspondingly smaller lots or be attached units (DEIR p. 7-6).

Another variation on this alternative would be to sell the golf course property to the County as a regional park. A number of improvements would be needed to fully utilize this area as a County park (e.g., parking, campsites, sports fields, etc.). As with the first variation, homes could be interspersed within and around the County Park, but would probably need to be clustered to maximize park space. If this were the case, the units would have smaller lots or be attached units (DEIR p. 7-5 and 7-6).

Findings

The Commission finds that although this alternative is environmentally superior to the proposed project, it does not meet the project objectives. Therefore, this Alternative is rejected (DEIR p. 7-5 and 7-6).

Supporting Explanation

This alternative would be somewhat consistent with the rural character of Bloomington; however, lot sizes would have to be much smaller than current land use allows to effectively fit in and around a golf course or City/County park. This alternative would probably not reduce long-term or short-term air quality impacts to less than significant levels due to the amount of disturbance and number of units and vehicular trips. This alternative would generate approximately 31 percent less traffic, both average daily vehicle trips compared to the proposed project (i.e., 5,000 vs. 7,260 ADT) with similar reductions in a.m. and p.m. peak trips. However, traffic was not identified as a significant impact after mitigation. It would make views of the area along Cactus Avenue and El Rivino Road more compatible with existing rural residential uses to the east (DEIR p. 7-5 and 7-6).

It is likely that grading of the revised golf course and residential neighborhoods could be balanced onsite, so that no fill materials would have to be imported onto or exported from the site during grading. This alternative may be infeasible as the developer may not be able to find an interested private buyer and/or be able to afford reconstruction of the golf course. In addition, the City of Rialto or the County may not have sufficient funds to purchase the golf course and operate it for golf or a community/regional park. These aspects of the alternative are too speculative at this time to make accurate assumptions. Although this alternative is environmentally superior to the proposed project, it will likely be infeasible for economic reasons, mainly related to expansion and continued operation of the golf course. In addition, this alternative does not provide as many homes as the proposed RERSP to meet the housing goals (DEIR p. 7-5 and 7-6).

F.1.5 CLUSTERED GOLF COURSE ALTERNATIVE

Description

This alternative would require minor reconstruction of the golf course to accommodate higher density or attached housing (i.e., up to 10 units per acre on 20 acres) on the now vacant land north of the golf course and west of Cactus Avenue. It would also propose a mixture of quarter-acre, half-acre, and one-acre lots east of Cactus Avenue, with the larger lots closest to the existing rural lots (approximately 60 lots on 30 acres). This alternative may require a specific plan and general plan amendment to allow smaller lots (possibly as small as 4,000 to 7,200 square feet) or attached units north of the golf course. The golf course could be operated either under new private ownership or by the City of Rialto. A specific layout of lots has not been prepared for this alternative at this time due to the uncertainties of integrating golf course design with small residential lots. However, this alternative could allow up to 260 residential units on the site, consistent in many ways with the existing land use designations of both the Rialto General Plan and Bloomington Community Plan (golf course plus residential uses at 0-3 units per acre). However, it would not be consistent with the minimum lot sizes represented by the density limits of these plans (e.g., three units per acre equals

15,000-square-foot lots, two units per acre equals 20,000-square-foot lots, etc.) (DEIR p. 7-6 and 7-7).

As a variation on this alternative, the City or County could operate the golf course for golf, or could utilize it as a community or regional park, although a number of improvements would be needed to fully utilize this area as a City or County park (e.g., parking, play lots, sports fields, campsites, etc.) (DEIR p. 7-6 and 7-7).

Findings

The Commission finds that although this alternative is environmentally superior to the proposed project, it does not meet the project objectives. Therefore, this Alternative is rejected (DEIR p. 7-7).

Supporting Explanation

This alternate would be somewhat consistent with existing land use designations for the project site under both the Rialto General Plan and BCP (i.e., golf course with low density residential); however, lot sizes would have to be much smaller whether it is used for golf or City/County Park. This alternative could reduce long-term or short-term air quality impacts to less than significant levels, especially if the housing east and west of Cactus Avenue was developed at different times. This alternative would generate approximately 64 percent less traffic, both average daily vehicle trips compared to the proposed project (i.e., 2,600 vs. 7,260 ADT) with similar reductions in a.m. and p.m. peak trips. However, traffic was not identified as a significant impact after mitigation. It would make views of the area along El Rivino Road and to some degree along Cactus Avenue more compatible with existing rural residential uses (DEIR p. 7-6 and 7-7).

This alternative may be infeasible as the developer may not be able to find an interested private buyer. In addition, the City of Rialto or the County may not have sufficient funds to purchase the golf course and operate it for golf or a community/regional park. These aspects of the alternative are too speculative at this time to make accurate assumptions. Although this alternative is environmentally superior to the proposed project, it may be infeasible for economic reasons, mainly related to continued operation of the golf course. Because of the high cost of infrastructure associated with the addition of any number of residential units, this alternative will not be financially feasible. Furthermore, it will not provide as many homes as the proposed RERSP to meet the housing goals (DEIR p. 7-6 and 7-7).

F.1.6 INDUSTRIAL CENTER ALTERNATIVE

Description

A number of the other alternatives do not meet the objectives of the project to the same degree as the proposed project. Therefore, this alternative is proposed to provide a different land use plan that is

still economically viable for the applicant. This alternative would require major grading and reconstruction of the golf course to accommodate an industrial complex (similar to Agua Mansa Specific Plan and the FedEx and neighboring facilities east of the project site), as operation of the site for industrial use would require a relatively level topography. This alternative would require a specific plan and general plan amendment to change the land use designations from rural and institutional to industrial use. A specific site layout has not been prepared at this time. This is a financially feasible option for the current land owner, as they have been approached to sell the RERSP property for this purpose. This alternative is inconsistent with both the Bloomington Community Plan and the Rialto General Plan, however, the potential property purchaser has indicated that they would not want to annex into the City of Rialto (DEIR p. 7-7 and 7-8).

Findings

The Commission, therefore, finds that although this alternative is environmentally superior to the proposed project, it does not meet the project objectives. Therefore, this Alternative is rejected (DEIR p. 7-8).

Supporting Explanation

Developing the site for industrial use would dramatically change the Crestmore area of Bloomington. As is, the industrial uses are primarily on the outskirts of Bloomington and the TXI Cement Plant, although within close proximity to the RERSP, is actually within Riverside County. Changing the land use to industrial use would likely create a significant aesthetic impact by dramatically changing the existing views and placing a large industrial/trucking facility in the center of existing residential and institutional (cemetery) use. Industrial facilities and equipment generate more noise and pollutants than do residential neighborhoods. This Alternative would also significantly impact noise, air quality and traffic from increased truck traffic to and from the site, and impacts to recreation would occur because this type of development does not typically include land for recreation and open space. Depending on the specific site plan and design standards, land use and aesthetics may also be impacted with implementation of this Alternative. As with any development/improvements of the RERSP land, impacts to agriculture would be unavoidable. This Alternative would also require a specific plan and general plan amendment. Although this Alternative is financially viable for the current property owner, this Alternative is not environmentally superior to the RERSP project (DEIR p. 7-7 and 7-8).

F.1.7 ALTERNATE SITE ALTERNATIVE

Description

CEQA requires the evaluation of alternative sites if moving the proposed project to another site would eliminate or avoid one or more significant impacts of the proposed project (DEIR p. 7-8).

Findings

CEQA requires the evaluation of alternative sites if moving the proposed project to another site would eliminate or avoid one or more significant impacts of the proposed project. There are no other vacant sites in the south Rialto or Bloomington areas of this size that would allow development of hundreds of homes. The current applicant is a residential home builder, so an alternative site for industrial uses is not feasible for this owner/developer at this time (DEIR p. 7-8).

The Commission, therefore, rejects this Alternative because there are no sites of this size in the area that could meet the projects objectives (DEIR p. 7-8).

Supporting Explanation

In this case, the El Rivino Country Club represents a somewhat unique open space and recreational resource; however, it may be infeasible for its operation to continue under its current management, or for it to be economically sold to another private owner. It may also not be feasible to sell it to the City or County to be operated as a golf course or a community or regional park. There are no other vacant sites in the south Rialto or Bloomington areas of this size that would allow development of hundreds of homes. The current applicant is a residential home builder, so an alternative site for industrial uses is not feasible for this owner/developer at this time (DEIR p.7-8).

G. PROJECT BENEFITS

Pursuant to State CEQA Guidelines Section 15093, the Commission must balance the benefits of the RERSP Annexation against any unavoidable environmental impacts in determining whether to approve the RERSP Annexation. If the benefits of the RERSP Annexation outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable." The project benefits outlined below were considered by the Commission in performing the balancing test with the unavoidable significant impacts presented in this document.

The EIR has identified and discussed significant effects which will occur as a result of the RERSP Annexation. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of insignificance except for unavoidable significant impacts as discussed in Section E of these Findings. The Commission concurs that the City of Rialto made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the RERSP Annexation.

To the extent any mitigation measures recommended in the EIR could not be incorporated, such mitigation measures are considered infeasible by the Commission because they would impose restrictions on the RERSP Annexation that would prohibit the realization of specific economic, social, and other benefits that this Commission finds outweigh the unmitigated impacts. The

Commission further finds that except for the RERSP Annexation, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of RERSP objectives and/or of specific economic, social, and other benefits that this Commission finds outweigh any environmental benefits of the alternatives.

Having reduced the adverse significant environmental effects of the RERSP Annexation to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the RERSP Annexation, and having weighed the benefits of the RERSP Annexation against its unavoidable adverse impacts after mitigation, the Commission has determined that the proposed project exhibits the following social, economic, and environmental benefits:

- G1. The project provides for high quality land use transition from a closed golf course and vacant land to suburban land uses consistent with some recent development in the surrounding area.
- G2. The project will develop an area that is currently polluted with illegal dumping and that is aesthetically unappealing to many people with a land use plan that is generally sensitive to the environment, aesthetically pleasing, and will sustain itself through taxes, CFDs and HOAs.
- G3. The project includes a Development Agreement, which will minimize red tape and expedite the permitting process, and promote economic vitality.
- G4. The Rancho El Rivino Specific Plan and the project as a whole when developed will provide for a high quality residential community that enhances the existing surrounding neighborhoods, while helping the regional housing needs. The proposed project contains a range of housing types and prices (entry level, move up and executive type of housing) that will provide housing for different socioeconomic segments of the Inland Empire.
- G5. The Inland Empire currently has a jobs-to-housing imbalance. The area is expected to have greater number of jobs than households by the year 2010. The RERSP will improve the regional quality of life by providing a variety of homes and helping to alleviate the housing shortage in the area, and will allow people to live and work in the same community. By shortening the distance between work and home, the environment will benefit (less traffic and vehicular emissions), and the residents of the RERSP will have a better quality of life, as they will spend less time on the road, and conversely, they will have more personal free time.
- G6. The project will provide transit-oriented improvements including bus stops and fees for park and ride spaces to help further reduce vehicular trips from project residents.

- G7. The project includes 10.3 acres of open space (parks, paseos, and trails) that will improve the quality of life for residents in the vicinity.
- G8. The Rancho El Rivino Specific Plan provides open space in excess of that required under current regulations. The Specific Plan would be required to provide 8.15 acres of open space in parks under the State Quimby Act. However, the project provides 8.6 acres of parks, 1.0 acre of paseos, and 0.7 acre of equestrian trail that will tie into the County of San Bernardino trail system. In addition, the project will also pay park mitigation fees.
- G9. The project provides backbone public infrastructure (i.e., roads, secondary access, utilities) to serve project residents and the surrounding community. The project initiated infrastructure will ensure that the residents of this project do not adversely impact existing infrastructure. Additionally, the general public and residents in the area will benefit from these infrastructure improvements.
- G10. The RERSP will make a substantial contribution to traffic improvements in the vicinity, which will benefit the area as a whole.
- G11. The project will provide sewer service to the project site, which will facilitate existing and future residents to convert/connect to the sewer system. Sewer service reduces the adverse groundwater impacts from septic systems.
- G12. The project will fund a fire station which will primarily serve City residents located south of the I-10 freeway. This fire station will also benefit the County residents in the area (i.e., Bloomington), as the City and the County have a mutual aid agreement.
- G13. The project includes a historical marker for the former El Rivino Golf Course to commemorate the local historical significance of the former golf course.
- G14. The project will make fair share contributions and/or construct various roadway and intersection improvements that will help the area achieve traffic congestion standards in the future (mobility, reliability, cost effectiveness), as set forth by SCAG.
- G15. The proposed project is consistent with SCAG's Growth Management Chapter (GMC) Policies 3.04 thru 3.10 that are related to the Regional Comprehensive Plan and Guide (RCPG) goal to improve the regional standard of living.
- G16. The fundamental goal of the SCAG's Compass Growth Visioning effort is to make the region a better place to live, work and play. The RERSP helps to achieve this goal by providing homes in close proximity to where the jobs will be in the near future.

H. OVERRIDING CONSIDERATIONS

This section of the findings addresses the requirements in Section 15093 of the California Environmental Quality Act Guidelines. Section 15093 requires the Lead Agency to balance the benefits of a proposed project against its unavoidable significant adverse impacts, and to determine whether the project related significant impacts can be acceptably overridden by the project benefits when the two are compared and balanced. As outlined in Section E above, the proposed project is forecast to contribute to unavoidable significant adverse environmental impacts to agricultural resources and short- and long-term air quality.

The Commission finds that the previously stated benefits of the proposed project (G-1 through G-16), contained in the proposed action and as will be implemented by the City of Rialto through development of the RERSP, outweigh the unavoidable significant adverse environmental effect to agricultural land and air quality that has been outlined above. The Commission concludes that these benefits outweigh the loss of agricultural lands and the impacts to air quality that will occur from the residential development at this location.

The Commission's findings set forth in the preceding sections have identified all of the adverse environmental impacts and the feasible mitigation measures which can reduce impacts to insignificant levels where feasible, or to the lowest achievable levels where significant unavoidable impacts remain. The findings have also analyzed the alternatives to determine whether there is a reasonable or feasible alternative to the proposed action or whether this alternative might reduce or eliminate the significant impacts of the proposed action.

The EIR presents evidence that implementing the proposed project will contribute to significant adverse impacts which cannot be substantially mitigated to an insignificant level. These significant impacts have been outlined above and the Commission finds that all feasible alternatives and mitigation measures have been adopted or identified for implementation by other agencies (specifically the City of Rialto). The Commission has no responsibility for implementing any of the mitigation measures contained in the EIR or discussed in this document.

The Commission finds that the project's benefits are substantial as outlined in Section G of this document and summarized above and that these benefits justify overriding the unavoidable significant adverse impact associated with the proposed project.

As a CEQA Responsible Agency for the proposed action, the Commission has independently reviewed the project EIR and Section A of this document, and fully understands the scope of the proposed project, including the annexation (LAFCO 3066) for which it is a responsible agency. Further, the Commission finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce these impacts have been identified in the EIR, public comment, and public testimony. These impacts and mitigation measures are discussed in Sections D.1, D.2 and E,

and the Commission concurs with the facts and findings contained in those sections. The Commission also finds that a reasonable range of alternatives was considered in the EIR and this document (Section F) and that no feasible alternative exists which can substantially lessen project impacts and be available for adoption.

The Commission concurs with the identified economic and social benefits which will result from implementing the proposed project. The Commission has balanced these substantial social and economic benefits against the unavoidable significant adverse effect of the proposed project. Given the substantial social and economic benefits that will accrue to the City and Commission from implementing the proposed project, the Commission hereby finds that the benefits identified herein outweigh the unavoidable significant adverse impacts, and hereby override these unavoidable environmental effects to obtain the social and economic benefits listed in Section G.