



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

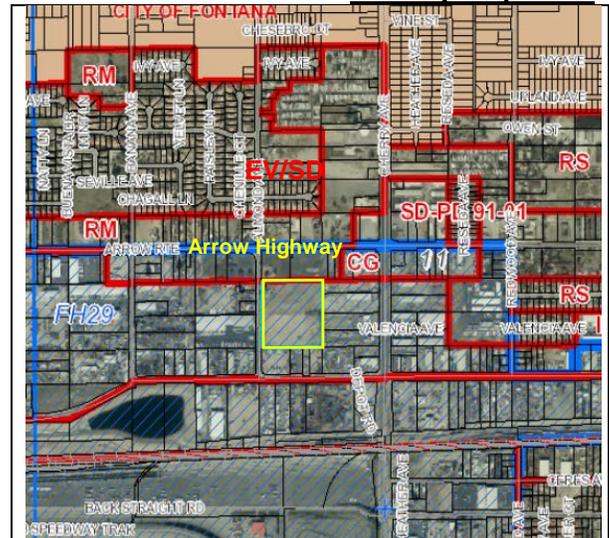
HEARING DATE: August 20, 2020

AGENDA ITEM #2

Project Description

Vicinity Map -

APN:	0230-131-31
Applicant:	Josh Cox, Hillwood
Community:	Fontana/2nd Supervisorial District
Location:	8645 Almond Avenue
Project No:	PROJ-2020-00009
Staff:	Steven Valdez
Rep:	Sally Ramsey, Hillwood
Proposal:	Conditional Use Permit for a 185,866 square foot logistics warehouse on 9.52 acres.



19 Hearing Notices Sent on: August 5, 2020

Report Prepared By: Steven Valdez, Senior Planner

SITE INFORMATION:

Parcel Size: 9.52 acres
 Terrain: Relatively flat vacant site
 Vegetation: Small area of Ruderal Vegetation (Former single family home)

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant Land/Former Single Family Home	Community Industrial (IC)
North	Vacant	Multiple Residential (RM)
South	Residential Uses	Community Industrial (IC)
East	Storage Yard, Service Yard and Light Industrial	Community Industrial (IC)
West	27,730 sq. ft. Warehouse Facility	Community Industrial (IC)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	City of Fontana	None
Water Service:	Fontana Water Company	Per Service Agreement Resolution
Sewer Service:	Septic System	EHS Approved

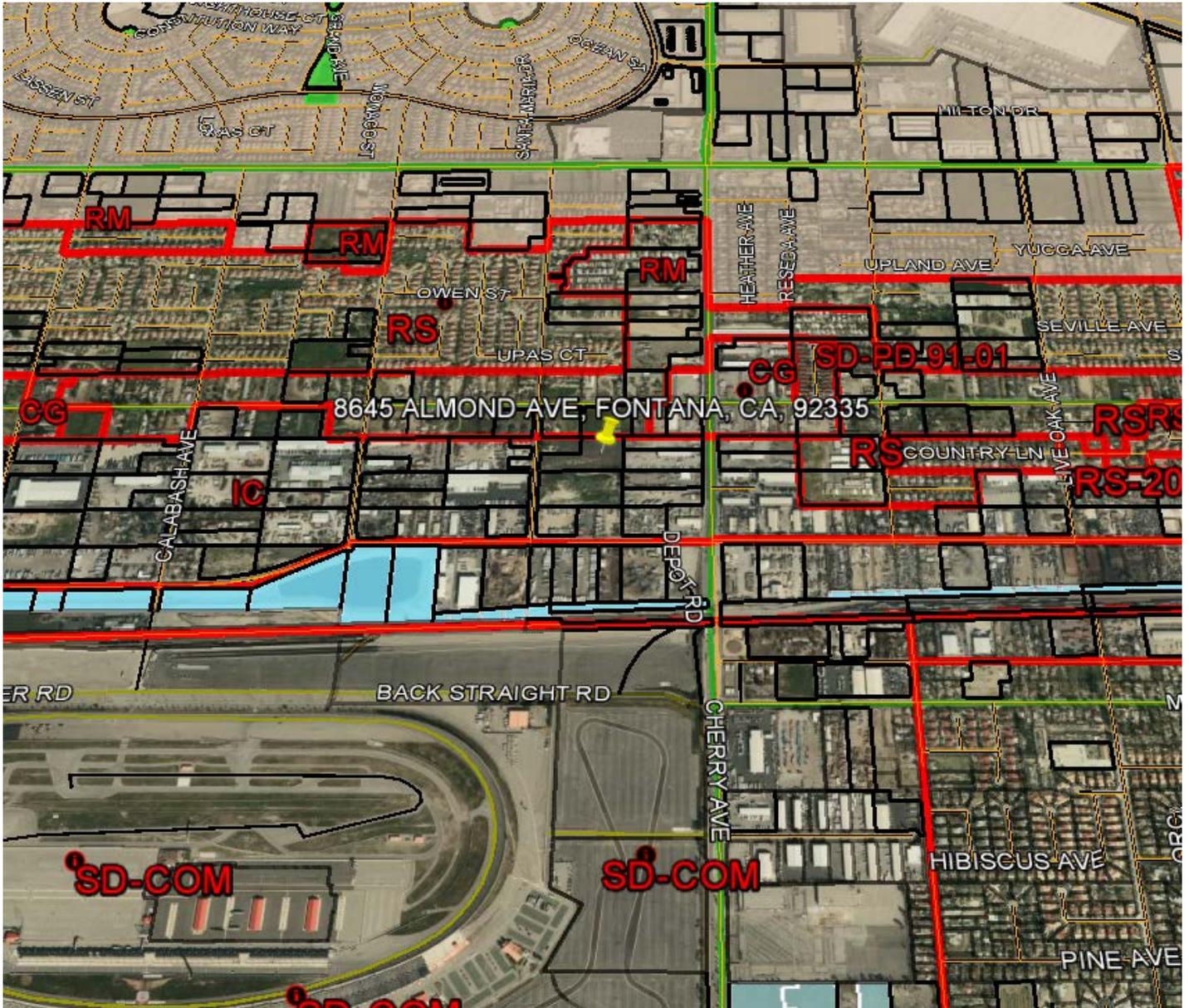
STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the proposed Mitigated Negative Declaration, **ADOPT** the recommended Findings, **APPROVE** the Conditional Use Permit based on the recommended Findings and subject to the Conditions of Approval, and **FILE** a Notice of Determination. ¹

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

VICINITY MAP:
Aerial view of the Project Site



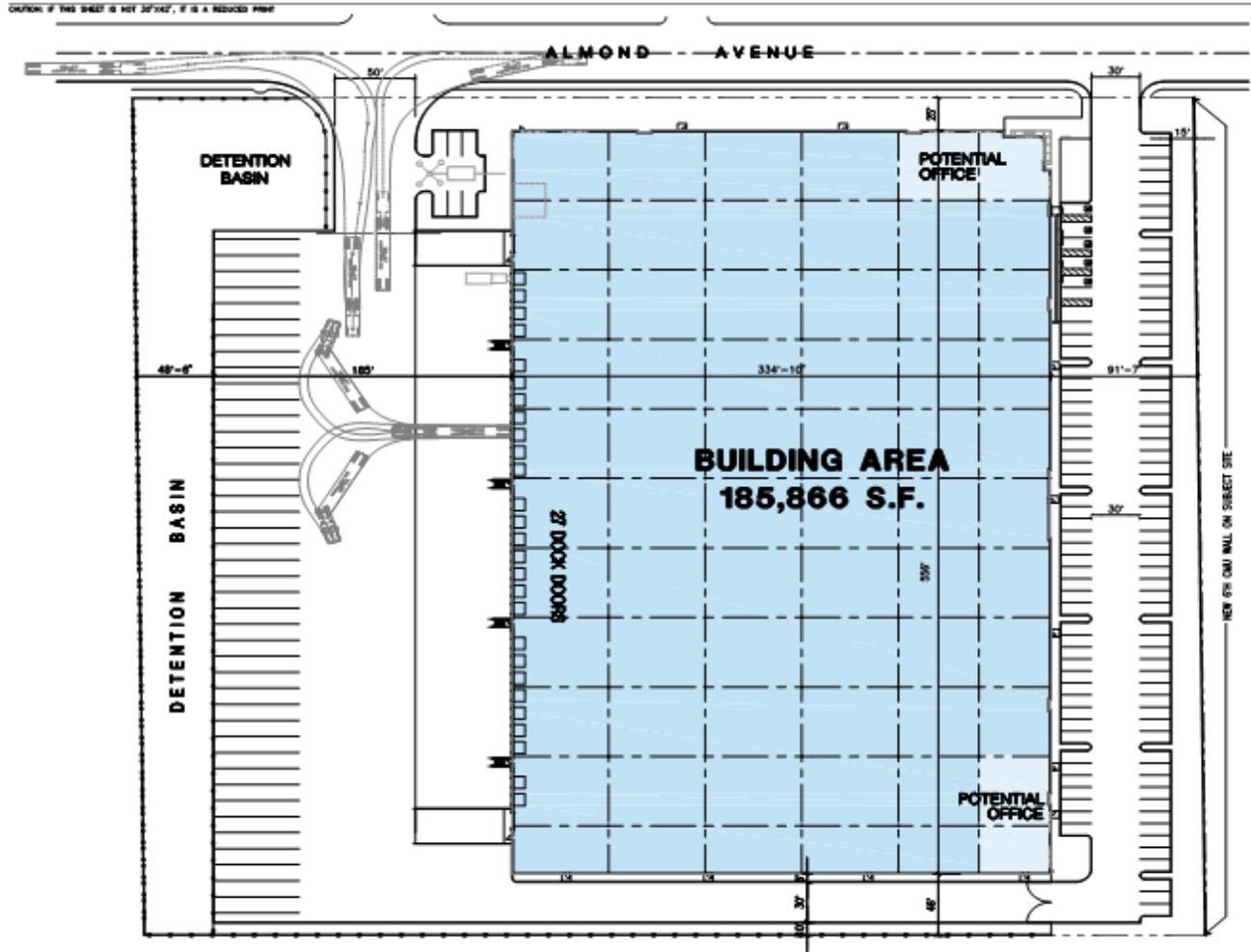
LAND USE DISTRICT MAP:



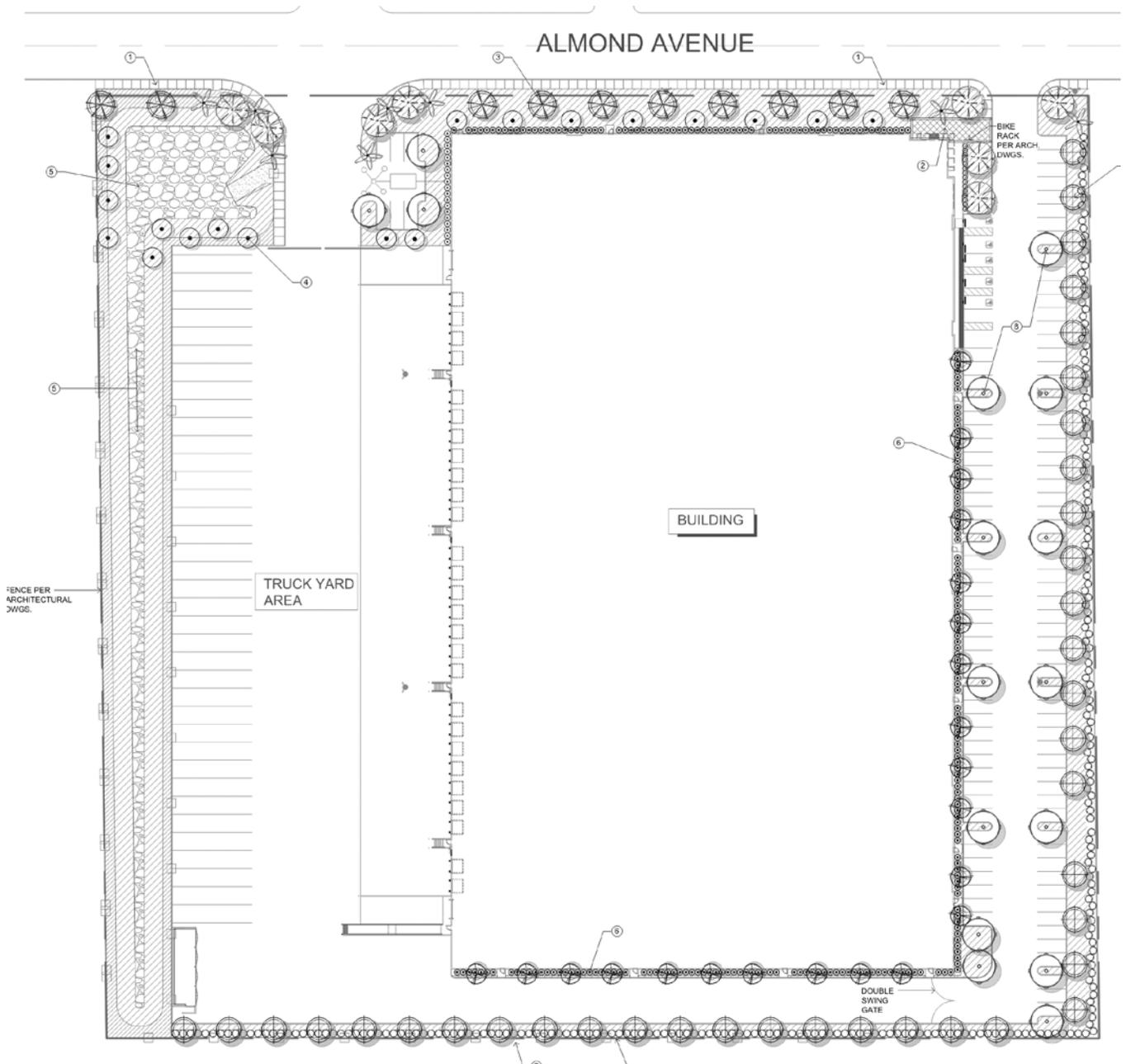
AERIAL MAP:



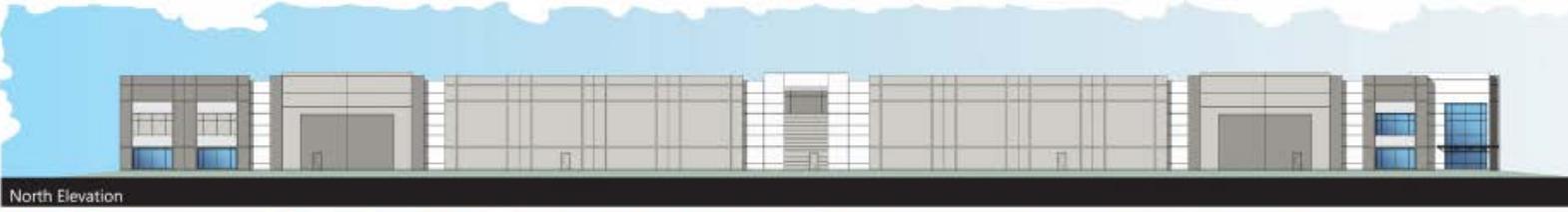
SITE PLAN:



CONCEPTUAL LANDSCAPE PLAN:



BUILDING ELEVATIONS:



SITE PHOTOS

East view from Almond Avenue



View Northeast from Almond Avenue



PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit (CUP) to develop a 185,866 square foot logistics warehouse, which includes 6,000 square feet of office space (Project). The Project site is located at 8645 Almond Avenue within the Community Industrial (IC) Zoning District (Project site). The Project site is located in a predominantly industrial area near the Fontana Auto Club Speedway and is surrounded by vacant property to the north, industrial uses to the east, residential and industrial uses to the south and light industrial uses to the west.

BACKGROUND:

The Project site is currently vacant, but was previously occupied by a single-family residence constructed in 1940. An agricultural use took place between 1985 until 1992, and the southern portion of the site was historically used as a vehicle and dismantling yard, then subsequently occupied by a mulch recycler. Later, the site was used as tractor trailer storage (primarily in the northern portion). The mulch recycler that operated in the southern portion of the site reportedly accepted treated wood and stored it in a separate area of the recycling facility and turned non-treated wood into mulch. The last known use on the Project site, a vehicle dismantling and shredding yard, occurred from approximately 1992 through 1998 on both the northern and southern portions of the site. The use may have include removing fluids within the vehicles and/or crushing vehicles. Finally, one of the previous tenants created an unpermitted landfill on the Project site by burying construction/demolition waste from the nearby Kaiser Steel Company. The approximately 9,000 cubic yards of waste and soil and debris were removed in the year 2000 under the authority and oversight of the San Bernardino County Fire Department (SBCFD). After the removal of waste was completed, no further action was deemed to be necessary relative to site clean-up.

PROJECT ANALYSIS:

Site Planning: The Applicant is proposing to construct an approximately 185,866 square foot warehouse building with 6,000 square feet of office space. The development would include paved circulation and parking areas, including semi- trailer parking, a retention basin, a septic system, loading docks, and a total of 114 on-site parking spaces. In addition to the building and parking areas, off-site improvements, which include widening Almond Avenue to its ultimate right-of-way, are required by Conditions of Approval (Exhibit A).

Code Compliance Summary: The Project satisfies all applicable standards of the Development Code for development in the Community Industrial (IC) Land Use District, as illustrated in Table 2:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard		Project Plans
Industrial Warehouse	CUP		CUP
Parking	99		114
Landscaping	Trees Minimum Landscaping	10 in parking lot 15%	13 17.5% (72,373 sq. ft.)
Building Setbacks	Front Side Rear	25' 10' 20'	25' 90' and 231' 46'
Building Height	75 feet maximum		38 feet
Floor Area Ratio	.45:1		.45:1
Drive Aisles	26'		30'

Landscaping: The conceptual landscape plan provides 17% (72,373 sq. ft.) site coverage in drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 83.10.060 (Landscape Area Requirements) and the Model Water Efficient Landscape Ordinance. The Development Code specifies a minimum number of trees in the parking area (one tree per 10 spaces) and a minimum of 15% of the lot is required to be provided as landscaping. The Project exceeds the requirements and has ample tree planting in the perimeter landscaping, with a total of 55 trees. Additionally, 42 Pine, Mexican Fan Palm and Mondell Pine trees will be placed along the exterior of the building along the north and east elevations.

Hours of Operation: The operator(s)/tenant(s) of the Project have not been pre-identified, so the precise nature of the facility operation cannot be specified at this time. However, technical studies performed for the environmental analysis assume a relatively intensive operation of seven days per week, 24 hours a day.

California Environmental Quality Act Compliance

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA) (Exhibit B). The IS concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended Conditions of Approval and mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval (Exhibit A). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised and distributed to initiate a 30-day public comment period, which concluded on July 12, 2020. One comment letter (Exhibit F) was received from Golden State Environmental Justice Alliance (GSEJA). They believe the MND is flawed and that an EIR should be prepared for the project. Planning Staff reviewed the comments and does not agree with the commenter's statement that an Environmental Impact Report must be prepared to analyze the impacts associated with the proposed Project. Staff believes the Draft MND provides substantial evidence that implementation of the proposed Project would not create significant and unavoidable environmental impacts. Nevertheless, the applicant's attorney responded to the letter (Exhibit G), as did Staff as part of the Final MND (Exhibit H), which is attached to the staff report.

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

Aesthetics: The proposed Project will include a concrete, tilt-up structure, painted in shades of white and gray, with blue glazing on the windows facing Almond Avenue, all of which are complementary to the structures in the vicinity. The single-story building will be 38 feet tall, with vertical and horizontal projections at the corners of the building to provide articulation. The Project site is currently vacant and ancillary outdoor storage, including materials storage. The proposed Project would improve the visual aesthetic of the Project site. The intervening topography and existing urban development in the surrounding area is not anticipated to affect any views of the San Bernardino Mountains, as a result of the construction of the industrial building.

Air Quality: The air quality analysis shows that the Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use would not exceed thresholds of concern as established by the South Coast Air Quality Management District (SCAQMD). According to the attached MND, the Proposed Project is consistent with the types, intensity, and patterns of land use envisioned for the site vicinity in the General Plan, and will be consistent with SCAQMD's 2016 Air Quality Management Plan (AQMP).

Greenhouse Gas Emissions: The Project is estimated to emit approximately 1,705.28 MTCO_{2e} per year directly from on-site activities and indirectly from off-site motor vehicles. The GHG emissions caused by long-term operation of the Project would not exceed the County's 3,000 MTCO_{2e} per year screening threshold, and impacts would be less than significant.

Biological: A Biotic Resources Report was prepared for the Project, along with a query of the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) Rare Plant Program was conducted for the Fontana USGS 7.5' quadrangle map and surrounding eight quadrangle maps. Two special-status wildlife species have been reported within one mile of the Project site (Figure 9 of the IS/MND– Exhibit B). However, no special-status plant species have been reported in CNDDDB within one mile of the Project site. Habitat assessments were also analyzed for the Delhi Sand Flower-Loving Fly, the Los Angeles Pocket Mouse and the California Horned Lark and the Burrowing Owl. Although the Project site has a low potential to support special status birds and species, two mitigation measures were added that limit ground disturbing activities from February 1st to August 31st and requiring a pre-construction survey for burrowing owl.

Geology: A geotechnical investigation was completed by Southern California Geotechnical to determine potential impacts to geology and soils associated with the development of the proposed Project. The Project site is in an area that is susceptible to strong ground motions due to earthquakes due to numerous faults capable of producing significant ground motions. Therefore, a mitigation measure requiring the proposed warehouse to be designed to meet the current California building codes, to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life is required.

Traffic: The County of San Bernardino Transportation Impact Study Guidelines (July 9, 2019) requires a Transportation Impact Study (TIS) if a project generates 100 or more trips without consideration of pass-by trips during any peak hour. Since the trip generation of the Project is less than 100 trips during any peak hour, a TIS was not required. However, a Trip Generation and Vehicle Miles Traveled (VMT) Memorandum was prepared for the Project to demonstrate the number of trips generated by the Project. The VMT evaluation conducted for the Project which is included in the Trip Generation Memo and provided as Appendix N to the initial study (Exhibit B) concluded the following: The VMT analysis was evaluated consistent with the County Guidelines and found that the per employee VMT (VMT per capita) for the County is 24.3 miles per day. Based on the County threshold, the Project will have a significant impact if the per capita VMT is greater than 23.3 miles per day. The Project VMT is 18.3 miles per day, which is less than the 23.3 miles per day. Therefore, the Project will have a less than significant impact under the County VMT thresholds. However, a fee program is in place to fund future improvements to the regional transportation system. The Project's obligation under this fee program, based on floor area, is estimated to be \$951,633.92.

Public Comments

Project notices were sent to surrounding property owners within 300 feet of the Project site, at Project acceptance, as required by Development Code Section 85.03.080. No responses to the Project notice were received. A Notice of Availability of the Draft IS/MND (Exhibit B) was sent to surrounding property owners and responsible agencies on June 4, 2020, as part of the CEQA process. No responses to the draft IS/MND were received as of the distribution of this staff report.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit B);
2. **ADOPT** the recommended Findings for approval of the Project (Exhibit C),
3. **APPROVE** the Conditional Use Permit for the construction of a 185,866 sq. ft. warehouse building with 6,000 square feet of office space, subject to the Conditions of Approval (Exhibit A); and
4. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Initial Study/Mitigated Negative Declaration
- EXHIBIT C: Findings
- EXHIBIT D: Letter of Intent
- EXHIBIT E: Project Plans
- EXHIBIT F: MND Comment Letter
- EXHIBIT G: Attorney Response to MND Comments
- EXHIBIT H: Final Mitigated Negative Declaration

EXHIBIT A

Conditions of Approval



Conditions of Approval

Record: PROJ-2020-00009

System Date: 07/08/2020

Planning Division

1. Project Approval Description: This Conditional Use Permit (CUP) is conditionally approved to allow a 185,866 square foot logistics warehouse on 9.5 acres, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project. APN: 0230-131-31 Project Number PROJ-2020-00009.
2. Project Location. The Project site is located at 8645 Almond Avenue, Fontana.
3. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

4. Expiration: This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
 - (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.



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5. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
6. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
7. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
9. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
10. Cultural Resources: During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
11. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
12. Lighting: Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
13. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
14. Performance Standards : The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire



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hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

15. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use.
16. GHG - Operational Standards: The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
 - a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
 - c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
 - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric powered.
17. Construction Noise: The following measures shall be adhered to during the construction phase of the project:
 - All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
18. Project Account: The Project account number is PROJ-2020-00009. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
19. Continuous Maintenance: The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.



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- d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
- e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
- f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
- g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
- h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
- i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
- j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

County Fire - Community Safety

- 20. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. Location of Hydrants required on the plans per Standard W-2, 2016 San Bernardino County Fire Department.
- 21. Jurisdiction: The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.

Land Use Services - Land Development - Drainage

- 22. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
- 23. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.
- 24. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 25. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and



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would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

26. **BMP Enforcement:** In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
27. **Continuous BMP Maintenance:** The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

Public Health– Environmental Health Services

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

Prior to Grading

County Fire - Community Safety

31. **Access:** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

Land Use Services - Building and Safety

32. **Wall Plans:** Submit plans and obtain separate building permits for any required retaining walls.
33. **Geotechnical (Soil) Report Required Before Grading:** A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
34. **Demolition Permit Required Before Grading:** Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.



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Land Use Services - Land Development - Drainage

35. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
36. FEMA Flood Zone: FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8651H dated 8/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
37. Topo Map: A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
38. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
39. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
40. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
41. On-site Flows: On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
42. San Sevaine Fee: San Sevaine Fee. The project site is located within the San Sevaine Drainage Fee area and is subject to a fee of \$4,405 per net developed acre that is to be paid prior to issuance of any grading or building permit. (SBC Ord, No. 3358) Total net developed acreage is 8.04 acres and the fee shall be \$35,416.20.
43. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
44. WQMP Inspection Fee: The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.



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Land Use Services - Planning

45. GHG - Construction Standards: The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- Implement the approved Coating Restriction Plans.
 - Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency.
 - Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
 - Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
46. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
47. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Project is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and



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shall be watered at the end of each workday.

2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.

3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

b) Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

48. **Mitigation Measure AQ-1: Prior to the issuance of grading permits, the County Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but not limited to, the following:**
- **Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.**
 - **All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.**
 - **All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.**
 - **The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.**
 - **Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.**
49. **Mitigation Measure AQ-2: The Project Applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less. Contract specifications shall be included in the construction documents for the Project, which shall be reviewed and approved by the County San Bernardino prior to the issuance of building permits.**
50. **Mitigation Measure BIO-1: Vegetation clearing, structure removal, and ground-disturbing activities should be conducted outside of the nesting season (February 1 to August 31). If these activities occur during the nesting season, a qualified biologist will conduct a nesting bird survey within seven days prior to any disturbance of the site, including tree and shrub removal, disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species will have an avoidance buffer of 500 feet and other bird species will have an avoidance buffer of 300 feet. These buffers may be reduced in consultation with the CDFW. If active nests are not identified, vegetation clearing and ground-disturbing activities may commence. If ground-disturbing activities are scheduled outside of the nesting season, a nesting bird survey will not be required.**
51. **Mitigation Measure BIO-2: A qualified biologist(s) will conduct a pre-construction presence/absence survey for burrowing owl at least 14 days prior to ground-disturbing activities and within 24 hours immediately before ground-disturbing activities. If burrowing owls are documented on-site, a plan for avoidance or passive exclusion shall be made in coordination with CDFW. If the survey is negative, the**



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Project may proceed without further restrictions related to burrowing owls.

52. **Mitigation Measure CUL-1:** An archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) be present for all ground-disturbing activities, including the demolition of the structures, and any site preparations for the proposed construction.
53. **Mitigation Measure CUL-2:** In the event that cultural resources are discovered during Project activities, all work in the area of the discovery will cease until the disposition can be examined, reported, and documented. A qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find and report the finding to the California Office of Historic Preservation as well as to the Kizh nation of the Gabrieleno Band of Mission Indians.
54. **Mitigation Measure CUL-3:** If warranted, a plan will be developed for further treatment of the discovery, including subsequent curation and mitigation.
55. **Mitigation Measure CUL-4:** The Morongo Band of Mission Indians will be present during ground-disturbing activities.
56. **Mitigation Measure GEO-1:** Prior to the issuance of grading permits or building permits, the County shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation, Infiltration Investigation, Percolation Investigation, and other applicable Code requirements. Specific design considerations as outlined in the Geotechnical Investigation (Appendix E), Infiltration Investigation (Appendix F), and Percolation Investigation included in Appendix G should be implemented to minimize the risk for geological hazards included in the Project construction plans.
57. **Mitigation Measure HAZ-1:** Any soil planned to be exported offsite would be segregated during the Project construction, sampled for profiling purposes and transported offsite to an appropriate disposal facility in accordance with applicable Federal and State regulations.
58. **Mitigation Measure HAZ-2:** All Regulated Asbestos-containing Materials (RACM) that will be affected by the planned demolition shall be removed prior to demolition of the subject building in compliance with the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Cal-OSHA Asbestos in the Construction Industry Standard, 8 CCR 1529. Additionally, all Category I and Category II non-friable asbestos-containing materials that may become friable as a result of demolition work and that will be affected by the planned demolition shall be removed prior to demolition of the subject building in compliance with the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Cal-OSHA Asbestos in the Construction Industry Standard, 8 CCR 1529.
59. **Mitigation Measure HAZ-3:** Due to the presence of lead-containing building materials, compliance with Cal-OSHA 8 CCR 1532.1, Lead in the Construction Industry Standard will be required for the general demolition contractor. Workers shall have, at a minimum, lead awareness training for any work that disturbs lead-containing materials. Additionally, should any trigger task activity listed in section (d)(2)(AD) of 8 CCR 1532.1, including, but not limited to, manual demolition, manual scraping, manual sanding, power tool cleaning with or without local exhaust ventilation, abrasive blasting, welding, and cutting where lead-containing paints or components are present be performed, the contractor shall comply with the following requirements:
 - Provide a negative exposure assessment performed within the past 12 months for each anticipated trigger task, or:



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- **Provide workers with interim protections including, but not limited to, provision of a written lead compliance plan, medical surveillance, provision of PPE, a respiratory protection program, provision of hygiene facilities, and performance of exposure assessments in compliance the Lead in Construction Standard.**

Public Health– Environmental Health Services

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

Prior to Building Permit

County Fire - Community Safety

61. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
62. Building Plans: Building plans shall be submitted to the Fire Department for review and approval.
63. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
64. Water System: Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 4000 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 185,866 sq.ft. structure.
65. Water System Certification: The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
66. Standard B-2 CONSTRUCTION SITE FIRE SAFETY: This standard establishes minimum requirements for fire safety during construction and demolition. This document shall not be construed to be in lieu of any other applicable State or Federal law or regulation related to construction site safety. The general contractor or other designee of the building owner shall be responsible for compliance with these standards.

Land Use Services - Building and Safety

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



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Land Use Services - Land Development

69. Road Improvements: Road Improvements. The developer shall submit for review and obtain sidewalk and driveway approval from the Public Works Department for the listed required improvements.
- Almond Avenue (Collector – 66'):
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
70. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
71. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
72. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
73. Regional Transportation Fee: Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Fontana Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$5.12 per square foot for Industrial Use, which includes the 185,866 square foot logistics warehouse with ancillary office space per the site plan dated 1/7/2019. Therefore, the estimated Regional Transportation Fees for the Project is \$951,633.92. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

Land Use Services - Planning

74. GHG - Landscaping: Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
75. GHG - Irrigation: Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
76. Architecture: Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan checksubmittal.



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77. GHG - Title 24 Energy Efficiency Requirements: Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended: - Incorporate dual paned or other energy efficient windows, - Incorporate energy efficient space heating and cooling equipment, - Incorporate energy efficient light fixtures, photocells, and motion detectors, - Incorporate energy efficient appliances, - Incorporate energy efficient domestic hot water systems, - Incorporate solar panels into the electrical system, - Incorporate cool roofs/light colored roofing, - Incorporate other measures that will increase energy efficiency. - Increase insulation to reduce heat transfer and thermal bridging. - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
78. GHG - TDM Program: Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
79. GHG - Recycling: Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
80. GHG - Plumbing: Plumbing. All plumbing shall incorporate the following: - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards. - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3. - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
81. Lighting Plans: The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
82. Landscape and Irrigation Plan: Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

Public Health– Environmental Health Services

83. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.



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84. Water Purveyor: Water purveyor shall be the Fontana Water Company or EHS approved.
85. Water and Sewer Service Verification: Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, (2) Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
86. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
87. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
88. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
89. Existing OWTS: Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

Public Works - Solid Waste Management

90. CDWMP Part I: CDWMP Part I must be submitted prior to issuance of the permit. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop/permits/construction-waste-management-plan-part-1/>



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Prior to Final Inspection

County Fire - Community Safety

91. Commercial Large Facility Addressing: Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
92. Fire Alarm - Automatic: An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
93. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
94. Fire Sprinkler-NFPA #13: An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
95. High-Piled Storage: The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal.
96. Key Box: An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
97. Smoke Removal/Ventilation: An automatic smoke removal system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall submit detailed smoke removal system plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
98. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

Public Works - Solid Waste Management

99. CDWMP Part II: CDWMP Part II must be submitted prior to the Final Inspection. County franchise waste hauler is Burrtec Waste. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop>



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Prior to Occupancy

Land Use Services - Land Development - Roads

100. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
101. Road Improvements: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
102. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

Land Use Services - Land Development - Drainage

103. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
104. WQMP Improvements: All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

Land Use Services - Planning

105. GHG - Installation/Implementation Standards: The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
 - a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c) Installation of both the identified mandatory and optional design features, or equipment that have been constructed and incorporated into the facility/structure.
106. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
107. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
108. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
109. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
110. Fees Paid: Prior to final inspection by Building and Safety Division, the applicant shall pay in full all fees required under actual cost job number PROJ- 2020-00009.



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111. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

County Fire - Community Safety

112. Standard F-5 DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS: This standard applies to all new installations and modifications of existing fire alarm systems, within new construction as well as building additions and tenant improvements within existing buildings. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 72 or the California Fire Code.
113. Standard B-1 PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING: This standard applies to the marking of all buildings with address numbers for identification.
114. Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS: This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.
115. Standard A-4 FIRE DEPARTMENT ACCESS KEY BOXES: This standard shall apply to all fire personnel access key boxes on all new and existing residential, commercial, and industrial developments and structures as determined by the Fire Code Official using the criteria set forth in this standard.
116. Standard A-3 GATES AND OTHER OBSTRUCTIONS TO FIRE DEPARTMENT ACCESS: This standard shall apply to all obstructions, access control devices, traffic calming devices, or other similar systems within any roadways that serve as fire access in all new or existing residential, commercial, and industrial development. This standard does not apply to obstructions within parking aisles that do not serve as fire apparatus access roads.
117. Standard S-1 HIGH PILE STORAGE/WAREHOUSE BUILDINGS: This standard shall apply to all storage occupancies designated as High Pile Storage as defined by the current California Fire Code (CFC), Chapter 32, the San Bernardino County Fire Code and Standards, and any other nationally applicable standards.
118. Standard A-1 FIRE APPARATUS ACCESS ROAD DESIGN, CONSTRUCTION AND MAINTENANCE:
This standard shall apply to the design, construction and maintenance of all new fire apparatus access roads within the jurisdiction, as well as fire apparatus access roads at existing facilities when applied at the discretion of the fire code official.
119. Standard F-4 POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS: This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and its interpretation shall take NOT precedent where there is any conflict with NFPA standards.
120. Standard F-1 FIRE SPRINKLER SYSTEMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS: This standard, in conjunction with the latest edition of NFPA 13, shall apply to the design and installation of, and the modification to, all fire sprinkler systems in commercial and industrial occupancies. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 13 or the California Fire Code.



Conditions of Approval

Record: PROJ-2020-00009

System Date: 07/08/2020

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept. (All Divisions)	San Bernardino Govt. Center	(909) 387-8311
	High Desert Govt. Center	(760) 995-8140
County Fire (Community Safety)	San Bernardino Govt. Center	(909) 387-8400
	High Desert Govt. Center	(760) 995-8190
County Fire	Hazardous Materials	(909) 386-8401
Dept. of Public Works	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Special Districts	Water and Sanitation	(760) 955-9885
	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT B

Initial Study/Mitigated Negative Declaration

**SAN BERNARDINO COUNTY
 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
 ENVIRONMENTAL CHECKLIST FORM**

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

PROJECT LABEL:

APNs:	0230-131-31	USGS Quad:	Fontana
Applicant:	Josh Cox/Almond Avenue USICV, LLC	T, R, Section:	Township – 1S; Range – 6W; Section - 10
Location	8645 Almond Ave.		
Project No:	PROJ-2020-00009	Community Plan:	N/A
Rep	Kari Cano, Kimley-Horn	LUZD:	Community Industrial (IC)
Proposal:	Application to permit construction of an approx. 185,866-square foot industrial/warehouse/distribution/ logistics building with office space on approx. 9.5 acres located at 8645 Almond Ave. in the IC Zoning District in the City of Fontana Sphere of Influence, San Bernardino County. A CUP is required for a proposed warehouse building over 80,000 square feet in size in the IC Zoning District.	Overlays:	Biotic

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
 Land Use Services Department
 385 N. Arrowhead Avenue, 1st Floor
 San Bernardino, CA 92415-0182

Contact person: Steven Valdez, Senior Planner
Phone No: (909) 387-4421 **Fax No:** (909) 387-3223

E-mail: Steven.Valdez@lus.sbcounty.gov

Project Sponsor: Josh Cox, Hillwood

PROJECT DESCRIPTION:

Summary

The Project is a request to construct an approximately 185,866-square foot industrial/ warehouse building with office space on approximately 9.5 acres located at 8645 Almond Ave. in the IC – Community Industrial Zoning District in the City of Fontana Sphere of Influence, San Bernardino County. A Conditional Use Permit (CUP) is required for a warehouse building exceeding 80,000 square feet in size in the Community Industrial (IC) Zoning District.

The Applicant proposes to construct an approximately 185,866 square foot warehouse building, which would include approximately 6,000 square feet of potential office space. The development would include paved circulation and parking areas, including semi-trailer parking, detention basin, septic system, and loading docks. The land use classification pursuant to the San Bernardino County Development Code, Chapter 82.06 is Wholesaling and Distribution. The proposed building height is anticipated to be 45 feet, but would not exceed the maximum 75-foot height limit in the IC Zoning District. The building would be located toward the northern perimeter of the lot, as shown in **Figure 3 – Conceptual Site Plan** and **Figure 4 – Elevations**. An approximately 45 -foot wide detention basin is proposed along the southern property line. A U-channel is proposed along the north, east, and south perimeters of the Project site to intercept off-site runoff and convey the runoff to Almond Avenue via two four-foot parkway drains. A total of 114 parking spaces would be provided on-site, pursuant to San Bernardino County Development Code Chapter 83.11 Parking and Loading Standards. In addition, 42 trailer parking stalls would be provided adjacent to approximately 28 loading dock doors for shipping and receiving. Two loading dock spaces would be accessed by ramps and the threshold would be at grade level to the pavement. All loading docks spaces would be accessed from doors that are four feet above the pavement to allow for direct loading and unloading of the truck trailers. An interior recycling area would be located in the southwest portion of the building. Approximately 17 percent of the Project site would be landscaped, for a total of approximately 72,373 square feet of lot area. Water-efficient landscaping would be utilized throughout the Project site, including approximately 121 trees, as shown in **Figure 5 – Conceptual Landscape Plan**. Off-site improvements include repaving northbound Almond Avenue with curb, gutter, and a 6.5-foot wide sidewalk.

Currently, there is no identified tenant for the proposed building. The Project is planned for a single tenant with ancillary office component. Intended occupants include distribution firms seeking a central Inland Empire location from which to service their client base. Since the tenant is unknown, hours of operation and employee count would vary, but is assumed for planning purposes to operate 24/7. Office workers would likely have typical shifts of Monday through Friday, 8:00 AM to 5:00 PM, while warehouse staff would workday, evening and night shifts. Specific hours of operation would be identified during the tenant improvement process. Based on the Project VMT Evaluation (**Appendix J**), the Project is forecast to generate 31 trips in the a.m. peak hour, 35 trips in the p.m. peak hour, and 325 daily trips. After converting truck trips to passenger car equivalents (PCE), the Project is forecast to generate 41 PCE trips in the a.m. peak hour, 46 PCE trips in the p.m. peak hour and 425 daily PCE trips.

Approximately 26 exterior lights would be utilized throughout the Project Site. A total of five freestanding light posts would be placed throughout the southern truck parking lot and circulation areas, and 21 building mounted lights would be placed to ensure Building and Development Code standards are met, as shown in **Figure 6 – Site Photometric Plan**. Grading for the Project would include remedial grading within the proposed building area. Over-excavation to depths of at least three feet below existing grade and to a depth of at least three feet below proposed building pad subgrade elevation would be conducted. See **Figure 7 - Conceptual Grading and Drainage Plan**.

Surrounding Land Uses and Setting

Land uses on the Project site and surrounding parcels are governed by the San Bernardino County General Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned Community Industrial (IC). The property to the north is

zoned Multiple Residential (RM) and consists of a single-family residence and vacant lot. A retail/sales establishment and truck repair/storage use are to the east and also zoned Community Industrial (IC). Property to the south is zoned Community Industrial (IC) and consists of a vacant lot, single-family residential, and truck storage. To the west is a new warehouse, single-family residences, and truck trailer/materials storage with the same zoning as the subject property.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Single Family, Vacant	IC
North	Single Family, Vacant	RM
South	Single Family, Vacant, Light Industrial	IC
East	Light Industrial, Retail/Sales, and Service Garage	IC
West	Single Family, Warehouse	IC
Source: San Bernardino County. 2020. Land Use Services Zoning Look-up. https://sbccounty.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=b3a8d3286a6b41d7ad2b80e871a4e048 (accessed March 2020).		

Project Site Location, Existing Site Land Uses and Conditions

The Project site is located within the southwest portion of the County of San Bernardino (**Figure 1 – Regional Vicinity Map**). This unincorporated County area is bounded on the north, south, and east by the City of Fontana; and on the west by the cities of Rancho Cucamonga and Ontario. The Project site is located near the northeast corner of the intersection of Almond Avenue and Whittram Avenue, east of I-15 freeway and west of Cherry Avenue (**Figure 2 – Project Vicinity Map**).

The Project site is currently vacant/undeveloped. An uninhabited, dilapidated single-family residence is located in the northwest corner of the parcel. The Project site has been leveled and graded with the exception of the portion occupied by the single-family residence; the site is covered over in dirt and sparse ruderal vegetation. Approximately twenty trees are present on-site within the east-central portion of the site and along the eastern and southern property lines.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: None.

County of San Bernardino: Land Use Services Department - Building and Safety, Public Health - Environmental Health Services, Transportation, Fire Department, and Public Works.

Regional: South Coast Air Quality Management District, Santa Ana Regional Water Quality Control Board.

Local: None.

Site Photograph



CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? On March 17, 2020, the County invited all tribes that have previously formally requested consultation notification under AB 52 to consult on the Project. The Gabrielino Band of Mission Indians – Kizh responded to consultation by providing mitigation measures. Please see Section XVIII, Tribal Cultural Resources. Consultation concluded on April 17, 2020. *Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines

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

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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



Signature: (Steven Valdez, Planner)

June 4, 2020
Date



Signature: (David Prusch, Supervising Planner)

June, 4, 2020
Date

Aesthetics

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
I. <u>AESTHETICS</u> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

San Bernardino County General Plan, amended 2014; San Bernardino Development Code, amended 2019; Submitted Project Materials

a) *Have a substantial adverse effect on a scenic vista?*

San Bernardino County is divided into three planning regions: Valley, Mountain, and Desert. The Project is located in the Valley Region. Prominent natural features visible from the Valley Region, and Project site, include the San Gabriel (approx. 5 miles north), San Bernardino (approx. 12 miles northeast), and Jurupa (approx. 4 miles south) mountains. Views of these mountain ranges are available from the Project site and adjacent streets and properties. The Project site is located in a highly developed area with buildings and structures of varying heights. The proposed building height is anticipated to be 45 feet. g. The building would not exceed the maximum allowed 75-foot height limit in the IC Zoning District. Based on the proposed building height, and the distance between the Project and surrounding mountain ranges (approx. 4 to 12 miles), views of these scenic features would remain unobstructed. Therefore, the impact on scenic vistas would be less than significant.

Less Than Significant Impact

- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*
-

Roadways surrounding the Project area include Almond Avenue, Arrow Route, Cherry Avenue, and Whittram Avenue. Upon review of the County General Plan's list of designated scenic routes for the Valley Region, none of these roadways are designated scenic routes. Nor is the Project within the scenic viewshed of any of the designated scenic routes for the Valley Region. See pages VI-13 to VI-14 of the County's General Plan for the list of Valley Region designated scenic routes. The closest State-designated Scenic Highway is Rte. 38, from 0.1 mile east of South Fork Campground to 2.9 miles south of Rte. 18 at State Lane. The origin of Rte. 38 is approx. 36 miles east of the Project site. There are no trees, rock outcroppings, or historic buildings with a State Scenic Highway located within the Project area. Therefore, no impact on State Scenic Highways would occur.

No Impact

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*
-

The Project site is located in an urbanized area and is predominantly undeveloped, minus a vacant and dilapidated single-family residence located in the northwest portion of the Project site. The majority of the site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. The Project site is located within IC – Community Industrial Land Use Zoning District. Project design would meet the County's development standards/requirements for the Valley Region, for IC Land Use Zoning Districts as required by the San Bernardino County Development Code.¹ With regard to the County's General Plan, the County does not have any goals/policies specific to the Valley Region in the Conservation Element², which address scenic vistas/quality. The Open Space Element of the General Plan designates routes within the Valley Region as scenic highways³; however, none are located in the Project area. Because the Project design/development would be consistent with County standards for Community Industrial zoning and does not conflict with the goals and policies of the General Plan, no impact would occur.

No Impact

- d) *Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?*
-

Existing sources of light and glare in the immediate Project area include street lights along Almond Avenue, outdoor safety and security lighting associated with adjacent

¹ San Bernardino County. Amended 2019. *County of San Bernardino 2007 Development Code*. <http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf> (accessed January 2020).

² San Bernardino County. Amended 2014. *County of San Bernardino 2007 General Plan*. <http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf> (accessed January 2020).

³ Ibid.

developments, and the residential structures to the south and west. The predominant source of light impacts will be related to the exterior lighting, building lighting, and vehicle headlights. To ensure the Project does not create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area, the Project design/development would adhere to the *County's Development Code Sub-Chapter 83.07.030 Glare and Outdoor Lighting – Valley Region* which provides standards for outdoor lighting in the Valley Region. Section (a) of this sub-chapter states:

- (a) Light trespass prohibited. Outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass on any of the following:
 - (1) An abutting residential land use zoning district;
 - (2) A residential parcel; or
 - (3) Public right-of-way.

Section (c) of this sub-chapter states:

- (c) Maximum allowed foot-candles⁴. Direct or indirect light from any light fixture shall not cause glare above five-tenths (0.5) foot-candles when measured at the property line of a residential land use zoning district, residential parcel, or public right-of-way. Light levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.⁵

To address potential light and glare impacts, Project lighting would be directed inward and downward and/or shielded to minimize the light from adversely affecting adjacent properties. Perimeter walls and landscaping/trees would also serve to block and filter mobile light sources, such as from passenger vehicles and trucks, from adversely affecting adjacent properties. The exterior façade would consist of non-reflective materials, such as concrete. In addition, the windows would be comprised of blue reflective glazing, which reduces glare over other transparent surfaces. Through these design features and adherence with the Development Code, the impact would be less than significant.

Less Than Significant Impact

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

⁴ Dictionary.com. (2019). Foot-candle: a unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot. <https://www.dictionary.com/browse/foot-candle> (accessed January 2020).

⁵⁵ San Bernardino County. Amended 2019. *County of San Bernardino 2007 Development Code*. <http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf> (accessed January 2020).

Agriculture and Forestry Resources

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
II.	AGRICULTURE AND FORESTRY RESOURCES - 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

San Bernardino County General Plan, amended 2014; California Department of Conservation California Important Farmland Finder; Submitted Project Materials

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's California Important Farmland Finder⁶ and *Figure 6-9A: Prime Farmland – Valley Region* from the County of San Bernardino General Plan, the Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is classified as Urban and Built-Up Land by the Farmland Finder. In addition, the Project site has largely been graded and leveled, minus a vacant single-family residence in the northwest portion of the Project site. Because the implementation of the Project would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, no impact would occur.

No Impact

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The Project site is classified as Urban and Built-Up Land by the Farmland Finder and according to the *Figure 6-9A: Prime Farmland – Valley Region* from the County of San Bernardino General Plan, the Project site is not within a Williamson Act contract area. The Project site is zoned IC – Community Industrial. According to *Table 82-17: Allows Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts of the County Development Code*, Agriculture Support Services are permitted under IC zoning. The Project is an industrial warehouse with office space and not proposed for agricultural use. No impact would occur.

No Impact

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Project Site would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) given that the property is zoned IC – Community Industrial and surrounded by properties zoned IC – Community Industrial and RM – Multiple Residential. Adjacent and surrounding properties to the Project Site are urban and built-up with industrial, commercial, and residential uses. The Project Site is currently undeveloped, minus a single-family residential structure in the northwest portion of the Project site. The majority of the site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. Development/redevelopment of the

⁶ California Department of Conservation. 2016. California Important Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed January 2020).

Project site would not result in rezoning of forest land as it proposes an industrial warehouse with office space that would not result in the conflict with the zoning of, or need for other rezoning of, other parcels within the County. Therefore, no impacts associated with the conflict of existing zoning for, or cause the rezoning of, forest land, timberland, or timberland production zones would occur.

No Impact

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The Project site does not meet the definition of forestland or timberland, as defined by PRC Sections 12220(g), 4526, and Government Code Section 51104(g). The Project Site is currently undeveloped, minus a single-family residential structure in the northwest portion of the Project site. The majority of the site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. No forestland is located within Project site or in the surrounding area. IC – Community Industrial zoning does not preserve forestland. In addition, the Project would be restricted to the site and would not affect the San Bernardino National Forest located approximately six miles north of the Project site. As a result, no loss or conversion of forestlands to urban uses would result from the Project's implementation and no impacts would occur.

No Impact

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The Project site does not contain agricultural resources or farmland that would be converted with implementation of the Project. The Project would not result in a zone change. The Project site is not zoned for agriculture or considered farmland. Therefore, no impacts involving other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agriculture use would occur.

No Impact

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

Air Quality

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

San Bernardino County General Plan, 2007; Air Quality Assessment, Kimley-Horn and Associates, 2020 (Appendix A); CalEEMOD Version 2016.3.2; Southern California Air Quality Management District, 2017; Submitted Project Materials

a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The Project site is in the western portion of San Bernardino County which is part of the South Coast Air Basin (Air Basin) that includes the non-desert portions of San Bernardino, Los Angeles, and Riverside Counties and all of Orange County. The Air Basin is located on a coastal plain with connecting broad valleys and low hills to the east. Regionally, the Air Basin is bound by the Pacific Ocean to the southwest and high mountains to the east forming the inland perimeter. The Project site is located toward the northeast portion of the Air Basin near the foothills of the San Bernardino and San Gabriel mountains which define the northeastern boundary of the Air Basin. The South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) monitor air quality within the Air Basin.

The Air Quality Management Plan (AQMP) is prepared by SCAQMD and Southern California Association of Governments (SCAG). Air quality plans describe air pollution control strategies and measures to be implemented by a city, county, region, and/or air district. The primary purpose of an air quality plan is to bring an area that does not attain federal and state air quality standards into compliance with the requirements of the Federal Clean Air Act (FCAA) and California Clean Air Act. Non-attainment is used to refer to an air basin where one or more ambient air quality standards are exceeded. In

addition, air quality plans are developed to ensure that an area maintains a healthful level of air quality based on the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The most recently adopted air quality plan is the 2016 AQMP, which was adopted by the CARB on March 3, 2017.

Projects that are consistent with the regional population, housing, and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because SCAG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a Project that is consistent with the land use designated in a general plan would also be consistent with the SCAG's regional forecast projections, and thus also with the AQMP growth projections. The SCAQMD's CEQA Handbook identifies two key indicators of consistency with the AQMP:

1. Whether the Project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether the Project will exceed the assumptions in the AQMP based on the year of Project buildout and phase.

With respect to the first criterion, based on the air quality modeling analysis conducted for the Project, the construction and operation of the Project would not result in significant impacts based on the SCAQMD thresholds of significance; therefore, Project construction and operation would not increase the frequency or severity of existing air quality violations. The Project is not expected to contribute to the exceedance of any air pollutant concentration standards.

With respect to the second criterion, the Project is an industrial/warehouse building with office space and does not include residential uses and would not represent a significant population increase when compared to the current unincorporated County population, 312,654⁷, and to the SCAG's projected population for unincorporated County of 344,100 persons by 2040.⁸ Future updates to the AQMP would capture the full buildout (increase in population and housing) of the Project as well as other projects in the County. As such, the Project would not measurably exceed growth assumptions in the AQMP.

SCAG forecasts are based on the General Plans of municipalities in the Air Basin. As addressed in the air quality modeling data (**Appendix A**), total Project emissions are less than the SCAQMD significance thresholds. The emissions increase due to the Project would not interfere with the AQMP or the attainment of the ambient air quality standards. Therefore, emissions from the Project would not be greater than those anticipated in the AQMP. Therefore, the determination of AQMP consistency is primarily concerned with the long-term influence of a Project on air quality in the Air Basin. The Project would not result in a long-term impact on the region's ability to meet state and federal air quality standards. Also, the Project would be consistent with the goals and

⁷ State of California Department of Finance. 2019. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019 with 2010 Census Benchmark. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed March 2020).

⁸ SCAG. 2015. 2016-2040 RTP SCS. Demographics and Growth Forecast Appendix. Table 11 City Forecast 2040. http://scagrtpscscs.net/Documents/2016/draft/d2016RTPSCS_DemographicsGrowthForecast.pdf (accessed March 2020).

policies of the AQMP for the control of fugitive dust. Impacts would be less than significant.

Less Than Significant Impact

- b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*
-

Construction

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include ozone (O₃)-precursor pollutants (i.e., reactive organic gases [ROG] and nitrogen oxides [NO_x]) and particulate matter (PM) 10 microns in diameter or less and particulate matter 2.5 microns in diameter or less (PM₁₀ and PM_{2.5}). Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

The Project's construction-related emissions were calculated using the CARB-approved California Emissions Estimate Model (CalEEMod) computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition, site preparation, and grading were assumed to begin in Summer of 2021. Building construction was assumed to begin in the Winter of 2021 and last until Summer 2022. Paving was modeled to be completed by Winter 2021, and architectural coating was modeled to be completed by Fall 2022. See **Appendix A** for additional information regarding the construction assumptions used in this analysis.

The duration of construction activities associated with the Project is estimated to last approximately seven months. Construction-generated emissions associated the Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. See **Appendix A** for more information regarding the construction assumptions used in this analysis. Predicted maximum daily construction-generated emissions for the Project are summarized in **Table 1: Construction-Related Emissions**.

Table 1: Construction-Related Emissions (Maximum Pounds Per Day)						
Construction Year	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Construction Year 1 (2020)	4.17	42.48	22.83	0.05	9.43	5.94
Construction Year 2 (2021)	24.89	36.59	40.09	0.08	3.56	2.12
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
ROG = Reactive Organic Gases; NO _x = Nitrogen Oxide; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Coarse Particulate Matter; PM _{2.5} = Fine Particulate Matter.						
Notes: SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for Model Data Outputs.						
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.						

Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions. Mitigation Measure AQ-1 requires the implementation of Rule 402 and 403 dust control techniques to minimize PM₁₀ and PM_{2.5} concentrations. The recommended mitigation measures would be required to ensure compliance with SCAQMD Rules and Regulations, which would be verified and enforced through the County's development review process.

Rule 1113 provides specifications on painting practices and regulates the ROG content of paint. As required by law, all architectural coatings for the Project structures would comply with SCAQMD Rule 1113. **Table 1** shows that Project construction would not exceed ROG thresholds with the implementation of Mitigation Measure AQ-2, which limits the VOC content of paint to 50 grams per liter or less. Compliance with Mitigation Measure AQ-2 would ensure that construction ROG emissions would not exceed SCAQMD thresholds.

As shown in **Table 1**, all criteria pollutant emissions would remain below their respective thresholds. While impacts would be considered less than significant, the Project would be subject to SCAQMD Rules 402, 403, and 1113 as required by Mitigation Measures AQ-1 and AQ-2.

Operational Emissions

Project-generated emissions would be primarily associated with motor vehicle use and area sources, such as the use of landscape maintenance equipment and architectural coatings. Long-term operational emissions attributable to the Project are summarized in **Table 2: Long-Term Operational Emissions**. Note that emissions rates differ from summer to winter because different weather patterns affect pollutant mixing, dispersion, O₃ formation, and other factors. As shown in **Table 2**, the Project emissions would not exceed SCAQMD thresholds for any criteria air pollutants. Therefore, regional operations emissions would result in a less than significant long-term regional air quality impact.

Table 2: Long-Term Operational Emissions (Maximum Pounds Per Day)						
Source	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Summer Emissions						
Area Source Emissions	4.19	<0.01	0.03	0.00	<0.01	<0.01
Energy Emissions	0.01	0.10	0.08	<0.01	<0.01	<0.01
Mobile Emissions	2.33	14.66	20.74	0.07	4.64	1.35
Off-Road Emissions	0.25	2.35	2.33	<0.01	0.16	0.15
Total Emissions	6.80	17.12	23.19	0.07	4.82	1.52
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>55</i>	<i>150</i>
Exceeds Threshold?	No	No	No	No	No	No
Winter Emissions						
Area Source Emissions	4.19	<0.01	0.03	0.00	<0.01	<0.01
Energy Emissions	0.01	0.10	0.08	<0.01	<0.01	<0.01
Mobile Emissions	1.95	15.38	19.10	0.07	4.64	1.35
Off-Road Emissions	0.25	2.35	2.33	<0.01	0.16	0.15
Total Emissions	6.42	17.84	21.56	0.07	4.82	1.52
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>55</i>	<i>150</i>
Exceeds Threshold?	No	No	No	No	No	No
ROG = Reactive Organic Gases; NO _x = Nitrogen Oxide; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Coarse Particulate Matter; PM _{2.5} = Fine Particulate Matter.						
Notes: SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for Model Data Outputs.						
Source: CalEEMod version 2016.3.2. Refer to Appendix A of the Air Quality Analysis for model outputs.						

Area Source Emissions

Area source emissions would be generated due to on-site equipment, architectural coating, and landscaping that were previously not present on the site. As shown in **Table 2**, area source emissions from the Project would not exceed SCAQMD thresholds for either the winter or summer seasons. Therefore, mitigation measures are not required to reduce criteria pollutants and no significant impacts are anticipated.

Energy Source Emissions

Energy source emissions would be generated due to electricity and natural gas usage associated with the Project. Primary uses of electricity and natural gas by the Project would be for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. As shown in **Table 2**, energy source emissions from the Project would not exceed SCAQMD thresholds for criteria pollutants. As such, the Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation. As a result, impacts associated with operational air quality would be less than significant.

Mobile Source

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern. NO_x and ROG react with sunlight to form O₃, known

as photochemical smog. Additionally, wind currents readily transport PM₁₀ and PM_{2.5}. However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions are based on the Project's daily vehicle trip generation from the Project Trip Generation and Vehicle Miles Traveled (VMT) technical memorandum (prepared by Translutions, January 2020, see **Appendix N**). The Project would generate 324 daily vehicle trips (20.4 percent trucks). As shown in **Table 2**, the anticipated mobile source emissions do not exceed SCAQMD thresholds for criteria pollutants. Therefore, air quality impacts associated with mobile source emissions from the Project would be less than significant.

Cumulative Short-Term Emissions

The Air Basin is designated nonattainment for O₃, PM₁₀, and PM_{2.5} for State standards and nonattainment for O₃ and PM_{2.5} for Federal standards. Appendix D of the *SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (2003) notes that projects that result in emissions that do not exceed the project-specific SCAQMD regional thresholds of significance would result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. The mass-based regional significance thresholds published by the SCAQMD are designed to ensure compliance with both NAAQS and CAAQS and are based on an inventory of projected emissions in the Air Basin. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative impact on air quality in the Air Basin would not be cumulatively considerable. As shown in **Table 1** above, Project construction-related emissions by themselves would not exceed the SCAQMD significance thresholds for criteria pollutants. Therefore, the Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction.

The SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the FCAA mandates. The analysis assumed fugitive dust controls would be utilized during construction, including frequent water applications. SCAQMD rules, mandates, and compliance with adopted AQMP emissions control measures would also be imposed on construction projects throughout the Air Basin, which would include related projects. Compliance with SCAQMD rules and regulations would further reduce the Project construction-related impacts. Therefore, Project-related construction emissions, combined with those from other projects in the area, would not substantially deteriorate local air quality. Construction emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Long-Term Impacts

The SCAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the Air Basin's

existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 2**, the Project operational emissions would not exceed SCAQMD thresholds. As a result, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. Additionally, adherence to SCAQMD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Project operations would not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant.

Mitigation Measures

AQ-1: Prior to the issuance of grading permits, the County Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following:

- Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

AQ-2: The Project Applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less. Contract specifications shall be included in the construction documents for the Project, which shall be reviewed and approved by the County San Bernardino prior to the issuance of building permits.

Less than Significant with Mitigation

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Localized Construction Significance Analysis

The nearest sensitive receptors are the single-family residences located 50 feet (15 meters) to the north of the Project. To identify impacts to sensitive receptors, the SCAQMD recommends addressing Localized Significance Thresholds (LSTs) for construction. LSTs were developed in response to SCAQMD Governing Boards'

Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Project-specific emissions.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 3: Equipment-Specific Maximum Daily Soil Disturbance Rates**, is used to determine the maximum daily disturbed acreage for comparison to LSTs. The appropriate SRA for the localized significance thresholds is the Central San Bernardino Valley (SRA 34) since this area includes the Project. LSTs apply to CO, NO₂, PM₁₀, and PM_{2.5}. The SCAQMD produced look-up tables for projects that disturb areas less than or equal to 5 acres in size. Project construction is anticipated to disturb a maximum of 3.5 acres in a single day. As the LST guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site, the LSTs for a 3.5-acre threshold were interpolated and utilized for this analysis.

Table 3: Equipment-Specific Maximum Daily Soil Disturbance Rates					
Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Site Preparation	Tractors	4	0.5	8	2
	Graders	0	0.5	8	0
	Dozers	3	0.5	8	1.5
Total Acres Graded per Day					3.5
Source: CalEEMod version 2016.3.2. Refer to Appendix A of the Air Quality Analysis for model outputs.					

The SCAQMD’s methodology states that “off-site mobile emissions from the Project should not be included in the emissions compared to LSTs.” Therefore, only emissions included in the CalEEMod “on-site” emissions outputs were considered. The nearest sensitive receptors are the single-family residences located 50 feet (15 meters) north of the Project. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for receptors located at 25 meters were utilized in this analysis. **Table 4: Localized Significance of Construction Emissions**, presents the results of localized emissions during construction. **Table 4** shows that emissions of these pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. Significant impacts would not occur concerning LSTs during construction.

Table 4: Localized Significance of Construction Emissions (Maximum Pounds Per Day)				
Construction Activity	NO_x	CO	PM₁₀	PM_{2.5}
Demolition	33.20	21.75	1.69	1.54
Site Preparation	42.41	21.51	9.24	5.89
Grading	26.38	16.05	3.82	2.48
Construction	19.18	16.84	1.11	1.05
Paving	12.91	14.65	0.67	0.62
Architectural Coating	1.52	1.81	0.09	0.09
<i>SCAQMD Localized Screening Threshold (adjusted for 3.5 acres at 25 meters)</i>	220	1,339	11	6
Exceed SCAQMD Threshold?	No	No	No	No
NO _x = Nitrogen Oxide; CO = Carbon Monoxide; PM ₁₀ = Coarse Particulate Matter; PM _{2.5} = Fine Particulate Matter.				
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.				

Localized Operational Significance Analysis

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project is a warehouse, the operational phase LST protocol is conservatively applied to both the area source and all the mobile source emissions. LSTs for receptors located at 25 meters for SRA 34 were utilized in this analysis. As noted above, the LSTs increase as site acreage increases. Although the Project site is on nine acres, the five-acre LSTs are conservative for evaluation of a nine-acre site.

The LST analysis only includes on-site sources. However, the CalEEMod model outputs do not separate on- and off-site emissions for mobile sources. For a worst-case scenario assessment, the emissions shown in **Table 5: Localized Significance of Operational Emissions**, conservatively include all on-site Project-related stationary sources and 50 percent of the Project-related new mobile sources, since a portion of mobile sources could include trucks idling on-site. **Table 5** shows that the maximum daily emissions of these pollutants during operations would not result in significant concentrations of pollutants at nearby sensitive receptors. Therefore, significant impacts would not occur concerning LSTs during operational activities.

Table 5: Localized Significance of Operational Emissions (Maximum Pounds Per Day)				
Activity	NO_x	CO	PM₁₀	PM_{2.5}
On-Site and Mobile Source Emissions	10.15	12.81	2.5	0.84
<i>SCAQMD Localized Screening Threshold (5 acres at 25 meters)</i>	270	1,720	4	2
Exceed SCAQMD Threshold?	No	No	No	No
NO _x = Nitrogen Oxide; CO = Carbon Monoxide; PM ₁₀ = Coarse Particulate Matter; PM _{2.5} = Fine Particulate Matter.				
Source: CalEEMod version 2016.3.2. Refer to Appendix A for model outputs.				

Criteria Pollutant Health Impacts

On December 24, 2018, the California Supreme Court issued an opinion identifying the need to provide sufficient information connecting a project's air emissions to health

impacts or explain why such information could not be ascertained (*Sierra Club v. County of Fresno* [Friant Ranch, L.P.] [2018] Cal.5th, Case No. S219783).

The Friant Ranch project was a 942-acre Specific Plan that involved a master-planned community of approximately 2,500 dwelling units and extensive commercial supporting development. The anticipated air quality impacts resulting from this development included significant and unavoidable emissions of multiple criteria pollutants (including significant emissions of both primary O₃ precursors [NO_x and ROGs]) at levels that exceeded the daily thresholds of significance. As noted above and shown in **Table 2**, the Project's operational emissions will not exceed the SCAQMD's significance thresholds, resulting in a less than significant impact.

The SCAQMD has set its CEQA significance thresholds based on the FCAA, which defines a major stationary source (in extreme O₃ nonattainment areas such as the Air Basin) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review (NSR) Program and SCAQMD Rule 1303 for new or modified sources. The NSR Program⁹ was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts.

NO_x and ROG are precursor emissions that form O₃ in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so O₃ may be formed at a distance downwind from the sources. Breathing ground-level O₃ can result health effects that include: reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily O₃ concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that O₃ can make asthma symptoms worse and can increase sensitivity to asthma triggers.

According to the SCAQMD's 2016 AQMP, O₃, NO_x, and ROG have been decreasing in the Air Basin since 1975 and are projected to continue to decrease in the future. Although vehicle miles traveled in the Air Basin continue to increase, NO_x and ROG levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_x emissions from electric utilities have also decreased due to the use of cleaner fuels and renewable energy. The 2016 AQMP demonstrates how the SCAQMD's control strategy to meet the 8-hour O₃ standard in 2023 would lead to sufficient NO_x emission reductions to attain the 1-hour O₃ standard by 2022. In addition, since NO_x emissions also lead to the formation of

⁹ Code of Federal Regulation (CFR) [i.e. PSD (40 CFR 52.21, 40 CFR 51.166, 40 CFR 51.165 (b)), Non-attainment NSR (40 CFR 52.24, 40 CFR 51.165, 40 CFR part 51, Appendix S)]

PM_{2.5}, the NO_x reductions needed to meet the O₃ standards will likewise lead to improvement of PM_{2.5} levels and attainment of PM_{2.5} standards.

The SCAQMD's air quality modeling demonstrates that NO_x reductions prove to be much more effective in reducing O₃ levels and will also lead to significant improvement in PM_{2.5} concentrations. NO_x-emitting stationary sources regulated by the SCAQMD include Regional Clean Air Incentives Market (RECLAIM) facilities (e.g., refineries, power plants, etc.), natural gas combustion equipment (e.g., boilers, heaters, engines, burners, flares) and other combustion sources that burn wood or propane. The 2016 AQMP identifies robust NO_x reductions from new regulations on RECLAIM facilities, non-refinery flares, commercial cooking, and residential and commercial appliances. Such combustion sources are already heavily regulated with the lowest NO_x emissions levels achievable but there are opportunities to require and accelerate replacement with cleaner zero-emission alternatives, such as residential and commercial furnaces, pool heaters, and backup power equipment. The AQMD plans to achieve such replacements through a combination of regulations and incentives. Technology-forcing regulations can drive development and commercialization of clean technologies, with future year requirements for new or existing equipment. Incentives can then accelerate deployment and enhance public acceptability of new technologies.

The 2016 AQMD also emphasizes that beginning in 2012, continued implementation of previously adopted regulations will lead to NO_x emission reductions of 68 percent by 2023 and 80 percent by 2031. With the addition of 2016 AQMP proposed regulatory measures, a 30 percent reduction of NO_x from stationary sources is expected in the 15-year period between 2008 and 2023. This is in addition to significant NO_x reductions from stationary sources achieved in the decades prior to 2008.

As previously discussed, Project emissions would be less than significant with mitigation and would not exceed SCAQMD thresholds (refer to **Table 1** and **Table 2**). Localized effects of on-site Project emissions on nearby receptors were found to be less than significant (refer to **Table 4** and **Table 5**). The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations such as asthmatics, children, and the elderly. As shown above, Project-related emissions would not exceed the regional thresholds or the LSTs, and therefore would not exceed the ambient air quality standards or cause an increase in the frequency or severity of existing violations of air quality standards. Therefore, sensitive receptors would not be exposed to criteria pollutant levels in excess of the health-based ambient air quality standards.

Carbon Monoxide Hotspots

An analysis of CO "hot spots" is needed to determine whether the change in the level of service of an intersection resulting from the Project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the

last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The Air Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD *CO Hotspot Analysis*, the Wilshire Boulevard and Veteran Avenue intersection, one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm Federal standard. The Project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's *CO Hotspot Analysis*. As the CO hotspots were not experienced at the Wilshire Boulevard and Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any vicinity intersections resulting from 324 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

Construction-Related Diesel Particulate Matter (DPM)

Construction would result in the generation of DPM emissions from the use of off-road diesel equipment required. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. The closest sensitive receptors are located adjacent to the site, approximately 50 feet from the property boundary and major Project construction areas. Project construction involves phased activities in several areas across the site and the Project would not require the extensive use of heavy-duty construction equipment or diesel trucks in any one location over the duration of development, which would limit the exposure of any proximate individual sensitive receptor to TACs.

Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the

Project site (i.e., construction is not likely to occur in any one location for an extended time), the dose of DPM of any one receptor is exposed to would be limited. Therefore, considering the relatively short duration of DPM-emitting construction activity at any one location of the plan area and the highly dispersive properties of DPM, sensitive receptors would not be exposed to substantial concentrations of construction-related TAC emissions. Impacts would be less than significant.

Operational Diesel Particulate Matter

An operational phase mobile source health risk assessment was conducted based on the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis and the SCAQMD Risk Assessment Procedures and the guidance from the California Office of Environmental Health Hazard Assessment (OEHHA). The analysis evaluated on- and off-site impacts from the diesel trucks accessing the site on nearby sensitive receptors. The discussion below summarizes the methodology and results of the Almond Avenue Warehouse Project Health Risk Assessment, prepared by Kimley-Horn, March 2020 (**Appendix B**).

The On-Road Motor Vehicle Emission Inventory Model (EMFAC) 2017 version 1.0.2 was used to obtain the emission factors for in grams per mile for vehicle travel and grams per hour for vehicle idling. Truck emissions were based on the first possible year of operations for a fleet mix of various aged vehicles, as opposed to average emissions over a 30-year window.

Idling emissions were represented in the model via line volume sources along each loading dock and 15 minutes of idling for each truck was assumed. Truck travel emissions were represented in the model via line volume sources along local roads and inside the facility where the trucks are expected to travel. The trucking routes were determined per the transportation analysis conducted for the Project.

Air dispersion modeling for the health risk assessment was performed using the United States Environmental Protection Agency (U.S. EPA) AERMOD dispersion model. AERMOD is a steady-state, multiple-source, Gaussian dispersion model designed for use with emission sources situated in terrain where ground elevations can exceed the stack heights of the emission sources (not a factor in this case). AERMOD requires hourly meteorological data consisting of wind vector, wind speed, temperature, stability class, and mixing height. Uniform Cartesian receptors were used to evaluate the locations of the maximally exposed sensitive receptors. Surface and upper air meteorological data from the Fontana Monitoring Station provided by the SCAQMD was selected as being the most representative meteorology. In addition, National Elevation Dataset (NED) terrain data was imported into AERMOD for the Project. The modeling and analysis were prepared in accordance with the SCAQMD Modeling Guidance for AERMOD.¹⁰

Note that the concentration estimate developed using this methodology is conservative and is not a specific prediction of the actual concentrations that would occur at the Project site any one point in time. Actual 1-hour and annual average concentrations are

¹⁰ South Coast Air Quality Management District. 2006. *SCAQMD Modeling Guidance for AERMOD*, <http://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance> (accessed February 5, 2020).

dependent on many variables, particularly the number and type of vehicles and equipment operating at specific distances during time periods of adverse meteorology. A health risk computation was performed to determine the risk of developing an excess cancer risk calculated on these worst-case exposure duration scenarios. The chronic and carcinogenic health risk calculations are based on the standardized equations contained in the OEHHA Guidance Manual. Only the risk associated with the worst-case location of the Project was assessed.

As discussed in the Project *Health Risk Assessment*, the highest expected annual average diesel PM₁₀ emission concentrations near sensitive receptors would be 0.0251 µg/m³. The calculations conservatively assume no cleaner technology with lower emissions in future years. The highest calculated carcinogenic risk resulting from the Project is 1.69 per million residents, which is below the SCAQMD's 10 in one million threshold. Therefore, impacts related to cancer risk would be less than significant at nearby residential communities.

Acute and chronic impacts were also evaluated in the health risk assessment. An acute or chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the acute or chronic exposure by the reference exposure level. The highest maximum chronic and acute hazard index from the Project would be 0.0005 and 0.0026, respectively. Therefore, non-carcinogenic hazards are calculated to be within acceptable limits and a less than significant impact would occur.

Less Than Significant Impact

-
- d) *Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?*
-

The SCAQMD *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources.

During construction-related activities, some odors (not substantial pollutant concentrations) that may be detected are those typical of construction vehicles (e.g., diesel exhaust from grading and construction equipment). These odors are a temporary short-term impact that is typical of construction projects and would disperse rapidly. Additionally, odors that could be generated by construction activities are required to comply with SCAQMD Rule 402 to prevent odor nuisances on sensitive land uses. Project operations would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors.

Less Than Significant Impact

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Biological Resources

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

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database

San Bernardino County General Plan, amended 2014; San Bernardino County Biotic Resources Overlay Map, 2012; Almond Avenue Warehouse Project Biotic Resources Report, Rocks Biological Consulting, 2020 (Appendix C); Submitted Project Materials

- a) *Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

A Biotic Resources Report was prepared for the Project by Rocks Biological Consulting (RBC) (February 2020). The Biotic Resources Report is included as **Appendix C** and the results are summarized herein. See **Figure 8** for the survey area (50-foot buffer).

The California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) may list species as threatened or endangered under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA), respectively. The USFWS can designate critical habitat that identifies specific areas that are essential to the conservation of a listed species.

As a part of the Biotic Resources Report prepared for the Project, a query of the CDFW's California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) Rare Plant Program was conducted for the Fontana USGS 7.5' quadrangle map and surrounding eight quadrangle maps. Two special-status wildlife species have been reported within one mile of the Project site (**Figure 9 – CNDDDB/USFWS Map**). However, no special-status plant species have been reported in CNDDDB within one mile of the Project site.

Special-Status Plant Species

The CNPS electronic inventory search showed six special-status plant species for the Fontana quadrangle map. These six special-status plant species include bird-foot checkerbloom (*Sidalcea pedata*), Gambel's water cress (*Nasturtium gambelii*), marsh sandwort (*Arenaria paludicola*), Nevin's barberry (*Berberis nevinii*), slender-horned spineflower (*Dodecahema leptoceras*), and slender-petaled thelypodium (*Thelypodium stenopetalum*). However, none of these species has a moderate or high potential to occur on the site due to lack of suitable habitats and historic site disturbance.

There are no special-status plant species with moderate or high potential to occur on the Project site. Given the size of the Project site, lack of suitable habitat for special-status plant species, and high level of site disturbance, special-status plant species are not anticipated to occur on site; as such, impacts on special-status plant species would be less than significant.

Special-Status Wildlife Species

RBC did not observe any special-status wildlife species on or adjacent to the Project site during the field survey. The CNDDDB database results identify one federally listed wildlife species, Delhi Sands flower-loving fly, reported within one mile of the Project site and

show historical occurrences for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*; CDFW Species of Special Concern) within one mile of the Project site. In addition, the CNDDDB database results include a historical occurrence of the federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*), approximately 1.1 miles northwest of the Project site (**Figure 9 – CNDDDB/USFWS Map**). This species inhabits alluvial fan sage scrub near rivers and on floodplains of southern San Bernardino County. The Project site does not occur within an alluvial habitat; therefore, this species has a low potential to occur on the Project site.

Habitat assessments were performed for the Delhi Sands flower-loving fly and the Los Angeles pocket mouse as well as other special-status species known from the San Bernardino area. Most species are not likely to occur on-site due to the lack of native habitats and high degree of disturbance on-site; however, one CDFW Watch List species, the California horned lark (*Eremophila alpestris actia*), has a moderate potential to occur on the Project site.

The Project does not have the potential to support Delhi Sands flower-loving fly. On-site sands are mapped as Tujunga gravelly loam sand, and no Delhi fine sands are present on the Project site according to the Natural Resources Conservation Service soils map (**Figure 10 – Soils Map**). The Project site has been historically used as a truck yard, orchard, and livestock farm, and on-site soils have been vastly disturbed from orchard and livestock activities dating back to at least 1938, based on historic aerial imagery (Nationwide Environmental Title Research, LLC 2020, as cited in Rocks Biological Consulting 2020). Based on these conditions, the Project site does not have the potential to support Delhi Sands flower-loving fly.

Though it has been historically reported in the Project area, the Los Angeles Pocket Mouse (CDFW Species of Special Concern) has a low potential for on-site occurrence. This species typically inhabits grasslands, alluvial sage scrub, and coastal sage scrub habitats. The Project site is highly disturbed and does not support suitable habitat for the Los Angeles Pocket Mouse; therefore, this species has a very low potential to occur on the Project site.

The California horned lark is a CDFW Watch List species found from coastal deserts and grasslands to alpine dwarf-shrub habitat above the tree line and in coniferous or chaparral habitats. It is a common to abundant resident in a variety of open habitats, usually found in habitats where trees and large shrubs are absent. Within Southern California, the California horned lark nests on the ground in open fields, grasslands, and rangelands. The Horned Lark forages in areas with low-growing vegetation and feed, primarily on grains and other seeds and shifts to mostly insects in the summer months.

The RBC did not observe the California horned lark during the February 4, 2020, biological survey; however, the species has moderate potential to occur on the Project site based on the ability of the species to utilize disturbed habitats.

The Project site has the potential to impact active bird nests if vegetation is removed, ground-disturbing activities occur, or structures are removed during the nesting season (February 1 to August 31). Impacts on nesting birds are prohibited by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). Implementation of

Mitigation Measure BIO-1 would avoid direct take of special-status bird species such as the California horned lark, if present and nesting.

The Project is within the County of San Bernardino's Burrowing Owl Overlay Zone (County of San Bernardino 2012, as cited in Rocks Biological Consulting 2020). No burrowing owl individuals, burrowing owl sign, or suitable burrows were observed on the Project site. The low-quality habitat is not suitable for nesting due to the hard-packed and gravelly soils present on the Project site. Further, California ground squirrels (*Otospermophilus beecheyi*) were not detected; the absence of this species reduces the likelihood that burrowing owl will colonize the Project site. Based on these conditions, the Project site has a low potential to support burrowing owl. However, based on the site's occurrence in a region known for this species and within the County of San Bernardino's Burrowing Owl Overlay Zone, there is a slight potential for future occupancy by this species. Therefore, a pre-construction burrowing owl survey should be conducted prior to Project construction to ensure that the burrowing owl has not colonized the Project site. To avoid impacts on burrowing owl, Mitigation Measure BIO-2 shall be implemented. With implementation of Mitigation Measures BIO-1 and BIO-2, impacts on special-status wildlife would be less than significant.

Mitigation Measures

BIO-1: Vegetation clearing, structure removal, and ground-disturbing activities should be conducted outside of the nesting season (February 1 to August 31). If these activities occur during the nesting season, a qualified biologist will conduct a nesting bird survey within seven days prior to any disturbance of the site, including tree and shrub removal, disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species will have an avoidance buffer of 500 feet and other bird species will have an avoidance buffer of 300 feet. These buffers may be reduced in consultation with the CDFW. If active nests are not identified, vegetation clearing and ground-disturbing activities may commence. If ground-disturbing activities are scheduled outside of the nesting season, a nesting bird survey will not be required.

BIO-2: A qualified biologist(s) will conduct a pre-construction presence/absence survey for burrowing owl at least 14 days prior to ground-disturbing activities and within 24 hours immediately before ground-disturbing activities. If burrowing owl are documented on-site, a plan for avoidance or passive exclusion shall be made in coordination with CDFW. If the survey is negative, the Project may proceed without further restrictions related to burrowing owls.

Less than Significant with Mitigation

-
- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*
-

RBC observed a small area supporting two individual Goodding's willows (*Salix gooddingii*) and some standing water at the southern end of the Project site. A pipe

located near the base of the Goodding's willows, which was presumably installed to provide water for the historic uses of the site as an orchard and livestock ranch, likely accounted for the small amount of standing water (i.e., puddle) observed in this area. A review of historic aerials back to the 1930s further confirmed that the Project site, including this small area, has not historically supported a natural aquatic feature (Nationwide Environmental Title Research, LLC 2020, as cited in Rocks Biological Consulting 2020).

Furthermore, this area did not exhibit an ordinary high-water mark (OHWM) nor did it appear to be connected to or in close proximity to a stream or aquatic resource. Thus, this area would not qualify as a non-wetland waters of the U.S. absent an OHWM nor would it qualify as an adjacent wetland since it is not "bordering, contiguous, or neighboring" other waters of the U.S. (33 CFR 328.3 [51 Federal Register 41217; 53 Federal Register 20764]). This small area would also not be considered a jurisdictional aquatic resource by CDFW as it is isolated and not associated with or supported by a lake or streambed. Finally, this small area would not be considered a jurisdictional aquatic resource by Regional Water Quality Control Board (RWQCB), as it does not meet the definition of a water of the state per the State Water Resources Control Board's (SWRCB's) newly adopted *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (the Procedures), which will become effective on May 28, 2020 (SWRCB 2019, as cited in Rocks Biological Consulting 2020). Even if this area meets the definition of a "wetland" as defined in the Procedures, this area does not meet the definition of a "waters of the state" as it is not a natural wetland, a wetland created by modification of a surface water of the state, nor an artificial wetland. Specifically, the area does not meet the Procedure's definition of an artificial wetland, as it is not an area that was approved "as compensatory mitigation for impacts to other waters of the state," is not "[s]pecifically identified in a water quality control plan as a wetland or other water of the state," and is not "greater than or equal to one acre in size" and was not constructed for any use listed in the definition provided in the Procedures. Further, although the area may have "resulted from historic human activity" as the water originates from a pipe, based on a review of Google Earth imagery showing that the Goodding's willows were not present as recently as August 2018 (Google Earth Pro 2019, as cited in Rocks Biological Consulting 2020), this small area appears to be subject to ongoing maintenance and does not appear to be "a relatively permanent part of the natural landscape."

No other areas with depressions, drainage patterns, defined channels, and/or wetland vegetation were observed during the Project site visit. As such, the Project site does not support areas that could be considered jurisdictional by the Corps, RWQCB, and CDFW based on the results of the reconnaissance-level survey. No impact would occur.

The Project will not impact any native vegetation communities, including special-status communities. The entire Project site is dominated by non-native vegetation communities, including disturbed habitat and non-native, ruderal species. Impacts on non-native vegetation communities or habitats would be less than significant.

Less Than Significant Impact

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
-

The Project will not impact wetlands as such features do not occur on-site based on the reconnaissance-level aquatic resource assessment. No impact would occur.

No Impact

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
-

The Project site is surrounded by urban development including roads and mostly industrial/commercial and residential development and is not suitable as a wildlife movement corridor. Therefore, impacts would be less than significant.

Less Than Significant Impact

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
-

The Project would not conflict with any local policies or ordinances protecting biological resources. While the Project would remove ruderal vegetation and ornamental non-native trees found on-site, these biological elements do not have any legal protection and their removal would not constitute a significant impact under CEQA. The City does not have a tree protection ordinance. Therefore, no associated impacts would occur.

No Impact

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*
-

The Project site is not subject to a conservation plan; no plans have been adopted in the area of the Project site. No impact relative to adopted habitat conservation or other approved local, regional or State plans would occur.

No Impact

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Cultural Resources

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

SUBSTANTIATION: (Check if the project is located in the Cultural or Paleontologic Resources overlays or cite results of cultural resource review):

San Bernardino County General Plan, amended 2014; Letter Report for the Almond Avenue Cultural Resources Inventory Study, ASM affiliates, 2020 (Appendix D); South Central Coastal Information Center, California State University, Fullerton; Submitted Project Materials

A Cultural Resources Inventory Study has been prepared by ASM affiliates (ASM) (March 2020). The report is available in **Appendix D** to this IS/MND.

The report and research were completed pursuant to CEQA, the PRC Chapter 2.6, Section 21083.2, and California Code of Regulations (CCR) Title 14, Chapter 3, Article 5, Section 15064.5. The pedestrian cultural resources survey was intended to locate and document previously recorded or new cultural resources, including archaeological sites, features, isolates, and historic-period buildings, that exceed 45 years in age within defined Project boundaries. The Project site was examined using 15-meter transect intervals, where accessible. This study intended to determine whether cultural resources are located within the Project boundaries, whether any cultural resources are significant pursuant to the above-referenced regulations and standards, and to develop specific mitigation measures that will address potential impacts to existing or potential resources.

For detailed information on significance criteria, methodology and research, and results see the report in **Appendix D**.

a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

For the complete text of §15064.5. *Determining the Significance of Impacts to Archaeological and Historical Resources*, visit [https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IA0E0C760D48811DEBC02831C6D6C108E?transitionType=Default&contextData=(sc.Default)).

On February 5, 2020, ASM staff conducted a record search of the Project area (and one-mile search radius) at the South Central Coastal Information Center (SCCIC). ASM also conducted an architectural history field survey of the Projects site of February 7, 2020 to determine the presence of undocumented cultural resources. The SCCIC records search identified 13 previous reports within the one-mile search radius, one of which encompasses the Project area. See Table 1 of **Appendix D** for detailed information. The SCCIC records search also identified nine resources within the one-mile records search radius. None of the resources are within or associated with the Project site. See Table 2 of **Appendix D** for a list of resources identified.

The field survey identified a house on the Project site which was constructed in the mid to late 1930s. There is also an ancillary garage on the property near the house. When first subdivided as part of Fontana Arrow Route Tract No. 2102, the Project parcel consisted of two parcels: lots 171 and 172. Fontana Land Company originally owned both lots, recorded as five acres each. Since then ownership has exchanged hands numerous times. See **Appendix D** for site-specific ownership history. Past land uses at the site include raising/selling fowl (turkeys and ducks) and an auto wrecking business.

As stated earlier, the only buildings and structures on the parcel are located at its northwest corner, consisting of a house and a detached garage. The single-story wood-frame house has a moderately sloped cross-gabled roof covered with composition shingles. The narrow eaves have open beams and a flat wood fascia. A square red-brick chimney is visible. It sits on a post-and-beam foundation. There is a shed-roofed addition at the east façade. The house is clad in stucco. The primary entrance is located at the west façade at the juncture of the two wings and sits beneath a slightly sloped front-gabled porch supported by stucco-clad piers that are connected to the wall of the house. It is approached by crossing a poured-concrete patio scored in a grid pattern. There is a second patio at the east between the house and the detached garage. The patio is composed of triangular bricks with wide concrete grout.

Fenestration is irregular, consisting of a flat hollow-core wood door at the primary entrance and two similar doors at the east façade. Windows are double-hung wood sash, multi-light wood casement, multi-light fixed, two-part aluminum sliders, or two-part vinyl sliders.

To the southeast is a detached two-car garage with a moderately sloped front-gabled roof and narrow eaves with exposed beams. The roof is covered in composition shingles. The gables are filled with horizontal wood boards, and a sloped shed roof extends over the entranced. Exterior walls are clad in stucco. The garage is accessed via a curved poured-concrete driveway. Window openings at the southeast and northeast facades are filled in with plywood. A decorative door with eight recessed panels is at the northwest façade. The vehicle entrance is half-filled with particleboard; the other half is open. The interior walls are covered in sheetrock. The ceiling is open, and the structural beams are exposed (ASM affiliates 2020).

The Project site and structures were evaluated for California Register of Historical Resources (CRHR) and National Register of Historic Place (NRHP) eligibility. Integrity of the property was also evaluated. The evaluation of eligibility found that:

The two buildings on the property are older than 45 years: the house and the ancillary garage. Both buildings were determined to be not eligible for the CRHR, neither

individually nor as a contributor to any historic district under any criteria. In consideration of the buildings' individual eligibility, 8645 Almond Avenue is not associated with significant historic themes or events in San Bernardino County's history, specifically agricultural development and residential development in San Bernardino County from 1905 to 1944. Thus, 8645 Almond Avenue is recommended as not eligible for the CRHR under Criterion 1. As no historically significant individuals were identified that were associated with 8645 Almond Avenue, the buildings are recommended as not eligible for the CRHR under Criterion 2. Architectural elements of the simply-constructed house and ancillary garage are not indicative of any particular style. Furthermore, no evidence was found that the buildings are a work of a master architect or a noted local architect. Therefore, the buildings are recommended not eligible for the CRHR under Criterion 3. The buildings are recommended not eligible under CRHR Criterion 4 because they are common property types that do not have the potential to provide information about history or prehistory that is not available through historic research.

No potential historic district was identified to which 8645 Almond Avenue could be considered a contributor. As the buildings at 8645 Almond Avenue are not recommended eligible for the CRHR either individually nor as contributors to a historic district, they are not historical resources for the purposes of CEQA (ASM affiliates 2020).

Because the site is recommended not eligible under any criteria, an assessment of integrity is not necessary.

Based on these results, no additional cultural resources work or monitoring is necessary during Project activities. However, in an abundance of caution, and in the event that currently unknown and unanticipated resources are unearthed during construction, Mitigation Measures CUL-1, CUL-2, and CUL-3 would reduce potential impacts to such resources to a less than significant level. Therefore, impacts to historical resources would be less than significant.

Mitigation Measures

CUL-1: An archaeologist meeting the Secretary of Interiors Professional Qualification Standards (36 CFR Part 61) be present for all ground-disturbing activities, including the demolition of the structures, and any site preparations for the proposed construction.

CUL-2: In the event that cultural resources are discovered during Project activities, all work in the area of the discovery will cease until the disposition can be examined, reported, and documented. A qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find and report the finding to the California Office of Historic Preservation as well as to the Kizh nation of the Gabrieleno Band of Mission Indians.

CUL-3: If warranted, a plan will be developed for further treatment of the discovery, including subsequent curation and mitigation.

CUL-4: The Morongo Band of Mission Indians will be present during ground-disturbing activities.

Less than Significant with Mitigation

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
-

See the website above for the complete text of §15064.5.

ASM staff conducted a record search of the Project area at the SCCIC on February 5, 2020. A search of the Sacred Lands File (SLF) held by the Native American Heritage Commission (NAHC) was requested on February 12, 2020; the response from the NAHC was received on February 25, 2020. The NAHC response indicated negative results. ASM conducted an archaeological field survey on February 7, 2020, to determine the presence of any previously undocumented cultural resources.

The archeological survey found that:

The open, flat Project site is entirely surrounded by chain-link fencing. It is largely vacant but has an unoccupied house, garage, and some associated landscaping trees situated at its northwest corner. There is also a large loosely asphalted ramp and platform centrally located along the eastern edge of the parcel with a makeshift driveway leading to it from a gate at Almond Avenue. It has undergone a large amount of disturbance over time, beginning with its agricultural use and continuing into the present day. Some portions of the parcel evidence loose asphalt and/or introduced gravels on the ground surface with minimal low grassy vegetation in other areas. Recent scraping and vehicle tracks are evident throughout the parcel with gravel and dirt piles with discarded construction materials and modern trash found in various locations. The entire Project area was carefully inspected for any sign of the presence of cultural materials. No previously undocumented resources were encountered during the intensive pedestrian archaeological survey (ASM affiliates 2020).

Although the current study has not indicated sensitivity for cultural resources within the Project boundaries, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface during previous surveys. For this reason, Mitigation Measures CUL-1 through CUL-4 are applicable. Implementation of these mitigation measures would reduce potential impacts to such resources to a less than significant level. Therefore, impacts to archaeological resources would be less than significant.

Less than Significant with Mitigation

- c) *Disturb any human remains, including those outside of formal cemeteries?*
-

No formal cemeteries are in or near the Project area. Most Native American human remains are found in association with prehistoric archaeological sites. As discussed previously, the Project site is not proximate to identified archaeological resources. Given the extent of disturbances from the residential and previous uses, it is unlikely that ground-disturbing activities associated with the construction of the Project site would exceed depths of previous disturbance. However, there is always the possibility that subsurface construction activities associated with the Project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Pursuant to State of California Health and Safety Code provisions (notably §7050.5-7055), should any human remains be uncovered, all construction activities

must cease, and the County Coroner be immediately contacted. As required by State Law, the Project would adhere to the following during construction activities:

- If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project; and
- The Lead Agency and the Project Applicant shall immediately contact the San Bernardino County Coroner and Gabrieleno Band of Mission Indians – Kizh Nation in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code §7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California PRC §5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Project Applicant, and Lead Agency agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within 48 hours of receiving notification from either the Project Applicant or the NAHC, as required by California PRC §5097.98. Reburial of human remains, and/or funerary objects shall be accomplished in compliance with the California PRC §5097.98 (a) and (b). The MLD, in consultation with the Project Applicant and Lead Agency, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects.

The Project is anticipated to have a less than significant impact on human remains, including that interred outside of dedicated cemeteries with implementation of Mitigation Measure CUL-2.

Less Than Significant Impact

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Energy

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

SUBSTANTIATION: *San Bernardino County General Plan, amended 2014; Renewable Energy and Conservation Element of the General Plan, amended 2019; California Energy Commission, 2018; Submitted Materials*

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Electricity

Southern California Edison (SCE) provides electricity to the Project area. Currently, the existing site does not use any electricity because it is a vacant site (the dilapidated single-family residence is uninhabited). Therefore, Project implementation would result in a permanent increase in electricity over existing conditions. Based on the CalEEMod emissions modeling, the Project would have an annual demand of 486,659-kilowatt-hours (kWh) (0.49 Gigawatt hours [GWh]). In 2018 (latest year for which data is available), the County consumed 15,634 GWh and SCE consumed 85,276 GWh.¹¹ The Project's increased demand represents approximately less than one percent of electricity consumption compared to the County's and SCE's annual consumption. Therefore, the Project's increased demand is expected to be adequately served by the existing SCE electrical facilities.

It should also be noted that the Project design and materials would be required to comply with the 2019 Building Energy Efficiency Standards, which went into effect on January 1, 2020. Prior to issuance of a building permit, the County would review and verify that the Project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The Project would also be required to adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

¹¹ California Energy Commission. 2018. California Energy Consumption Database. Available at <https://ecdms.energy.ca.gov/> (accessed on February 2020).

Project development would not interfere with achievement of the 60 percent Renewable Portfolio Standard set forth in SB 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. As electricity retailers reach these goals, end-user non-renewable electricity use would decrease from current estimates. The Project would also be required to comply with the latest applicable building energy efficiency standards, which would minimize building energy consumption.

Natural Gas

The Southern California Gas Company (SoCalGas) provides natural gas service to the Project area. The increased demand is expected to be adequately served by the existing SoCalGas facilities. From 2018 to 2035, natural gas demand is expected to decline from 236 billion cubic feet (bcf) (2.36 billion therms) to 186 Bcf, (1.90 billion therms), while supplies remain constant at 3.775 billion cubic feet per day (bcfd) (0.04 billion therms per day) from 2015 through 2035. Based on the CalEEMod emissions modeling, the Project would have a gross annual demand of 272,213 kBtu (0.0027 million therms) of natural gas. In 2018 (latest year for which data is available), the County consumed 500 million therms and SoCalGas consumed 5,156 million therms of natural gas.¹² The Project's increased demand represents less than one percent of natural gas consumption for the County and SoCalGas' annual consumption. Therefore, the natural gas demand from the Project would represent a nominal percentage of overall demand in SoCalGas' service area (i.e., less than a fraction of one percent). The Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

Fuel

During construction, transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. Most construction equipment during demolition and grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered equipment. Impacts related to transportation energy use during construction would not require expanded energy supplies or the construction of new infrastructure; impacts would not be significant.

During Project operations, energy consumption would be associated with visitor and employee vehicle trips; delivery and supply trucks; and trips by maintenance and repair crews. The Project will be located near I-15 and I-10, reducing the need to drive long distances to a major highway, and adjacent to existing light industrial development. Based on the Project's vehicle trip generation and emissions modeled in CalEEMod, the Project would consume approximately 112,376 gallons of gasoline per year. In 2018,

¹² California Energy Commission. 2018. California Energy Consumption Database. Available at <https://eccdms.energy.ca.gov/> (accessed on February 2020).

the non-desert portion of the County consumed 652,840,890 gallons of gasoline.¹³ The Project's increased demand represents less than one percent of gasoline consumption of the non-desert portion of the County. Therefore, the gasoline demand from the Project would represent a nominal percentage of overall consumption in the region (i.e., less than a fraction of one percent). Consequently, the Project would not result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. Project operations would comply with all applicable fuel efficiency standards and would not substantially affect existing fuel supplies or resources. Additionally, fuel consumption associated with vehicle trips generated by the Project would not be considered inefficient, wasteful, or unnecessary.

The Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts are less than significant, and no mitigation is required.

Less Than Significant Impact

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The County of San Bernardino has a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan which was adopted August 8, 2017 and amended February 28, 2019. The RECE defines County goals and policies related to renewable energy and energy conservation. The Project would consider applicable goals and policies in the RECE. The Project would also be required to meet Title 24 Building Energy Efficiency requirements. California's Building Energy Efficiency Standards (updated every three years) are designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. Adherence would ensure that the Project would not conflict with or obstruct the recently amended RECE or any other state or local plan for renewable energy or energy efficiency. Impacts are less than significant, and no mitigation is required.

Less Than Significant Impact

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

¹³ California Air Resources Board, Mobile Source Emissions Inventory, EMFAC2017 model.

Geology and Soils

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII.	GEOLOGY AND SOILS - Would the project:				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Geologic Hazards Overlay District): **San Bernardino County General Plan, 2007; Submitted Project Materials**

San Bernardino County General Plan, amended 2014; San Bernardino County Geologic Hazard Overlay Map; San Bernardino Development Code, amended 2019; Geotechnical Investigation, Southern California Geotechnical, 2020 (Appendix E); Results of Infiltration Testing, Southern California Geotechnical, 2020 (Appendix F); Results of Percolation Testing Report, Southern California Geotechnical, 2020 (Appendix G); Submitted Project Materials

- a) i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. Southern California and San Bernardino County are located in a seismically active region. However, review of several sources found that the Project site and immediate surrounding area are not underlain by known earthquake faults.

- Review of the California Department of Conservation's (DOC) California Geological Survey (GGS) Information Warehouse: Regulatory Maps tool¹⁴ found that the Project site is not located in an area for which a regulatory map for Earthquake Fault Zones has been created.
- Review of the DOC's Earthquake Zones of Required Investigation tool¹⁵ found that there are no known earthquake faults within the Project site or surrounding parcels. The nearest fault is the Etiwanda Avenue Fault (which is part of the Red Hill-Etiwanda Avenue Fault Zone), located approximately four miles northwest of the Project site.
- Review of the County's Geologic Hazard Map for the Project area¹⁶ found that the Project site and immediate surrounding area are not underlain by any geologic hazards.
- Review of Figure 7-3A: Alquist-Priolo Earthquake Fault Zone Map – Valley Region¹⁷ from the County's General Plan found that there are no Alquist-Priolo Earthquake Fault Zones or County Designated Fault Zones within the Project site area or adjacent parcels. This map also identified the Etiwanda Avenue Fault as the nearest fault.
- Review of the Geotechnical Investigation prepared by Southern California Geotechnical (SCG) for the Project and included as **Appendix E**, also concluded that, based on available maps, the Project is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, the Geotechnical Investigation did not identify any evidence of faulting on the Project site.

¹⁴ DOC. 2020. CGS Information Warehouse: Regulatory Maps.

<https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/> (accessed January 2020).

¹⁵ DOC. 2020. Earthquake Zones of Required Investigation. <https://maps.conservation.ca.gov/cgs/EQZApp/app/> (accessed January 2020).

¹⁶ San Bernardino County. 2007. Geologic Hazard Overlay map, FH29 C, Fontana.

<http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed January 2020).

¹⁷ San Bernardino County. 2007. General Plan Figure 7-3A: Alquist-Priolo Earthquake Fault Zone Map – Valley Region. http://countywideplan.com/wp-content/uploads/2017/10/7_SAFETY_Figures.zip (accessed January 2020).

Because there are no known earthquake faults located on the Project site or adjacent parcels, there is no potential for the Project to expose people or structures to substantial adverse effects related to ground rupture. Thus, no impact would occur.

No Impact

ii) Strong seismic ground shaking?

As stated previously, the Project site is in a region of high seismicity. Therefore, the Project site could be subject to strong ground acceleration from earthquake events along major faults in the region including the San Jacinto Fault and San Andreas Fault. Known regionally active and potentially active faults could produce the most significant ground shaking at the Project site. The Project would be required to be in conformance with the most recently published California Building Code (CBC), County regulations, and other applicable standards. The CBC design standards correspond to the level of seismic risk in each location and are intended primarily to protect public safety and secondly to minimize property damage. Conformance with standard engineering practices and design criteria would reduce the effects of seismic groundshaking to a less than significant level.

Less Than Significant Impact

iii) Seismic-related ground failure, including liquefaction?

According to the San Bernardino County Development Code, liquefaction is defined as "A temporary fluid condition in water-saturated, loose, sandy soil caused by shock, such as an earthquake, which can cause serious soil settlement, slumping or failure of structure foundations."¹⁸ As previously stated, review of the County's Geologic Hazard Map for the Project area¹⁹ found that the Project site and immediate surrounding area are not underlain by any geologic hazards, which includes areas of generalized liquefaction susceptibility. Further, as described in **Appendix E**, the subsurface conditions at the boring and trench locations are not considered to be conducive to liquefaction. However, as a standard measure, all construction activities are subject to the building standards of the CBC with respect to potential liquefaction conditions within a Project site. Conformance with standard engineering practices and design criteria would reduce the effects of liquefaction to a less than significant level.

Less Than Significant Impact

iv) Landslides?

According to the San Bernardino County Development Code, a landslide is defined as "The perceptible downward sliding of a mass of earth and/or rock."²⁰ As previously

¹⁸ San Bernardino County. 2011. San Bernardino County Development Code.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf> (accessed January 2020).

¹⁹ San Bernardino County. 2007. Geologic Hazard Overlay map, FH29 C, Fontana.

<http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed January 2020).

²⁰ San Bernardino County. 2011. San Bernardino County Development Code.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf> (accessed January 2020).

stated, review of the County's Geologic Hazard Map for the Project area²¹ found that the Project site and immediate surrounding area are not underlain by any geologic hazards, which includes areas of generalized landslide susceptibility. In addition, the Project site is in an existing developed area, and the site and surrounding parcels are topographically flat. Therefore, no impacts associated with landslides would occur.

No Impact

b) Result in substantial soil erosion or the loss of topsoil?

Grading during the construction phase of the Project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, erosion and loss of topsoil would be controlled using standard erosion control practices during construction. Accordingly, the Project would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit to implement Best Management Practices (BMPs) to minimize stormwater runoff during construction. Additionally, the Project would be required to prepare a Final WQMP and Final Drainage Study. Adherence to the SWPPP prepared for the Project would reduce possible impacts related to the erosion to less than significant. No mitigation is required.

Less Than Significant Impact

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The Project site is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. According to the San Bernardino County Geologic Hazard map the Project site and the immediate area are not within a zone of generalized landslide susceptibility²². No extreme elevation differences exist in or around the Project site that would potentially lead to landslide effects. Further, the Geotechnical Investigation (**Appendix E**) for the Project site found site conditions not conducive to liquefaction. Impacts from landslides or liquefaction would be less than significant because the Project site is relatively flat and is not located near any areas with steep topography that would be susceptible to landslides.

The Project site consists of artificial fill materials at some of the boring and trench locations, extending to depths of 2 to 6.5 feet from below the existing site grades. The fill soils and near-surface alluvial soils possess variable densities and strengths. The near-surface alluvial soils generally possess moisture contents well under the optimum moisture content for compaction. The undocumented fill soils and the near-surface alluvial soils are not considered suitable, in their present condition, for the support of the proposed building. Remedial grading would be required to remove the artificial fill soils in their entirety, and a portion of the near-surface native alluvial soils. It is also

²¹ San Bernardino County. 2007. Geologic Hazard Overlay map, FH29 C, Fontana. <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed January 2020).

²² San Bernardino County. 2007. Geologic Hazard Overlay map, FH29 C, Fontana. <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed February 2020).

recommended that the existing soils within the proposed building area be over excavated to a depth of at least three feet below existing grade and to a depth of at least three feet below proposed pad grade throughout the building area.

The Geotechnical Investigation (**Appendix E**) stated that removal and recompaction of the artificial fill and near-surface native soils would be estimated to result in an average shrinkage of 3 to 11 percent. Minor ground subsidence is expected to occur in the soils below the zone of removal due to settlement and machinery working. The subsidence is estimated to be 0.1 feet. This estimate is based on previous experience and the subsurface conditions encountered at the test boring locations. The actual amount of subsidence is expected to be variable and will be dependent on the type of machinery used, repetitions of use, and dynamic effects.

The Geotechnical Investigation (**Appendix E**) includes recommendations to ensure that soils are made appropriate for development of the Project on the Project site. The recommendations, including over-excavation of soils so that a uniform blanket of structural fill can be created to support the proposed structure, are included as a part of Mitigation Measure GEO-1, below. Implementation of mitigation would reduce impacts associated with consolidation and collapse to less than significant.

Mitigation Measure

GEO-1: Prior to the issuance of grading permits or building permits, the County shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation, Infiltration Investigation, Percolation Investigation, and other applicable Code requirements. Specific design considerations as outlined in the Geotechnical Investigation (**Appendix E**), Infiltration Investigation (**Appendix F**), and Percolation Investigation included in **Appendix G** should be implemented to minimize the risk for geological hazards included in the Project construction plans.

Less than Significant with Mitigation

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*
-

The subsurface exploration conducted for this Project consisted of six borings advanced to depths of approximately 20 to 25 feet below the existing site grades. Additionally, two trenches were excavated to depths of approximately 5 to 12 feet below the existing site grades. Soils were classified using the Unified Soil Classification System (USCS) in accordance with ASTM-D2488, soil densities were determined using ASTM D-2937, consolidation potential was tested using ASTM D-2435, and maximum dry density and optimum moisture content was tested per ASTM D-1557.

The near-surface soils generally consist of silty sands, sands and fine to coarse sands with varying amounts of gravel, cobbles and boulders. These materials have been visually classified as non-expansive and do not require special design considerations required related to expansive soils. In addition, the Project would be required to conform to the CBC, County regulations, and other applicable construction and design

standards. Conformance with standard engineering practices and design criteria would ensure impacts related to expansive soil potential remain less than significant.

Less Than Significant Impact

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*
-

The Project includes the installation of a new septic system that would consist of a 5,000-gallon septic tank, which would connect to four 5-foot diameter seepage pits. The seepage pits would be located in the southwest area of the Project site and would be approximately 35 feet below the existing site grades. Percolation testing was performed by Southern California Geotechnical; results are included as **Appendix F**.

As described in **Appendix F**, the percolation testing consisted of a total of three borings. Percolation tests were performed within two of these borings, which were advanced to depths of approximately 35 feet below the existing site grades. The remaining boring was advanced to a depth of approximately 76.5 feet (at least 40 feet below the bottom of the proposed seepage pits) in the area of the proposed sewage disposal system.

Native alluvial soils were encountered at the ground surface at all three of the boring locations, extending to at least the maximum depth explored of 76.5 feet below the existing site grades. The native alluvial soils extending from the ground surface to a depth of about 43 feet generally consist of medium dense to very dense well-graded sands with some fine to coarse gravel content. At depths of 43 to 71 feet, the alluvium consists of medium dense to very dense well-graded silty sands, and fine to medium sandy silts. At depths greater than 71 feet, the alluvial soils consist of hard/dense fine to medium sandy clays and clayey fine to medium sands.

Groundwater was not encountered at any of the borings. Based on the well data from nearby monitoring wells, the exploratory boring data, the relative elevations of the well sites with respect to the Project site, and the depth to the historic high-water level, the groundwater at the Project site is estimated to be at a depth of at least 309 feet below the existing ground surface.

The investigation determined that percolation rates at the test locations range from 16.2 to 17.0 gallons per square foot per day (gal/ft²/d). The San Bernardino County guidelines state that the design flow rate for seepage pits must be at least 1.1 gal/ft²/d and no greater than 4.0 gal/ft²/d. Therefore, the percolation investigation concluded that the design percolation rate for the seepage pits be 4.0 gal/ft²/d consistent with San Bernardino County guidelines. Based on the results of the percolation testing, soils on the Project site are adequate to support the use of the proposed septic tank system. However, implementation of Mitigation Measure GEO-1, above, would further reduce potential impacts associated with the adequacy of soils to support the use of septic tanks to a less than significant level.

Less than Significant with Mitigation

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
-

No paleontological resources are known to be on or adjacent to the Project site. It is assumed that if these resources were located in these areas, they would have been discovered during original or subsequent ground-disturbing activities. Should evidence of paleontological resources be encountered during grading and construction, operations would be required to cease, and the County of San Bernardino and County Museum are required to be contacted for determination of appropriate procedures. Compliance with the County's standard conditions would preclude significant impacts to paleontological resources. While fossils are not expected to be discovered during construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be substantial.

To reduce this potentially significant impact to a less than significant level, all construction-related impacts of fossils or fossil-bearing deposits shall be monitored in accordance with Mitigation Measure GEO-2, to the satisfaction of the County of San Bernardino Public Works Department.

Mitigation Measure

CUL-2: In the event that cultural resources are discovered during Project activities, all work in the area of the discovery will cease until the disposition can be examined, reported, and documented. A qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find and report the finding to the California Office of Historic Preservation as well as to the Kizh nation of the Gabrieleno Band of Mission Indians.

Less than Significant with Mitigation

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Greenhouse Gas Emissions

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

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Greenhouse Gas Emissions Assessment, Kimley-Horn and Associates, Inc. 2020 (Appendix H); CalEEMOD Version 2016.3.2; Southern California Air Quality Management District, 2017; Southern California Association of Governments, 2016; San Bernardino County Transportation Authority, 2014; California Air Resources Board, 2017; Submitted Project Materials

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Short-Term Construction Greenhouse Gas Emissions

The Project would result in direct greenhouse gas (GHG) emissions from construction. The approximate quantity of daily GHG emissions generated by construction equipment utilized to build the Project is depicted in **Table 6: Construction-Related Greenhouse Gas Emissions**.

Category	MTCO₂e
Construction Year 1 (2020)	112.99
Construction Year 2 (2021)	348.72
Total Construction Emissions	461.71
30-Year Amortized Construction	15.39
Source: CalEEMod version 2016.3.2. Refer to Appendix H for model outputs.	

As shown, the Project would result in the generation of approximately 461.71 metric tons of carbon dioxide equivalent (MTCO₂e) over the course of construction. Construction GHG emissions are typically summed and amortized over the lifetime of the Project (assumed to be 30 years), then added to the operational emissions.²³ The amortized Project construction emissions would be 15.39 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

²³ The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009).

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators.

Total GHG emissions associated with the Project are summarized in **Table 7: Project Greenhouse Gas Emissions**. As shown in **Table 7**, the Project would generate approximately 1,705.28 MTCO_{2e} annually from both construction and operations of the Project. Project-related GHG emissions would not exceed the County’s 3,000 MTCO_{2e} per year screening threshold. GHG emissions would result in less than significant impacts and would not require mitigation.

Table 7: Project Greenhouse Gas Emissions	
Category	MTCO_{2e}
Area	<0.01
Energy	139.92
Mobile	1,237.48
Off-road	35.19
Waste	87.97
Water	189.31
Subtotal Total	1,689.89
Amortized Construction Emissions	15.39
Total Annual Project GHG Emissions	1,705.28
Threshold	3,000
Exceeds Threshold?	No
Source: CalEEMod version 2016.3.2. Refer to Appendix H for model outputs.	

Less Than Significant Impact

- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

San Bernardino County Regional Greenhouse Gas Reduction Plan Consistency

The Project site is within the City of Fontana’s Sphere of Influence. City of Fontana follows the 2014 San Bernardino County GHG Reduction Plan (GHGRP), which serves as a long-term vision for how the City, along with neighboring cities, can be more environmentally friendly and provides guidance for residents, City staff, and decision-makers in the community on how to achieve future sustainability goals. The goals outlined in the GHGRP target GHG emissions in the year 2020. As shown in **Table 8: San Bernardino County Regional Greenhouse Gas Reduction Plan Consistency**, the Project would not conflict with the goals in the GHGRP.

Table 8: San Bernardino County Regional Greenhouse Gas Reduction Plan Consistency		
Goals		Compliance
GOAL 1:	Continue to support the regional bus system to provide intra-city service, inter-city service to major employment centers, and connect with other regional transportation transfer points.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 2:	Where needed and appropriate, require new development to provide transit facilities and accommodations, such as bus shelters and turnouts, consistent with regional agency plans and existing and anticipated demands.	Consistent. The Project is not located immediately adjacent to an existing bus route. Therefore, the new development would not need to provide transit facilities and accommodations for buses.
GOAL 3:	Continue to implement traffic signal systems and intelligent transportation systems (ITS) components (not limited to signal coordination, highway advisory radio, closed circuit television, emergency vehicle signal preemption, etc.) along arterial roadways and sub-areas, in accordance to the City's traffic Signal System Conceptual Buildout Plan and in compliance with regional and appropriate ITS Architecture Master Plans.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 4:	Continue to develop non-motorized trails and bicycle routes as identified in the RCGP; Parks, Recreation and Trails Element and the adopted Regional Non-Motorized Transportation Plan.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 5:	Require that all new development adjacent to non-motorized trails provide bicycle and pedestrian routes linked to those facilities.	N/A. The Project site is not located near non-motorized trails and therefore is not applicable.
GOAL 6:	Increase densities through transit-oriented development in the core of the city adjacent to the Metrolink and Omni-trans hub.	N/A. The Project is not located near the City core and/or a Metrolink or Omni-trans hub. In addition, the Project consists of a warehouse development and is not considered a transit-oriented development.
GOAL 7:	Activity Centers should be linked with residential neighborhoods and be accessible by multiple modes of transportation.	N/A. This is not a project-specific policy and is therefore not applicable.
Source: San Bernardino County Transportation Authority. 2014. <i>San Bernardino County Regional Greenhouse Gas Reduction Plan</i> . Available at https://www.gosbcta.com/wp-content/uploads/2019/10/Final-Plan.pdf (accessed March 2020).		

Regional Transportation Plan/Sustainable Communities Strategy Consistency

On April 7, 2016, the Southern California Association of Governments (SCAG) Regional Council adopted the *2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS)*. The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS embodies a collective vision for the region's future and is developed with input from local governments, county transportation commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura.

SCAG's RTP/SCS establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the Project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of Executive Orders 5-03-05 and B-30-15.

The RTP/SCS contains over 4,000 transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs and replacement bridges. These future investments were included in county plans developed by the six county transportation commissions and seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices for everyone. The RTP/SCS is an important planning document for the region, allowing project sponsors to qualify for federal funding.

The plan accounts for operations and maintenance costs to ensure reliability, longevity, and cost-effectiveness. The RTP/SCS is also supported by a combination of transportation and land use strategies that help the region achieve state GHG emissions reduction goals and FCAA requirements, preserve open space areas, improve public health and roadway safety, support our vital goods movement industry, and utilize resources more efficiently. GHG emissions resulting from development-related mobile sources are the most potent source of emissions, and therefore Project comparison to the RTP/SCS is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the state. The Project's consistency with the RTP/SCS goals is analyzed in detail in **Table 9: Regional Transportation Plan/Sustainable Communities Strategy Consistency**.

Table 9: Regional Transportation Plan/Sustainable Communities Strategy Consistency		
SCAG Goals		Compliance
GOAL 1:	Align the plan investments and policies with improving regional economic development and competitiveness.	N/A. This is not a project-specific policy and is therefore not applicable.
GOAL 2:	Maximize mobility and accessibility for all people and goods in the region.	Consistent. Although this Project is not a transportation improvement project, the Project is located near existing transportation routes on Arrow Route and Cherry Avenue.
GOAL 3:	Ensure travel safety and reliability for all people and goods in the region.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 4:	Preserve and ensure a sustainable regional transportation system.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 5:	Maximize the productivity of our transportation system.	N/A. This is not a transportation improvement project and is therefore not applicable.
GOAL 6:	Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).	N/A. This is not a project-specific policy. However, the Project would not exceed any air quality thresholds, ²⁴ and is located in an infill area near existing development.

²⁴ As discussed in the *Almond Avenue Warehouse Project Air Quality Assessment* prepared by Kimley-Horn, March 2020.

GOAL 7:	Actively encourage and create incentives for energy efficiency, where possible.	N/A. This is not a project-specific policy and is therefore not applicable.
GOAL 8:	Encourage land use and growth patterns that facilitate transit as well as non-motorized transportation.	Consistent. The Project is located within approximately three miles of local bus routes and the Fontana Metrolink Station.
GOAL 9:	Maximize security of transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	N/A. This is not a transportation improvement project and is therefore not applicable.
<p>Source: Southern California Association of Governments. 2016. <i>The 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy</i>. Available at http://scaqrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf (accessed March 2020). N/A = not applicable</p>		

The goals stated in the RTP/SCS were used to determine consistency with the planning efforts previously stated. As shown in **Table 9**, the Project would be consistent with the stated goals of the RTP/SCS. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets.

California Air Resource Board Scoping Plan Consistency

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (CO₂, CH₄, NO_x, HFCs, PFCs, and SF₆) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, CARB adopted the *Climate Change Scoping Plan* (CCSP) in 2008, which outlines actions recommended to obtain that goal. The CCSP provides a range of GHG reduction actions that include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as the cap-and-trade program, and an AB 32 implementation fee to fund the program. The 2017 CCSP Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the CCSP in 2013. Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets.

As shown in **Table 10: Project Consistency with Applicable CARB Scoping Plan Measures**, the Project is consistent with most of the strategies, while others are not applicable to the Project. As such, impacts related to consistency with the Scoping Plan would be less than significant.

Table 10: Project Consistency with Applicable CARB Scoping Plan Measures			
Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on GHG Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	Consistent. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers) and transportation fuel providers) to address emissions from such fuels and combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
	California Light-Duty Vehicle GHG Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	Consistent. This measure applies to all new vehicles starting with model year 2012. The Project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the Project would be required to comply with the Pavley emissions standards.
		2012 LEV III California GHG and Criteria Pollutant Exhaust and Evaporative Emission Standards	Consistent. The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the Project site would comply with LEV III standards.
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve GHG Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480	Consistent. This measure applies to transportation fuels utilized by vehicles in California. The Project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the Project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related GHG Targets.	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	Consistent. The Project would provide development in the region that is consistent with the growth projections in the RTP/SCS.
	Goods Movement	Goods Movement Action Plan January 2007	Not applicable. The Project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer GHG Regulation	Consistent. This measure applies to medium and heavy-duty vehicles that operate in the state. The Project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the Project would be required to comply with the requirements of this regulation.

	High Speed Rail	Funded under SB 862	Not applicable. This is a statewide measure that cannot be implemented by a Project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	Consistent. The Project would not conflict with implementation of this measure. The Project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	Consistent. The Project would obtain electricity from the electric utility, Southern California Edison (SCE). SCE obtained 36 percent of its power supply from renewable sources in 2018. Therefore, the utility would provide power when needed on-site that is composed of a greater percentage of renewable sources.
	Million Solar Roofs Program	SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
Million Solar Roofs Program	Tax Incentive Program	Consistent. This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The program provides incentives that are in place at the time of construction.	
Water	Water	Title 24 Part 11 California Green Building Code Standards	Consistent. The Project would comply with the CalGreen standards, which requires a 20 percent reduction in indoor water use. The Project would also comply with the City's Water-Efficient Landscaping Regulations (Chapter 28, Article IV of the Fontana Municipal Code).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	Consistent. The State is to increase the use of green building practices. The Project would implement required green building strategies through existing regulation that requires the Project to comply with various CalGreen requirements. The Project includes sustainability design features that support the Green Building Strategy.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	Not applicable. The Mandatory Reporting Regulation requires facilities and entities with more than 10,000 MTCO ₂ e of combustion and process emissions, all facilities belonging to certain industries, and all-electric power entities to submit an annual GHG emissions data report directly to CARB. As shown above, total Project GHG emissions would not exceed 10,000 MTCO ₂ e. Therefore, this regulation would not apply.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	Consistent. The Project would not conflict with implementation of these measures. The Project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its state recycling mandates.
		AB 341 Statewide 75 Percent Diversion Goal	
Forests	Sustainable Forests	Cap and Trade Offset Projects	Not applicable. The Project is in an area designated for urban uses. No forested lands exist on-site.

High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	Not applicable. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The Project would not conflict with the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	Not applicable. The Project site is designated for urban development. No grazing, feedlot, or other agricultural activities that generate manure occur currently exist on-site or are proposed to be implemented by the Project.
Source: California Air Resources Board. 2017. <i>California's 2017 Climate Change Scoping Plan</i> . Available at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf (accessed March 2020) and CARB. 2008, <i>Climate Change Scoping Plan</i> . Available at https://ww3.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf (accessed March 2020).			

The Project is estimated to emit approximately 1,705.28 MTCO₂e per year directly from on-site activities and indirectly from off-site motor vehicles, see **Table 7**. As discussed above, the GHG emissions caused by long-term operation of the Project would not exceed the County's 3,000 MTCO₂e per year screening threshold, and impacts would be less than significant.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the Project would comply with all applicable measures are enacted that state lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050.

Less Than Significant Impact

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

Hazards and Hazardous Materials

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Phase I Environmental Site Assessment, Geosyntec consultants (Appendix I); Phase II Subsurface Investigation, Geosyntec consultants, 2020 (Appendix J); Pre-Demolition Hazardous Materials Survey Report, Geosyntec Consultants (Appendix J); Submitted Project Materials

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
-

A Phase I Environmental Assessment Report, 8645 Almond Avenue, Fontana, California 92335 (Phase I ESA) was prepared by GeoSyntec Consultants (January 2020) for the Project site. The findings of the Phase I ESA are summarized in the Initial Study; the report is included as **Appendix I**.

The Project site is currently used as a private residence and was reportedly recently used for livestock grazing. The Project site was historically used for agriculture until approximately 1953, then historically used as a wood recycling facility and landfilling of demolition and green wastes (from the nearby Kaiser Steel Plant Facility) in the southern portion of the Project site until approximately 2006, then used as tractor-trailer staging across the entire Project site until around 2012.

Properties in the Project site vicinity were historically used for agriculture, commercial, and residential purposes. Currently, a residence and truck storage yard are adjoining the Project site to the north, truck storage and equipment rental facilities are adjoining the Project site to the east and south-southeast, a water truck storage yard and construction trailer operation is adjoining to the south, and Almond Avenue adjoins to the west. Across Almond Avenue, a trucking and transport company and truck repair shop are adjacent to the Project site.

The Phase I ESA revealed evidence of recognized environmental conditions (REC), historical recognized environmental conditions (HREC), and de minimis conditions. A de minimis condition means that the impact to the Project site is negligible. The following RECs were identified at the Project site:

Recognized Environmental Conditions

From prior to 1938 to around 1953, the Project site was used for agricultural purposes. Between 1985 until 1992, the southern portion of the Project site was historically used as a vehicle and dismantling yard, then occupied by a mulch recycler. Later, the Project site was used as tractor-trailer storage (primarily in the northern portion) until 2012. The mulch recycler that operated in the southern portion of the Project site reportedly accepted treated wood and stored it in a separate area of the recycling facility and turned non-treated wood into mulch.

From approximately 1992 through 1998, both the northern and southern portions of the Project site were used for vehicle dismantling and possible shredding. This may include removing fluids within the vehicles and/or crushing vehicles. No pavement is visible on the Project site based on review of aerial photographs of the Project site. Based on review of the historical uses of the Project site, there is a potential that the soil may have been impacted by chemicals associated with these activities, therefore this finding constitutes a REC.

Historical Recognized Environmental Conditions

An unpermitted landfill was created by on the Project site by a tenant. The material buried on the Project site included construction/demolition waste from the nearby Kaiser Steel Company. Several Site investigations were conducted from 1997 to 2000 to help evaluate the type and extent of the waste. By 2000, approximately 9,000 cubic yards of waste and soil and debris had been removed from the landfilled portions of the Project site under the oversight of San Bernardino County Fire Department (SBCFD), the local oversight program at the time. The remediated southern portion of the Project site was granted No Further Action (NFA) designation by the SBCFD. Based on the closure of this portion of the Project site to the satisfaction of the oversight agency at the time, this finding constitutes an HREC for the Project site.

Recovered Government Archived Leaking Underground Storage Tank (RGA-LUST) and LUST cases were listed at the Project site under Bengal Recycling within the Environmental Data Resources Inc. (EDR) report under local case number 99049. However, no information related to the tank type or contents, or the LUST case is noted on State Water Resources Control Board website (GeoTracker) or Department of Toxic Substances Control website (EnviroStor). The entry indicates that a release of hydrocarbons occurred to soil only. No further information is noted in the EDR report. However, this LUST is noted under the same local case number on the NFA granted by the SBCFD in 2009, and further discussion with the SBCFD indicates the LUST was opened and closed as part of the clean-up activities. Since this clean-up case has also been granted NFA, this finding constitutes an HREC for the Project site.

De Minimis Conditions

A vehicle maintenance area for personal use was observed behind the residence on-site. This consisted of a motor home staged on unpaved ground, a partially-dismantled vehicle staged on bare ground and partially on a concrete pad, an intact vehicle staged on bare ground beneath a canopy, a forklift staged on the concrete pad, an empty or nearly-empty 40- to 50-gallon tank labeled for diesel, an open drum half-full of apparently oily water, and a closed drum labeled for motor oil. The tank was not in secondary containment; however, it appeared empty. Minor oily staining was noted on the concrete pad near the forklift and the partially-dismantled vehicle. No staining was observed on the unpaved ground. Various pieces of auto equipment and empty motor oil containers were noted on the ground or on the paved areas closer to the residence. The minor oily staining constitutes a de minimis condition.

A miscellaneous vehicle parts storage area was noted along the eastern-central portion of the Site. Two chicken coop structures were observed surrounded by vehicle parts and tires on the unpaved ground and on pallets. A container of used oil filters, tires, a gas-powered pump, and several propane tanks were noted in this location. A nearby trailer contained a small white, unlabeled tank (approximately 15 gallons with no secondary containment) and the wooden flooring appears to have absorbed gasoline based on darkened color and smell. A 40- to 50- gallon tank labeled for diesel that appeared to have been used on a vehicle was observed on the unpaved ground; however, it appeared the tank was empty and no longer used. No staining was observed near the tank or beneath the equipment noted near the chicken coops.

Several 4-inch white polyvinyl chloride (PVC) pipes were observed protruding from the ground throughout the Project site. Communications with the landowner indicates these are infiltration wells used for geotechnical testing conducted in 2018 and are not currently used. No staining was observed around these wells; therefore, these wells constitute a de minimis condition.

In January 2020, Geosyntec performed a limited Phase II Site Investigation (**Appendix J**) for the Project site as a result of findings in the Phase I ESA (January 2020). The Project site did not contain either detectable concentrations of targeted pollutants above their respective laboratory reporting limit (RL) identified in the Phase I ESA or did not contain concentrations of pollutants that exceeded their respective environmental screening level (ESL) for commercial/industrial soil. Based on the results of this limited soil investigation, relatively minor soil impacts can be effectively managed through soil management activities to achieve a Project site suitable for the Project. Soil export is not anticipated for this Project; however, if export is necessary additional sampling may be warranted to determine if the soils are suitable for offsite reuse or will require disposal at a landfill permitted to accept the waste in accordance with local and state regulations. Mitigation Measure HAZ-1 shall be implemented to ensure that any offsite soil reuse or disposal will be handled appropriately.

In February 2020, Geosync Consultants, Inc. prepared a Pre-Demolition Hazardous Materials Survey Report (**Appendix J**) for the project. Entech Environmental Group, LLC (Entech) was requested by Geosyntec Consultants, Inc. (Geosyntec) to perform a pre-demolition hazardous materials survey for the project site. The purpose of the survey was to determine and report the presence of hazardous materials such as Asbestos Containing Materials (ACM), Lead-Based Paint (LBP), and Lead-Containing Paint (LCP) that may be impacted during the demolition activities of the structures on-site.

Asbestos and lead components were detected in the components at the project site, exceeding a variety of regulatory criteria. To ensure safe handling of material, protection of worker and public health and safety, and compliance with regulatory requirements, we make the following recommendations:

Asbestos-Containing Material Survey

PLM analysis of suspect Asbestos Containing Materials (ACM) and Asbestos Containing Construction Materials (ACCM) applications indicated the presence of asbestos in the materials which were sampled. These include:

- Roofing Material – Black/Gray, House & Detached Garage– Approximately 1,800 sf.
- Roofing Mastic – Black/Gray, at Roof Penetrations and Joints
- Window Putty – Off-White, at Exterior Wood Windows
- Transite Pipe – Gray, Associated with Wall Heater

Based on the results of the Asbestos Containing Material Survey, Mitigation Measure HAZ-2 will be required to reduce impacts to a level of less than significant.

Lead-Based Paint Material Survey

Based on the analytical results of the paints sampled during the site inspection indicate that locations contained lead in concentrations which are regulated by Cal/OSHA (i.e., LCP). These include:

- Paint on Exterior Windows – on Wood (Brown/Tan) – House

Based on the results of the Lead-Based Paint Material Survey, Mitigation Measure HAZ-3 will be required to reduce impacts to a level of less than significant.

Once the Project is constructed, hazardous materials would be limited to those associated with a warehouse facility. These include cleaners, paints, solvents; and fertilizers and pesticides for site landscaping. Because these materials are used in very limited quantities, they are not considered a hazard to the public. Adherence to federal, State, and local health and safety requirements regarding these substances would preclude potential impacts. No additional mitigation is required.

Mitigation Measures

HAZ-1: Any soil planned to be exported offsite would be segregated during the Project construction, sampled for profiling purposes and transported offsite to an appropriate disposal facility in accordance with applicable Federal and State regulations.

HAZ-2: All Regulated Asbestos-containing Materials (RACM) that will be affected by the planned demolition shall be removed prior to demolition of the subject building in compliance with the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Cal-OSHA Asbestos in the Construction Industry Standard, 8 CCR 1529. Additionally, all Category I and Category II non-friable asbestos-containing materials that may become friable as a result of demolition work and that will be affected by the planned demolition shall be removed prior to demolition of the subject building in compliance with the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), and Cal-OSHA Asbestos in the Construction Industry Standard, 8 CCR 1529.

HAZ-3: Due to the presence of lead-containing building materials, compliance with Cal-OSHA 8 CCR 1532.1, Lead in the Construction Industry Standard will be required for the general demolition contractor. Workers shall have, at a minimum, lead awareness training for any work that disturbs lead-containing materials. Additionally, should any trigger task activity listed in section (d)(2)(AD) of 8 CCR 1532.1, including, but not limited to, manual demolition, manual scraping, manual sanding, power tool cleaning with or without local exhaust ventilation, abrasive blasting, welding, and cutting where lead-containing paints or components are present be performed, the contractor shall comply with the following requirements:

1. Provide a negative exposure assessment performed within the past 12 months for each anticipated trigger task.

OR

2. Provide workers with interim protections including, but not limited to, provision of a written lead compliance plan, medical surveillance, provision of PPE, a respiratory protection program, provision of hygiene facilities, and performance of exposure assessments in compliance the Lead in Construction Standard.

Less than Significant with Mitigation

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
-

The Project is anticipated to be built speculatively and is not anticipated to result in releases of hazardous materials into the environment. The proposed facility would be expected to use limited hazardous materials and substances which would be limited to cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. All materials and substances would be subject to applicable health and safety requirements. A less than significant impact would occur, and no mitigation is required.

Less Than Significant Impact

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
-

The closest school to the Project site is Redwood Elementary School, located at 8570 Redwood Avenue, Fontana, CA 92335 (approximately 0.3 mile east of the Project site) (Google Earth 2020). The Project does not propose any industrial uses which could generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools. The types of hazardous materials that would be routinely handled would be limited to cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. However, the Project would be required to adhere to all applicable Federal, State and regional regulations regarding handling, transport and disposal of hazardous materials. Therefore, the impacts would be less than significant, and no mitigation would be required.

Less Than Significant Impact

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
-

According to EnviroStor, Hazardous Waste and Substances Site List, the Project site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5. The Phase I ESA indicated there was one REC and two HRECs (as defined by ASTM Practice E 1527-13) identified in association with the Project site that required additional investigation. Therefore, a Phase II Investigation was conducted, which concluded pollutant concentrations found in soil associated with the REC and HRECs were below applicable ESLs for commercial/industrial development. As such, the relatively minor soil impacts on the Project site are suitable for Project. Although not anticipated, if soil export is necessary then additional sampling may be warranted to determine if the soils are suitable for offsite reuse or will require disposal at a landfill permitted to accept the waste in accordance with local and state regulations. With implementation of Mitigation Measure HAZ-1, no significant adverse impacts relative to hazardous materials sites would result with Project implementation.

Less Than Significant Impact

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*
-

The Project site is not located in the vicinity of a public or public use airport. The nearest airport to the Project site is the Ontario International Airport, located approximately 5.6 miles to the southwest. Therefore, no impact would occur as a result of the Project.

No Impact

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
-

The Project is an industrial/warehouse building with office space, located along Almond Avenue. Surrounding major cross streets include Arrow Route, Cherry Avenue, and Whittram Avenue. According to the County's General Plan, none of these roadways are designated evacuation routes. The closest designated evacuation route is State Highway 66, located 0.6 mile north of the Project site.²⁵ The Project does not include any emergency facilities, nor would it serve as an emergency evacuation route. The Project would be designed to accommodate emergency response vehicles should and emergency occur on-site. The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, including the County's Emergency Operations Plan (revised 2018, <http://cms.sbcounty.gov/portals/58/Documents/OES/2018%20EOP%20Update.pdf>). Therefore, no impact would occur.

No Impact

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*
-

The entire site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. According to CAL FIRE's Local Responsibility Area (LRA) Map for Southwest San Bernardino County, the Project site and surrounding parcels are located within a non-very high fire hazard severity zone (FHSZ).²⁶ The Project site is also not located within a Fire Safety Overlay District.²⁷ Lastly, according to the County General Plan, the Project site is located in a Moderate Fuel Rank/Fire Threat zone.²⁸ Although the Project site is not located in a "Very High" FHSZ, the County, in conjunction with the San Bernardino County Fire Department reviews all building plans for compliance with the California Building Code, state and local statutes, ordinances,

²⁵ San Bernardino County. Amended 2014. County of San Bernardino 2007 General Plan.

<http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf> (accessed January 2020).

²⁶ CAL FIRE. 2008. SW San Bernardino County Very High Fire Hazard Severity Zones in LRA.

https://osfm.fire.ca.gov/media/6783/fhszl_map62.pdf (accessed January 2020).

²⁷ San Bernardino County. 2010. San Bernardino County Land Use Plan General Plan Hazard Overlays.

http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b_20100309.pdf (accessed January 2020).

²⁸ San Bernardino County. 2007. General Plan Figure 7-14: Fuel Rank/Fire Threat. http://countywideplan.com/wp-content/uploads/2017/10/7_SAFETY_Figures.zip (accessed January 2020).

and regulations relating to the prevention of fire, the storage of hazardous materials, and the protection of life and property against fire, explosion, and exposure to hazardous materials. Adherence to regulations already in place through the development application and review process at the County would reduce the potential impacts associated with fire hazards as a result of adjacent wildlands to less than significant.

Less Than Significant Impact

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Hydrology and Water Quality

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

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Preliminary Hydrology Report, Huitt-Zollars, 2020 (Appendix L); Preliminary Water Quality Management Plan, Huitt-Zollars, 2020 (Appendix K); Federal Emergency Management Agency, 2020; San Bernardino County Hazard Overlay Map, 2007; Submitted Project Materials

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The California Porter-Cologne Water Quality Control Act (Section 13000 (“Water Quality”) et seq., of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act (CWA)) require comprehensive water quality control plans be developed for all waters within the State

of California. The Project site is located within the jurisdiction of the Santa Ana Regional RWQCB.

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

The Project would disturb more than one acre of land surface and would be required to obtain coverage under the NPDES stormwater program. To minimize water quality impacts during construction, construction activities would be required to comply with a SWPPP consistent with the General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). To obtain coverage, the Project Applicant is required to submit a Notice of Intent prior to construction activities and develop and implement a SWPPP and monitoring plan. The SWPPP identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. These requirements would ensure that potential Project impacts related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation to any water quality standards or waste discharge requirements.

As discussed in the Water Quality Management Plan (WQMP) prepared for the Project and included as **Appendix K**, the runoff from the existing site flows from the northeast corner to the southwest corner and drains onto Almond Avenue. After construction, storm water from the Project site would be directed to the on-site infiltration/detention basin located along the south property line. The basin would be sized to capture and retain the WQMP design capture volume as well as 100-year peak storm mitigation volume. Once the basin reaches capacity it would spill to Almond Avenue through a parkway drain, thus the proposed condition would mimic the existing northeast-to southwest drainage pattern. The WQMP contains BMPs designed to control and prevent discharges of pollutants that can adversely impact the downstream surface water quality. Thus, the Project is not anticipated to violate water quality standards during construction or operations. Therefore, impacts would be considered less than significant.

Less Than Significant Impact

-
- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*
-

The Project does not propose to use groundwater and the proposed onsite basin will not change/alter recharge. Therefore, due to the onsite subterranean infiltration/detention, the Project would not significantly impact local groundwater

recharge or impede sustainable groundwater management. Less than significant impacts would occur, and no mitigation is required.

Less Than Significant Impact

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) *Result in substantial erosion or siltation on- or off-site;*

The Project site does not contain any streams or rivers; therefore, none would be altered by the Project. Stormwater from the Project site would be directed to the on-site infiltration/detention basin located along the south property line. The basin would be sized to capture and retain the WQMP design capture volume as well as 100-year peak storm mitigation volume. Once the basin reaches capacity it would spill to Almond Avenue through a parkway drain, thus the proposed condition would mimic the existing northeast-to-southwest drainage pattern.

The proposed infiltration/detention basin has been designed to minimize the peak flow increase to the downstream facilities from the Project. During a 100-year storm event the basin would discharge 8.2 cubic feet per second (cfs), a controlled rate which is less than the historic existing 100-year 21.3 cfs and is also less than the existing 25-year 17.1 cfs. Thus, the proposed basin has the capacity to serve as both a water quality basin and a detention basin. Further, all proposed drainage and storm drain facilities would be sized adequately for a 100-year storm event. Thus, impacts would be less than significant, and mitigation is not required.

Less Than Significant Impact

ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

As discussed in the response to X(c)i above, the proposed infiltration/detention basin has been designed to capture and retain the WQMP design capture volume as well as 100-year peak storm mitigation volume, minimizing the peak flow increase to the downstream facilities from the Project. Therefore, downstream facilities would not be negatively impacted by the development of the Project; impacts would be less than significant, and mitigation is not required.

Less Than Significant Impact

iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*

As discussed in **Appendix K**, and in Response X(c)i above, the proposed infiltration/detention basin has been designed to minimize the peak flow increase to the downstream facilities from the Project and discharge less than the historic existing 100-year and existing 25-year events. Accordingly, impacts resulting in runoff water which would exceed the capacity of existing or planned stormwater drainage systems

or provide substantial additional sources of runoff would be less than significant and mitigation is not required.

Less Than Significant Impact

iv) Impede or redirect flood flows?

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows the Project site being covered by map panel 06071C8651H, effective 08/28/2008. Based on a review of this map panel, the entirety of the Project site is not located in a documented flood plain or floodway²⁹. The Project site does not contain any streams or rivers; therefore, none would be altered by the Project. Due to the lack of proposed changes to flood paths, the Project would result in a less than significant impact regarding flood flows.

Less Than Significant Impact

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The Project is located approximately 40 miles east of the Pacific Ocean. There is no risk of exposure to inundation by seiche or tsunami. The Project is relatively flat so the potential for a mudflow is unlikely. In addition, there are no dams, reservoirs or large water bodies near the Project site. The closest body of water is the Banana Basin, a San Bernardino County Department of Public Works Flood Control District facility located approximately 0.15 miles southwest of the Project site. As shown on both the FIRM map³⁰ and County Hazards Map³¹, the Project is located outside of any flood zone areas related to the facility. Accordingly, no impacts would occur and no mitigation is required.

Less Than Significant Impact

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Water quality impacts other than those described in Response X(a) above are not anticipated with implementation of the Project. Furthermore, the Project does not propose to use groundwater and, as discussed in Response X(b) above, the drainage would utilize underground infiltration/detention basin system, which would retain and treat water prior to discharging into Almond Avenue. Therefore, the Project would not obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impacts would occur in this regard and no mitigation is required.

Less Than Significant Impact

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

²⁹ Federal Emergency Management Agency. (2020) *FEMA Flood Map Service Center: Search By Address*. <https://msc.fema.gov/portal/search?AddressQuery=bloomington%2C%20ca#searchresultsanchor> (accessed March 2020)

³⁰ Federal Emergency Management Agency. (2020) *FEMA Flood Map Service Center: Search By Address*. <https://msc.fema.gov/portal/search?AddressQuery=bloomington%2C%20ca#searchresultsanchor> (accessed March 2020)

³¹ San Bernardino County. 2007. Hazard Overlay Map, FH29 B, Bloomington. http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b_20100309.pdf (accessed March 2020).

Land Use and Planning

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

San Bernardino County General Plan, 2007; San Bernardino Development Code, amended 2019; Submitted Project Materials

a) *Physically divide an established community?*

The general Project vicinity is mostly developed and no physical barriers (besides public roadways) exist. The Project site does not serve as a barrier which divides the community, nor does it serve as a connection for the existing community. The Project site is vacant except for a dilapidated single-family residential structure in the northwest portion of the Project site. Residential structures located north, south and west of the Projects site do not share a common theme or boundary that would establish them as a residential community. Once the Project is fully built, it will blend in with the growing mix of surrounding uses and would not physically divide an established community. Therefore, the Project would have no impact regarding the division of an established community.

Less Than Significant Impact

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The County General Plan land use designation and zoning for the is IC, Community Industrial and the proposed use is consistent with this zoning designation. The Project requires a CUP for the development of a proposed industrial/warehouse building over 80,000 square feet in the IC, Community Industrial zoning district. The Project proposes an approximately 185,866 square foot industrial/warehouse building with ancillary office space.

The Projects site is located within the boundaries of a Biotic Resources (BR) Overlay (for the Burrowing Owl³²), which implements General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats, which have been identified within unincorporated areas of the County.

³² County of San Bernardino. 2012. San Bernardino County Valley/Mountain Region Biotic Resources. http://www.sbcounty.gov/Uploads/lus/BioMaps/vly_mtn_all_biotic_resources_map_final.pdf (accessed January 2020).

A Biotic Resources Report was prepared for the Project by Rocks Biological Consulting (RBC) (February 2020). The Biotic Resources Report is included as **Appendix C** and the results are summarized herein. No burrowing owl individuals, burrowing owl sign, or suitable burrows were observed on the Project site. The low-quality habitat is not suitable for nesting due to the hard-packed and gravelly soils present on the Project site. Further, California ground squirrels (*Otospermophilus beecheyi*) were not detected; the absence of this species reduces the likelihood that burrowing owl will colonize the Project site. Based on these conditions, the Project site has a low potential to support burrowing owl. However, based on the site's occurrence in a region known for this species and within the County of San Bernardino's Burrowing Owl Overlay Zone; there is a slight potential for future occupancy by this species. Therefore, a pre-construction burrowing owl survey should be conducted prior to Project construction to ensure that burrowing owl have not colonized the Project site. To avoid impacts on burrowing owl, Mitigation Measure BIO-2 shall be implemented.

The Project would comply with the requirements of Section 82.11.030, Application Requirements of the County's Development Code which states: When a land use is proposed, or an existing land use is increased by more than 25 percent of disturbed area within a BR Overlay, the land use application shall include a biologic resources report prepared as follows, except where the Director finds that prior environmental studies approved by the County have determined that the site does not contain viable habitat.

- (a) *Report content. The biotic resources report shall identify all biotic resources located on the site and those on adjacent parcels that could be impacted by the proposed development, and shall also identify mitigation measures designed to reduce or eliminate impacts to the identified resources, and shall be submitted along with the application for the proposed development.*
- (b) *Report preparation. The biotic resources report shall be prepared by an appropriate expert such as a qualified biologist, botanist, herpetologist, or other professional "life scientist." See Section 82.11050 for qualification requirements.*

With the approval of the Project, the Project would be consistent with the underlying zoning and General Plan designations and would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project. A less than significant impact would occur.

Less Than Significant Impact

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

Mineral Resources

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

San Bernardino County General Plan, 2007; California Department of Conservation, Division of Mines and Geology, 1995; Submitted Project Materials

- a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*

The Surface Mining and Reclamation Act of 1975 (SMARA) requires the classification of land into MRZs according to the known or inferred mineral potential of the area. Under SMARA, areas are categorized into MRZs³³ as follows:

- MRZ-1 - Adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. This designation shall be applied where well-developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for the occurrence of significant mineral deposits is nil or slight.
- MRZ-2 - Adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. This designation shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for the occurrence of significant mineral deposits is high.
- MRZ-3 - Containing deposits whose significance cannot be evaluated from available data.
- MRZ-4 - Available information is inadequate for assignment to any other MRZ zone.

The eastern portion of the Project site is within MRZ-2 and the western portion of the Project site is within MRZ-3.³⁴The MRZ-2 portion is located in an area where geologic

³³ San Bernardino County. 2007. *Final Environmental Impact Report and Appendices SCH#2005101038*. http://countywideplan.com/wp-content/uploads/2015/09/2007_GP_EIR.pdf (accessed January 2020).

³⁴ California Department of Conservation (DOC), Division of Mines and Geology. 1995. *Mineral Land Classification of a Part of Southwestern San Bernardino County: The San Bernardino Valley Area, California (West)*. ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_94-08/OFR_94-08_West.pdf (accessed January 2020).

data indicate that significant Portland Cement Concrete (PCC)-Grade aggregate resources are present.³⁵ However, according to the California Geological Survey, the Project Site is not located within a sector designated by the State Mining and Geology Board as containing regionally significant PCC-grade aggregate resources.³⁶ The Project site is within approximately two miles of two mine sites: the Fontana Pit and Kaiser Fontana Mine. Both were open pit mines sand and gravel mines, which have since been reclaimed.³⁷ Review of historic aerial imagery dating back to 1938 indicates mining activities on the Project site have not occurred in recent history.³⁸ Past land use appears to be for agricultural purposes. The Projects site is currently undeveloped, except for one abandoned single-family residential structure, so does not involve the use or operation of extracting mineral resources. Therefore, no impacts resulting in the loss of availability of a known mineral resource that would be of value to the region or state would occur.

No Impact

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

See response to (a) above. The Project site is presently undeveloped, except for an abandoned single-family residence in the northwest portion of the Project site. According to the County's General Plan, the land use designation for the Project site is IC, Community Industrial. The Project site has not historically, nor currently, been using for mineral resource extraction. Therefore, no impacts resulting in the loss of availability of a known mineral resource that would be of value locally would occur.

No Impact

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

³⁵ DOC. 2008. Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the San Bernardino Production-Consumption (P-C) Region, San Bernardino and Riverside County, California. http://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_206/SR206_Plate1.pdf (accessed January 2020).

³⁶ DOC. 2008. Updated Aggregate Resource Sector Map for Portland Cement Concrete-Grade Aggregate in the Northern San Bernardino Production-Consumption (P-C) Region, San Bernardino and Riverside County, California. http://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_206/SR206_Plate2.pdf (accessed January 2020).

³⁷ DOC. 2016. Mines Online. <https://maps.conservation.ca.gov/mol/index.html> (accessed January 2020).

³⁸ Historic Aerials. 2020. <https://www.historicaerials.com/viewer> (accessed January 2020).

Noise

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIII. NOISE - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

San Bernardino County General Plan, 2007; Acoustical Assessment for the Almond Warehouse Project, Kimley-Horn and Associates, 2020 (Appendix M); San Bernardino Development Code, amended 2019; Submitted Project Materials

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Noise Fundamentals

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and that interferes with or disrupts normal activities. The human environment is generally characterized by a certain consistent noise level that varies by area. This is called ambient, or background noise. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, perceived importance of the noise and its appropriateness in the setting; time of day and type of activity during which the noise occurs, and sensitivity of the individual.

Sound is a physical phenomenon consisting of vibrations that travel through a medium, such as air, and are sensed by the human ear. Sound is generally characterized by several variables, including frequency and intensity. Frequency describes the sound's pitch and is measured in cycles per second, or hertz (Hz). Intensity describes the sound's loudness and is measured in decibels (dB). A sound level of 0 dB is approximately the

threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels above about 120 dB begin to be felt inside the human ear as discomfort and eventually as pain at still higher levels. The minimum change in the sound level of individual events that an average human ear can detect is about 3 dB. Decibels are measured using a logarithmic scale; thus, the average person perceives a change in sound level of about 10 dB as a doubling (or halving) of the sound's loudness. This relation holds true for sounds of any loudness.

The normal human ear can detect sounds that range in frequency from about 20 Hz to 20,000 Hz. However, all sounds in this wide range of frequencies are not heard equally well by the human ear, which is most sensitive to frequencies in the range of 1,000 Hz to 4,000 Hz. This frequency dependence can be taken into account by applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called A-weighting and is commonly used in measurements of community environmental noise. The A-weighted sound pressure level (abbreviated as dBA) is the sound level with the "A-weighting" frequency correction. In practice, the level of a noise source is conveniently measured using a sound level meter that includes a filter corresponding to the dBA curve.

Because community noise fluctuates over time, a single measure called the Equivalent Sound Level (L_{eq}) is often used to describe the time-varying character of community noise. The L_{eq} is the energy-averaged A-weighted sound level during a measured time interval and is equal to the level of a continuous steady sound containing the same total acoustical energy over the averaging time period as the actual time-varying sound. It is often desirable to know the acoustic range of the noise source being measured. This is accomplished through the L_{max} and L_{min} indicators, which represent the root-mean-square maximum and minimum noise levels obtained during the measurement interval. The L_{min} value obtained for a particular monitoring location is often called the "acoustic floor" for that location.

To describe the time-varying character of environmental noise, the statistical noise descriptors L_{10} , L_{50} , and L_{90} are commonly used. They are the noise levels equaled or exceeded during 10, 50, and 90 percent of a stated time, respectively. Sound levels associated with L_{10} typically describe transient or short-term events, whereas levels associated with L_{90} describe the steady-state (or most prevalent) noise conditions.

Another sound measure known as the Community Noise Equivalent Level (CNEL) is an adjusted average A-weighted sound level for a 24-hour day. It is calculated by adding a 5-dB adjustment to sound levels during evening hours (7:00 p.m. to 10:00 p.m.) and a 10-dB adjustment to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). These adjustments compensate for the increased sensitivity to noise during the typically quieter evening and nighttime hours. The CNEL is used by the State of California, City, and County to evaluate land use compatibility with respect to transportation noise.

Existing Noise Environment

Mobile Sources

Surrounding land uses include residential uses and vacant land to the north; industrial uses to the east; industrial uses and vacant land to the south; and industrial and

residential uses to the west. The existing mobile noise sources in the Project area are mostly generated by motor vehicles traveling along Arrow Route to the north and Cherry Avenue to the east, as well as along Almond Avenue and Whittram Avenue to the west and south, respectively. Because of the project's proximity to the City of Fontana and is located within the City of Fontana Sphere of Influence, the Fontana General Plan policies were considered. The Fontana General Plan has identified vehicular transportation as the most significant source of noise within the City. The Community Mobility Circulation Element of the Fontana General Plan has identified Arrow Route as a Primary Highway, Cherry Avenue as a Modified Major Highway, Almond Avenue as an Industrial Collector, and Whittram Avenue as a Secondary Highway. The City's Noise and Safety Element says the City's major streets, such as Arrow Route and Cherry Avenue, have higher noise levels than residential blocks. According to the Fontana General Plan, the highest levels of noise are less than 60 dBA, which is below the City's 65 dBA threshold for external noise impacts on residential areas. Other mobile noise sources in the Project vicinity include train pass-bys and horns from the Metrolink Passenger Rail.

Stationary Sources

The primary sources of stationary noise in the Project vicinity are those associated with the operations of adjacent warehouse uses to the east, south, and west of the Project site as well as race events at the Auto Club Speedway to the south of the Project site. The noise associated with these sources may represent a single-event noise occurrence or short-term noise. Other noises include mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment), domestic animals (e.g., dogs barking, etc.), idling vehicles, and residents talking.

Noise Measurements

To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted three short-term noise measurements on February 20, 2020; see **Appendix M**. Noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were taken between 11:05 a.m. and 12:03 p.m. near potential sensitive receptors. Short-term L_{eq} measurements are considered representative of the noise levels throughout the day. The average noise levels and sources of noise measured at each location are listed in **Table 11: Existing Noise Measurements**.

Table 11: Existing Noise Measurements					
Site	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	Time
1	Adjacent to the southwest corner of the Arrow Route and Almond Avenue intersection, near single-family residential uses.	66.4	44.0	78.0	11:05 a.m.
2	Residential cul-de-sac along Upas Court.	49.7	38.5	64.7	11:35 a.m.
3	Along Whittram Avenue to the southeast of the Project site.	67.5	62.7	76.8	11:53 a.m.

Source: Noise measurements taken by Kimley-Horn, February 20, 2020. Refer to **Appendix M** for noise measurement results. See **Figure 11** for receiver site locations.

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive uses typically include residences, hospitals, schools, childcare facilities, and places of assembly. Vibration sensitive receivers are generally similar to noise-sensitive receivers but may also include businesses, such as research facilities and laboratories that use vibration-sensitive equipment. Sensitive receptors near the Project site consist mostly of single-family and multi-family residences, religious institutions, and educational institutions. Sensitive land uses nearest to the Project are shown in **Table 12: Sensitive Receptors**.

Table 12: Sensitive Receptors	
Receptor Description	Distance and Direction from the Project
Single-Family Residential Home	Adjacent to the north
Single-Family Residential Home	75 feet to the west
Single-Family Residential Community	450 feet to the northwest
Ministerios Tesoros Escondidos (church)	750 feet to the northeast
Single-Family Residential Community	1,000 feet to the north
Redwood Elementary School	1,500 feet to the east
Hacienda Mobile Park	2,000 feet to the north
Almond Elementary School	2,100 feet to the north
Single-Family Residential Community	2,300 feet to the east
Red Arrow Kennels	2,400 feet to the east
Fontana Christian Center	2,400 feet to the east
Source: Google Earth, 2020	

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. Project construction would occur adjacent to an existing single-family residence to the north and multi-family residential uses to the west, with the closest receptors being approximately 50 feet away from the Project construction area. However, it is acknowledged that construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors.

Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating. Such activities would require concrete/industrial saws, excavators, and dozers during demolition; dozers and tractors during site preparation; excavators, graders, and dozers during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, and paving equipment during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic

movement of machinery lifts). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in **Table 13: Typical Construction Noise Levels**.

As shown in **Table 13**, exterior noise levels could affect the nearest existing sensitive receptors in the vicinity. Sensitive uses in the Project site vicinity include existing residential uses to the north and west. These sensitive receptors may be exposed to elevated noise levels during Project construction. However, construction noise would be acoustically dispersed throughout the Project site and not concentrated in one area near surrounding sensitive uses. Neither the County or City (the Project is within the City of Fontana's sphere of influence, and as such, City standards should be considered) establish quantitative construction noise standards. Instead, both jurisdictions establish limited hours of construction activities. San Bernardino County Code Section 83.01.080(g)(3) states that construction activities are exempt from the County's noise standards between the hours of 7:00 a.m. and 7:00 p.m. except Sunday and Federal holidays, and Section 18-63(b)(7) of the Fontana Municipal Code allows construction between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, except in the case of urgent necessity or otherwise approved by the City. All motorized equipment used in such activity shall be equipped with functioning mufflers as mandated by the state.

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 100 feet from Source¹
Air Compressor	80	74
Backhoe	80	74
Compactor	82	76
Concrete Mixer	85	77
Concrete Pump	82	76
Concrete Vibrator	76	79
Crane, Derrick	88	76
Crane, Mobile	83	70
Dozer	85	82
Generator	82	77
Grader	85	79
Impact Wrench	85	76
Jack Hammer	88	79
Loader	80	79
Paver	85	82
Pile-driver (Impact)	101	74
Pile-driver (Sonic)	95	79
Pneumatic Tool	85	95
Pump	77	89
Roller	85	79
Saw	76	71
Scraper	85	84
Shovel	82	89
Truck	84	79

¹ Calculated using the inverse square law formula for sound attenuation: $dB_{A_2} = dB_{A_1} + 20 \log(d_1/d_2)$
 dB_{A_2} = estimated noise level at receptor; dB_{A_1} = reference noise level; d_1 = reference distance; d_2 = receptor location distance

Source: Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed March 2020).

Construction activities may also cause increased noise along site access routes due to movement of equipment and workers. Compliance with the San Bernardino County Code and Fontana Municipal Code would minimize impacts from construction noise, as construction would be limited to the County's and City's allowable construction hours. By following the local noise standards, Project construction activities would result in a less than significant noise impact.

Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project that could potentially impact existing and future nearby residences include mechanical equipment (i.e., trash compactors, air conditioners, etc.); truck and loading dock operations (i.e., slow-moving trucks on the site, maneuvering and idling trucks, equipment noise); parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise.

Mechanical Equipment

The Project site is surrounded by industrial uses to the east, south, and west. The nearest sensitive receptors are residences located approximately 50 feet north and 75 feet west of the Project site. Stationary noise sources from the Project that could affect the nearby residential uses include mechanical equipment. Mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA at 50 feet.³⁹ As such, noise levels at the nearest sensitive receptor (a single-family residence 50 feet to the north of the Project site) would be approximately 52 dBA, which is below the County's and City's noise standards of 55 dBA and 65 dBA, respectively, for residential uses. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the Project would result in a less than significant impact related to mechanical equipment noise levels.

Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks; dropping down the dock ramps; and maneuvering away from the docks. Loading/unloading activities would occur on the southern portion of the proposed warehouse building in the southern portion of the Project site. Driveways and access to the site would occur along Almond Avenue. As noted above, Section 30-543(A) of the Fontana Municipal Code limits noise from industrial uses. Additionally, Chapter 83.01, Section 83.01.080, Noise, of the Codified Ordinances of the County of San Bernardino (San Bernardino County Code) establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

³⁹ Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden. 2015. Noise Navigator Sound Level Database with Over 1700 Measurement Values.

The proposed warehouse building includes dock-high doors for truck loading/unloading and manufacturing/light industrial operations. The dock-high doors are set back approximately 135 feet from the western property line and 400 feet from the nearest residences to the west of the Project site. Loading dock noise is approximately 68 dB at 50 feet.⁴⁰ Loading dock noise levels would be approximately 50 dB at the nearest receptors conservatively assuming a clear line of sight and no attenuation from intervening walls or structures. Furthermore, loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. Therefore, noise levels associated with truck loading/unloading activities would not exceed the County's and City's noise standards of 55 dBA and 65 dBA, respectively, for residential uses.

Trucks at the Project site would also utilize backup alarms during loading/unloading activities. Backup alarms produce a typical noise level of 79 dB at 30 feet.⁴¹ At 400 feet, backup alarm noise levels would be approximately 51.5 dB⁴² and would be below the County's and City's noise standards of 55 dBA and 65 dBA, respectively, for residential uses. Therefore, noise levels from trucks and loading/unloading activities would not exceed any local noise standards and a less than significant impact would occur.

Parking Noise

The Project provides 114 automobile parking stalls, including five handicap stalls. The Project includes 42 trailer parking stalls. Parking is located on the northern and southern portions of the Project site. Nominal parking noise would occur within the on-site parking facilities. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA⁴³ and may be an annoyance to adjacent noise-sensitive receptors. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 50 feet for normal speech to 50 dBA at 50 feet for very loud speech.⁴⁴ It should be noted that parking lot noises are instantaneous noise levels compared to noise standards in the hourly L_{eq} metric, which are averaged over the entire duration of a time period.

Additionally, parking noise also occurs at the adjacent properties to the east, south, and west under existing conditions. Parking and driveway noise would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along Arrow Route, Cherry Avenue, Almond Avenue, and Whittram Avenue. Actual noise levels over time resulting from parking activities are

⁴⁰ Charles M. Salter Associates, Inc. 2014. Midpoint at 237 Loading Dock Noise Study.

⁴¹ Ibid.

⁴² Based on the inverse square law for sound attenuation, and assuming a minimum of 5 dB noise reduction from the intervening warehouse building on the Project site (FHWA, 2006).

⁴³ Kariel, H. G. 1991. Noise in Rural Recreational Environments.

⁴⁴ Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden. 2015. Noise Navigator Sound Level Database with Over 1700 Measurement Values.

anticipated to be far below the local noise standards. Therefore, noise impacts associated with parking would be less than significant.

Off-Site Traffic Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. According to the *Almond Avenue Warehouse Vehicle Miles Traveled (VMT) Evaluation* prepared by Translutions (January 2020, see **Appendix N**), the Project would generate 324 daily trips. The Project's increase in traffic would result in noise increases on Project area roadways. In general, a traffic noise increase of 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable. Traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA.⁴⁵ According to the Community Mobility Circulation Element of the Fontana General Plan, average daily traffic (ADT) volumes along Foothill Boulevard (the nearest roadway with available ADT volumes) are 25,300 ADT. As such, the Project's vehicle trip generation (324 daily trips) would represent an increase of less than two percent in vehicle trips along Foothill Boulevard compared to existing conditions. Therefore, the Project would not generate enough traffic to result in a permanent 3-dBA increase in ambient noise levels and traffic noise would not exceed any local standards. Impacts would be less than significant in this regard.

Less Than Significant Impact

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

Increases in groundborne vibration levels attributable to the Project would be primarily associated with short-term construction-related activities. The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations in their 2018 *Transit Noise and Vibration Impact Assessment Manual*. The types of construction vibration impacts include human annoyance and building damage.

The FTA has published standard vibration velocities for construction equipment operations. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, for buildings extremely susceptible to vibration damage (e.g., historic brick buildings, ruins, and ancient monuments, etc.) the FTA guidelines show that a vibration level of up to 0.12 in/sec is considered safe and would not result in any construction vibration damage. Based on the construction vibration guidance and criterion from the FTA Noise and Vibration Manual, a vibration level of 0.3 inch-per-second (in/sec) peak particle velocity (PPV) is used in this analysis to analyze potential

⁴⁵ According to the California Department of Transportation, *Technical Noise Supplement to Traffic Noise Analysis Protocol* (September 2013), it takes a doubling of traffic to create a noticeable (i.e., 3 dBA) noise increase.

significant vibration impacts for construction damage at off-site structures in the Project vicinity. A human annoyance criterion of 0.4 in/sec PPV is also utilized in accordance with California Department of Transportation (Caltrans) guidance.⁴⁶

Table 14: Typical Construction Equipment Vibration Levels, lists vibration levels at 25 feet and 50 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 14**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity.

Table 14: Typical Construction Equipment Vibration Levels		
Equipment	Peak Particle Velocity at 25 Feet (in/sec)	Peak Particle Velocity at 50 Feet (in/sec)¹
Large Bulldozer	0.089	0.032
Caisson Drilling	0.089	0.032
Loaded Trucks	0.076	0.027
Jackhammer	0.035	0.012
Small Bulldozer/Tractors	0.003	0.001

¹ Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec; D = the distance from the equipment to the receiver.

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

The nearest off-site structure is a building located approximately 50 feet south of the Project site on an industrial property. As shown in **Table 14**, at 50 feet, construction equipment vibration velocities would not exceed 0.032 in/sec PPV, which is below the FTA's 0.2 PPV threshold and Caltrans' 0.4 in/sec PPV threshold for human annoyance. It is also acknowledged that construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest off-site structure. Therefore, vibration impacts associated with the Project would be less than significant.

Less Than Significant Impact

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The Ontario International Airport (OIA) is located approximately five miles southwest of the Project site. The Project site is located outside the Airport Influence Area of the OIA.⁴⁷ The Project site is also located outside the 60 to 65 dB CNEL Noise Impact Zone of the airport⁴⁸ and would not be significantly affected by overhead aircraft noise. Additionally, the Project site is not located within the vicinity of a private airstrip. Therefore, the Project

⁴⁶ California Department of Transportation. 2013. Table 20. Transportation and Construction Vibration Guidance Manual.

⁴⁷ Ontario Airport Planning (2011). Ontario International Airport Land Use Compatibility Plan. Map 2-1 Compatibility Policy Map: Airport Influence Area. <http://www.ontarioplan.org/wp-content/uploads/sites/4/2015/05/policy-map-2-1.pdf> (accessed March 2020).

⁴⁸ Ontario Airport Planning (2011). Ontario International Airport Land Use Compatibility Plan. Map 2-3 Compatibility Policy Map: Noise Impact Zones. <http://www.ontarioplan.org/alucp-for-ontario-international-airport/> (accessed March 2020).

would not expose people residing or working in the Project area to excessive noise levels and a less than significant impact would occur.

Less Than Significant Impact

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

Population and Housing

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIV. POPULATION AND HOUSING - Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Submitted Project Materials.

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The Project would have a beneficial effect on the County's employment base by developing a site that is currently vacant - except for a vacant, dilapidated single-family residence - with a new industrial/warehouse building with ancillary office space. Given that the current unemployment rate for the Riverside-San Bernardino-Ontario area is approximately 3.7%⁴⁹, it is reasonably assured that the jobs would be filled by people living in the surrounding unincorporated County area and communities, such as Fontana, Rialto, Ontario, and Rancho Cucamonga. Furthermore, the Project site is served by existing public roadways, and utility infrastructure is already installed beneath the public rights of way that abut the Project site (Almond Avenue). As such, the Project is not anticipated to induce substantial population growth in the area, such that the population growth would result in significant environmental effects. A less than significant impact would occur.

Less Than Significant Impact

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Presently, the Project site contains one single-family residence. However, this structure is vacant and dilapidated. Implementation of the Project would require the removal of this home from the Project site, but removal of the residential structure would not displace any people or a substantial number of existing housing structures. The removal

⁴⁹ U.S. Bureau of Labor and Statistics. 2020. Economy at a Glance: Riverside-San Bernardino-Ontario, CA. https://www.bls.gov/eag/eag.ca_riverside_msa.htm (accessed January 2020).

of one residential structure from the Project site would not necessitate the construction of replacement housing elsewhere. Accordingly, no impact would occur.

No Impact

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

Public Services

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Submitted Project Materials

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire Protection?

Fire protection services to the Project site would be provided by SBCFD. The Project site would be served by San Bernardino County Fire Station No. 73, located at 8143 Banana Avenue, Fontana, CA 92335 (approximately one roadway mile northwest of the Project site) and San Bernardino County Fire Station No. 72, located at 15380 San Bernardino Avenue, Fontana, CA 92335 (approximately 2.7 roadway miles to the southeast of the Project site) (Google Maps 2020). Based on the Project site's proximity to two existing fire stations, the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required.

SBCFD currently reviews all new development plans, and future development is required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow. The Project Applicant must be able to demonstrate sufficient fire flow. The Project would be required to comply with the most current provisions of SBCFD's Fee Schedule Ordinance, which requires a fee payment that the County applies to the funding of fire protection facilities. Mandatory compliance with the Ordinance would be required prior to the issuance of a building permit. In addition, property tax revenues generated from development of the site would also provide funding to offset potential increases in the demand for fire protection at Project build-out. The Project would comply with the California Fire Code

and CBC, including Project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths.

The Project would include a minimum of fire safety and fire suppression features, including type of building construction, fire sprinklers, a fire hydrant system, and paved access. The proposed building would be of concrete tilt-up construction that contains a low fire hazard risk rating. Fire protection apparatus ingress and egress will be available via two driveways and the Project site's internal circulation would allow fire apparatus access around the building. Two fire hydrants are currently present adjacent the Project along northbound Almond Avenue. In addition, a fire alarm system is proposed to be installed, as well as ESFR (Early Suppression, Fast Response) ceiling-mounted fire sprinklers. ESFR systems are located in ceiling spaces as with conventional fire sprinkler systems, but they incorporate large, high volume, high-pressure heads to provide the necessary fire protection for warehouse buildings that may contain high-piled storage. While most other sprinklers are intended to control the growth of a fire, an ESFR sprinkler system is designed to suppress a fire. To suppress a fire does not necessarily mean it will extinguish the fire but rather it is meant to "knock" the fire back down to its source.

Overall, the Project would receive adequate fire protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and will not adversely affect service ratios, response times, or other performance objectives. Compliance with applicable local and state regulations will ensure that the Project implementation would result in a less than significant impact to fire protection services.

Less Than Significant Impact

Police Protection?

Police protection services to the Project site would be provided by the San Bernardino County Sheriff's Department (SBCSD). The closest SBCSD patrol station to the Project site is the Fontana Patrol Station, located at 17780 Arrow Boulevard, Fontana, CA 92335 (approximately 4.6 roadway miles east of the Project site) (Google Maps 2020). Additionally, the Fontana Patrol Station is composed of one secretary, five clerks, one motor pool assistant, one Sheriff's Service Specialist, twenty-seven deputy positions, five detectives, seven sergeants, one lieutenant and one captain. Fontana deputies enjoy a close working relationship with the surrounding agencies of Fontana Police, Rialto Police, Rancho Cucamonga Police, and Riverside Sheriff.⁵⁰ The Fontana Patrol Station is also served by volunteer groups, to allow for quicker response times. Based on the Project site's proximity to this existing police station and its staffing level, the Project would be adequately served by police protection services, and no new or expanded unplanned facilities would be required.

The Project involves the construction of an industrial/warehouse building with office space and is not anticipated to generate significant police calls which would warrant construction of a new police station or expansion of an existing station. Furthermore,

⁵⁰ SBCSD. 2020. Fontana Patrol Station. <http://wp.sbcounty.gov/sheriff/patrol-stations/fontana/> (accessed January 2020).

property tax revenues generated from development of the Project site would provide funding to offset potential increases in the demand for police services at Project buildout.

Overall, the Project would receive adequate police protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered police protection facilities, and will not adversely affect service ratios, response times, or other performance objectives. Compliance with applicable local regulations will ensure that the Project implementation would result in a less than significant impact to police protection services.

Less Than Significant Impact

Schools?

The Project site is located within the boundaries of the Fontana Unified School District (FUSD). The closest school to the Project site is Redwood Elementary School, located at 8570 Redwood Avenue, Fontana, CA 92335 (approximately one roadway mile east of the Project site) (Google Maps 2020).

The Project, however, would not create a direct demand for public school services, as the subject property would contain non-residential uses that would not generate any school-aged children requiring public education. The Project is not expected to draw a substantial number of new residents to the district and therefore, would not indirectly generate school-aged students requiring public education. Because the Project would not directly generate students and is not expected to indirectly draw students to the area, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a direct demand for additional public-school services, the Project Applicant would be required to contribute development impact fees to FUSD in compliance with California Senate Bill 50 (Greene), which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits.

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Compliance with applicable local and state regulations will ensure that the Project implementation would result in a less than significant impact to school services.

Less Than Significant Impact

Parks?

Patricia Murray Park, located at 8040 Jamestown Circle in Fontana, is the closest park to the Project site. The park is located two roadway miles northwest of the Project site (Google Maps 2020).

The Project, however, would not create a direct demand for park facilities, as the subject property would contain non-residential uses that would not generate population growth

requiring park facilities. The Project is not expected to draw a substantial number of new residents to the area and therefore, would not indirectly generate population growth requiring park facilities. Because the Project would not directly generate population growth and is not expected to indirectly introduce parkgoers to the area, the Project would not cause or contribute to a need to construct new or physically altered park facilities.

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Therefore, Project implementation would result in a less than significant impact to park facilities.

Less Than Significant Impact

Other Public Facilities?

Other public facilities located in the greater Project area include the Rancho Cucamonga Public Library, located at 12505 Cultural Center Drive, Rancho Cucamonga, CA 91739 (approximately 3.5 roadway miles northwest of the Project site); Heritage Neighborhood Center, located at 7350 W Liberty Parkway, Fontana, CA 92336 (approximately 2.2 roadway miles northwest of the Project site); and the Fontana Community Senior Center, located at 16710 Ceres Avenue, Fontana, CA 92335 (approximately 3.7 roadway miles east of the Project site) (Google Maps 2020).

The Project, however, would not create a direct demand for other public facilities, as the subject property would contain non-residential uses that would not generate population growth requiring other public facilities. The Project is not expected to draw a substantial number of new residents to the area and therefore, would not indirectly generate population growth requiring other public facilities. Because the Project would not directly generate population growth and is not expected to indirectly introduce new population to the area, the Project would not cause or contribute to a need to construct new or physically altered other public facilities.

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Therefore, Project implementation would result in a less than significant impact to other public facilities.

Less Than Significant Impact

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

Recreation

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?*

Patricia Murray Park, located at 8040 Jamestown Circle in Fontana, is the closest park to the Project site. The park is located two roadway miles northwest of the Project site. However, the Project is an industrial/warehouse building with office space and does not propose any residential development or other land use that may generate a population that would increase the use of this park or any existing neighborhood or regional parks or other recreational facility. Therefore, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, no impact would occur.

No Impact

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Project is an industrial/warehouse building with office space and does not propose, nor require, the construction or expansion of recreational facilities. The Project does not include the subdivision of land for residential use and therefore is not required to dedicate land or pay fees in lieu thereof, or combination of both, for park or recreational purposes. See Chapter 89.02: Recreational Facilities Financing of the San Bernardino Development Code for detailed information (<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>). Therefore,

the Project would not have an adverse physical effect on the environment as it pertains to construction/expansion of recreational facilities and no impact would occur.

No Impact

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

Transportation

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

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Trip Generation Memorandum, Translutions, 2020 (Appendix N); Submitted Project Materials

The County of San Bernardino Transportation Impact Study Guidelines (July 9, 2019) requires a Transportation Impact Study (TIS) if a project generates 100 or more trips without consideration of pass-by trips during any peak hour. Since the trip generation of the project is less than 100 trips during any peak hour, a TIS was not required. However, a Trip Generation and Vehicle Miles Traveled (VMT) Memorandum was prepared for the project to demonstrate the number of trips generated by the Project. See **Appendix N**.

- a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The Project proposes an approximately 185,866 square foot industrial/warehouse building with ancillary office space on approximately 9.5 acres. The Project site is largely undeveloped except for an abandoned single-family home located in the northwest portion of the Project site. The Project is not located on a Bus Route (per Figure 2-8A: Bus Routes – Valley of the General Plan). According to Google Maps, the closest bus stop to the Project site is at the intersection of Almond Avenue and Foothill Boulevard; approximately one-half mile north of the Project site. The Project is not located on a truck route (per Figure 2-11A: Truck Routes – Valley Region of the General Plan) and is not located on the trail system (per Figure 2-13A: Trail System – Valley of the General Plan).

Goals and policies from the Circulation and Infrastructure Element of the County's General Plan which pertain to the Project area circulation system are described in the table below.

Table 15: General Plan Consistency	
General Plan Policy ^[1]	Project Consistency
Goal CI 4: The County will coordinate land use and transportation planning to ensure adequate transportation facilities to support planned land uses and ease congestion.	
Policy CI 4.1: Ensure appropriate legal and physical access to land prior to final approval of land divisions or new development.	Consistent: The Project would provide two concrete driveway approaches (one 30-foot wide and the second 50-foot wide) with 6.5-foot wide sidewalks along both sides of each driveway for the limit of the Project site along Almond Avenue. Driveways would be constructed per County Standard 129B – Commercial Driveway with Returns.
Policy CI 4.6: Ensure that applicants, subdividers and developers dedicate and improve right-of-way per County standards and contribute to their fair share of off-site mitigation.	Consistent: Off-site improvements include repaving northbound Almond Avenue with curb, gutter, and a 6.5-foot wide sidewalk for the limit of the Project site along Almond Avenue. A TIA was not required, and therefore, the need for fair share off-site mitigation was not identified.
Goal CI 6: The County will encourage and promote greater use of non-motorized means of personal transportation. The County will maintain and expand a system of trails for bicycles, pedestrians, and equestrians that will preserve and enhance the quality of life for residents and visitors.	
Policy CI 6.1: Require safe and efficient pedestrian and bicycle facilities in residential, commercial, industrial and institutional developments to facilitate access to public and private facilities and to reduce vehicular trips. Install bicycle lanes and sidewalks on existing and future roadways, where appropriate and as funding is available.	Consistent: As stated previously, the Project would provide 6.5-foot wide sidewalks for the limit of the Project site along Almond Avenue. A bike rack would also be provided on-site.
Source: San Bernardino County (2007). <i>County of San Bernardino 2007 General Plan</i> . http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf (accessed February 2020)	

As demonstrated in the above table, the Project's circulation elements will be consistent with the Circulation and Infrastructure Element, as they pertain to the Project. Therefore, no impact would occur.

No Impact

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

For the complete text of §15064.3. Determining the Significance of Transportation Impacts, visit

[https://govt.westlaw.com/calregs/Document/I43ABB2050A37472B90E4B2F4F9D8EF29?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I43ABB2050A37472B90E4B2F4F9D8EF29?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

CEQA Guidelines §15064.3 contains several subdivisions. In brief, these Guidelines provide that transportation impacts of projects are, in general, best measured by evaluating the project's vehicle miles traveled (VMT). Methodologies for evaluating such impacts are already in use for most land use projects, as well as many transit and active transportation projects. Methods for evaluating VMT for roadway capacity projects continue to evolve, however, and so these Guidelines recognize a lead agency's discretion to analyze such projects, provided such analysis is consistent with CEQA and applicable planning requirements.

Section 15064.3(b) Criteria for Analyzing Transportation Impacts states the following:

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

The VMT evaluation conducted for the Project which is included in the Trip Generation Memo and provided as Appendix N to this initial study concluded the following: The VMT analysis was evaluated consistent with the County Guidelines and found that the per employee VMT (VMT per capita) for the County of San Bernardino is 24.3 miles per day. Based on the County threshold, the Project will have a significant impact if the per capita VMT is greater than 23.3 miles per day. The Project VMT is 18.3 miles per day, which is less than the 23.3 miles per day. Therefore, the Project will have a less than significant impact under the County of San Bernardino VMT thresholds.

Less Than Significant Impact

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
-

Project construction activities may necessitate the restriction of public access in its duration. Standard construction safety measures would also be applied which would include appropriate signage and flagmen visible to approaching motorists and pedestrians indicating access options and warnings. Because the Project would impact a public ROW, a Traffic Management Plan is required to be prepared and would include further provisions to minimize risks during Project construction.

Project geometric design features, including the southern entrance and internal driveway system, have been designed to meet the standards for the turning radii of large truck with trailers. This is also beneficial for the access of emergency response equipment, including a ladder fire truck. The Project area is developed, and no agricultural activities occur in the Project area; therefore, there would be no incompatible use with farm equipment. Therefore, no impact will occur.

Less Than Significant Impact

d) *Result in inadequate emergency access?*

The Project provides two driveway entries, one 30 feet wide and the second 50 feet wide. Both driveways are located on Almond Avenue. Project design features and ingress and egress are developed to comply with all relevant emergency regulations. Additionally, construction of the Project is not expected to require road closures or otherwise adversely affect emergency access around the site perimeter. As stated previously, the southern driveway has been designed to meet the standards for the turning radii of large truck with trailers which is also beneficial for the access of emergency response equipment.

As a standard practice, if road closures (complete or partial) were necessary, the Police and Fire Departments would be notified of the construction schedule and any required detours would allow emergency vehicles to use alternate routes for emergency response. The impact on emergency access would be less than significant.

Less Than Significant Impact

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

Tribal Cultural Resources

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XVIII. TRIBAL CULTURAL RESOURCES

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | | |
|-----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

San Bernardino County General Plan, amended 2014; Letter Report for the Almond Avenue Cultural Resources Inventory Study, ASM affiliates, 2020 (Appendix D); South Central Coastal Information Center, California State University, Fullerton; Submitted Project Materials

In addition, the NAHC provided a list of tribes to be consulted regarding the Project pursuant to AB 52. On March 17, 2020, the County invited the following entities to consult pursuant to AB 52: Agua Caliente Band of Cahuilla Indians, Gabrieleno Band of Mission Indians - Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino /Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino-Tongva Tribe, Morongo Band of Mission Indians, Quechan Tribe of the Fort Yuma Reservation, San Fernando Band of Mission Indians, and the Serrano Nation of Mission Indians.

- | | |
|----|---|
| a) | <i>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;</i> |
| b) | <i>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</i> |

Pursuant to Government Code §21080.3.2(b) and §21074(a)(1)(A)-(B) (AB 52] the County has provided formal notification to California Native American tribal representatives that have previously requested notification from the County regarding projects within the geographic area traditionally and culturally affiliated with tribe(s). Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC §21074.

Pursuant to Government Code Section 21080.3.2(b) and 21074(a)(1)(A)-(B) (AB 52] the County has provided formal notification to California Native American tribal representatives that have previously requested notification from the County regarding projects within the geographic area traditionally and culturally affiliated with tribe(s). Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074.

On March 17, 2020, the County initiated consultation with Gabrieleno Band of Mission Indians-Kizh Nation. The tribe have provided the following recommended mitigation measures and consultation concluded on April 17, 2020:

Mitigation Measures

CUL-1: An archaeologist meeting the Secretary of Interiors Professional Qualification Standards (36 CFR Part 61) be present for all ground-disturbing activities, including the demolition of the structures, and any site preparations for the proposed construction.

CUL-2: In the event that cultural resources are discovered during Project activities, all work in the area of the discovery will cease until the disposition can be examined, reported, and documented. A qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find and report the finding to the California Office of Historic Preservation as well as to the Kizh nation of the Gabrieleno Band of Mission Indians.

CUL-3: If warranted, a plan will be developed for further treatment of the discovery, including subsequent curation and mitigation.

CUL-4: The Morongo Band of Mission Indians will be present during ground-disturbing activities.

With implementation of the aforementioned mitigation measures, less than significant impacts would occur.

Less than Significant with Mitigation

Therefore, no significant adverse impacts are identified that cannot be mitigated to a less than significant level.

Utilities and Service Systems

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>

XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

County of San Bernardino General Plan, amended 2014; Submitted Project Materials

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Existing development at the site consists of an abandoned single-family residence in the northwest portion of the site and remnants of a former Portland cement concrete slab or pavement in the central portion of the site. The existing residential structure and any foundations, floor slabs, pavements, utilities, septic systems and other underground structures should be demolished. Debris resulting from demolition should be disposed of off-site.⁵¹

The Project includes the installation of a septic system with seepage pits near the southwest corner of the building. Water service (domestic, irrigation, and fire) would be

⁵¹ Southern California Geotechnical. 2020. *Geotechnical Investigation Proposed Warehouse*. Page 15. Yorba Linda, CA. See Appendix D.

provided via connection to an existing eight-inch water line that runs north-south beneath northbound Almond Avenue. The Project also proposes new storm drainage and water quality facilities to adequately convey on-site storm water flows. Additionally, off-site drainage improvements, in the form of curb and gutter, are proposed along the west side of Almond Avenue. Existing aerial utilities within the limits of the Project along Almond Avenue would be undergrounded. The Project would connect to the undergrounded utilities for electric, gas, and telecommunication service.

Construction of the above improvements would occur primarily on-site, with some off-site improvements located along the adjacent portion of northbound Almond Avenue. Construction and relocation of these new and existing utility and service system facilities would not cause a significant environmental impact. See the following remainder of the Utilities and Service Systems analysis for supporting information. Overall, impacts would be less than significant.

Less Than Significant Impact

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*
-

The Fontana Water Company (FWC) provides domestic water for this unincorporated area of San Bernardino County. Domestic water supplies from this service provider are reliant on groundwater from the Chino Basin, Lytle Basin, Rialto-Colton Basin and No Man's Land Basin. The FWC also relies on surface water sourced from Lytle Creek and purchased/imported water from IEUA and SBVMWD.

According to the FWC's 2015 *Urban Water Management Plan* (UWMP), water supply met water demand for the FWC coverage area through 2015 and is forecasted to continue to do so through 2040. See *Table 4-4, Retail: Total Water Demands* and *Table 6-1, Historical and Projected Water Supplies in Normal Years, AFY* of the FWC's UWMP for detailed information (https://www.fontanawater.com/wp-content/uploads/2018/10/San-Gabriel-Fontana_Amended-Final-December-2017-1.pdf). In addition, the projected supply of water is expected to equal demand through the year 2040 under a single dry-year scenario (Table 7-5 of the UWMP) and multiple dry-year scenario (Table 7-6 of the UWMP).

The Project would be an industrial/warehouse building with office space which is not a water-intensive use. To further minimize any potential groundwater depletion, the Project would include an underground detention basin along the southern boundary of the site to assist with groundwater recharge. The Project proposes an approximately 185,866 square foot industrial/warehouse building with ancillary office space on approximately 9.5 acres. The Project would consume water at a rate of approximately 1.4 acre-feet per year, based on FWC water consumption rates (0.33 acre-feet per acre per year for industrial use⁵²).

The water supply available to the FWC will be sufficient to meet all present and future water supply requirements in the FWS's services area, which include the Project site,

⁵² Inland Empire Utilities Agency. 2016. *2015 Urban Water Management Plan*. <https://18x37n2ovtbb3434n48jhbs1-wpenqine.netdna-ssl.com/wp-content/uploads/2016/07/FINAL-IEUA-WFA-2015-UWMP-2016-07-07.pdf> (accessed January 2020).

for at least the next 20 years.⁵³ Therefore, the supply would meet the demand of the Project during normal, dry, and multiple dry years and impacts would be less than significant.

Less Than Significant Impact

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*
-

A percolation test was performed (see Appendix G) in accordance with the San Bernardino County Department of Environmental Health Services standards, Soil Percolation (PERC) Test Report Standards: Suitability of Lots and Soils for Use of Leachlines or Seepage pits, published by the San Bernardino County Department of Environmental Health Services. Based on the proposed Project, the development is anticipated to utilize on-site disposal for septic waste water. The new septic system will consist of an approximately 5,000-gallon septic tank, which will connect to four 5-foot diameter seepage pits. The seepage pits will be located in the southwest area of the site and will be approximately 35 feet below the existing site grades. The septic system would be designed, constructed, and maintained, consistent with County and SWRCB standards and requirements designed to protect water quality. Impacts would be less than significant.

Less Than Significant Impact

- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

According to email communication with Burrtec, Burrtec Waste is the franchised hauler for the Project area and trash would be taken to the Mid-Valley Sanitary Landfill.⁵⁴ The Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it is not anticipated to result in inadequate landfill capacity. According to CalRecycle's Estimated Solid Waste Generation Rates, a warehouse facility is estimated to produce 13.82 pounds of waste per employee per day.⁵⁵ The estimated number of employees to operate the industrial/warehouse facility would be approximately 38 people.⁵⁶ This equates to approximately 525 pounds (0.3 ton) of waste per day from the Project facility.

That is approximately 0.04 percent of the Mid-Valley Sanitary Landfill's maximum daily throughput. The Mid-Valley Sanitary Landfill located in the northern portion of the City of Rialto. This facility handles solid waste from mixed municipal, construction/demolition, industrial, and tires. According to CalRecycle, the landfill has a maximum throughput of 7,500 tons per day. This landfill has a maximum permitted capacity of approximately 101.3 million cubic yards, and the landfill has a remaining capacity of approximately 61.2

⁵³ San Gabriel Valley Water Company Fontana Water Company Division. 2016. *Final 2015 Urban Water Management Plan*. https://www.fontanawater.com/wp-content/uploads/2018/10/San-Gabriel-Fontana_Amended-Final-December-2017-1.pdf (accessed January 2020).

⁵⁴ M. D. Karadimos (personal communication, January 28, 2020).

⁵⁵ CalRecycle. 2019. Estimated Solid Waste Generation Rates. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates#Industrial> (accessed January 2020).

⁵⁶ Translutions. 2020. *Almond Avenue Warehouse – Vehicle Miles Traveled (VMT) Evaluation Memorandum*. See **Appendix J**.

million cubic yards. The landfill has an expected operational life through year 2033 with the potential for vertical, or downward expansion.⁵⁷ However, in relation, the neighboring City of Fontana's General Plan DEIR notes that while the 2011 projected capacity of the landfill was thought to be met by 2033, more recent projections indicate the same landfill may have capacity to accept waste for another 30 to 40 years.⁵⁸ Additionally, the Project, as with all other development in the County, would be required to adhere to County ordinances with respect to waste reduction and recycling. For these reasons, the Project's solid waste disposal needs could be met by the Mid-Valley Sanitary Landfill and the impact would be less than significant.

Less Than Significant Impact

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*
-

The Project, like all other development in the County, will be required to adhere to County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

No Impact

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

⁵⁷ CalRecycle. 2019. *Mid-Valley Sanitary Landfill*. <https://www2.calrecycle.ca.gov/SWFacilities/Directory/36-AA-0055/Detail> (accessed February 2020).

⁵⁸ City of Fontana. 2018. *Fontana Forward General Plan Update 2015-2035 Draft Environmental Impact Report*. <https://www.fontana.org/DocumentCenter/View/29524/Draft-Environmental-Impact-Report-for-the-General-Plan-Update> (accessed February 2019).

Wildfire

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

County of San Bernardino General Plan, amended 2014; Submitted Project Materials

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The Project is an industrial/warehouse building with office space, located along Almond Avenue. Surrounding major cross streets include Arrow Route, Cherry Avenue, and Whittram Avenue. According to the County’s General Plan, none of these roadways are designated evacuation routes. The closest designated evacuation route is State Highway 66, located 0.6 mile north of the Project site.⁵⁹ The Project does not include any emergency facilities, nor would it serve as an emergency evacuation route. The Project would be designed to accommodate emergency response vehicles should and emergency occur on-site. The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, including the County’s Emergency Operations Plan (revised 2018, <http://cms.sbcounty.gov/portals/58/Documents/OES/2018%20EOP%20Update.pdf>). Therefore, no impact would occur.

No Impact

⁵⁹ San Bernardino County. Amended 2014. County of San Bernardino 2007 General Plan. <http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf> (accessed January 2020).

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*
-

The entire site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. There are no slopes present on the Project site or in the highly developed surrounding area. According to CAL FIRE's Local Responsibility Area (LRA) Map for Southwest San Bernardino County, the Project site and surrounding parcels are located within a non-very high fire hazard severity zone.⁶⁰ Nor is the Project site located within a Fire Safety Overlay District.⁶¹ Lastly, according to the County General Plan, the Project site is located in a Moderate Fuel Rank/Fire Threat zone.⁶² Therefore, the Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts would occur.

No Impact

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
-

As stated previously, the Project site is not located in a very high fire hazard severity zone. The Project would be located in an area that is highly developed with similar uses to the west and east, and with residential uses northwest and southeast of the site. Electricity, water, and other utilities necessary are available for the Project site. The Project is located on the east side of Almond Avenue, between Arrow Route to the north and Whittram Avenue to the south. Proposed off-site construction would include sidewalk and driveway construction/reconstruction along the western Project boundary adjacent Almond Avenue. Two fire hydrants are currently present along Almond Avenue, adjacent to the Project site.

Specifications for Project infrastructure improvements would be subject to County requirements, including *Chapter 83.09 – Infrastructure Improvement Standards*, and fire plan check would be required through the Planning and Engineering Section of San Bernardino County Fire ensure compliance with the applicable fire and life safety regulations, codes and ordinances. Therefore, potential impacts associated with the exacerbation of fire risk or that may result in temporary or ongoing impacts to the environment would be less than significant.

Less Than Significant Impact

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*
-

⁶⁰ CAL FIRE. 2008. SW San Bernardino County Very High Fire Hazard Severity Zones in LRA. https://osfm.fire.ca.gov/media/6783/fhszl_map62.pdf (accessed January 2020).

⁶¹ San Bernardino County. 2010. San Bernardino County Land Use Plan General Plan Hazard Overlays. http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b_20100309.pdf (accessed January 2020).

⁶² San Bernardino County. 2007. General Plan Figure 7-14: Fuel Rank/Fire Threat. http://countywideplan.com/wp-content/uploads/2017/10/7_SAFETY_Figures.zip (accessed January 2020).

The Project site is not located in a very high fire hazard severity zone. The Project would be located in an area that is highly developed with similar uses to the west and east, and with residential uses northwest and southeast of the site. The entire site has been leveled and graded and is covered over in dirt and sparse ruderal vegetation. There are no slopes present on the Project site or in the highly developed surrounding area. According to the General Plan Hazard Overlays Map, the Project site and adjacent parcels are not located in a Dam Inundation Zone, Flood Plain Safety Overlay District, or Fire Safety Overlay District.⁶³ According to *Figure 7-5A: Generalized Landslide Susceptibility Map – Valley Region*, from the County’s General Plan, the Project site and surrounding parcels are located in a low Landslide Hazard Zone.⁶⁴ Lastly, the Project site is not located in a Post-Burn Flood Hazard Area⁶⁵, nor is it located within a FEMA 100-year floodplain.⁶⁶ Therefore, no impacts associated with the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would occur.

No Impact

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

⁶³ San Bernardino County. 2010. San Bernardino County Land Use Plan General Plan Hazard Overlays. http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b_20100309.pdf (accessed January 2020).

⁶⁴ San Bernardino County. 2007. General Plan Figure 7-5A: Generalized Landslide Susceptibility Map – Valley Region. http://countywideplan.com/wp-content/uploads/2017/10/7_SAFETY_Figures.zip (accessed January 2020).

⁶⁵ San Bernardino County. 2007. General Plan Figure 7-8A: Post-Burn Flood Hazard Areas – Valley Region. http://countywideplan.com/wp-content/uploads/2017/10/7_SAFETY_Figures.zip (accessed January 2020).

⁶⁶ FEMA. 2019. FEMA’s National Flood Hazard Layer (NFHL) Viewer. <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd> (accessed January 2020).

Mandatory Findings of Significance

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

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this IS/MND. Throughout this IS/MND, where impacts were determined to be potentially significant, mitigation measures have been proposed to reduce those impacts to less than significant levels. Accordingly, with incorporation of the mitigation measures recommended throughout this IS/MND, the Project would not substantially degrade the quality of the environment and impacts would be less than significant.

Less Than Significant Impact

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*
-

As discussed throughout this IS/MND, implementation of the Project has the potential to result in effects to the environment that are individually limited and may be cumulatively considerable in areas including Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources. In all instances where the Project has the potential to contribute to a cumulatively considerable impact to the environment, mitigation measures have been imposed to reduce potential effects to less than significant levels. As such, with incorporation of the mitigation measures imposed throughout this IS/MND, the Project would not contribute to environmental effects that are individually limited, but cumulatively considerable, and impacts would be less than significant.

Less Than Significant Impact

- c) *Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*
-

The Project’s potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this IS/MND. In instances where the Project has potential to result in direct or indirect adverse effects to human beings, mitigation measures have been applied to reduce the impact to below a level of significance. With required implementation of mitigation measures identified in this IS/MND, construction and operation of the Project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

Less Than Significant Impact

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

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EXHIBIT C

Findings

FINDINGS: CONDITIONAL USE PERMIT

The following are the required findings, per the San Bernardino County Development Code (“Development Code”) Section 85.06.040, and supporting facts for the development of a 185,866 square foot logistics warehouse with 6,000 square feet of office space and associated parking at 8645 Almond Avenue (Project). (Project: PROJ-2020-00009) (APN: 0230-131-310).

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

All setbacks meet or exceed the requirements of the Development Code for the proposed land use and the existing zoning. The proposed 185,866 square-foot logistics warehouse and associated improvements will meet all other Development Code requirements for the Community Industrial (IC) Land Use Zoning District.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The proposed Project provides for adequate site access off Almond Avenue via required street and sidewalk improvements. The Project will be required, as part of its Conditions of Approval, to provide road dedication and improvements, which include curb and gutter, and sidewalks along the entire property frontage along Almond Avenue.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.

An Initial Study (IS) was prepared for the proposed Project resulting in a proposed Mitigated Negative Declaration (MND). These documents are collectively referred to as the “IS/MND.” The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including geological and tribal resources. These mitigation measures, which are incorporated into the Project’s proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will also comply with noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed Conditional Use Permit site plan, together with the provisions for its design and improvement are consistent with the County General Plan. The Project specifically implements the following goals and policies:

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

- Goal Implementation: The proposed Project provides additional industrial development opportunities in the unincorporated areas of Fontana.

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

- Goal Implementation: The proposed Project is a conditional use authorized in the IC Land Use Zoning District and will be accessed off Almond Avenue and will include street and sidewalk improvements to improve access to the property.

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

- Goal Implementation: The proposed Project is surrounded to the north by vacant lots, single-family structures to the south, a mix of industrial and commercial uses to the east, and industrial uses to the west.

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

- Goal Implementation: The proposed Project provides additional industrial development opportunities in the unincorporated community of Fontana.

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

- Goal Implementation: The proposed Project will assist in development of an additional industrial warehouse and job opportunities in the unincorporated areas of Fontana.

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

- Goal Implementation: The proposed Project provides additional industrial development opportunities in the unincorporated areas of Fontana.

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project and will implement the goals/policies described in the General Plan.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

There is supporting infrastructure, existing or available, consistent with the intensity of the development to accommodate the proposed Project without significantly lowering service levels. The developer will be required to construct road improvements, as well as contribute to the Regional Transportation Mitigation Facilities Fee Plan and provide other needed improvements in the area. The use will not substantially interfere with the present or future ability to use solar energy systems.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the Conditions of Approval include measures to reduce geological and tribal impacts and enforce performance standards of the County Development Code.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The design of the Project site considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, through the orientation and design with adequate building setbacks and the future ability to construct rooftop solar facilities. Although solar was not proposed, there is opportunities to place solar in the future.

ENVIRONMENTAL FINDINGS

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. An MiND will be adopted and a Notice of Determination (NOD) will be filed with the San Bernardino County Clerk's office. The MND for this Project reflects the County's independent judgment and was presented to the review authority, which reviewed and considered the information in the MND before making a decision on the Project. Therefore, adoption of a MND is recommended.

EXHIBIT D

Letter of Intent

Letter of Intent

Applicant: _____
Mailing Address: _____
Phone Number: _____
Business Name: _____

Date: _____
Primary Contact: _____
APN(s): _____

If needed, you may attach additional documents to provide more detailed information.

Brief description of proposed use:

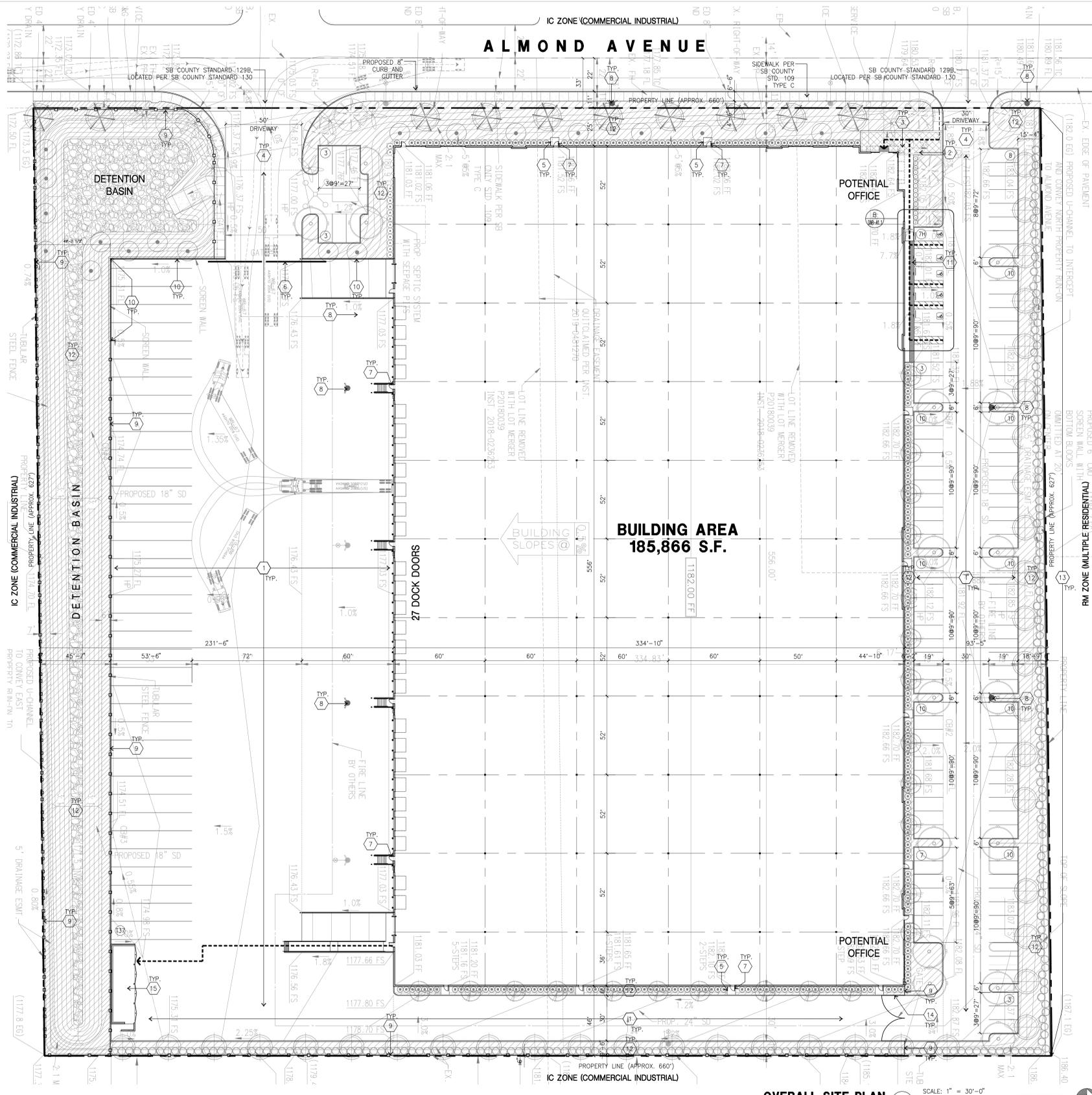
Brief Description of proposed location and surrounding properties as they currently exist:

Logistics (Truck trips, hours of business, parking, number of employees, etc.):

Goals and Objectives:

EXHIBIT E

Project Plans



PROJECT INFORMATION

Owner
HILLWOOD
901 VIA PIEMONTE, SUITE 175
ONTARIO, CA 91764
TEL: 909-380-7156
ATTN: JOSHUA COX

Applicant
HILLWOOD
901 VIA PIEMONTE, SUITE 175
ONTARIO, CA 91764
TEL: 909-380-7156
ATTN: JOSHUA COX

Architect
HPA
18831 BARDEEN AVE, STE #100
IRVINE, CA 92614
TEL: (949) 862-2125
CONTACT: JOCELYN WAN

Assessors Parcel Number
0230-131-19
0230-131-28
0230-131-29

Zoning information
ZONING DESIGNATION:
COMMUNITY INDUSTRIAL (IC)

Project Address
8645 ALMOND AVENUE
FONTANA, CA

AERIAL MAP



SITE PLAN KEYNOTES

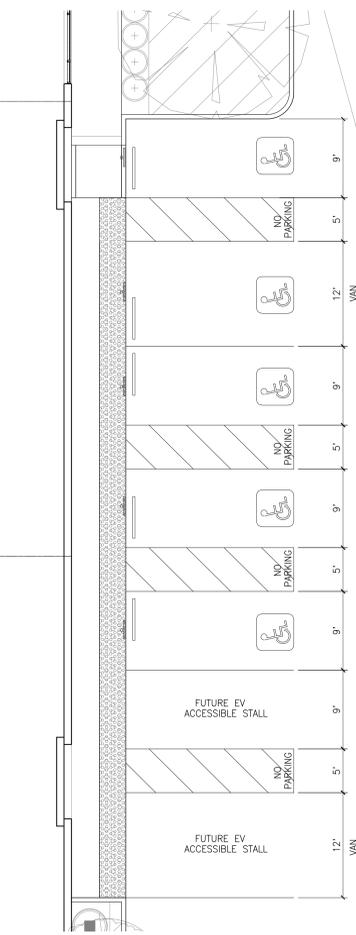
- HEAVY BROOM FINISH CONC. PAVEMENT.
- BIKE RACK.
- CONCRETE WALKWAY.
- DRIVEWAY APRONS TO BE CONSTRUCTED PER "L" DRAWINGS.
- 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" = 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
- PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
- 3'X7' HOLLOW METAL DOOR.
- PRELIMINARY LOCATION OF FIRE HYDRANT. (FINAL LOCATION WILL BE DETERMINED BY FIRE CONSULTANT).
- 8" H TUBE STEEL FENCE.
- 14" H CONCRETE SCREEN WALL.
- TRUNCATED DOME.
- LANDSCAPE AREA. SEE "L" DWGS.
- NEW 6" H CMU WALL ON SUBJECT SITE.
- DOUBLE SWING GATE.
- REFUSE AND RECYCLING ENCLOSURE. (TOTAL 773 S.F.)

SITE LEGEND

- CONCRETE PAVING
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19') + 5' W/ ACCESSIBLE AISLE
- HANDICAP PARKING (VAN) STALL (12' X 19') + 5' W/ ACCESSIBLE AISLE
- LANDSCAPED AREA
- PATH OF TRAVEL

TABULATION

SITE AREA	413,779 s.f.
in acres	9.50 ac
BUILDING AREA	185,866 s.f.
Office	6,000 s.f.
Warehouse	179,866 s.f.
TOTAL	185,866 s.f.
COVERAGE	45%
AUTO PARKING REQUIRED	
Office (1/250 s.f.)	24 stalls
Whse: 1st 40K @ 1/1,000 s.f.	40 stalls
above 40K @ 1/4,000 s.f.	35 stalls
TOTAL	99 stalls
AUTO PARKING PROVIDED	
Standard (9' x 19')	109 stalls
Handicap (9' x 19')	5 stalls
Total parking provided	114 stalls
TRAILER PARKING PROVIDED	
Trailer (12' x 53')	37 stalls
MAXIMUM FLOOR AREA RATIO	
FAR - .45	
MAXIMUM BUILDING HEIGHT ALLOWED	
Height - 75'	
ZONING ORDINANCE FOR CITY	
Zoning Designation - Community Industrial (IC)	
LANDSCAPE REQUIREMENT	
Percentage - 15% of surface parking area	
LANDSCAPE PROVIDED	
Percentage - 17.5%	
in s.f. 72,373 s.f.	
SETBACKS	
Front / Street side - 25'	
Interior side - 10' one side and 15' other side.	
Rear - 10' if adjacent property is not commercial or industrial	



CONDITIONAL USE PERMIT FOR 185,866 S.F. WAREHOUSE/DISTRIBUTION CENTER

UTILITY PROVIDERS/ AGENCIES:

WATER:
FONTANA WATER CO.
1506B ARROW ROUTE
FONTANA, CA 92335
TEL: (909) 822-2201

CABLE:
SPECTRUM
1500 AUTO CENTER DRIVE
FONTANA, CA 91761
TEL: (800) 892-2253

SEWER:
N/A

TELEPHONE:
AT&T
3939 E. CORONADO STREET
ANAHEIM, CA 92807
TEL: (714) 237-6155

ELECTRIC:
SOUTHERN CALIFORNIA EDISON
7951 REDWOOD AVENUE
FONTANA, CA 92336
TEL: (909) 357-6203

GAS:
SOUTHERN CALIFORNIA GAS CO.
1981 W. LUCIGNA AVENUE
REDLANDS, CA 92374
TEL: (800) 427-2200

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
PARCEL 2 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
TOGETHER WITH PARCEL 1 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
TOGETHER WITH LOT 172, FONTANA ARROW ROUTE TRACT NO. 2102, AS PER PLAT RECORDED IN BOOK 31 OF MAPS, PAGE 11 THROUGH 15, IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
THIS LEGAL DESCRIPTION IS PURSUANT TO NOTICE OF MERGER P201800339 RECORDED JUNE 29, 2018 AS INSTRUMENT NO. 2018-0236253 OF OFFICIAL RECORDS.

PROJECT

CONCRETE TILT-UP BUILDING
BUILDING OCCUPANCY: S-1/B OFFICE & WAREHOUSE
CONSTRUCTION TYPE: III-B
AUTOMATIC FIRE SPRINKLER: YES
ACTUAL AREA: BLDG: 185,866 S.F.
ACTUAL AREA (BASIC): S-1 = 17,500 S.F. / B = 19,000 S.F.
ACTUAL AREA INCREASED: UNLIMITED, PER SECTION 507.3
W/ 60' MIN. ALONG NORTH, WEST AND SOUTH SIDE.
46' ALONG EAST SIDE.



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irvine, ca
92612
tel: 949-863-1770
email: hpa@hparchs.com



901 VIA PIEMONTE SUITE 175
ONTARIO, CA 91764
tel: (909) 382-0033

Project:
ALMOND COMMERCE CENTER

County of San Bernardino
CA

Consultants:
CIVIL: HUITT-ZOLLARS
STRUCTURAL: SPLA
MECHANICAL: SPLA
PLUMBING: SPLA
ELECTRICAL: SPLA
LANDSCAPE: SPLA
FIRE PROTECTION: SPLA
SOILS ENGINEER: SPLA

Title: **OVERALL SITE PLAN**

Project Number: 19523
Drawn by: JW
Date: 2/17/2020
Revision: _____
Revision 5/4/2020

Sheet: **DAB-A1.1**



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Owner:
HILLWOOD
A PEROT COMPANY

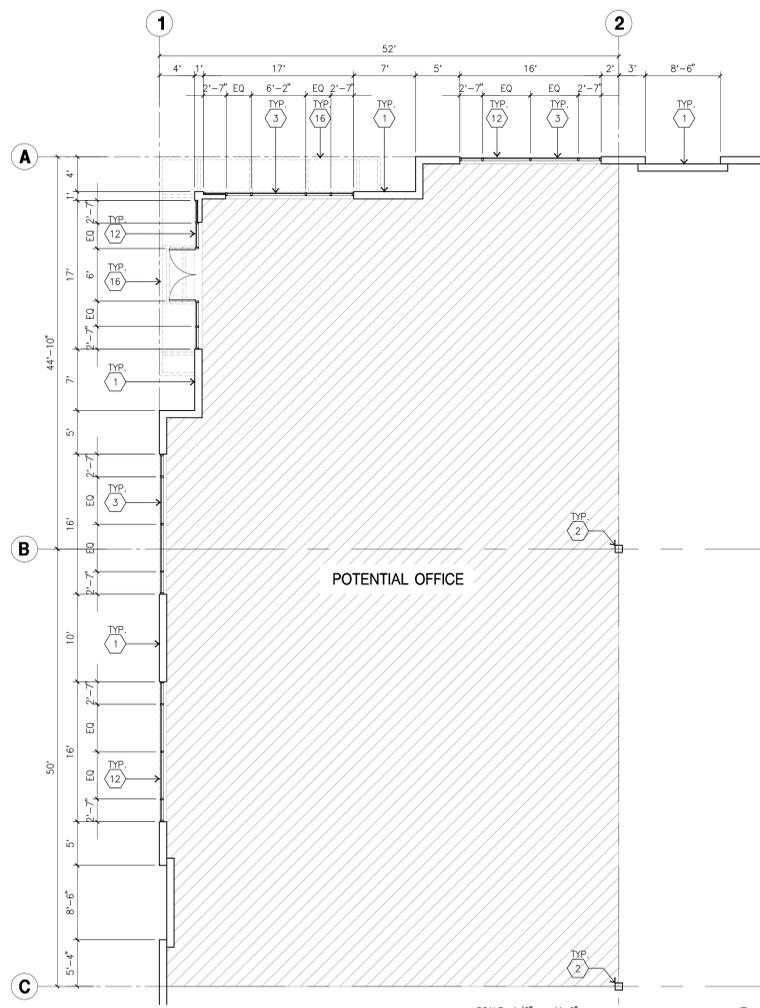
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Project:
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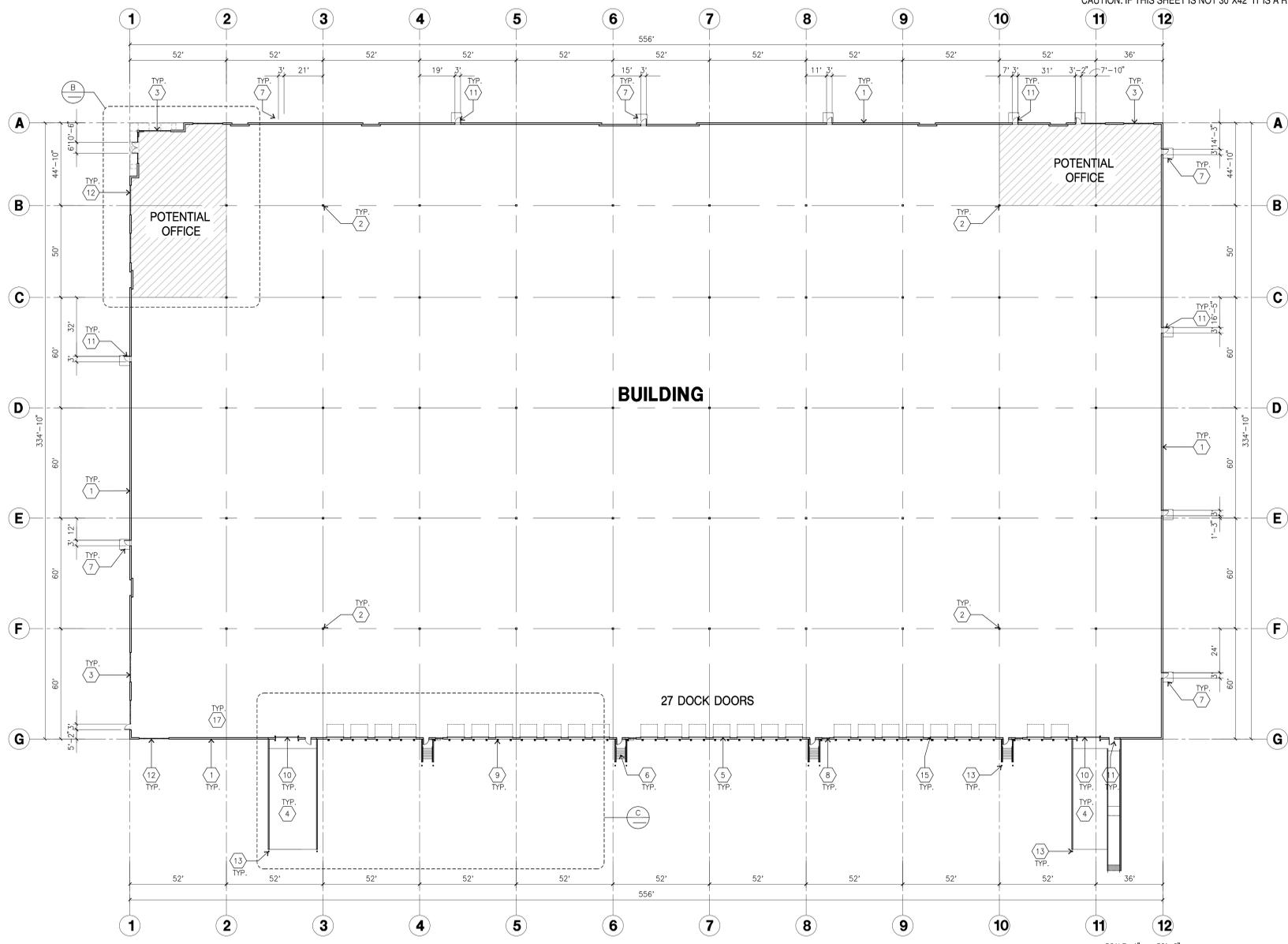
Consultants:
CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER
HUITT-ZOLLARS
SPLA

Title: Overall Floor Plan
Project Number: 19523
Drawn by: JW
Date: 2/17/2020
Revision:
Revision 5/4/2020

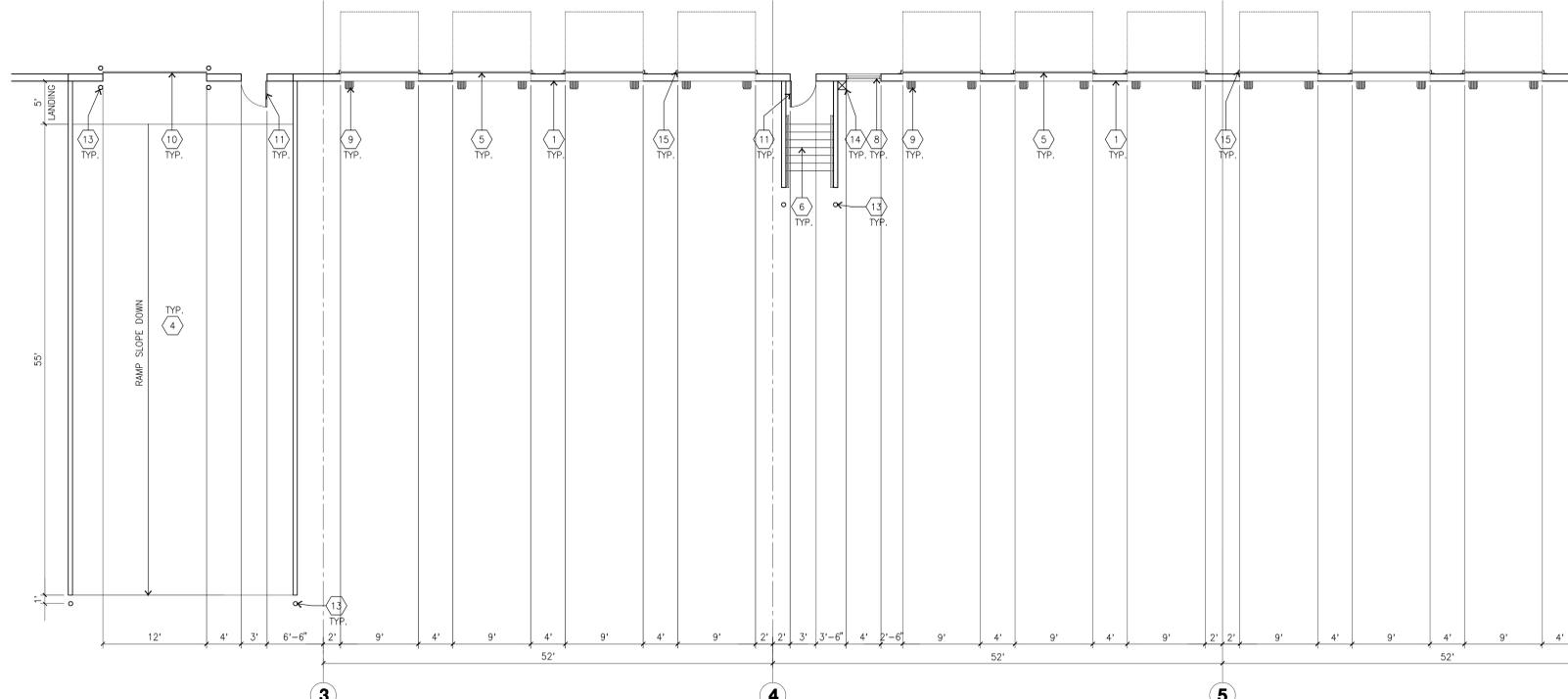
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ENLARGED FLOOR PLAN
scale: 1/8" = 1'-0"
TRUE NORTH



OVERALL FLOOR PLAN
scale: 1" = 30'-0"
TRUE NORTH



ENLARGED FLOOR PLAN
scale: 1/8" = 1'-0"
TRUE NORTH

KETNOTES - FLOOR PLAN

- 1 CONCRETE TILT-UP PANEL.
- 2 STRUCTURAL STEEL COLUMN.
- 3 TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
- 4 CONCRETE RAMP W/ 42" HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP.
- 5 9'-0" X 10' TRUCK DOOR, SECTIONAL OH., STANDARD GRADE.
- 6 EXTERIOR CONCRETE STAIR
- 7 5'-6"x5'-6"x4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO HAND SURFACE PER CITY REQUIREMENTS.
- 8 LOUVERED OPENING FOR VENTILATION.
- 9 DOCK DOOR BUMPER
- 10 12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE.
- 11 3'X7' HOLLOW METAL EXTERIOR MAN DOOR.
- 12 SOFFIT LINE ABOVE
- 13 CONC. FILLED GUARD POST, 6" DIA. U.N.O., 42"H.
- 14 EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER.
- 15 Z GUARD
- 16 I-BEAM METAL CANOPY.
- 17 FUTURE INTERIOR RECYCLING AREA.

GENERAL NOTES - FLOOR PLAN

- A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
- B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
- C. THE BUILDING FLOOR SLAB IS SLOPED. SEE "C" DRAWINGS FOR FINISH SURFACE ELEVATIONS.
- D. NOT USED
- E. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL DYP. BD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
- F. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.
- G. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.
- H. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS.
- I. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET AD-4. NOTE: ALL DOORS PER DOOR SCHEDULE ARE FINISH OPENINGS.
- J. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DAPPERD INCLUDING CARS AND TRUCKS.
- K. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.
- L. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
- M. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
- N. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE.
- O. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW.



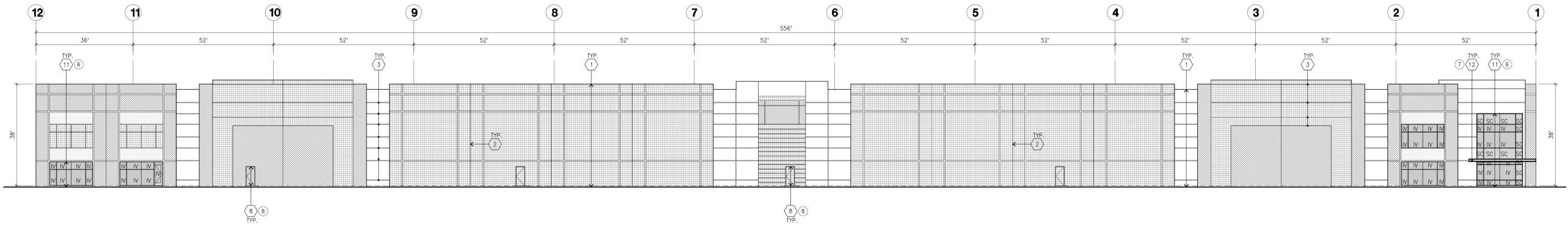
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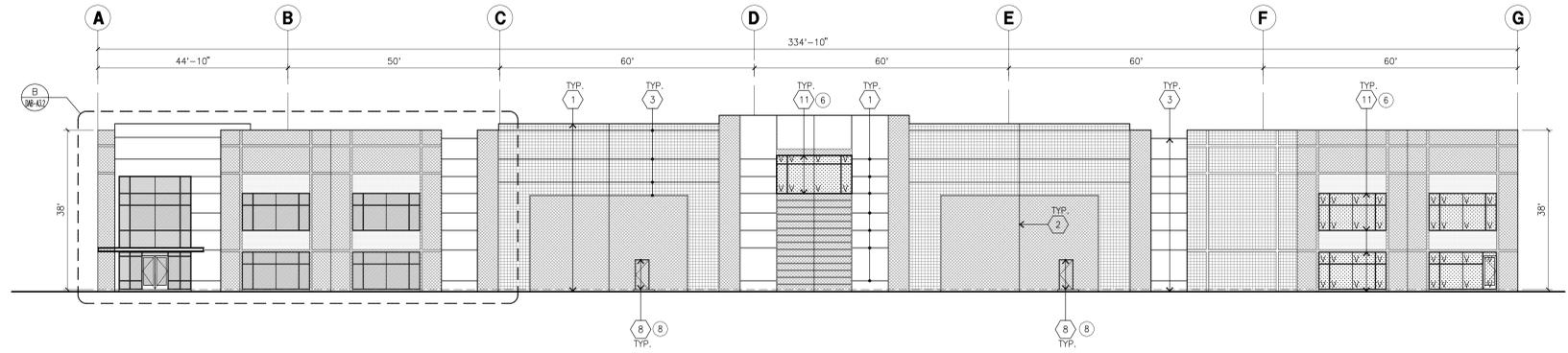
901 VIA PIEMONTE SUITE 175
ONTARIO, CA 91764
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Project:
ALMOND COMMERCE CENTER
County of San Bernardino
CA

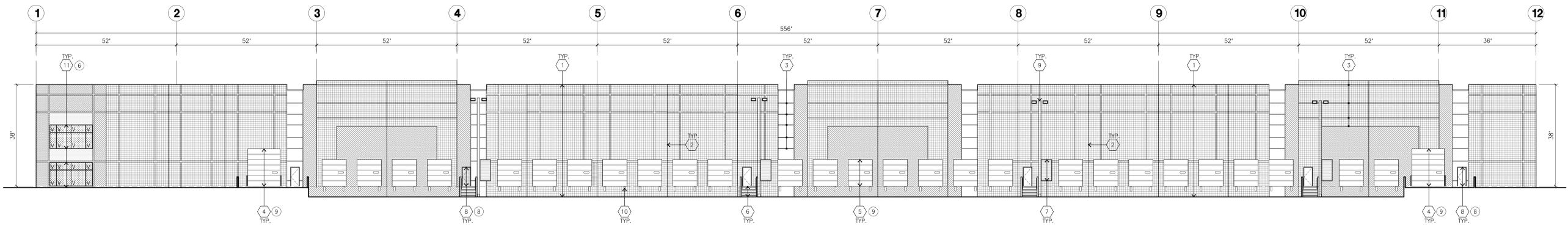
Consultants:
CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER
HUITT-ZOLLARS
SPLA



NORTH ELEVATION A
scale: 1/16" = 1'-0"



WEST ELEVATION B
scale: 1/16" = 1'-0"



SOUTH ELEVATION C
scale: 1/16" = 1'-0"

KEYNOTES - ELEVATIONS

- 1 CONCRETE TILT-UP PANEL (PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
- 2 PANEL JOINT.
- 3 PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
- 4 OVERHEAD DOOR @ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 5 OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
- 6 CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
- 7 METAL LOUVER. PAINT TO MATCH BUILDING COLOR.
- 8 HOLLOW METAL DOORS. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR.
- 9 EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
- 10 DOCK BUMPER
- 11 ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS. SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 16" ABOVE FINISH FLOOR ELEVATION.
- 12 I-BEAM METAL CANOPY.
- 13 BUILDING ADDRESS.

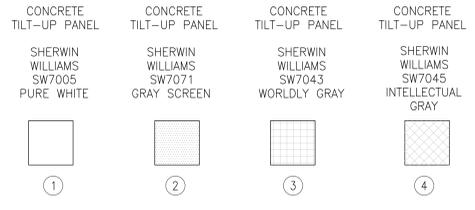
GENERAL NOTES - ELEVATIONS

- A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
- B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
- C. T.O.P. EL. = TOP OF PARAPET ELEVATION.
- D. F.F. = FINISH FLOOR ELEVATION.
- E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 90 MPH EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
- F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
- G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
- H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATHE.
- J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
- K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

- 1 CONCRETE TILT-UP PANEL
PAINT BRAND_SHERWIN WILLIAMS SW 7005 PURE WHITE
- 2 CONCRETE TILT-UP PANEL
PAINT BRAND_SHERWIN WILLIAMS SW 7071 GRAY SCREEN
- 3 CONCRETE TILT-UP PANEL
PAINT BRAND_SHERWIN WILLIAMS SW 7043 WORLDLY GRAY
- 4 CONCRETE TILT-UP PANEL
PAINT BRAND_SHERWIN WILLIAMS SW 7045 INTELLECTUAL GRAY
- 5 MULLIONS
COLOR_____ALUMINUM BLACK ANODIZED MULLIONS
- 6 GLAZING
COLOR_____MEDIUM PERFORMANCE BLUE REFLECTIVE GLAZING
- 7 I-BEAM METAL CANOPY
SHERWIN WILLIAMS PRO-INDUSTRIAL, WATERBASED BS3-1150 SEMI-GLOSS - SW 7069 IRON ORE
- 8 DOORS
PAINT BRAND_MATCH TO ADJACENT BUILDING COLOR
- 9 DOORS
PAINT BRAND_SHERWIN WILLIAMS SW 7005 PURE WHITE

COLOR LEGEND



GLAZING LEGEND

- INSULATED VISION GLASS
 - SPANDREL GLASS WITH CONCRETE BEHIND
 - VISION GLASS
- ALL GLAZING TO BE TEMPERED GLASS.
- IV : INSULATED VISION GLASS
1/4" VISTACOO PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 26%
MINIMUM VLT TO BE 0.42 PER 2016 CEC TABLE 140.3-B
- V: 1/4" VISTACOO PACIFICA AT ALL VISION GLASS LOCATION EXCEPT MAIN OFFICE AREA.
- SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOO PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE.
INSTALLED ON CONCRETE.
- MULLIONS : ALUMINUM BLACK ANODIZED MULLIONS.

Title: Elevations

Project Number: 19523
Drawn by: JW
Date: 2/17/2020
Revision:

Revision 5/4/2020

Sheet:

DAB-A3.1



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Owner:



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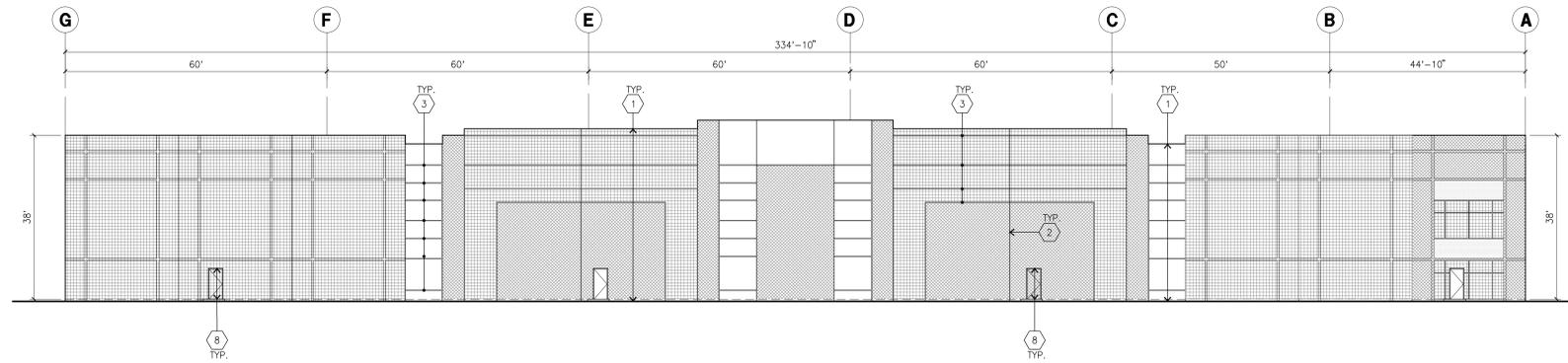
Project:

ALMOND COMMERCE
CENTER

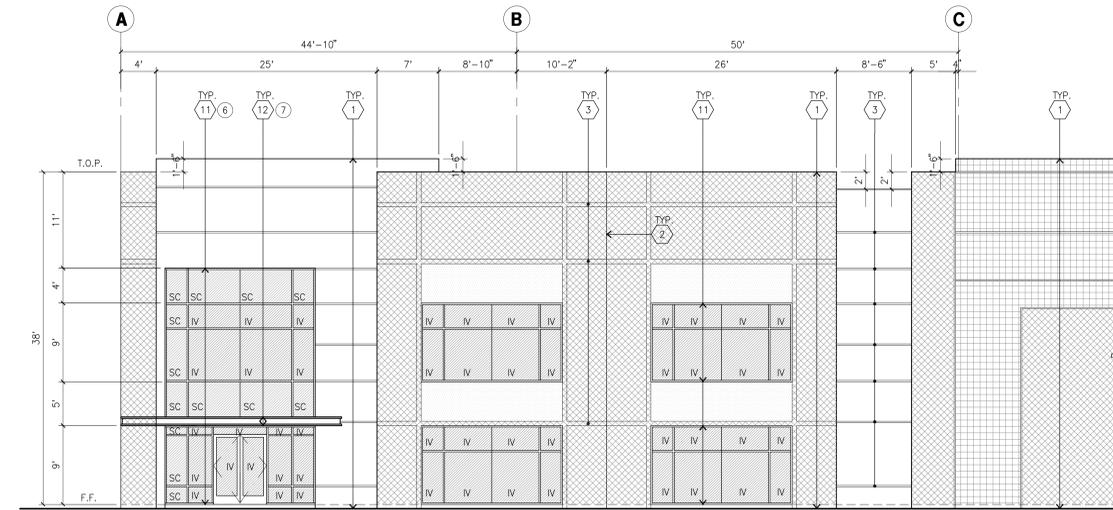
County of San Bernardino
CA

Consultants:

CIVIL STRUCTURAL MECHANICAL PLUMBING ELECTRICAL LANDSCAPE FIRE PROTECTION SOILS ENGINEER
HUITT-ZOLLARS
SPLA



EAST ELEVATION
scale: 1/16" = 1'-0" **A**



ENLARGED WEST ELEVATION
scale: 1/8" = 1'-0" **B**

KEYNOTES - ELEVATIONS

- 1 CONCRETE TILT-UP PANEL (PAINTED). FINISH GRADE VARIES - SEE "G" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN.
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- 12 I-BEAM METAL CANOPY.
- 13 BUILDING ADDRESS.

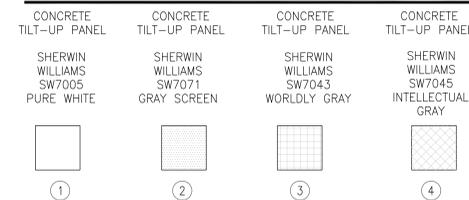
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COLOR SCHED. - ELEVATIONS

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- 2 CONCRETE TILT-UP PANEL. PAINT BRAND_SHERWIN WILLIAMS SW 7071 GRAY SCREEN
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- 4 CONCRETE TILT-UP PANEL. PAINT BRAND_SHERWIN WILLIAMS SW 7045 INTELLECTUAL GRAY
- 5 MULLIONS. COLOR_____ALUMINUM BLACK ANODIZED MULLIONS
- 6 GLAZING. MEDIUM PERFORMANCE BLUE REFLECTIVE GLAZING
- 7 I-BEAM METAL CANOPY. SHERWIN WILLIAMS PRO-INDUSTRIAL, WATERBASED PAINT BRAND_B53-1150 SEMI-GLOSS - SW 7069 IRON ORE
- 8 DOORS. PAINT BRAND_MATCH TO ADJACENT BUILDING COLOR
- 9 DOORS. PAINT BRAND_SHERWIN WILLIAMS SW 7005 PURE WHITE

COLOR LEGEND



GLAZING LEGEND

- IV INSULATED VISION GLASS
 - SC SPANDREL GLASS WITH CONCRETE BEHIND
 - V VISTACOOOL PACIFICA AT ALL VISION GLASS LOCATION EXCEPT MAIN OFFICE AREA.
 - SC SPANDREL WITH CONCRETE BEHIND 1/4" VISTACOOOL PACIFICA WITH WARM GRAY OPACICOAT PAINTED ON REFLECTIVE. INSTALLED ON CONCRETE.
 - MULLIONS : ALUMINUM BLACK ANODIZED MULLIONS.
- ALL GLAZING TO BE TEMPERED GLASS.
- IV : INSULATED VISION GLASS
1/4" VISTACOOOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.21 VLT: 26%
MINIMUM VT TO BE 0.42 PER 2016 CEC TABLE 140.3-B

Title: Elevations

Project Number: 19523

Drawn by: JW

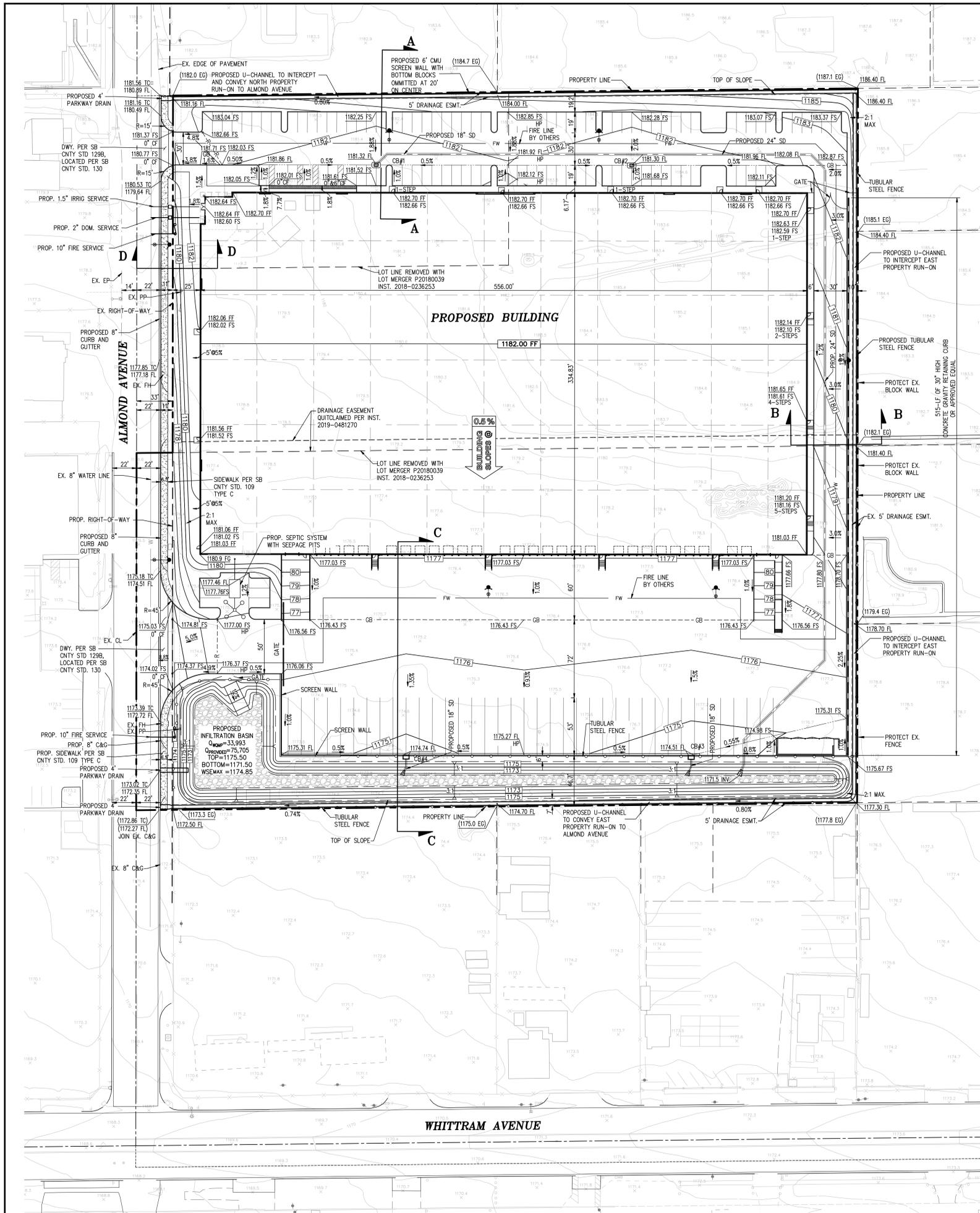
Date: 2/17/2020

Revision:

Revision 5/4/2020

Sheet:

DAB-A3.2



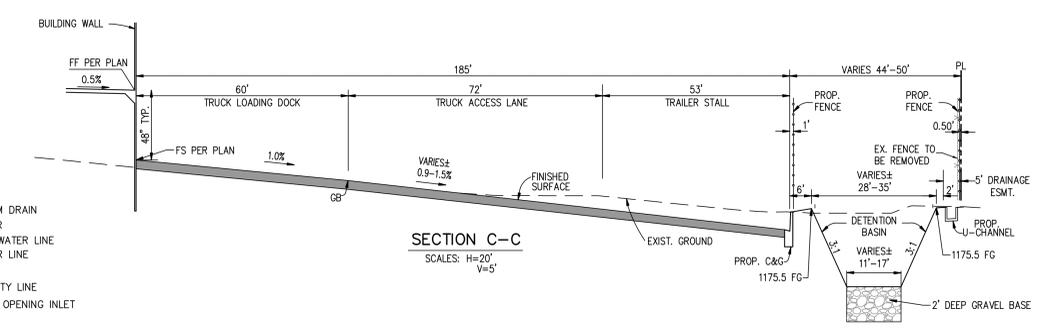
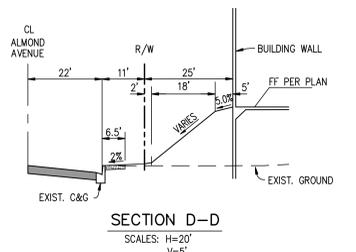
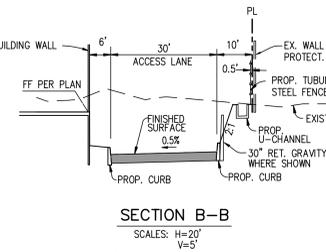
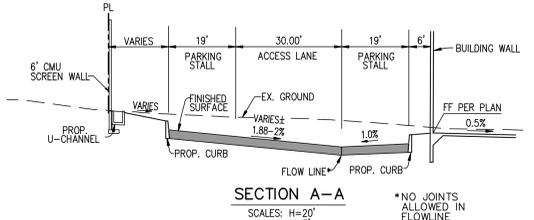
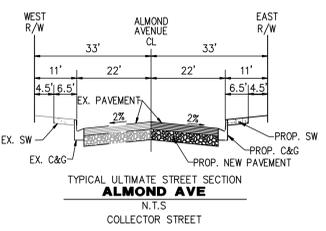
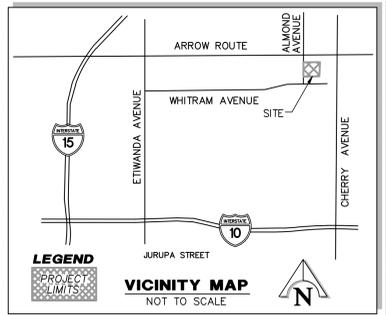
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
 PARCEL 2 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
 TOGETHER WITH PARCEL 1 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
 TOGETHER WITH LOT 172, FONTANA ARROW ROUTE TRACT NO. 2102, AS PER PLAT RECORDED IN BOOK 31 OF MAPS, PAGES 11 THROUGH 15, IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

THIS LEGAL DESCRIPTION IS PURSUANT TO NOTICE OF MERGER P201800339 RECORDED JUNE 29, 2018 AS INSTRUMENT NO. 2018-0236253 OF OFFICIAL RECORDS.

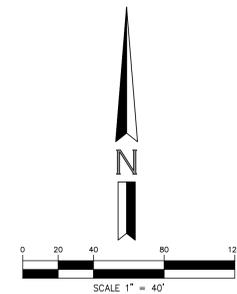
SURVEY NOTES

1. BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ALMOND AVENUE BEING NORTH 00°03'46" EAST ON PARCEL MAP NO. 6328, P.M.B. 60/93
2. ASSESSOR'S PARCEL NO. = 0230-131-19, 0230-131-28 AND 0230-131-29 (ASSESSOR'S PARCEL NUMBERS SHOWN HEREON ARE PER THE CURRENT TAX ASSESSOR'S ROLLS AS PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY.)
3. AERIAL PHOTOGRAPHY WAS COMPILED BY ROBERT J. LUNG & ASSOCIATES, DATED OCTOBER 18, 2019 AND COMPLIES WITH NATIONAL MAPPING ACCURACY STANDARDS.
4. DATE OF FIELD SURVEY: JANUARY, 2017 AND NOVEMBER 13, 2019.
5. LANDSCAPED AREAS MAY CONTAIN IRRIGATION SPRINKLER SYSTEMS.



LEGEND

- CHP PROPOSED STORM DRAIN
- S PROPOSED SEWER
- FW PROPOSED FIRE WATER LINE
- W PROPOSED WATER LINE
- R RIDGE
- EXISTING PROPERTY LINE
- PROPOSED CURB OPENING INLET
- GRATE INLET
- CF CURB FACE
- CB CATCH BASIN
- C&G CURB & GUTTER
- CL CENTERLINE
- DWY DRIVEWAY
- EXIST. EXISTING
- FF FINISH FLOOR ELEVATION
- FS FINISHED SURFACE
- FL FLOWLINE
- GB GRADE BREAK
- INV INVERT
- N.A.P. NOT A PART
- P.I.P. PROTECT IN PLACE
- L.D. LOCAL DEPRESSION
- PP POWER POLE
- PL PROPERTY LINE
- PROP. PROPOSED
- R/O RIGHT-OF-WAY
- R/W RIDGE
- STL STREET LIGHT
- TP TOP OF PAVEMENT
- TC TOP OF CURB
- STREET LIGHT
- WQ WATER QUALITY UNIT
- UNDERGROUND STORM WATER INFILTRATION SYSTEM



EARTHWORK VOLUMES

RAW*	CUT (CY)	FILL (CY)
	13,806	14,609
ADJUSTED	36,580	36,580



HUITT-ZOLLARS
 Huitt-Zollars, Inc. Ontario
 3990 CONCOURS, SUITE 330 • ONTARIO, CALIFORNIA 91764 • (909) 941-7799
 PREPARED UNDER THE SUPERVISION OF:
 JOHNNY MURAD DATE
 R.C.E. NO. 67512 EXP. 6/30/21

UTILITY PROVIDERS

- ELECTRICITY**
 SOUTHERN CALIFORNIA EDISON
 7951 REDWOOD AVENUE
 FONTANA, CA 92336
 (909) 357-6203
- TELEPHONE**
 AT&T
 3939 E CORONADO STREET
 ANAHEIM, CA 92807
 (714) 237-6155
- CABLE**
 SPECTRUM
 1500 AUTO CENTER DRIVE
 ONTARIO, CA 91761
 (800) 892-2253
- WATER**
 FONTANA WATER CO.
 15966 ARROW ROUTE
 FONTANA, CALIFORNIA 92335
 (909) 822-2201
- SEWER**
 N/A
- GAS**
 SOUTHERN CALIFORNIA GAS CO.
 1981 W. LUGONIA AVENUE
 REDLANDS, CA 92374
 (800) 427-2200

OWNER/DEVELOPER:

HILLWOOD ENTERPRISES, L.P.
 901 VIA PIEMONTE, SUITE 175
 IRVINE, CA 91764
 PHONE (909) 382-0033
 CONTACT PERSON: MR. JOSHUA COX

CIVIL ENGINEER:

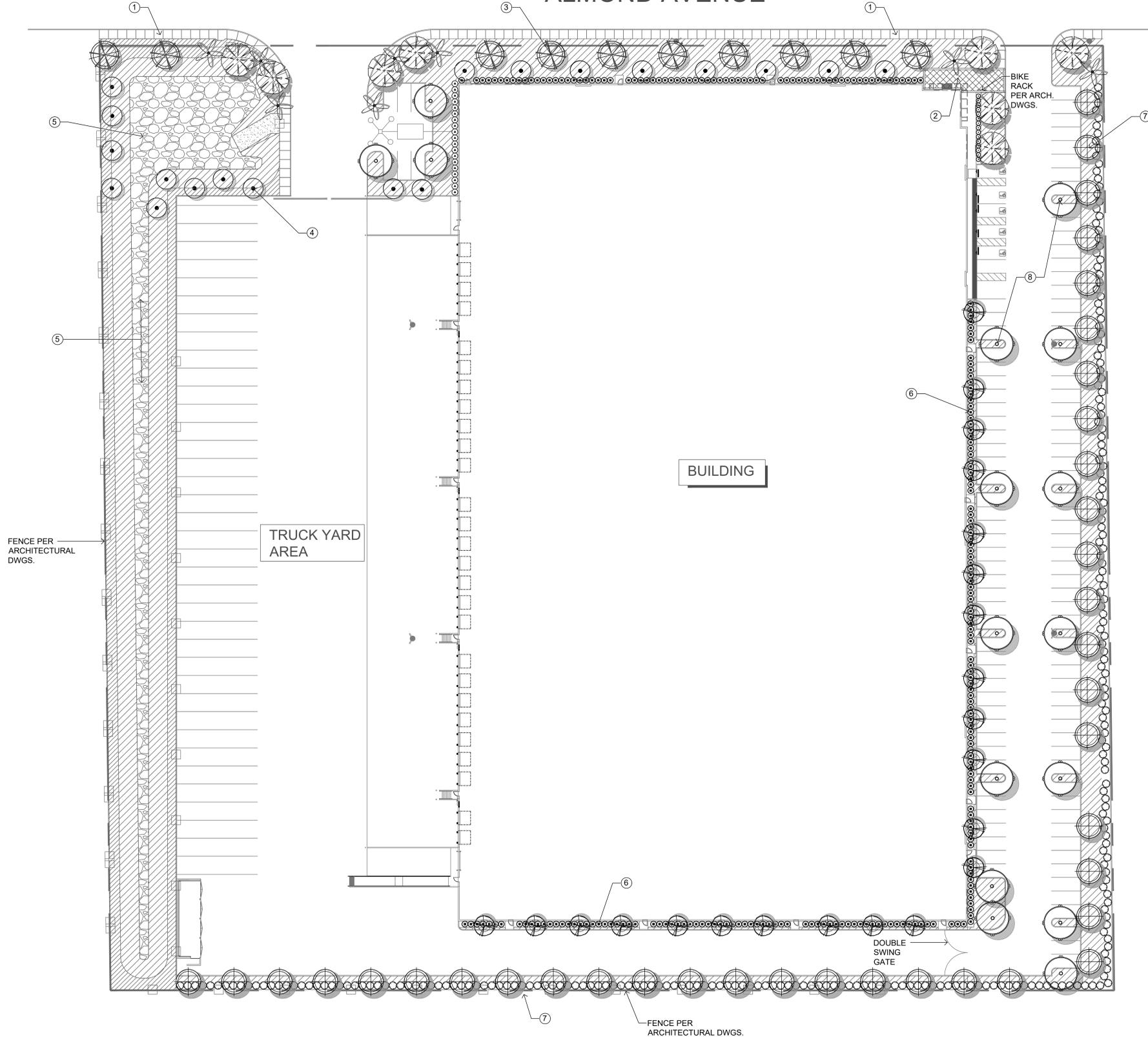
HUITT-ZOLLARS, INC.
 3990 CONCOURS, SUITE 330
 ONTARIO, CA 91764
 PHONE (909) 941-7799
 CONTACT PERSON: MANNY GONZALES

COUNTY OF SAN BERNARDINO

CONCEPTUAL GRADING & DRAINAGE PLAN

ALMOND COMMERCE CENTER

ALMOND AVENUE



DESIGN KEY NOTES:

- ① PROPOSED SIDEWALK PER CIVIL PLAN.
- ② CONCRETE PAVING AT BLDG. ENTRY WITH GRID PATTERN WITH TREE WELLS WITH FLOWERING ACCENT TREES PER LEGEND.
- ③ TYP. STREET TREE PER LEGEND.
- ④ TYP. SCREEN TREES PER LEGEND.
- ⑤ TYP. DETENTION BASIN PER CIVIL PLAN APPLY HYDROSEED PER LEGEND.
- ⑥ FOUNDATION SHRUB PLANTING PER LEGEND.
- ⑦ VERTICAL PROPERTY LINE TREE PER LEGEND.
- ⑧ PARKING LOT CANOPY TREES PER LEGEND.

GENERAL NOTES:

- SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH EROSION CONTROL GROUND COVER PER LEGEND, AND MULCH MATERIAL WITH 'BINDER' MATERIAL SHALL BE APPLIED FOR EROSION CONTROL.
- ROCK RIP-RAP MATERIAL SHALL BE INSTALLED WHERE DRAIN LINES CONNECT TO INFILTRATION AREAS.
- ALL UTILITY EQUIPMENT SUCH AS TRANSFORMERS, BACKFLOW UNITS, FIRE DETECTOR CHECKS AND FIRE CHECK VALVES WILL BE SCREENED WITH EVERGREEN PLANT MATERIAL ONCE FINAL LOCATIONS HAVE BEEN DETERMINED.

PLANTING LEGEND

TREES			
SYMBOL	TREE NAME	QTY.	WUCOLS
	PROPOSED STREET TREE ALONG ALMOND AVE. CINNAMOMUM CAMPHORA, CAMPHOR TREE 24" BOX SIZE.	10	M
	FLOWERING ACCENT TREE LAGERSTROEMIA I. 'WATERMELON RED', CRAPE MYRTLE 24" BOX SIZE.	8	M
	PARKING LOT CANOPY TREE RHUS LANCEA, AFRICAN SUMAC 24" BOX SIZE.	16	L
	VERTICAL TREE ALONG PROPERTY LINE TRISTANIA CONFERTA, BRISBANE BOX 15 GAL. SIZE.	38	M
	BACKDROP STREET FRONTAGE TREE PINUS ELDERICA, MONDELL PINE 24" BOX SIZE. (SCREEN TREES)	19	L
	WASHINGTONIA ROBUSTA, MEXICAN FAN PALM 12 FT. BTH. (ACCENT AT ENTRY DRIVES)	8	L
	VERTICAL TREE ALONG BUILDING PODOCARPUS GRACILIOR, FERN PINE (COLUMNAR SHAPE) 15 GAL. SIZE.	22	L

SHRUBS - SHRUBS SHALL CONSIST OF THE FOLLOWING:

SYMBOL	SHRUB NAME	WUCOLS
	DODONAEA VISCOSA 'PURPUREA', PURPLE HOPSEED BUSH 5 GAL. SIZE.	M
	LEUCOPHYLLUM FRUTESCENS, TEXAS RANGER 5 GAL. SIZE.	L
	WESTRINGIA FRUTICOSA, COAST ROSEMARY 5 GAL. SIZE.	L
	CALLISTEMON 'LITTLE JOHN', DWARF BOTTLE BRUSH 5 GAL. SIZE.	L
	LIGUSTRUM TEXANUM, TEXAS PRIVET 5 GAL. SIZE.	M

GROUND COVER AND SHRUB MASSES -

GROUND COVER & SHRUB MASSES SHALL CONSIST OF THE FOLLOWING:

SYMBOL	GROUND COVER/SHRUB MASS NAME	WUCOLS
	ROSMARINUS O. 'PROSTRATUS', PROSTRATE ROSEMARY 1 GAL. SIZE @ 24" O.C.	L
	LANTANA X 'NEW GOLD', NEW GOLD LANTANA (DWARF) 1 GAL. SIZE @ 36" O.C.	L
	MYOPORUM PARVIFOLIUM 'PUTA CREEK', PUTAH CREEK MYOPORUM 1 GAL. SIZE @ 36" O.C.	L
	SALVIA GREGGII, AUTUMN SAGE 5 GAL. SIZE @ 24" O.C.	L
	SALVIA LEUCANTHA, MEXICAN BUSH SAGE 5 GAL. SIZE @ 36" O.C.	L
	MUHLENBERGIA RIGENS, DEER GRASS 5 GAL. SIZE @ 36" O.C.	M
	EROSION CONTROL ALONG BASIN SLOPE BACCHARIS PILULARIS, COYOTE BRUSH 1 GAL. SIZE @ 24" O.C.	L
	GRAVEL AT DETENTION BASIN BOTTOM	

CONCEPTUAL PLAN NOTE:

THIS IS A CONCEPTUAL LANDSCAPE PLAN. IT IS BASED ON PRELIMINARY INFORMATION WHICH IS NOT FULLY VERIFIED AND MAY BE INCOMPLETE. IT IS MEANT AS A COMPARATIVE AID IN EXAMINING ALTERNATE DEVELOPMENT STRATEGIES AND ANY QUANTITIES INDICATED ARE SUBJECT TO REVISION AS MORE RELIABLE INFORMATION BECOMES AVAILABLE.

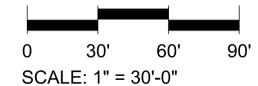
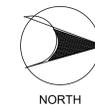
IRRIGATION NOTE:

THE PROJECT WILL BE EQUIPPED WITH A LOW FLOW IRRIGATION SYSTEM CONSISTING OF ET WEATHER BASED SMART CONTROLLER, LOW FLOW ROTATORS, BUBBLER AND/OR DRIP SYSTEMS USED THROUGHOUT. THE IRRIGATION WATER EFFICIENCY WILL MEET OR SURPASS THE CURRENT STATE MANDATED AB-1881 WATER ORDINANCE.

WUCOLS PLANT FACTOR

THIS PROJECT IS LOCATED IN 'WUCOLS' REGION '4-SOUTH INLAND VALLEY'.

H = HIGH WATER NEEDS
M = MODERATE WATER NEEDS
L = LOW WATER NEEDS
VL = VERY LOW WATER NEEDS



DATE: 05-04-2020

L-1



SPLA
SCOTT PETERSON LANDSCAPE ARCHITECT, INC.
2883 VIA RANCHEROS WAY
FALLBROOK, CA 92028
PH: 760-842-8993



18831 BARDEEN AVE. -STE. #100
IRVINE, CA 92612
(949) 863-1770
WWW.HPARCHS.COM

CONCEPTUAL LANDSCAPE PLAN ALMOND AVENUE

COUNTY OF SAN BERNARDINO, CA





hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchs.com

Owner:



901 VIA PIEMONTE SUITE 175
ONTARIO, CA 91764

tel: (909) 382-0033

Project:

ALMOND COMMERCE
CENTER

County of San Bernardino
CA

Consultants:



Mammoth Electric, Inc.
170 E Liberty Ave.
Anaheim, CA
92801
tel: 714-446-8880
fax: 714-446-8811

CIVIL HUITT-ZOLLARS
STRUCTURAL
MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE
FIRE PROTECTION
SOILS ENGINEER
SPLA

Title:

**SITE
PHOTOMETRIC**

Project Number: -

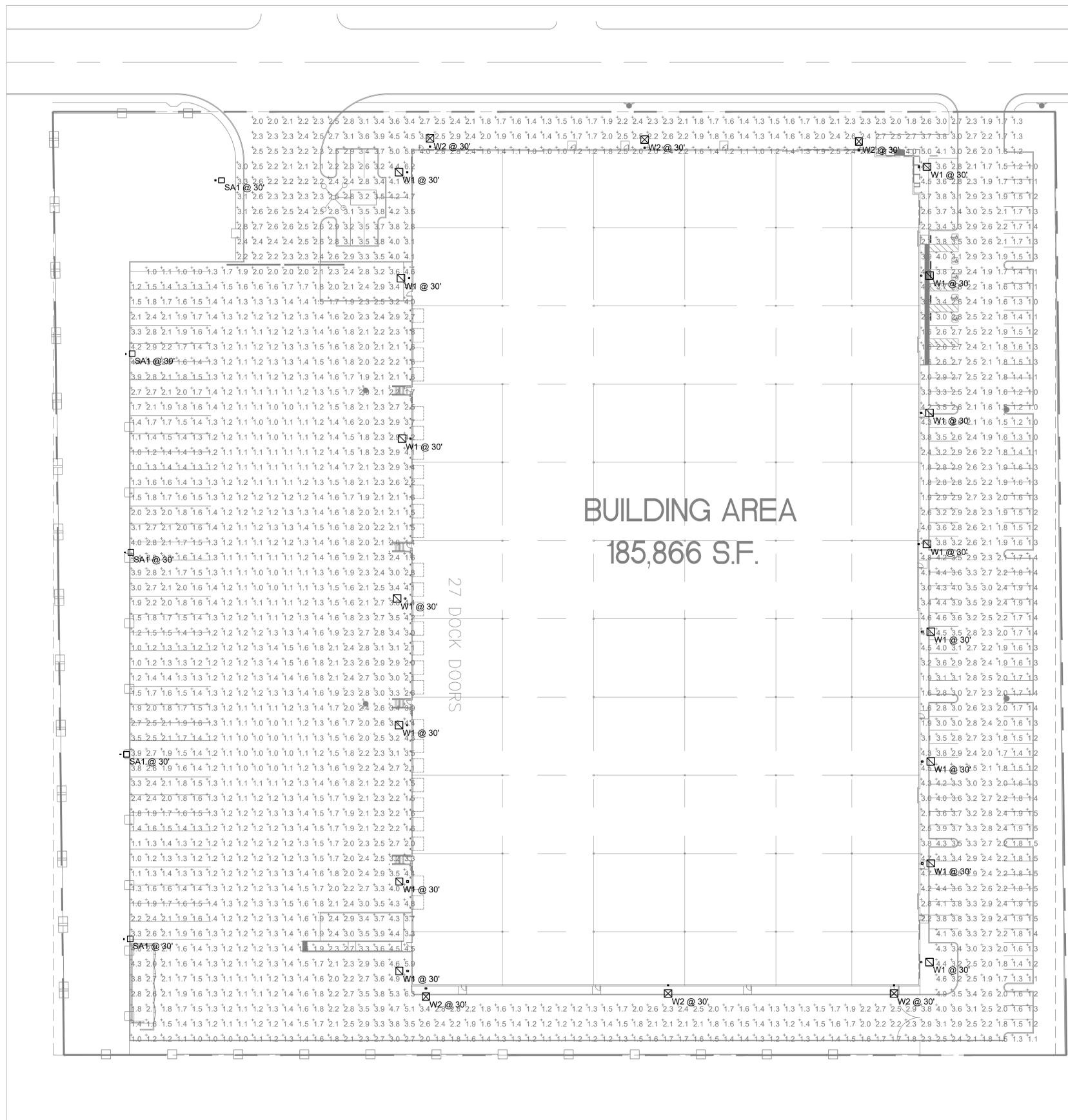
Drawn by: F.R./C.U.

Date: -

Revision: -

Sheet:

E-2.1



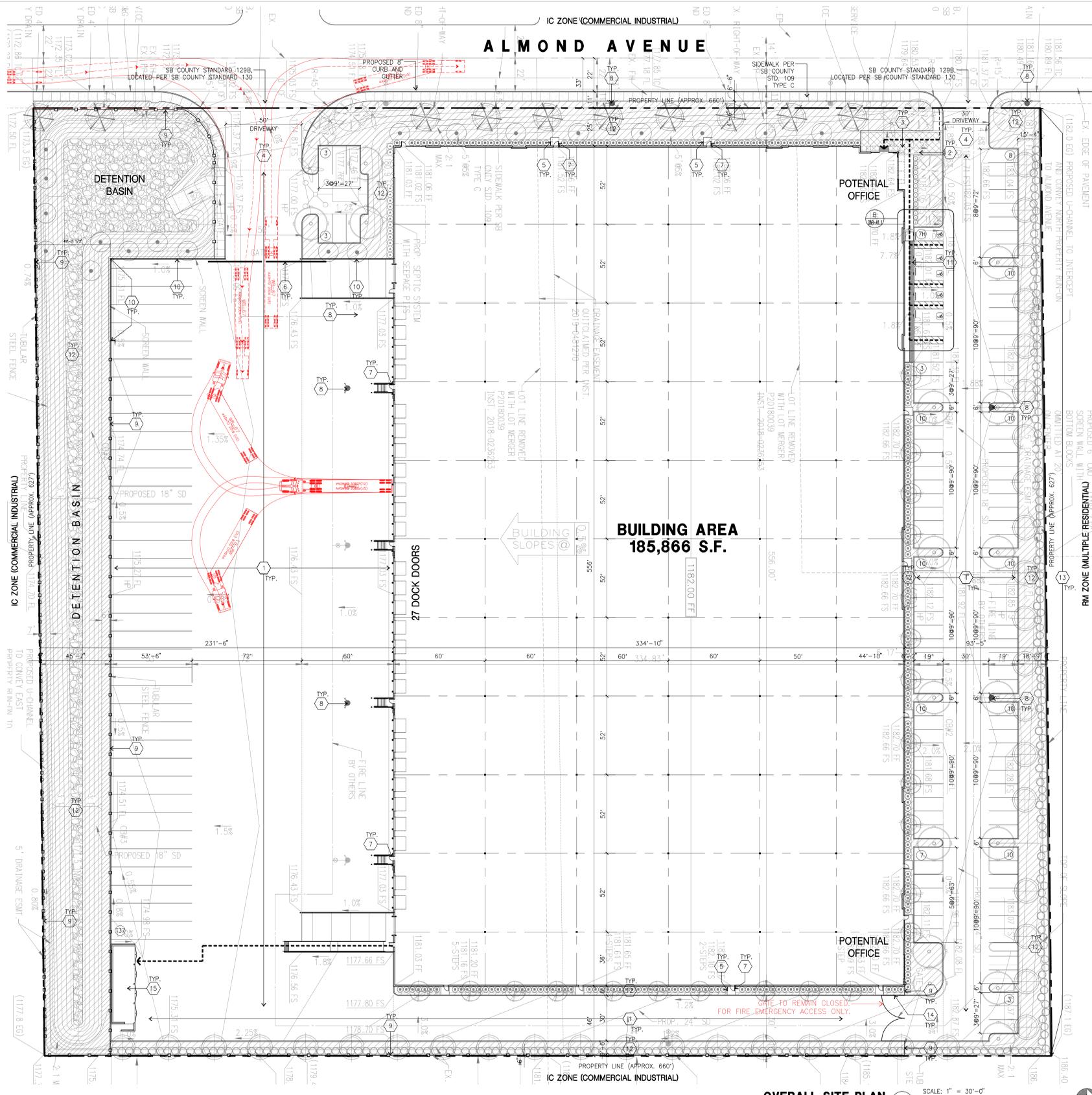
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
☐	W1	15	U.S. ARCHITECTURAL LIGHTING	VLL-LED-PILED-BOILED-PIFT-1050mA-NW WALL MT AT 30 FT AFG	CAST BLACK PAINTED FINISHED METAL HOUSING, CAST BLACK PAINTED METAL DRIVER COVER, 4 CIRCUIT BOARDS EACH WITH 20 LEADS.	EIGHTY WHITE LIGHT EMITTING DIODES (LEDS), VERTICAL BASE-UP POSITION.	80	VLL-PILED-PIFT-BOILED-1050mA-NW-IES	298	0.9	280.3
☐	SA1	5	U.S. ARCHITECTURAL LIGHTING	VLL-PILED-PIFT-BOILED-PIFT-1050mA-NW POLE MT AT 30 FT AFG 20 FT POLE 4 FT BASE	CAST BLACK PAINTED FINISHED METAL HOUSING, CAST BLACK PAINTED METAL DRIVER COVER, 4 CIRCUIT BOARDS EACH WITH 20 LEADS, 1 CLEAR PLASTIC OPTIC BELOW EACH LED, 1 SEMI-CIRCULAR METAL OPTIC MOUNTING PLATE, BELOW EACH CIRCUIT BOARD.	EIGHTY WHITE LIGHT EMITTING DIODES (LEDS), VERTICAL BASE-UP POSITION, VOLTAGE (120VAC, 60Hz) TO THE DRIVER.	80	VLL-PILED-PIFT-BOILED-1050mA-NW-ies	328	0.9	256.4
☐	W2	6	U.S. ARCHITECTURAL LIGHTING	VLL-LED-PILED-BOILED-PIFT-1050mA-NW WALL MT AT 30 FT AFG	CAST BLACK PAINTED FINISHED METAL HOUSING, CAST BLACK PAINTED METAL DRIVER COVER, 4 CIRCUIT BOARDS EACH WITH 20 LEADS.	EIGHTY WHITE LIGHT EMITTING DIODES (LEDS), VERTICAL BASE-UP POSITION.	80	VLL-PILED-PIFT-BOILED-700mA-NW-IES	233	1	186.5

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	2.1fc	6.8fc	1.0fc	6.8:1	2.1:1

SITE PHOTOMETRIC
SCALE 1" = 30'-0"
NORTH

MAMMOTH COORDINATION	
DATE	DESCRIPTION
---	---

DESIGN/BUILD NOTES:
THESE DRAWINGS AND SPECIFICATIONS ARE PART OF A PRESENTATION FOR A PROPOSED CONTRACT AND ARE THE PROPERTY OF AND COPYRIGHT BY MAMMOTH ELECTRIC. THESE PLANS SHALL NOT BE USED, IN WHOLE OR IN PART, BY ANY ONE OTHER THAN MAMMOTH ELECTRIC. THESE PLANS REPRESENT A SCHEMATIC DESIGN/BUILD LAYOUT OF THE ELECTRICAL SYSTEMS; THESE PLANS MAY NOT INDICATE ALL MATERIALS THAT WILL BE REQUIRED TO PROVIDE A COMPLETE AND OPERATING ELECTRICAL SYSTEMS.
THESE PLANS WERE PREPARED UNDER THE EXEMPTION TO DIVISION 3 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE BY SECTION 55372, AS THE LICENSED CONTRACTOR RESPONSIBLE FOR THE PREPARATION OF THESE DRAWINGS, ONLY MAMMOTH ELECTRIC MAY UTILIZE THEM.



PROJECT INFORMATION

Owner
HILLWOOD
901 VIA PIEMONTE, SUITE 175
ONTARIO, CA 91764
TEL: 909-380-7156
ATTN: JOSHUA COX

Applicant
HILLWOOD
901 VIA PIEMONTE, SUITE 175
ONTARIO, CA 91764
TEL: 909-380-7156
ATTN: JOSHUA COX

Architect
HPA
18831 BARDEEN AVE, STE #100
IRVINE, CA 92618
TEL: (949) 862-2125
CONTACT: JOCELYN WAN

Assessors Parcel Number
0230-131-19
0230-131-28
0230-131-29

Zoning information
ZONING DESIGNATION:
COMMUNITY INDUSTRIAL (IC)

Project Address
8645 ALMOND AVENUE
FONTANA, CA

AERIAL MAP



SITE PLAN KEYNOTES

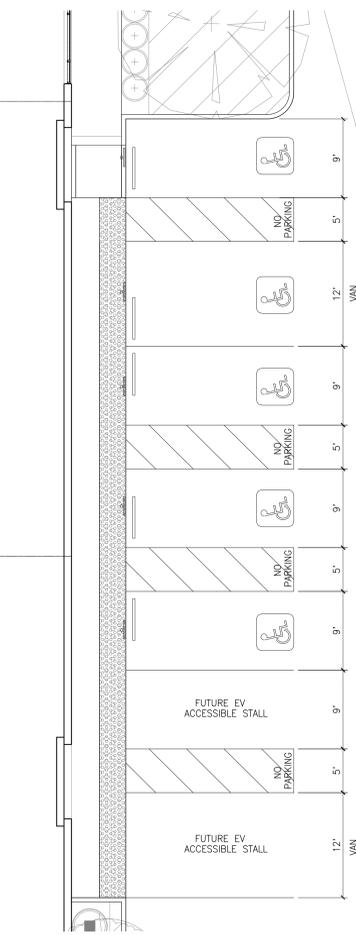
- HEAVY BROOM FINISH CONC. PAVEMENT.
- BIKE RACK.
- CONCRETE WALKWAY.
- DRIVEWAY APRONS TO BE CONSTRUCTED PER "L" DRAWINGS.
- 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" = 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
- PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
- 3'X7' HOLLOW METAL DOOR.
- PRELIMINARY LOCATION OF FIRE HYDRANT. (FINAL LOCATION WILL BE DETERMINED BY FIRE CONSULTANT).
- 8" H TUBE STEEL FENCE.
- 14" H CONCRETE SCREEN WALL.
- TRUNCATED DOME.
- LANDSCAPE AREA. SEE "L" DWGS.
- NEW 6" H CMU WALL ON SUBJECT SITE.
- DOUBLE SWING GATE.
- REFUSE AND RECYCLING ENCLOSURE. (TOTAL 773 S.F.)

SITE LEGEND

- CONCRETE PAVING
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19') + 5' W/ ACCESSIBLE AISLE
- HANDICAP PARKING (VAN) STALL (12' X 19') + 5' W/ ACCESSIBLE AISLE
- LANDSCAPED AREA
- PATH OF TRAVEL

TABULATION

SITE AREA	413,779 s.f.
in acres	9.50 ac
BUILDING AREA	
Office	6,000 s.f.
Warehouse	179,866 s.f.
TOTAL	185,866 s.f.
COVERAGE	45%
AUTO PARKING REQUIRED	
Office: 1/250 s.f.	24 stalls
Whse: 1st 40K @ 1/1,000 s.f.	40 stalls
above 40K @ 1/4,000 s.f.	35 stalls
TOTAL	99 stalls
AUTO PARKING PROVIDED	
Standard (9' x 19')	109 stalls
Handicap (9'x19')	5 stalls
Total parking provided	114 stalls
TRAILER PARKING PROVIDED	
Trailer (12' x 53')	37 stalls
MAXIMUM FLOOR AREA RATIO	
FAR - .45	
MAXIMUM BUILDING HEIGHT ALLOWED	
Height - 75'	
ZONING ORDINANCE FOR CITY	
Zoning Designation - Community Industrial (IC)	
LANDSCAPE REQUIREMENT	
Percentage - 15% of surface parking area	
LANDSCAPE PROVIDED	
Percentage -	17.5%
in s.f.	72,373 s.f.
SETBACKS	
Front / Street side - 25'	
Interior side - 10' one side and 15' other side.	
Rear - 10' if adjacent property is not commercial or industrial	



CONDITIONAL USE PERMIT FOR 185,866 S.F. WAREHOUSE/DISTRIBUTION CENTER

UTILITY PROVIDERS/ AGENCIES:

WATER:
FONTANA WATER CO.
1506B ARROW ROUTE
FONTANA, CA 92335
TEL: (909) 822-2201

CABLE:
SPECTRUM
1500 AUTO CENTER DRIVE
ONTARIO, CA 91761
TEL: (800) 892-2253

SEWER:
N/A

TELEPHONE:
AT&T
3939 E. CORONADO STREET
ANAHEIM, CA 92807
TEL: (714) 237-6155

ELECTRIC:
SOUTHERN CALIFORNIA EDISON
7951 REDWOOD AVENUE
FONTANA, CA 92336
TEL: (909) 357-6203

GAS:
SOUTHERN CALIFORNIA GAS CO.
1981 W. LUCIGNA AVENUE
REDLANDS, CA 92374
TEL: (800) 427-2200

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
PARCEL 2 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
TOGETHER WITH PARCEL 1 OF PARCEL MAP NO. 6328, AS RECORDED IN PARCEL MAP BOOK 60, PAGE 93 IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
TOGETHER WITH LOT 172, FONTANA ARROW ROUTE TRACT NO. 2102, AS PER PLAT RECORDED IN BOOK 31 OF MAPS, PAGE 11 THROUGH 15, IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.
THIS LEGAL DESCRIPTION IS PURSUANT TO NOTICE OF MERGER P201800339 RECORDED JUNE 29, 2018 AS INSTRUMENT NO. 2018-0236253 OF OFFICIAL RECORDS.

PROJECT

CONCRETE TILT-UP BUILDING
BUILDING OCCUPANCY: S-1/B OFFICE & WAREHOUSE
CONSTRUCTION TYPE: III-B
AUTOMATIC FIRE SPRINKLER: YES

ACTUAL AREA: BLDG: 185,866 S.F.
ACTUAL AREA (BASIC): S-1 = 17,500 S.F. / B = 19,000 S.F.
ACTUAL AREA INCREASED: UNLIMITED, PER SECTION 507.3
W/ 60' MIN. ALONG NORTH, WEST AND SOUTH SIDE.
46' ALONG EAST SIDE.



hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949-863-1770
email: hpa@hparchs.com



901 VIA PIEMONTE SUITE 175
ONTARIO, CA 91764
tel: (909) 382-0033

Project:
ALMOND COMMERCE CENTER
County of San Bernardino
CA

Consultants:
CIVIL: HUITT-ZOLLARS
STRUCTURAL: SPLA
MECHANICAL: SPLA
PLUMBING: SPLA
ELECTRICAL: SPLA
LANDSCAPE: SPLA
FIRE PROTECTION: SPLA
SOILS ENGINEER: SPLA

Title: OVERALL SITE PLAN
Project Number: 19523
Drawn by: JW
Date: 2/17/2020
Revision:
Revision 5/4/2020

Sheet:
DAB-A1.1

EXHIBIT F

MND Comment Letter



July 10, 2020

VIA EMAIL

Steven Valdez, Senior Planner
Planning Division
County of San Bernardino Land Use Services Department
85 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415
Steven.Valdez@lusd.sbcounty.gov

SUBJECT: COMMENTS ON ALMOND AVENUE WAREHOUSE PROJECT MND (SCH NO. 2020060193)

To whom it may concern:

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Almond Avenue Warehouse Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

As we understand it, the project proposes development of the 9.50 acre site with the construction and operation of a 185,866-square foot industrial/warehouse building including 6,000 square feet

of office space. The project includes 27 truck/trailer dock doors, 42 truck/trailer parking spaces, and 114 passenger car parking spaces. According to the Project Description, the project tenant is unknown, hours of operation and employee count would vary, but the project is assumed to operate 24/7 for planning purposes.

1.1 Project Implementation Prior to CEQA Review

The Project Description states that the “project site has been leveled and graded with the exception of the portion occupied by the single-family residence.” The pre-grading of the site is also used throughout the MND as supporting evidence to conclude that the project will not result in significant environmental impacts, including Aesthetics, Agriculture/Forestry, Hazards and Hazardous Materials, and Wildfire. Completing site preparation and grading is clearly implementation of the proposed project prior to CEQA review. An EIR must be prepared to accurately analyze the potentially significant impacts, including those related to project implementation prior to CEQA review.

1.2 MND Internal Inconsistencies

There are several inconsistencies throughout the MND. For example, the Project Description states that the “project site is currently vacant/undeveloped.” The next sentence states that “an uninhabited, dilapidated single-family residence is located in the northwest corner of the parcel.” The project site is not undeveloped if there is an existing structure on the property. The statement that the site is vacant/undeveloped is misleading to the public and decision makers. Additionally, the existing single family residence on the property is described as dilapidated, but the MND does not provide any evidence to support this sensationalized claim. Only one photograph of the site is included in the MND and it does not provide any meaningful description of the view, such as the cardinal direction it is facing or if the distant residence pictured is the existing on-site residence. A project EIR must be prepared which accurately discloses the existing environmental setting of the project site and includes site photographs with meaningful information, such as describing the cardinal direction of the view in each photo.

Further, the Project Description states that “since the tenant is unknown, hours of operation and employee count would vary, but is assumed for planning purposes to operate 24/7.” This information differs from Section XIX - Utilities and Service Systems which concludes there will be no significant environmental impacts related to the generation of solid waste based on a total of 38 employees at the site. This section of the MND sources the declaration of 38 employees to

Appendix N - VMT Memo. Appendix N states that there will be 38 employees during the operational phase of the proposed project. 38 employees are utilized for calculating total VMT for the project. The VMT Memo does not give a source for the conclusion that there will be 38 employees at the project site.

The Southern California Association of Government (SCAG) Employment Density Study¹ provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

The MND is internally inconsistent and a project EIR must be prepared which applies the SCAG Employment Generation calculations to provide meaningful evidence in calculating the project's employment generation. This is vital as the number of operational employees is utilized to calculate project VMT and waste generation.

III. Air Quality

Section 83.01.080(g)(3) of the San Bernardino County Code permits construction activity between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. The MND does not provide a "worst-case scenario" analysis of construction equipment emitting pollutants for the legal 12 hours per day, 6 days per week. It is legal for construction to occur for much longer hours (12 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. An EIR must be prepared with revised Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

¹ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

The Air Quality Analysis does not model any of the proposed warehouse space as refrigerated/cold storage. At least 40% of the proposed warehouse space should be modeled as refrigerated/cold storage or it must be added as a condition of approval to restrict building construction and all future tenants from improving the building with refrigeration/cold storage. This is especially necessary since San Bernardino County Development Code permits refrigeration/cold storage in the Community Industrial Zone.

Further, the MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002204) ranks worse than 98% of the rest of the state overall. The surrounding community, including sensitive receptors such as residences adjacent to the north and west, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone than 98% of the state and more PM 2.5 than 94% of the state.

Further, the project's census tract is a diverse community including 79% Hispanic and 5% African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of linguistic isolation, meaning 79% of households speak little to no English. The community has a high rate of low educational attainment, meaning 83% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Additionally, the surrounding community has a higher proportion of babies born with low birth weights than 41% of the state, which makes those children more vulnerable to asthma and other health issues. This is demonstrated by the census tract ranking in the 82nd percentile for asthma and containing 19% children under the age of 10 compared to 13% average children under the age of 10 in California.

IV. Biological Resources

Appendix C - Biotic Resources Report states that a biological field study was conducted on February 4, 2020. The project site is located within the County of San Bernardino's Burrowing Owl Overlay Zone. Appendix C also notes that the "burrowing owl habitat was assessed in accordance with the Staff Report on Burrowing Owl Mitigation developed by CDFW dated

March 7, 2012.” The Department of Fish and Game’s (DFG) 2012 Staff Report on Burrowing Owl Mitigation² concludes that “current scientific literature indicates that it is most effective to conduct breeding and non- breeding season surveys and report in the manner that follows:

Breeding Season Surveys

Number of visits and timing. Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.”

The field study conducted on February 4, 2020 as part of the Biological Resources analysis was completed at a time outside of the direction of the 2012 Report. Only one visit was conducted at all while the report recommends four survey visits. This language in the Appendix itself is misleading because the burrowing owl survey was not completed in accordance with the 2012 report guidance. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.

XI. Land Use and Planning

The MND concludes the proposed project does not conflict with the Biotic Resources (BR) Overlay for Burrowing Owl which implements the General Plan because the February 4, 2020 field study found no onsite Burrowing Owls. However, as noted above, the field study was conducted at a time outside of the direction of the 2012 Report. The MND has not demonstrated that the proposed project does not conflict with the BR Overlay for Burrowing Owl because the field study was inadequate. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.

XIII. Noise

Figure 11 - Noise Measurement Locations depicts three ambient noise measurement locations in the project vicinity. There were no existing baseline noise measurements taken at the nearest sensitive receptors, including the single family residences adjacent to the north and west. The MND concludes that operational noise will be less than significant since only the parking lot is

² DFG 2012 Staff Report on Burrowing Owl Mitigation <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>

adjacent to the nearest sensitive receptor to the north and “parking noise also occurs at the adjacent properties to the east, south, and west under existing conditions. Parking and driveway noise would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along Arrow Route, Cherry Avenue, Almond Avenue, and Whittram Avenue.” Additionally, the MND concludes that “actual noise levels over time resulting from parking activities are *anticipated* to be far below the local noise standards.” The MND does not provide any quantified analysis of the *actual* operational noise levels and their potentially significant impacts to the nearest sensitive receptor to the north. Since there were no existing baseline measurements taken at the nearest sensitive receptor, the MND is unable to provide any meaningful analysis of the potentially significant noise impacts. Additionally, the Project Description states the project will operate 24/7, but the Noise analysis states that office employees would only work 8:00 AM - 5:00 PM. This inconsistency skews analysis to avoid presenting a nighttime noise analysis resulting from a fully operational project. A project EIR must be prepared and circulated for public review which includes existing baseline noise measurements for the sensitive receptors adjacent to the north and west, and quantified analysis of the potentially significant operational noise impacts.

XIV. Population and Housing

The MND concludes that impacts to population and housing will not be significant because “the unemployment rate for Riverside-San Bernardino-Ontario area is 3.749%, it is reasonably assured that the jobs would be filled by people living in the surrounding unincorporated County area and communities.” The MND does not provide any meaningful analysis or supporting evidence to substantiate this conclusion. Providing unemployment rates for the metropolitan area does not prove that the unemployed population is qualified for or interested in work in the industrial sector. Additionally, the MND reaches this conclusion without citing the number of residents with the appropriate skillset or the number of jobs created by the project. The Southern California Association of Government (SCAG) Employment Density Study³ provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

³ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

A project EIR must be prepared which includes supporting evidence to substantiate the claim that there will be no significant environmental impacts.

XVII. Transportation

Again, the MND utilizes an arbitrary and unduly low rate of 38 employees for VMT analysis. The VMT analysis does not provide a source of calculation to demonstrate how the project will generate this number of employees. The Southern California Association of Government (SCAG) Employment Density Study⁴ provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

A project EIR must be prepared which includes a revised VMT analysis utilizing SCAG employment generation calculations to adequately and accurately analyze the potentially significant environmental impacts regarding transportation and VMT. All other sections of environmental analysis must also be revised accordingly with the revised VMT and employee information. This is especially vital since the operational nature of warehouse/distribution uses involves high rates of truck/trailer VMT traveling from massive regional distribution centers to smaller last mile delivery buildings (such as the proposed project) and then from last mile delivery buildings to final destinations.

⁴ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

Based on the operational nature of the proposed use, a Traffic Impact Analysis (TIA) must be provided as part of a project EIR and include analysis of the following facilities providing direct access to the project site:

Freeway Merge/Diverge

I-210 at I-15

I-15 at I-10

Freeway On/Off Ramps

I-15 at Foothill Blvd.

I-15 at Fourth St./San Bernardino Ave.

I-15 at Baseline Ave.

I-210 at Cherry Ave.

I-10 at Cherry Ave.

I-10 at Etiwanda Ave.

Intersections

Foothill Blvd. at Cherry Ave.

Cherry Ave. at Arrow Rte.

Arrow Rte. at Almond Ave.

Almond Ave. at Whittram Ave.

Whittram Ave. at Cherry Ave.

This is especially vital for analysis since the I-15 and I-210 provide direct access to the project site from the Southern California Logistics Airport.

XIX. Utilities and Service Systems

The MND again utilizes the arbitrary and unduly low rate of 38 employees for calculating operational solid waste generation. This section of the MND sources the rate of 38 employees to Appendix N - VMT Memo. A project EIR must be prepared which revises this section accordingly with the updated VMT and employee information.

Conclusion

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

Sincerely,

A handwritten signature in black ink, appearing to read "J. K. ...".

Board of Directors
Golden State Environmental Justice Alliance

EXHIBIT G

Attorney Response to MND Comments

July 15, 2020

VIA E-MAIL – Steven.Valdez@lusd.sbcounty.gov

Mr. Steven Valdez, Senior Planner
Planning Division
County of San Bernardino Land Use Service Department
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415

Re: Almond Avenue Warehouse Project - Golden State Environmental Justice Alliance (“GSEJA”) Comment Letter dated July 10, 2020

Our office represents Hillwood and Almond Avenue USICV, LLC. Although every comment letter submitted during the CEQA process should be given equal weight and attention, I do want to note for the record, a brief history of the Golden State Environmental Justice Alliance (“GSEJA”) which history places into doubt that it is a bona fide environmental organization.

There is an abundance of evidence which places in doubt whether GSEJA has any genuine environmental interest. For example, the Honorable Judge Waters of the Superior Court for Riverside County issued an Order which held that a developer “had presented evidence and raised a legitimate argument with regard to whether GSEJA [] is driven by the personal motives of its board members rather than the broader interests of citizenship” which Order is attached as Exhibit A. In addition, please find a copy of an email which is authored by the former Mayor of Moreno Valley which approved over 50 million of square feet of industrial during his tenor and who is behind the formation of GSEJA is also attached which explains GSEJA is motivated solely by money (“maybe this is the case we try to win regardless of \$\$\$”) is attached as Exhibit B. Also, attached as Exhibit C is an article containing an examination about GSEJA which is “hypothetically” referred to as “Environmental Justice, Inc.” or “EJI” in the story.

The Court’s Order (Exhibit A) exposing GSEJA to a review of its financial motivation was based, in part, on the following facts:

GSEJA appears to be a questionable corporate entity misusing its 501(C)(3) non-profit status to litigate for profit.

A. GSEJA Has Disclosed to the California Secretary of State That it has No Members

On October 4, 2016, the "SoCal Environmental Justice Alliance" filed a Certificate of Amendment of its Articles of Incorporation ("Amendment") with the Secretary of State that changed its name to "Golden State Environmental Justice Alliance".

In the Amendment, Joseph "Josh" Bourgeois, the president of GSEJA, and Terrence Lucio, the secretary of GSEJA, verified under penalty of perjury that "The Corporation has no members".

B. Because GSEJA Has No Members, the Majority of GSEJA's CEQA Petitions are verified by Attorneys at Blum Collins, LLP.

On April 12, 2017, a developer submitted a Public Records Act request to the California Department of Justice and, in return, received copies of what appear to be the bulk, if not all, of the CEQA petitions that GSEJA has filed since 2015, when GSEJA first starting suing developers and local agencies.

Almost all of the verifications to the CEQA petitions were signed by attorneys of the law firm of Blum Collins, LLP, rather than individuals purporting to be members of GSEJA. Specifically, the majority of petitions were verified by attorneys Gary Ho, Craig Collins, and Hannah Bentley. This pattern of conduct further demonstrates that GSEJA does not have any actual members, or management for that matter.

Moreover, such behavior also suggests an unusual relationship between GSEJA and Blum Collins, LLP, the law firm that, according to the CEQA petitions received from the Department of Justice, has served as counsel for GSEJA in what appears to be every single CEQA action ever filed by GSEJA.

C. GSEJA Tax Returns Show an Unusually High Amount of Legal Fees for A501(C)(3) Non-Profit.

GSEJA is registered with the Internal Revenue Service as a 501(c)(3) non-profit public benefit corporation which is exempt from federal taxes. However, for a supposed non-profit entity, GSEJA reports an unusually high amount of legal fees.

For example, in 2015, GSEJA incurred \$290,161 in unspecified legal fees. Other expenses in 2015 also included \$25,000 in unspecified “other professional fees”, and \$50,330 in unspecified “other expenses”.

In Statement 3 of GSEJA’s 2015 tax return, it stated that the \$25,000 in “other professional fees” was for “Grant Management Fees”. However, in the same tax return, GSEJA stated that it made no contributions, gifts, or grants in 2015.

The fact that GSEJA incurred \$290,161 in legal fees, likely in connection with its prosecution of CEQA actions, is unusual in and of itself, given that attorneys serving as counsel for CEQA petitioners typically work on a contingency fee basis, rather than an hourly basis. If victorious, the prosecuting attorney will then file a motion for attorney fees pursuant to Code of Civil Procedure 1021.5.

D. GSEJA is Also Linked to a Questionable “CEQA Consulting” Company.

The corporate mailing address that GSEJA has provided to the State of California is P.O. Box 79222, Corona, California, 92879. This same address was previously used by a company named “CEQA Consulting Services, LLC”, a corporate entity created by Nicolle Bourgeois. *Id.* Ms. Bourgeois appears to be a family member of GSEJA president, Joseph Bourgeois.

Multiple Public Records Act requests to various agencies, and internet research, did not reveal any telephone number or website that could be used to verify that CEQA Consulting Services, LLC is an actual, operating business.

Furthermore, the use of the same P.O. Box by Nicolle and Joseph Bourgeois, for a CEQA “consulting” company and a non-profit entity that repeatedly files CEQA lawsuits, respectively, raises the question of whether any of the \$50,330 in “other expenses” listed on Statement 4 of GSEJA’s 2015 tax return, as discussed above, were payments of settlement proceeds from GSEJA to CEQA Consulting Services, LLC. Coincidentally, the same law firm (Blum Collins, LLP) that represents GSEJA in this and other CEQA actions filed by GSEJA and its affiliated entities also represents the entity CEQA Consulting Services, LLC.

E. GSEJA was Formed By Tom Owings To Sue The World Logistics Center Project and Has Been Filing CEQA Actions Ever Since.

Tom Owings is the former mayor of Moreno Valley. In June 2014, Mr. Owings was removed from his position as mayor following a recall vote. Shortly thereafter, on December 31, 2014, Mr. Owings created GSEJA.

Mr. Steven Valdez, Senior Planner
County of San Bernardino Land Use Services Department
July 15, 2020
Page 4

In September 2015, GSEJA filed a CEQA action in opposition to the World Logistics Center project, in Moreno Valley. Since then, GSEJA has continued to file CEQA lawsuits throughout Southern California.

Mr. Owings also purports to have experience as an expert witness and operates a litigation consulting company called Owings Automotive Consulting. This raises the question of whether GSEJA's settlement proceeds are being paid to Mr. Owings' consulting company either from GSEJA, as part of its "other expenses", or from Blum Collins, LLP, for Mr. Owings' assistance as a "consultant".

Moreover, Mr. Owings previously owned Raceway Nissan in Moreno Valley. GSEJA vice president and secretary, Damon Allen, used to work for Mr. Owings at Raceway Nissan as a parts manager. Terrence "Terry" Lucio is the general manager of AFP Distributing, an automotive parts distributor in Murrieta, California.

It is my opinion that lead agencies should weigh this information when responding to, or considering comments from GSEJA.

Very truly yours,



Jonathan E. Shardlow, of
GRESHAM SAVAGE
NOLAN & TILDEN,
A Professional Corporation

JES/pmj

EXHIBIT “A”

COPY

1 Mark A. Ostoich, State Bar #62323
Jonathan E. Shardlow, State Bar #237539
2 Martin P. Stratte, State Bar #290045
3 **GRESHAM SAVAGE NOLAN & TILDEN,**
4 **a Professional Corporation**
5 550 East Hospitality Lane, Suite 300
San Bernardino, California 92408
Telephone: (909) 890-4499
Facsimile: (909) 890-9877

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 14 2017

M. Criel

6 Attorneys for Real Party in Interest,
HILLWOOD ENTERPRISES, L.P.

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

11 SYCAMORE HIGHLANDS COMMUNITY)
ACTION GROUP, a California not-for-profit)
12 unincorporated association; FRIENDS OF)
RIVERSIDE'S HILLS, a California not-for-)
13 profit corporation,)

MASTER CASE NO. RIC 1704698
(Consolidated with Case No. RIC1704699)

14 Petitioners,

NOTICE OF RULING

15 vs.

[CEQA ACTION]

16 CITY OF RIVERSIDE,

Date: July 14, 2017

Time: 8:30 a.m.

17 Respondent,

Dept: 10

Judge: Hon. Sharon Waters

18 HILLWOOD INVESTMENT PROPERTIES)
SERVICES, L.P.; HILLWOOD)
19 INVESTMENT SERVICES, LLC;)
HILLWOOD ENTERPRISES, L.P.; THE)
20 MAGNON COMPANIES; and DOES 1)
through 100, inclusive,)

Action Filed: March 16, 2017

21 Real Parties in Interest.

24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 **PLEASE TAKE NOTICE** that the Motions of Real Party in Interest, HILLWOOD
26 ENTERPRISES, L.P. ("Hillwood"), to Compel Further Responses to the Request for Production
27 of Documents and Special Interrogatories (Sets One), and the Motion to Compel the Depositions
28 of Joseph Bourgeois; Tom Owings; Damon Allen; and Terrence Lucio, came on for hearing on

GRESHAM | SAVAGE
ATTORNEYS AT LAW
550 E. HOSPITALITY LN.
STE. 300
SAN BERNARDINO, CA 92408
(909) 890-4499

1 July 14, 2017, at 9:00 a.m. in Department 10, before the Honorable Susan Waters. The Motions
2 of Hillwood were joined by Respondent, CITY OF RIVERSIDE (“City”). The Motion for a
3 Protective Order filed by Petitioner, GOLDEN STATE ENVIRONMENTAL JUSTICE
4 ALLIANCE (“GSEJA”), also came on for hearing.

5 Appearances were as follows: Hannah Bentley for GSEJA; Jonathan Shardlow and
6 Martin Stratte for Hillwood; Anthony Beaumon for the City; and Dennis Wagner for Real Party
7 in Interest, The Magnon Companies.

8 After review of the evidence and consideration of the oral arguments, the Tentative
9 Ruling was adopted by the Court as the final Ruling. A copy of the Tentative Ruling is attached
10 hereto as Exhibit “A”.

11 GSEJA has 30 days from the date of the hearing to serve its responses to the following
12 Requests for Production of Documents: 1-9; 19-22; 24-26; 31-33; 34-36; 37-39; and 40-42.
13 GSEJA’s production of responsive documents is to include any and all settlement agreements
14 entered into by GSEJA since its inception for the purpose of settling CEQA matters. GSEJA’s
15 request to redact the amount of the monetary settlements was denied. Counsel for Hillwood and
16 the City stipulated to the execution of a Protective Order with regard to identities of the parties
17 involved in GSEJA’s settlement agreements and the amounts of the settlements.

18 The Motion to Compel the deposition of Joseph Bourgeois is granted and shall occur
19 after GSEJA’s production of the aforementioned documents. The Court’s ruling on the other
20 three depositions sought by Hillwood is deferred.

21 GSEJA’s Motion for a Protective Order was denied. GSEJA’s request for a stay was also
22 denied. All requests by all parties for sanctions were denied.

23 Dated: July 14, 2017

GRESHAM SAVAGE NOLAN & TILDEN,
a Professional Corporation

25 By: 
26 MARK A. OSTOICH
27 JONATHAN E. SHARDLOW
28 MARTIN P. STRATTE
Real Party in Interest,
HILLWOOD ENTERPRISES, L.P.

EXHIBIT “A”

Tentative Rulings for July 14, 2017 Department 10

To request oral argument, you must notify Judicial Secretary Cameo M. Gallo at (760) 904-5722 and inform all other counsel no later than 4:30 p.m.

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at <http://www.riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, not later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 10 at (760) 904-5722 and (2) inform all other parties. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing.

Unless otherwise noted, the prevailing party is to give notice of the ruling.

1.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	MOTION TO/FOR COMPEL DEPOSITIONS OF GOLDEN STATE ENVIRONMENTAL JUSTICE ALLIANCE AND PROD OF DOCUMENTS BY HILLWOOD ENTERPRISES LP
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Tentative Ruling:

The California Supreme Court held: "No party, individual or corporate, may proceed with a mandamus petition as a matter of right under the public interest exception." (*Save the Plastic Bag, supra*, 52 Cal.4th at 170, n. 5.) The court further noted, "[j]udicial recognition of citizen standing is an exception to, rather than repudiation of, the usual requirement of a beneficial interest" and that "the policy underlying the exception may be outweighed by competing considerations of a more urgent nature." (*Id.*, quoting *Waste Management of Alameda County, Inc. v. County of Alameda* (2000) 79 Cal.App.4th 1223, 1237 (disapproved on other grounds in *Save the Plastic Bag Coalition, supra*, 52 Cal.4th at 169-70).) "More specifically, where the claim of 'citizen' or 'public interest' standing is driven by personal objectives rather than 'broader public concerns,' a court may find the litigant to lack such standing." (*SJJC Aviation Services, LLC v. City of San Jose* (2017) __ Cal.Rptr.3d __, 17 Cal. Daily Op. Serv. 5900 (*citing Save the Plastic Bag, supra*, 52 Cal.4th at 169).)

Contrary to GSEJA's argument, there is no blanket rule prohibiting discovery in a CEQA proceeding. Further, while GSEJA has sufficiently demonstrated public interest standing for pleading purposes, Hillwood has presented evidence and raised a legitimate argument with regard to whether GSEJA's Petition is driven by the personal motives of its board members rather than the broader interests of citizenship. Accordingly, a limited amount of discovery is appropriate and fully authorized.

In the Court's view, discovery should be limited to information/documents concerning GSEJA's revenues (including revenue generated from monetary settlements of CEQA matters), any grants/contributions made by GSEJA in the furtherance of environmental justice (*i.e.*, whether GSEJA has a legitimate public presence outside of its role as a vehicle for CEQA litigation), direct and indirect payments to the directors and payments to any consulting firms in which directors or anyone associated with a director may have an ownership interest.

Hillwood's motion to compel the deposition of Joseph Bourgeois is granted. Bourgeois is GSEJA's Executive Director in charge of day-to-day activities. The motion to compel is denied as to the depositions of Terence Lucio and Damon Allen, as it appears that their depositions would be redundant and are unnecessary *at this time*. Further, the motion is denied as to Thomas Owings, who is not a party to this action and who is neither a director nor employee of GSEJA. (However, Hillwood is not barred from serving an appropriate subpoena on Owings.) Lastly, the requests for production accompanying the deposition notices are redundant of the demands made in Hillwood's first set for requests for production. All requests for sanctions are denied.

2.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	MOTION TO/FOR COMPEL GOLDEN STATE TO PROVIDE RESPONSES TO FIRST SET OF SPECIAL INTERROGS BY HILLWOOD ENTERPRISES LP
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Tentative Ruling:

The Court is inclined to defer ruling on this motion until after documents have been produced and the deposition of Joseph Bourgeois has been completed. The Court believes Hillwood is likely to get the answers it is seeking through the RFPs and deposition. If, however, Hillwood believes some interrogatories require answers, it shall meet and confer with GSEJA and, if unable to resolve any dispute, may request this motion be put back on calendar for hearing. Should that occur, the parties shall submit simultaneous supplemental briefing five (5) court days before the hearing on the motion.

3.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	MOTION TO/FOR COMPEL GOLDEN STATE TO PROVIDE RESPONSE TO FIRST SET OF REQUESTS FOR PROD PROPOUNDED BY HILLWOOD ENTERPRISES LP
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Tentative Ruling:

Hillwood's motion to compel a further response to RFPs is granted as to requests 1-9, 19-22, 24-26, 31-33, 34-36, 37-39, and 40-42. The motion is denied as to the remaining requests, which are either redundant or not reasonably calculated to lead to the discovery of admissible evidence with regard to GSEJA's standing to prosecute the present CEQA action. Further responses shall be provided within thirty (30) days. All requests for sanctions are denied.

4.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	MOTION TO/FOR A PROTECTIVE ORDER AGAINST DEPOSITIONS NOTICES BY GOLDEN STATE ENVIRONMENTAL JUSTICE ALLIANCE
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Tentative Ruling: Deny.

GSEJA's motion for a protective order is denied. All requests for sanctions are denied.

5.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	JOINDER TO MTN TO COMPEL DEPOSITIONS OF PRODUCTIONS OF DOCS BY CITY OF RIVERSIDE, CITY COUNCIL OF THE CITY OF RIVERSIDE
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Tentative Ruling: See above.

6.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	JOINDER TO MOTION TO COMPEL TO PROVIDE FURTHER RESPONSES BY CITY OF RIVERSIDE, CITY COUNCIL OF THE CITY OF RIVERSIDE
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Tentative Ruling: See above.

7.

RIC1704698	SYCAMORE HIGHLANDS COMMUNITY VS CITY OF RIVERSIDE	JOINDER TO MTN TO COMPEL FURTHER RESPONSES TO INTERROGATORIES BY CITY OF RIVERSIDE, CITY COUNCIL OF THE CITY OF RIVERSIDE
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Tentative Ruling: See above.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Re: *Sycamore Highlands Community Action Group, et al. v. City of Riverside, et al.*
Riverside County Superior Court Master Case No. RIC1704698 (Consolidated with
Case No. RIC1704699)

I am employed in the County of San Bernardino, State of California. I am over the age
of 18 years and not a party to the within action; my business address is: 550 East Hospitality
Lane, Suite 300, San Bernardino, California 92408.

On July 14, 2017, I served a true copy of the within document described as **NOTICE
OF RULING** on the interested parties in this action in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

BY MAIL - I am "readily familiar" with the firm's practice of collection and
processing correspondence for mailing. Under that practice, it would be deposited with the
United States Postal Service with postage thereon fully prepaid at San Bernardino, California,
on the same day in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date or postage meter date is more
than one day after date of deposit for mailing in affidavit.

BY PERSONAL SERVICE - I caused such envelope to be delivered by hand
to the offices of the addressee pursuant to C.C.P. §1011 as indicated on the Service List.

BY EXPRESS MAIL/OVERNIGHT DELIVERY - I caused such envelope
to be delivered by hand to the office of the addressee via overnight delivery pursuant to
C.C.P. §1013(c), with delivery fees fully prepaid or provided for.

BY ELECTRONIC/E-MAIL - Based on an agreement of the parties to accept
service by e-mail or electronic transmission pursuant to C.C.P. §1010.6, I caused the
documents to be sent to the persons at the e-mail addresses listed on the Service List. I did not
receive, within a reasonable time after the transmission, any electronic message or other
indication that the transmission was unsuccessful.

FEDERAL - I am employed in the office of a member of the bar of this court at
whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on July 14, 2017, at San Bernardino, California.


TERI GALLAGHER

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SERVICE LIST

Re: *Sycamore Highlands Community Action Group, et al. v. City of Riverside, et al.*
Riverside County Superior Court Master Case No. RIC1704698 (Consolidated with
Case No. RIC1704699)

VIA U.S. MAIL AND EMAIL

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**Attorneys for Petitioners,
SYCAMORE HIGHLAND COMMUNITY ACTION
GROUP and FRIENDS OF RIVERSIDE'S HILLS**

VIA U.S. MAIL AND EMAIL

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Hannah Bentley
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Fax: 213-572-0401
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**Attorneys for Petitioner,
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Fax: 951-826-5540
Email: Ksmith@riversideca.gov
Email: ABeaumon@riversideca.gov

**Attorneys for Respondents,
CITY OF RIVERSIDE and CITY COUNCIL
OF THE CITY OF RIVERSIDE**

VIA U.S. MAIL AND EMAIL

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**Attorneys for Real Party in Interest,
THE MAGNON COMPANIES**

GRESHAM | SAVAGE
ATTORNEYS AT LAW
550 E. HOSPITALITY LN.
STE. 300
SAN BERNARDINO, CA 92408
(909) 890-4499

EXHIBIT “B”

Jonathan Shardlow

From: Tom Owings <towings@hotmail.com>
Sent: Wednesday, June 28, 2017 2:14 PM
To: Jonathan Shardlow; Craig Collins
Subject: RE: Sycamore Highlands Community Action Group, et al. and Golden State Environmental Justice Alliance v. City of Riverside

Maybe this is the case we really try to win regardless of \$\$\$ just make the do an EIR and then sue them....

Get [Outlook for Android](#)

From: Craig Collins <collins@blumcollins.com>
Sent: Tuesday, June 27, 2017 5:37:27 PM
To: Jonathan Shardlow
Subject: RE: Sycamore Highlands Community Action Group, et al. and Golden State Environmental Justice Alliance v. City of Riverside

Jonathan,

On a separate matter, I've just now read deep enough into your email to see some dollar figures that you've thrown around allegedly attributable to other GSEJA settlements. You have no first-hand knowledge of any of this, and thus it is hearsay or hallucination on your part. If any of the figures were correct, it would be extremely disrespectful of the confidentiality that other developers have sought on these settlements.

If you throw around these numbers enough times, you're going to draw every lawyer in Southern California into the CEQA litigation business. Fomenting more CEQA litigation might be very good for your business in the short run, but I don't think developers are going to like it very much.

If you force us to do so, we will have to start telling your developer clients that we cannot negotiate settlement with anyone from your law firm in the room because you like to disclose confidential settlement terms. Your email below will be Exhibit A.

Regards,

Craig

Craig M. Collins
Blum Collins LLP
707 Wilshire Blvd., Suite 4880
Los Angeles, CA 90017
213-572-0405 Voice
213-572-0401 Fax

From: Jonathan Shardlow [mailto:Jonathan.Shardlow@GreshamSavage.com]
Sent: Monday, June 26, 2017 4:25 PM
To: Craig Collins <collins@blumcollins.com>; Hannah Bentley <bentley@blumcollins.com>; 'Abigail A. Smith' <abby@socalceqa.com>; 'Beaumont, Anthony' <ABeaumont@riversideca.gov>
Subject: RE: Sycamore Highlands Community Action Group, et al. and Golden State Environmental Justice Alliance v. City of Riverside

Craig,

We will agree to a 30 day continuance on AR preparation from today. This results in the following deadlines:

July 26, 2017 Petitioners transmit draft index and electronic copy of the draft administrative record to Respondents and Real Parties.
August 2, 2017 Respondents furnish any comments regarding the content or organization of the index and record to Petitioners.
August 4, 2017 Petitioners provide a final index and administrative record to Respondents for purposes of certification.
August 11, 2017 Respondents certify the administrative record and file and serve a notice of certification.
August 4, 2017 Petitioners file and serve Statement of Issues.
August 11, 2017 Respondents and Real Parties file and serve Statement of Issues and a responsive pleading.
September 1, 2017 Petitioners file and serve Joint Opening Brief. Petitioners reserve the right to request leave to file supplemental Opening Briefs from the Court.
September 29, 2017 Respondents and Real Parties file and serve Joint Opposition Brief. Respondents and Real Parties reserve the right to request additional briefing length from the Court.
October 23, 2017 Petitioners file and serve Joint Reply Brief. . Petitioners reserve the right to request leave to file supplemental Reply Briefs from the Court.
October 23, 2017 Petitioners lodge the certified administrative record and file and serve a notice of lodgment.

Given this further concession, we request that your office agree to produce (1) the transcripts for the Planning Commission and City Council hearings to Respondent and Real Parties by July 14, 2017 (2) and agree not to request any additional continuances in this matter regarding dates, absent extraordinary circumstances, related to the preparation of the administrative record.

Your recollection that the Court has not set any briefing deadlines is incorrect. They were set on May 23, 2017 (for the dates previously hand-picked and proposed by Petitioners). Furthermore, Ms. Bentley further stipulated to such a schedule once again, one week ago, on June 19, 2017. Please see the attached stipulation and the Notice of the Status Hearing confirming the Court set the briefing deadlines in this matter. The Notice also confirms the August 7, 2017 hearing is simply to discuss “briefing limits for the briefs on the merits.”

The transcript was from another SEJA matter which you selectively deem irrelevant. I, however, find your firm's litigation tactics to be relevant which I have come to believe is a pattern of repeated and intentional delay. Moreover, it is your colleagues and yourself who are first to discuss other SEJA/GSEJA matters and offer "comps" to lead agencies and project proponents regarding several SEJA/GSEJA settlements which your office seeks to utilize as a starting point for monetary settlements. We find these disclosures to be inappropriate and non-representative. For example, your office has indicated that it has obtained settlements on behalf of SEJA/GSEJA in the amount of \$500,000 for a challenge of a 1.5 million square foot project, \$487,000 for a challenge of 1.7 million square foot project, \$347,000 for a challenge of a 800,000 square foot project, \$450,000 for a challenge of a 600,000 square foot project, and \$287,500 for a challenge of a 450,000 square foot project. However, these comps exclude at least 3 cases we are aware of where SEJA/GSEJA was forced to dismiss lawsuits due to procedural CEQA errors without entering into any settlement including the matter which you declare that you are "informed that GSEJA eventually *resolved* the case short of trial for no monetary payment whatsoever." (emphasis added).

Regrettably, the "facts" you offered regarding the scheduling of the Motions to Compel are of the alternative form and the scheduling of all motions was intended to accommodate *your* schedule. As a professional courtesy, we agree to stipulate to continue the hearings currently scheduled for July 14, 2017 to the week of July 24, 2017 which is three days after you have indicated you will have returned. While we wish to be accommodative and respectful of counsels' vacation times, blocking out an entire month in which no hearings can occur is unworkable, especially in light of the fact that several continuances have already been granted in this matter regarding other litigation deadlines and that this cases in entitled to statutory preference. We cannot see a reason why two lawyers are needed to argue a discovery motion. Regarding scheduling, please note that I am out of the office the morning of Thursday, June 29, 2017, all day Friday, June 30, 2017, and Monday, July 3, 2017.

Let's discuss this matter at 3:30 tomorrow. I can be reached at 909-723-1770 at this time. Hopefully, the outcome of the call will be the preparation of a Stipulation between the parties agreeing to the foregoing. Thank you.

Jon

From: Craig Collins [<mailto:collins@blumcollins.com>]

Sent: Monday, June 26, 2017 3:12 PM

To: Jonathan Shardlow; Hannah Bentley; 'Abigail A. Smith'; 'Beaumont, Anthony'

Subject: RE: Sycamore Highlands Community Action Group, et al. and Golden State Environmental Justice Alliance v. City of Riverside

Jonathan,

Let us know by end of day tomorrow, June 27, 2017, whether you will agree to a 30-day continuance of our deadline to submit the administrative record. If we don't hear that you and the City agree by that time, we will ask the Court for more time.

Also please let us know whether you will stipulate to continue the discovery motions now set for July 14, 2017 to August 2, 2017. As you have known since May 2017, I have a pre-planned vacation from June 30 to July 21. We cannot set the motions for the week following July 21 because my colleague Hannah Bentley has scheduled her vacation for that week. We both

need to be present at the hearing on the discovery motions. Thus, we will ask that the hearings be set for the week of July 31, 2017.

You state in your email below that we're requesting an extension of briefing deadlines. I recall that the Court has not set any briefing deadlines, and that the Court said it would do so on August 7, 2017. Please let me know if you have a different recollection.

Also, you state below that we should "see transcript." We don't have a transcript. Please send it so we can see it. This would answer the question regarding a briefing schedule as well.

As part of your reasoning for refusing the requested extension of time, you quote a different lawyer for a different party in a different lawsuit involving GSEJA. Whatever happened in that other case has no bearing on this case. You seem to be suffering some kind of GSEJA Derangement Syndrome, where you are exhibiting a maniacal obsession with GSEJA's conduct in unrelated litigation. Let's litigate this case.

Regarding your professional courtesy, you set motions for hearing on June 28 despite that we had agreed with you that the hearing would be set for June 29. When we asked you to file the declaration provided in the local rule to move the hearing, which only you as moving party could do, you refused. When we threatened to appear ex parte before the Court to enforce a clear agreement on the hearing date, you suddenly offered to stipulate in order to avoid embarrassment. If this is what you mean by "professional courtesy," we want less of it not more.

I'm available for a conference call to discuss this at 3:00 p.m. or later tomorrow. What time is good for you?

Regards,
Craig

Craig M. Collins
Blum Collins LLP
707 Wilshire Blvd., Suite 4880
Los Angeles, CA 90017
213-572-0405 Voice
213-572-0401 Fax

EXHIBIT “C”



CEQA Developments

Standing Against Environmental Injustice: Some Thoughts On Facing The Need For CEQA Litigation Reform

By Arthur F. Coon on July 18, 2017

“You may say I’m a dreamer.” – John Lennon, “*Imagine*”

“Son she said / Have I got a little story for you...”

Pearl Jam, “*Alive*”

CEQA, our state’s landmark environmental protection act, is a venerable law with an illustrious history now spanning over 45 years. But it’s also being abused every day, distorted for non-environmental ends not worthy of it – and our legislature refuses to sit up and take note. It’s as if Lady Justice had grown warts, been disrobed and had her scales smashed by vandals – yet those who could help, sit idly by and don’t seem to care.

CEQA reform has been a hot topic, on and off, over the years. Governor Brown has called it “the Lord’s work.” Calls for it wax and wane with the economy and perceived need to get development projects approved and built. While many CEQA practitioners, politicians, and members of the regulated community have acknowledged the need for reform, many others have denied it; some insist CEQA works “just fine” as it is, or even advocate further expansion of its reach. Proposals for meaningful legislative reform have been largely unsuccessful and have been criticized by opponents as proposals to

“weaken” the state’s “signature” environmental law. It’s often said that the first step to recovery is acknowledging a problem exists. It’s difficult to build consensus for CEQA reform when there is not even consensus about the existence of CEQA abuses requiring reform.

Are There Really Problems Requiring Reform? A Closer Look At CEQA Standing Requirements In The Context Of Labor Union Actions Confirms It

Have Californians grown resigned – or blind – to CEQA abuses? Can it reasonably be disputed that some rather commonly encountered uses of CEQA are, indeed, abusive and should be considered unacceptable and prohibited? Any practitioner with significant CEQA litigation experience can attest that CEQA litigation abuses abound. A commonly cited example is labor unions bringing CEQA suits solely to secure a project labor agreement (PLA) from the project developer. While suing “in the name of the environment,” such petitioners are happy to drop their lawsuits in exchange for a PLA, which is a project-specific agreement favorable to union members. I can attest that some project developers become incensed when they find themselves embroiled in this type of CEQA litigation. In a recently published article addressing CEQA standing and litigation abuses, the attorney authors describe this particular variety of abuse as follows:

The use of CEQA litigation, or threats thereof, to leverage the execution of project labor agreements is well-known throughout the state. The process typically begins with a phone call from a law firm that regularly represents a certain union. The developer and local agency are then invited to sign a project labor agreement, and, if not interested, are informed of the union’s “environmental concerns” related to the subject project. Thereafter, CEQA litigation is often filed by the same law firm on behalf of an unincorporated association.

(Shardlow & Stratte, “*Public Interest Standing Under CEQA: Will We Ever Know What Types of ‘Urgent Considerations’ Outweigh A Petitioner’s Standing?*,” Environmental Law News, Vol. 26, No. 1 (Spr. 2017) 11, 13.)

Some may naively ask whether this conduct is really an “abuse,” or whether it is “fair game” to employ CEQA litigation in this manner given CEQA’s extremely “liberal-by-design” standing and exhaustion rules. My response is that – regardless of your views

about the desirability of PLAs in general – this conduct is clearly an abuse because it is an illegitimate use of the CEQA litigation process to gain a collateral advantage that could not be obtained by successfully carrying out that process to its natural, intended conclusion. The union CEQA petitioners trying solely to leverage a PLA fundamentally *lack legal standing* to sue under CEQA – more specifically, they lack the legally required “beneficial interest” in the issuance of the writ of mandate that their lawsuits nominally seek. (See Code Civ. Proc., § 1086 [writ “must be issued upon the verified petition of the party beneficially interested”]; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 165 [confirming general standing rule requiring writ petitioner to have “beneficial interest” that it is “over and above” the general public’s interest, and that is “direct and substantial”].)

While obtaining a PLA from a project developer would certainly benefit a union CEQA petitioner and its members, that is not the relevant inquiry. The relevant point is that obtaining a PLA is not a “direct and substantial” beneficial interest that such a litigant can achieve through operation of a court’s writ of mandate issued in a CEQA action challenging the project. While a CEQA writ of mandate is a powerful thing – it can set aside project approvals in whole or part, command that project construction be halted or prohibited in whole or part, and order further environmental review and CEQA compliance – it cannot order parties to enter into a PLA. There is no legal right to a PLA under CEQA. A PLA does nothing to address the environmental issues with which the CEQA is concerned. A PLA has nothing to do with the adequacy of environmental review, the protection of the environment, mitigating a project’s significant environmental impacts, or enforcing any provision of CEQA – in short, it is not available as a “remedy” or “relief” in a CEQA writ action.

As a well-established rule, courts exist to adjudicate live legal disputes in the context of cases brought by parties with standing to bring them. But parties who wouldn’t benefit from the issuance of a CEQA writ of mandate clearly lack the required “beneficial interest” standing to pursue the writ. Petitioner labor unions typically have no “beneficial interest” in a CEQA writ because they do not benefit from defeating, further studying, or modifying a development project that does not actually adversely affect their members. To the contrary, they actually want the project to go forward; the benefit they

seek is not stopping or modifying it, but for their members to be employed on favorable terms in its construction or operation.

Does Broad “Public Interest” Standing Cure The CEQA Abuse?

The Answer Is “No”

But wait, you may ask, can't *anyone* litigate CEQA issues under the rubric of a broad “public interest” standing? (See *Save the Plastic Bag Coalition, supra*, 52 Cal.4th at 166 [noting “‘public right/public duty’ exception to the [beneficial interest] requirement”].) The answer is “no.” The Supreme Court has clearly indicated that public interest standing is an “exception” to the normal “beneficial interest” requirement that is *not* “freely available to business interests *lacking a beneficial interest in the litigation*” and that “[t]he policy underlying the exception *may be outweighed by competing considerations of a more urgent nature.*” (*Id.* at 170, n. 5, *emph. added, citations omitted.*)

Labor union petitioners filing CEQA actions to leverage a PLA should be held not to qualify for the “public interest” exception to the beneficial interest standing requirement. Among other considerations, this is because (1) they are not environmental NGOs with a well-established history of litigating environmental issues in the public interest, and (2) they obviously can't adequately represent any “*public interest*” in enforcing CEQA because they will dismiss their CEQA lawsuits and allow the project to proceed – without additional study or mitigation – just as soon as their *private* economic interests are served, i.e., when a PLA is obtained. By design, their CEQA lawsuits simply serve as *leverage* to gain a private economic end that could not be achieved by court order even if the lawsuit were fully litigated and they prevailed on all asserted claims.

Such lawsuits are *by definition* abuses of the CEQA litigation process because the petitioners lack *any* type of standing – a conclusion further bolstered by the well-established principle that CEQA is an *environmental* disclosure and protection statute, not an *economic* protection scheme. (E.g., *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 684-685.) Given the prevalence of these lawsuits, however, you might think that the attorneys who bring them would disagree with this legal analysis. But I've never seen a reasoned legal defense of such lawsuits as being brought by legitimate petitioners with valid legal standing. Rather, the

thought seems to be “we will file these lawsuits as long as the law lets us get away with it.” And, unfortunately, the California legislature undoubtedly emboldens such improper conduct by failing to enact relevant CEQA litigation reforms that would stop it.

Would CEQA Standing Reform Be A Cure Worse Than The Abuse?
Not If Intelligently Drafted

I’ve previously suggested potential reform measures in this area of CEQA law. (See, e.g., **“CEQA Standing Reform: Could Statutory Standing Requirements Feasibly Be Tightened To Bar Anti-Competitive Lawsuits Motivated By Economic Rather Than Environmental Concerns?”** by Arthur F. Coon, posted December 12, 2012.). I’m not alone in so suggesting, and such reforms would not require “throwing out the baby” – i.e., meritorious CEQA actions by petitioners with standing – with the “bath water.” To be clear, I’m *not* arguing here that all CEQA petitioners who bring lawsuits that are motivated by *non-environmental concerns* lack standing and should have their actions barred or dismissed. Such a position would be overbroad, likely impossible to fairly implement as a practical matter, and would actually contravene the Supreme Court’s clear teaching that an economic interest not only *can* but *often does* serve as the “direct, substantial sort of interest required to seek a writ of mandate.” (*Save the Plastic Bag Coalition, supra*, 52 Cal.4th at 170.) But it is important to recognize that the type of economic interest the Supreme Court was referring to is one that would or could be directly served and benefitted by issuance of a CEQA writ of mandate. In other words, standing doesn’t require a petitioner to be an economically disinterested and selfless environmental saint, just to have some actual beneficial interest in the writ relief being sought. When a petitioner can’t clear even that minimal hurdle, however, the lawsuit is abusive and should be barred.

In this crucial respect, business competitor and NIMBY (“Not In My Back Yard”)-type petitioner CEQA lawsuits, considered by some to be “abuses,” must be distinguished from abusive labor union/PLA CEQA litigation. No matter how you might view their non-environmental subjective motivations, both business competitor and NIMBY petitioners normally *do* have a direct and substantial “beneficial interest” in the legal relief that a writ of mandate could provide. Setting aside challenged project approvals obviously directly benefits both business competitor and NIMBY petitioners. Compelling further

environmental study leading to further mitigation and an environmentally superior project could also benefit both types of petitioners – although it remains maddeningly true that NIMBYs will often exhaust every available means to defeat *any* nearby project, no matter how environmentally sensitive, beneficial or reasonable its design. Because they have “skin in the game,” lawsuits filed by business competitor and NIMBY petitioners with such traditional “beneficial interest” standing are not “abuses” of the CEQA litigation process in the same clear-cut way as lawsuits filed by labor union CEQA petitioners who lack such standing because they are seeking solely to leverage a project PLA. Reform legislation or judicial holdings could intelligently be tailored to discretely address the latter type of litigation abuse.

Are CEQA Lawsuits Brought By Petitioners Lacking Standing Illegal?

You Bet

To those inclined to quibble with my observations about prototypical abusive labor union CEQA actions, I will grant that these unions’ skilled CEQA attorneys can try to cover the union’s tracks by forming an impenetrable unincorporated association petitioner of unknown or unclear membership which is controlled by the union. But the law requires that “[e]very action must be prosecuted in the name of the real party in interest except as otherwise provided by statute” (Code Civ. Proc., § 367), and I’m not aware of any statute that allows unions to fund, control and hide behind a phony petitioner “front group.” Union attorneys can also artfully draft “fig leaf” settlements to provide “cover” and make it appear that some environmental benefits (in addition to a PLA) have been achieved by their lawsuits. Settling respondent developers may “agree” to minor concessions – such as using energy efficient appliances or materials – that likely would be used or required anyway. But those involved in such settlements understand that such provisions are “window dressing.” The reality is plain: it was the PLA, first and foremost, that petitioner union always sought; the CEQA suit would never have been filed had the developer initially agreed to a PLA; and it was the PLA that ultimately made the union’s CEQA lawsuit go away. Neither the suit nor the settlement ever had anything to with the legal remedies that might actually have been obtained by fully litigating the case to its ultimate conclusion on the merits. The lawsuit served only as a threat to the developer – i.e., you will suffer devastating financial hardship from the delay, uncertainty, and expense of

CEQA litigation, which will drag on for years if appeals are taken – to obtain a wholly collateral advantage (the PLA).

The California Supreme Court, quoting the esteemed Dean Prosser, long ago defined the tort of “abuse of process” as having two elements:

[F]irst, an ulterior purpose, and second, a willful act in the use of the process not proper in the regular conduct of the proceeding. Some definite act or threat not authorized by the process, or aimed at an objective not legitimate in the use of the process, is required; and there is no liability where the defendant has done nothing more than carry out the process to its authorized conclusion, even though with bad intentions. The improper purpose *usually takes the form of coercion to obtain a collateral advantage, not properly involved in the proceeding itself, such as the surrender of property or the payment of money, by the use of the process as a threat or a club*. There is, in other words, a form of extortion, and it is what is done in the course of negotiation, rather than the issuance or any formal use of the process itself, which constitutes the tort.

(Spellens v. Spellens (1957) 49 Cal.2d 210, 232-233 emph. in orig.)

The above passage perfectly describes the essential nature of an abusive CEQA action brought by a petitioner lacking “beneficial interest” standing, which is that it is “a form of extortion” whereby the litigation itself is used as a threat or club to coerce and obtain a collateral advantage. Unfortunately for project developers for whom time is money, the “remedy” of lengthy and expensive tort litigation to redress lengthy, expensive and extortionate CEQA litigation that delays or prevents completion of their projects is, to say the least, impractical – it is the proverbial “cure worse than the disease.” And so, absent meaningful legislative or judicial CEQA reform curbing extortionate actions, it seems developers will either have to “pony up” with a PLA that will drastically increase their construction costs, or suffer years of carrying costs and lost sales or rents, while expending attorneys’ fees they can’t recover defending a CEQA lawsuit that may or may not have any actual merit. Faced with this unappetizing choice, it is no wonder that so many developers on the receiving end of these lawsuits are outraged that the law would “allow” this type of action. One way or another, these extortionate suits either increase

construction costs or stymie construction – things it would seem California can ill afford with its ongoing housing crisis.

The Problem Is Getting Worse: “A Little Story” From The Litigation Trenches

But the problem of abusive and extortionate CEQA litigation brought by petitioners lacking standing gets even worse. Lest anyone think this particular type of CEQA abuse is limited to union petitioners, I’m unhappy to report that is not the case. Consider the following anecdotal example: An individual acquainted with CEQA lawsuits through experience (from formerly sitting on a city council) forms a tax-exempt “charitable” organization – let’s hypothetically call it “Environmental Justice, Inc.” or “EJI” – with unclear membership. EJI’s vague but high-sounding mission is seeking “environmental justice.” Rather remarkably, however, its admitted primary source of income is settlement of the CEQA lawsuits it files. EJI has filed numerous CEQA lawsuits, but does not appear to have any substantial history of involvement with environmental issues or causes, or of litigation success in CEQA cases; none of its CEQA actions appear to have ever actually proceeded to final judgment on the merits or appeal, and there are no published or unpublished appellate decisions involving it.

EJI, while having no demonstrable membership or other nexus to a certain large land development project it has determined to sue over, files a brief comment letter criticizing the project’s DEIR during the public comment period. The short letter asserts in a cursory manner that the DEIR is flawed, that the project will have adverse and unmitigated GHG, air quality and noise impacts, and that the City’s environmental review process has failed to ensure “environmental, social and economic justice” for its residents. The public agency’s responses to comments on the EIR explain in detail why the letter’s assertions lack merit and why the EIR’s analysis of the project’s potential environmental impacts is adequate and supported. Nonetheless, EJI files a writ petition following project approval alleging the CEQA claims raised in its letter (and, improperly, others), many of which appear to be substantially identical to those alleged in its prior suits. It asks for a writ of mandate setting aside the project approvals.

When the respondent City and real party developers reach out to EJI to try to discuss the merits of its lawsuit’s claims and the possibility of settlement, EJI’s attorneys decline to

discuss the merits, and instead propose that a large cash settlement be paid to EJI to dismiss its action – absent which they make very clear that they are fully committed to litigating the matter, including appeals, which litigation they emphasize could take years, will be inherently uncertain in outcome, and will be extremely expensive for real parties whatever the ultimate outcome. EJI’s representative and attorney both frankly explain that (1) its business model is based on settling CEQA lawsuits for money (which it allegedly uses for its own “environmental justice” causes and purposes unrelated to challenged projects); (2) it has “comps” (akin to the “comparable sales” used by appraisers in real estate valuation) that determine the amounts it will settle for based on the various types of projects it sues on; and (3) the “comp” for this particular project is a six-figure sum approaching half a million dollars. At the mandatory CEQA settlement meeting, EJI and its counsel do not attempt to discuss or demonstrate the legal or factual merit of their claims, or to negotiate for any further environmental review or mitigating project modifications based on those claims. Their only settlement demand remains one for a large money payment in the amount of their “comp.”

Respondent’s and real parties’ counsel advise EJI’s representative and attorneys that they assess the CEQA claims to have no legal or factual merit; that the settlement demand far exceeds the anticipated costs of litigation defense; and that they consider the action to be an improper use of CEQA because even if petitioners fully litigated the matter and prevailed, while they could potentially obtain reasonable attorneys’ fees under CCP § 1021.5, they could never obtain a monetary “remedy” such as they seek through a CEQA writ of mandate. Undaunted, EJI continues to refuse to discuss the merits of the issues, or even to consider a lesser 5-figure “nuisance value” monetary settlement, and the case does not settle. The litigation proceeds a bit further. Fortunately, respondents and real parties are able to prepare and file a meritorious dispositive motion on procedural grounds – a fatal joinder defect that could be established from the face of the pleading and documents subject to judicial notice. Just before EJI’s opposition is due, and before its counsel must begin work in earnest on the administrative record it has elected to prepare, EJI voluntarily dismisses its entire action, as to all parties, with prejudice.

As the currently popular phrase goes: “That happened.” (But for the organization’s name, the above scenario is a factually accurate account of recent CEQA litigation in which I was personally involved as defense counsel.) Moreover, this “little story” is not an

isolated incident, and most agencies and developers will not be as fortunate in being able to quickly dispose of such litigation without suffering significant delay and expense.

Conclusions And Implications For Potential CEQA Reforms

Does the above scenario constitute CEQA litigation abuse and an unlawful “abuse of process”? Of course it does. Like the union petitioner seeking solely to leverage a PLA, the petitioner entity was neither benefitted by nor remotely interested in any type of relief it might have gained through a CEQA writ of mandate, except as a threat to try to obtain a collateral advantage – money. While purely extortionate, the litigation was matter-of-factly treated as “business as usual” by the petitioner organization, as well as its attorneys, who routinely represent the same petitioner in other CEQA suits.

Does this “little story” underscore the need for standing reforms to curb extortionate CEQA actions? Again, of course it does. If you think that the type of litigation I’ve just described is an acceptable use of CEQA, you are probably incapable of being convinced that CEQA litigation abuses exist at all; perhaps you’ve grown too cynical or jaded to care about the integrity of litigation under, and judicial enforcement of, our state’s signature environmental law or the salutary environmental purposes it was enacted to accomplish. I sincerely hope this isn’t the case with Californians in general, but particularly with judges handling CEQA litigation and California state lawmakers considering future CEQA reform proposals. Under the best of circumstances, meaningful CEQA reform proposals are a “heavy lift” in a California legislature seemingly fueled by labor union money, but fortunately there is some cause for hope as they seem to regularly resurface as a result of those legislators who do care about the integrity of the law and who continue to “fight the good fight.” I am hopeful that, with some thoughtful legislative (or maybe judicial) reform, CEQA will someday be amended so that it serves its intended purposes, and we can one day have environmental *litigation* justice for all parties involved in CEQA actions. Or at least one can dream....

*Questions? Please contact **Arthur F. Coon** of Miller Starr Regalia. Miller Starr Regalia has had a well-established reputation as a leading real estate law firm for more than fifty years. For nearly all that time, the firm also has written Miller & Starr, California Real Estate 4th, a*

12-volume treatise on California real estate law. “The Book” is the most widely used and judicially recognized real estate treatise in California and is cited by practicing attorneys and courts throughout the state. The firm has expertise in all real property matters, including full-service litigation and dispute resolution services, transactions, acquisitions, dispositions, leasing, financing, common interest development, construction, management, eminent domain and inverse condemnation, title insurance, environmental law and land use. For more information, visit www.msrlegal.com.

CEQA DEVELOPMENTS



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EXHIBIT H

Final Mitigated Negative Declaration

INTRODUCTION:

This Final Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] 21000 et. seq.) and the CEQA Guidelines (California Code of Regulations [CCR] 15000 et. seq.).

PROJECT LABEL:

APNs:	0230-131-31	USGS Quad:	Fontana
Applicant:	Josh Cox/Almond Avenue USICV, LLC	T, R, Section:	Township – 1S; Range – 6W; Section - 10
Location	8645 Almond Ave.		
Project No:	PROJ-2020-00009	Community Plan:	N/A
Rep	Kari Cano, Kimley-Horn	LUZD:	Community Industrial (IC)
Proposal:	Application to permit construction of an approx. 185,866-square foot industrial/warehouse/distribution/ logistics building with office space on approx. 9.5 acres located at 8645 Almond Ave. in the IC Zoning District in the City of Fontana Sphere of Influence, San Bernardino County. A CUP is required for a proposed warehouse building over 80,000 square feet in size in the IC Zoning District.	Overlays:	Biotic

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
 Land Use Services Department
 385 N. Arrowhead Avenue, 1st Floor
 San Bernardino, CA 92415-0182

Contact person: [Steven Valdez, Senior Planner](#)
Phone No: (909) 387-4421 **Fax No:** (909) 387-3223
E-mail: Steven.Valdez@lus.sbcounty.gov

Project Sponsor: Josh Cox, Hillwood

PROJECT DESCRIPTION:

Summary

The Project is a request to construct an approximately 185,866-square foot industrial/ warehouse building with office space on approximately 9.5 acres located at 8645 Almond Ave. in the IC – Community Industrial Zoning District in the City of Fontana Sphere of Influence, San Bernardino County. A Conditional Use Permit (CUP) is required for a warehouse building exceeding 80,000 square feet in size in the Community Industrial (IC) Zoning District.

Currently, there is no identified tenant for the proposed building. The Project is planned for a single tenant with ancillary office component. Intended occupants include distribution firms seeking a central Inland Empire location from which to service their client base. Since the tenant is unknown, hours of operation and employee count would vary, but is assumed for planning purposes to operate 24/7.

COMMENT LETTERS AND RESPONSES TO COMMENTS

This section provides a list of agencies, organizations, and individuals commenting on the Draft IS/MND; copies of the written comments received during the Draft IS/MND public review period, which occurred from June 12, 2020 through July 13, 2020; and the lead agency responses to those comments. The County of San Bernardino received one (1) comment letter during the public review period, as identified below.



July 10, 2020

VIA EMAIL

Steven Valdez, Senior Planner
Planning Division
County of San Bernardino Land Use Services Department
85 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415
Steven.Valdez@lusd.sbcounty.gov

SUBJECT: COMMENTS ON ALMOND AVENUE WAREHOUSE PROJECT MND (SCH NO. 2020060193)

To whom it may concern:

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Almond Avenue Warehouse Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

As we understand it, the project proposes development of the 9.50 acre site with the construction and operation of a 185,866-square foot industrial/warehouse building including 6,000 square feet

1
2

of office space. The project includes 27 truck/trailer dock doors, 42 truck/trailer parking spaces, and 114 passenger car parking spaces. According to the Project Description, the project tenant is unknown, hours of operation and employee count would vary, but the project is assumed to operate 24/7 for planning purposes.

2
cont'd

1.1 Project Implementation Prior to CEQA Review

The Project Description states that the “project site has been leveled and graded with the exception of the portion occupied by the single-family residence.” The pre-grading of the site is also used throughout the MND as supporting evidence to conclude that the project will not result in significant environmental impacts, including Aesthetics, Agriculture/Forestry, Hazards and Hazardous Materials, and Wildfire. Completing site preparation and grading is clearly implementation of the proposed project prior to CEQA review. An EIR must be prepared to accurately analyze the potentially significant impacts, including those related to project implementation prior to CEQA review.

3

1.2 MND Internal Inconsistencies

There are several inconsistencies throughout the MND. For example, the Project Description states that the “project site is currently vacant/undeveloped.” The next sentence states that “an uninhabited, dilapidated single-family residence is located in the northwest corner of the parcel.” The project site is not undeveloped if there is an existing structure on the property. The statement that the site is vacant/undeveloped is misleading to the public and decision makers. Additionally, the existing single family residence on the property is described as dilapidated, but the MND does not provide any evidence to support this sensationalized claim. Only one photograph of the site is included in the MND and it does not provide any meaningful description of the view, such as the cardinal direction it is facing or if the distant residence pictured is the existing on-site residence. A project EIR must be prepared which accurately discloses the existing environmental setting of the project site and includes site photographs with meaningful information, such as describing the cardinal direction of the view in each photo.

4

Further, the Project Description states that “since the tenant is unknown, hours of operation and employee count would vary, but is assumed for planning purposes to operate 24/7.” This information differs from Section XIX - Utilities and Service Systems which concludes there will be no significant environmental impacts related to the generation of solid waste based on a total of 38 employees at the site. This section of the MND sources the declaration of 38 employees to

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Appendix N - VMT Memo. Appendix N states that there will be 38 employees during the operational phase of the proposed project. 38 employees are utilized for calculating total VMT for the project. The VMT Memo does not give a source for the conclusion that there will be 38 employees at the project site.

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The Southern California Association of Government (SCAG) Employment Density Study¹ provides the following applicable employment generation rates for San Bernardino County:

- 1 employee per 1,195 sf of warehouse area
- 1 employee per 697 sf of office area

6

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees
6,000 sf office / 697 = 9 employees
Total: 160 employees

The MND is internally inconsistent and a project EIR must be prepared which applies the SCAG Employment Generation calculations to provide meaningful evidence in calculating the project's employment generation. This is vital as the number of operational employees is utilized to calculate project VMT and waste generation.

7

III. Air Quality

Section 83.01.080(g)(3) of the San Bernardino County Code permits construction activity between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. The MND does not provide a "worst-case scenario" analysis of construction equipment emitting pollutants for the legal 12 hours per day, 6 days per week. It is legal for construction to occur for much longer hours (12 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. An EIR must be prepared with revised Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

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¹ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUJw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

The Air Quality Analysis does not model any of the proposed warehouse space as refrigerated/cold storage. At least 40% of the proposed warehouse space should be modeled as refrigerated/cold storage or it must be added as a condition of approval to restrict building construction and all future tenants from improving the building with refrigeration/cold storage. This is especially necessary since San Bernardino County Development Code permits refrigeration/cold storage in the Community Industrial Zone.

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Further, the MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002204) ranks worse than 98% of the rest of the state overall. The surrounding community, including sensitive receptors such as residences adjacent to the north and west, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone than 98% of the state and more PM 2.5 than 94% of the state.

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Further, the project's census tract is a diverse community including 79% Hispanic and 5% African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of linguistic isolation, meaning 79% of households speak little to no English. The community has a high rate of low educational attainment, meaning 83% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Additionally, the surrounding community has a higher proportion of babies born with low birth weights than 41% of the state, which makes those children more vulnerable to asthma and other health issues. This is demonstrated by the census tract ranking in the 82nd percentile for asthma and containing 19% children under the age of 10 compared to 13% average children under the age of 10 in California.

11

IV. Biological Resources

Appendix C - Biotic Resources Report states that a biological field study was conducted on February 4, 2020. The project site is located within the County of San Bernardino's Burrowing Owl Overlay Zone. Appendix C also notes that the "burrowing owl habitat was assessed in accordance with the Staff Report on Burrowing Owl Mitigation developed by CDFW dated

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March 7, 2012.” The Department of Fish and Game’s (DFG) 2012 Staff Report on Burrowing Owl Mitigation² concludes that “current scientific literature indicates that it is most effective to conduct breeding and non- breeding season surveys and report in the manner that follows:

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Breeding Season Surveys

Number of visits and timing. Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.”

The field study conducted on February 4, 2020 as part of the Biological Resources analysis was completed at a time outside of the direction of the 2012 Report. Only one visit was conducted at all while the report recommends four survey visits. This language in the Appendix itself is misleading because the burrowing owl survey was not completed in accordance with the 2012 report guidance. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.

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XI. Land Use and Planning

The MND concludes the proposed project does not conflict with the Biotic Resources (BR) Overlay for Burrowing Owl which implements the General Plan because the February 4, 2020 field study found no onsite Burrowing Owls. However, as noted above, the field study was conducted at a time outside of the direction of the 2012 Report. The MND has not demonstrated that the proposed project does not conflict with the BR Overlay for Burrowing Owl because the field study was inadequate. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.

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XIII. Noise

Figure 11 - Noise Measurement Locations depicts three ambient noise measurement locations in the project vicinity. There were no existing baseline noise measurements taken at the nearest sensitive receptors, including the single family residences adjacent to the north and west. The MND concludes that operational noise will be less than significant since only the parking lot is

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² DFG 2012 Staff Report on Burrowing Owl Mitigation <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>

adjacent to the nearest sensitive receptor to the north and “parking noise also occurs at the adjacent properties to the east, south, and west under existing conditions. Parking and driveway noise would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along Arrow Route, Cherry Avenue, Almond Avenue, and Whittram Avenue.” Additionally, the MND concludes that “actual noise levels over time resulting from parking activities are *anticipated* to be far below the local noise standards.” The MND does not provide any quantified analysis of the *actual* operational noise levels and their potentially significant impacts to the nearest sensitive receptor to the north. Since there were no existing baseline measurements taken at the nearest sensitive receptor, the MND is unable to provide any meaningful analysis of the potentially significant noise impacts. Additionally, the Project Description states the project will operate 24/7, but the Noise analysis state that office employees would only work 8:00 AM - 5:00 PM. This inconsistency skews analysis to avoid presenting a nighttime noise analysis resulting from a fully operational project. A project EIR must be prepared and circulated for public review which includes existing baseline noise measurements for the sensitive receptors adjacent to the north and west, and quantified analysis of the potentially significant operational noise impacts.

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XIV. Population and Housing

The MND concludes that impacts to population and housing will not be significant because “the unemployment rate for Riverside-San Bernardino-Ontario area is 3.749%, it is reasonably assured that the jobs would be filled by people living in the surrounding unincorporated County area and communities.” The MND does not provide any meaningful analysis or supporting evidence to substantiate this conclusion. Providing unemployment rates for the metropolitan area does not prove that the unemployed population is qualified for or interested in work in the industrial sector. Additionally, the MND reaches this conclusion without citing the number of residents with the appropriate skillset or the number of jobs created by the project. The Southern California Association of Government (SCAG) Employment Density Study³ provides the following applicable employment generation rates for San Bernardino County:

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1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

³ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUJw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

179,866 sf warehouse / 1,195 = 151 employees
6,000 sf office / 697 = 9 employees
Total: 160 employees

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cont'd

A project EIR must be prepared which includes supporting evidence to substantiate the claim that there will be no significant environmental impacts.

XVII. Transportation

Again, the MND utilizes an arbitrary and unduly low rate of 38 employees for VMT analysis. The VMT analysis does not provide a source of calculation to demonstrate how the project will generate this number of employees. The Southern California Association of Government (SCAG) Employment Density Study⁴ provides the following applicable employment generation rates for San Bernardino County:

1 employee per 1,195 sf of warehouse area
1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

17

179,866 sf warehouse / 1,195 = 151 employees
6,000 sf office / 697 = 9 employees
Total: 160 employees

A project EIR must be prepared which includes a revised VMT analysis utilizing SCAG employment generation calculations to adequately and accurately analyze the potentially significant environmental impacts regarding transportation and VMT. All other sections of environmental analysis must also be revised accordingly with the revised VMT and employee information. This is especially vital since the operational nature of warehouse/distribution uses involves high rates of truck/trailer VMT traveling from massive regional distribution centers to smaller last mile delivery buildings (such as the proposed project) and then from last mile delivery buildings to final destinations.

⁴ SCAG Employment Density Study <https://www.mwcog.org/file.aspx?A=QTTITR24POOOUJw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

Based on the operational nature of the proposed use, a Traffic Impact Analysis (TIA) must be provided as part of a project EIR and include analysis of the following facilities providing direct access to the project site:

Freeway Merge/Diverge

I-210 at I-15

I-15 at I-10

Freeway On/Off Ramps

I-15 at Foothill Blvd.

I-15 at Fourth St./San Bernardino Ave.

I-15 at Baseline Ave.

I-210 at Cherry Ave.

I-10 at Cherry Ave.

I-10 at Etiwanda Ave.

Intersections

Foothill Blvd. at Cherry Ave.

Cherry Ave. at Arrow Rte.

Arrow Rte. at Almond Ave.

Almond Ave. at Whittram Ave.

Whittram Ave. at Cherry Ave.

This is especially vital for analysis since the I-15 and I-210 provide direct access to the project site from the Southern California Logistics Airport.

XIX. Utilities and Service Systems

The MND again utilizes the arbitrary and unduly low rate of 38 employees for calculating operational solid waste generation. This section of the MND sources the rate of 38 employees to Appendix N - VMT Memo. A project EIR must be prepared which revises this section accordingly with the updated VMT and employee information.

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Conclusion

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

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Sincerely,



Board of Directors
Golden State Environmental Justice Alliance

Response to Comment Letter 1: Golden State Environmental Justice Alliance

1. Comment 1: *Thank you for the opportunity to comment on the Mitigated Negative Declaration for the proposed Almond Avenue Warehouse Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222, Corona, CA 92877.*

Response 1: These statements are introductory in nature and do not pertain to the environmental nature of the Project. The County of San Bernardino has added the commenter to all future notices related to the proposed Project.

2. Comment 2: *As we understand it, the project proposed the development of the 9.50 acre site with the construction and operation of a 185,866-square foot industrial/warehouse building including 6,000 square feet of office space. The project includes 27 truck/trailer dock doors, 42 truck/trailer parking spaces, and 114 passenger car parking spaces. According to the Project Description, the project tenant is unknown, hours of operation and employee count would vary, but the project is assumed to operate 24/7 for planning purposes.*

Response 2: This comment reiterates the development characteristics of the proposed Project and determined that no response was necessary.

3. Comment 3: *The Project Description states that the “project site has been leveled and graded with the exception of the portion occupied by the single-family residence.” The pre-grading of the site is also used throughout the MND as supporting evidence to conclude that the project will not result in significant environmental impacts, including Aesthetics, Agriculture/Forestry, Hazards and Hazardous Materials, and Wildfire. Completing site preparation and grading is clearly implementation of the proposed project prior to CEQA review. An EIR must be prepared to accurately analyze the potentially significant impacts, including those related to project implementation prior to CEQA review.*

Response 3: The County of San Bernardino (County) disagrees with the commenter that an Environmental Impact Report must be prepared to analyze impacts associated with the proposed Project. The Draft MND utilized the site conditions present at the time of the preparation of the Draft MND to establish baseline conditions for environmental analysis. As such, the Draft MND provides substantial evidence that implementation of the proposed Project would not create significant and unavoidable environmental impacts.

4. Comment 4: *There are several inconsistencies throughout the MND. For example, the Project Description states that the “project site is currently vacant/undeveloped.” The next sentence states that “an uninhabited, dilapidated single-family residence is located in the northwest corner of the parcel.” The project site is not undeveloped if there is an existing structure on the property. The statement that the site is vacant/undeveloped is misleading to the public and decision makers. Additionally, the existing single family residence on the property is described as dilapidated, but the MND does not provide any evidence to support this sensationalized claim. Only one photograph of the site is included in the MND and it does not*

provide any meaningful description of the view, such as the cardinal direction it is facing or if the distant residence pictured is the existing on-site residence. A project EIR must be prepared which accurately discloses the existing environmental setting of the project site and includes site photographs with meaningful information, such as describing the cardinal direction of the view in each photo.

Response 4: The County disagrees with the commenter that the project description is misleading. The project description accurately describes the project site conditions at the time of the preparation of the Draft MND, which includes both vacant land and a single-family residence. Furthermore, on page 8 of the Draft MND, it is further clarified that the Project site is located in an urbanized area and is predominantly undeveloped, minus a vacant and dilapidated single-family residence located in the northwest portion of the Project site. The condition of the existing residence was determined by on-site visits by technical staff. Additionally, as noted on page 8 of the Draft MND, the residence is vacant.

With respect to the lack of site photos and wayfinding descriptions in the Draft MND, Appendix B (Biotic Resources Report) and Appendix D (Cultural Resources Inventory Study), which were circulated with the Draft MND for public review, both include many onsite photos, maps, and location descriptions to orient the reader and provide additional meaningful understanding of the project setting. As such, an EIR is not necessary.

5. *Comment 5: Further, the Project Description states that “since the tenant is unknown, hours of operation and employee count would vary, but is assumed for planning purposes to operate 24/7.” This information differs from Section XIX - Utilities and Service Systems which concludes there will be no significant environmental impacts related to the generation of solid waste based on a total of 38 employees at the site. This section of the MND sources the declaration of 38 employees to Appendix N - VMT Memo. Appendix N states that there will be 38 employees during the operational phase of the proposed project. 38 employees are utilized for calculating total VMT for the project. The VMT Memo does not give a source for the conclusion that there will be 38 employees at the project site.*

Response 5: The comment fails to identify the error and/or omission in the project description with respect to the number of employees. As stated on page 98 of the Draft MND, it is assumed that the proposed Project would generate up to 38 employees. This is based on the proposed size and use of the Project. Because the project description assumes that the Project has the potential to operate 24/7, this does not mean that the assumption of up to 38 employees is incorrect. Additionally, refer to Response 6, below.

6. *Comment 6: The Southern California Association of Government (SCAG) Employment Density Study provides the following applicable employment generation rates for San Bernardino County:*

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

Response 6: The employment forecasts used in the VMT analysis for the proposed Project was based on the *Southern California Association of Governments Industrial Warehousing Study* (April 2018). Based on this study, in 2014, the SCAG region had a total of approximately 1,185 million square feet of industrial warehousing space of which approximately 25% (296 million square feet) was in San Bernardino County. This includes mezzanines and office space within warehousing buildings. The SCAG RTP Model includes an employment of 58,800 for San Bernardino County for year 2014. This results in an employment density of 0.198 employees per 1,000 square feet. The employee forecast for the Project was based on 0.2 employees per 1,000 square feet and evaluated in the context of a building with an area of 190,000 square-feet to allow some flexibility. Applying the employment density of 0.2 to 190,000 square feet results in 38 employees.

The employment density study referenced in the comment was prepared in 2001, which uses data from research conducted prior to the current prevalence of automation in warehousing buildings. Therefore, the recommendation that the analysis should be conducted using the 2001 SCAG study is flawed. It should be noted that the employment density numbers derived from the SCAG Study and the RTP Model was found to be very similar to data from the *RCTC Truck Study and Regional Logistics Mitigation Fee Study* (October 2017) which found an employment density of 0.19 per 1,000 square feet for traditional warehousing uses (referred to as Low Cube Warehouse in the RCTC Study).

The requirements for evaluation of transportation impacts in CEQA under SB-743 are applicable to automobile traffic, and not applicable to goods movement and freight. Therefore, the comment *“This is especially vital since the operational nature of warehouse/distribution uses involves high rates of truck/trailer VMT traveling from massive regional distribution centers to smaller last-mile delivery buildings (such as the proposed project) and then from last-mile delivery buildings to final destinations”* is not applicable under CEQA. Truck VMTs for the Project or the County were not included in this analysis to be consistent with the OPR Technical Advisory requirement of an “apples to apples” comparison.

7. Comment 7: *The MND is internally inconsistent and a project EIR must be prepared which applies the SCAG Employment Generation calculations to provide meaningful evidence in calculating the project’s employment generation. This is vital as the number of operational employees is utilized to calculate project VMT and waste generation.*

Response 7: Refer to Response 6, above.

8. Comment 8: *Section 83.01.080(g)(3) of the San Bernardino County Code permits construction activity between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. The MND does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12 hours per day, 6 days per week. It is legal for construction to occur for much longer hours (12 hours per day permitted while 8 hours per day analyzed) and an*

additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. An EIR must be prepared with revised Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

Response 8: The commenter states that because construction activity is permitted by the County twelve hours a day, six days a week, from 7:00 A.M. to 7:00 P.M., the air quality emissions should be modeled to reflect that schedule. However, although construction is permitted during this time, there is no reason to anticipate that workers and heavy equipment will be operating for twelve hours straight for six days a week.

A standard workweek is eight hours per day and 40 hours per week. Any work beyond the standard eight-hour workday would require overtime payment to the construction crew. Unless there are unusual circumstances that would warrant overtime pay, working beyond an eight-hour day is not typical practice. As there are no known unusual circumstances that would result in the need for overtime pay, there are no known unusual circumstances that warrant analyzing this scenario.

Construction emissions for the Project relied on default CalEEMod values based on the project land use and size. During the development of CalEEMod, SCAQMD performed construction surveys in order to develop estimates for construction equipment usage and construction phase lengths, this information included typical types of construction equipment and hours of operation. The results of this survey were incorporated into CalEEMod as default values.

The commenter provides no evidence that development of this Project will require longer hours of construction. CEQA does not require an analysis of an unlikely worst-case scenario and need only evaluate impacts that are a reasonably foreseeable consequence of the Project (*High Sierra Rural Alliance v. County of Las Plumas* (2018) 29 Cal.App.5th 102). No further response is required.

9. *Comment 9: The Air Quality Analysis does not model any of the proposed warehouse space as refrigerated/ cold storage. At least 40% of the proposed warehouse space should be modeled as refrigerated/ cold storage or it must be added as a condition of approval to restrict building construction and all future tenants from improving the building with refrigeration/cold storage. This is especially necessary since San Bernardino County Development Code permits refrigeration/cold storage in the Community Industrial Zone.*

Response 9: The commenter states that the Air Quality Analysis should have modeled at least 40% of the proposed warehouse as refrigerated/cold storage or include a condition of approval that restricts all future tenants from improving the building with refrigeration/cold storage. The project description states that the Applicant proposes to construct an approximately 185,866 square foot warehouse building, which would include approximately 6,000 square feet of potential office space. There is no mention of Project including refrigeration or cold storage in the project description. The fact that the Project does not propose refrigeration is evidence that it is not reasonably foreseeable that the proposed Project could be used as a cold storage facility. No further response is required.

10. Comment 10: *Further, the MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002204) ranks worse than 98% of the rest of the state overall. The surrounding community, including sensitive receptors such as residences adjacent to the north and west, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone than 98% of the state and more PM 2.5 than 94% of the state.*

Response 10: The commenter states that the MND does not include analysis for environmental justice issues when reviewing potential impacts and that CalEnviroScreen shows that the project census tract has a higher burden of ozone than 98% of the state and more PM 2.5 than 94% of the state.

The California Communities Environmental Health Screening Tool (CalEnviroScreen) has been developed by the Office of Environmental Health Hazard Assessment (OEHHA) and California Environmental Protection Agency (CalEPA). While CalEnviroScreen can assist CalEPA in prioritizing resources and helping promote greater compliance with environmental laws, it is important to note some of its limitations. The tool's output provides a relative ranking of communities based on a selected group of available datasets, through the use of a summary score. Unlike the Health Risk Assessment (HRA) prepared for the Project, the CalEnviroScreen score is not an expression of health risk, and does not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment. Accordingly, CalEnviroScreen is not intended to be used as a health or ecological risk assessment for a specific area or site.

An Air Quality Emissions Impact Analysis and a Health Risk Assessment were prepared for the proposed Project and incorporated into the MND. These analyses determined that the Project's localized impacts (i.e., impacts to sensitive receptors) would be less than significant. Localized Significance Thresholds were developed in response to environmental justice and health concerns raised by the general public regarding exposure of individuals to criteria pollutants in local communities. Additionally, the HRA prepared for the Project quantified risk levels at nearby sensitive receptors and determined that impacts would be less than significant. No further response is required.

11. Comment 11: *Further, the project's census tract is a diverse community including 79% Hispanic and 5% African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of linguistic isolation, meaning 79% of households speak little to no English. The community has a high rate of low educational attainment, meaning 83% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Additionally, the surrounding community has a higher proportion of babies born with low birth weights than 41% of the state, which makes those children more vulnerable to asthma and other health*

issues. This is demonstrated by the census tract ranking in the 82nd percentile for asthma and containing 19% children under the age of 10 compared to 13% average children under the age of 10 in California.

Response 11: The commenter states that the Project's census tract is a diverse community including 79% Hispanic and 5% African-American residents, which are especially vulnerable to the impacts of pollution. Refer to paragraph 3 under Comment 10. No further response is required.

12. Comment 12: *Appendix C - Biotic Resources Report states that a biological field study was conducted on February 4, 2020. The project site is located within the County of San Bernardino's Burrowing Owl Overlay Zone. Appendix C also notes that the "burrowing owl habitat was assessed in accordance with the Staff Report on Burrowing Owl Mitigation developed by CDFW dated March 7, 2012." The Department of Fish and Game's (DFG) 2012 Staff Report on Burrowing Owl Mitigation concludes that "current scientific literature indicates that it is most effective to 2 conduct breeding and non- breeding season surveys and report in the manner that follows:*

Response 12: The project site does occur within the County of San Bernardino's Burrowing Owl Overlay Zone; however, this is a wide-ranging zone rather than a site-specific habitat analysis. In accordance with the DFG/CDFW 2012 Staff Report on Burrowing Owl Mitigation, a focused burrowing owl habitat assessment was performed at the site as the first step in the project impact evaluation. Soils on-site were observed to be hard-packed and gravelly, which are not typically suitable for burrows, and no burrows of any kind nor evidence of owl habitation was detected on the site or in surrounding areas. Further, no evidence of California ground squirrels (*Otospermophilis beecheyi*) was observed, and the absence this species further reduces the likelihood that burrowing owl may colonize the site in the future.

13. Comment 13: *Number of visits and timing. Conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June." The field study conducted on February 4, 2020 as part of the Biological Resources analysis was completed at a time outside of the direction of the 2012 Report. Only one visit was conducted at all while the report recommends four survey visits. This language in the Appendix itself is misleading because the burrowing owl survey was not completed in accordance with the 2012 report guidance. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.*

Response 13: As described in the DFG/CDFW 2012 Staff Report 'Project Impact Evaluations' section (pg. 5), "A habitat assessment is the first step in the evaluation process and will assist investigators in determining whether or not occupancy surveys are needed... Burrowing owl surveys are the second step of the evaluation process and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat or sign (see Appendix B) is encountered on or adjacent to (within 150 meters) a project site (Thomsen 1971, Martin 1973)." Neither of these thresholds was met for the Almond Avenue project site,

and the site does not have a high or even moderate potential to support owls. As such, focused burrowing owl surveys are not warranted per the state guidelines. However, to provide full assurance that no owls would be affected by construction activities, take avoidance/pre-construction burrowing owl surveys will be conducted in accordance with Appendix D of the 2012 staff report (as outlined in the Project biotic resources report, Section 6.1).

14. Comment 14: *The MND concludes the proposed project does not conflict with the Biotic Resources (BR) Overlay for Burrowing Owl which implements the General Plan because the February 4, 2020 field study found no onsite Burrowing Owls. However, as noted above, the field study was conducted at a time outside of the direction of the 2012 Report. The MND has not demonstrated that the proposed project does not conflict with the BR Overlay for Burrowing Owl because the field study was inadequate. A project EIR must be prepared which includes burrow and burrowing owl surveys conducted in accordance with the most effective practices of the 2012 Report and circulated for public review.*

Response 14: Refer to Response 12, above.

15. Comment 15: *Figure 11 - Noise Measurement Locations depicts three ambient noise measurement locations in the project vicinity. There were no existing baseline noise measurements taken at the nearest sensitive receptors, including the single family residences adjacent to the north and west. The MND concludes that operational noise will be less than significant since only the parking lot is adjacent to the nearest sensitive receptor to the north and "parking noise also occurs at the adjacent properties to the east, south, and west under existing conditions. Parking and driveway noise would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along Arrow Route, Cherry Avenue, Almond Avenue, and Whittram Avenue." Additionally, the MND concludes that "actual noise levels over time resulting from parking activities are anticipated to be far below the local noise standards." The MND does not provide any quantified analysis of the actual operational noise levels and their potentially significant impacts to the nearest sensitive receptor to the north. Since there were no existing baseline measurements taken at the nearest sensitive receptor, the MND is unable to provide any meaningful analysis of the potentially significant noise impacts. Additionally, the Project Description states the project will operate 24/7, but the Noise analysis states that office employees would only work 8:00 AM - 5:00 PM. This inconsistency skews analysis to avoid presenting a nighttime noise analysis resulting from a fully operational project. A project EIR must be prepared and circulated for public review which includes existing baseline noise measurements for the sensitive receptors adjacent to the north and west, and quantified analysis of the potentially significant operational noise impacts.*

Response 15: The commenter states that three ambient noise measurements were taken in the vicinity of the Project but not taken at the location of the nearest sensitive receptors, including the single-family residences adjacent to the north and west. However, the three noise measurement locations were selected to be representative of all sensitive receptors in the area.

The commenter reiterates several conclusions from MND regarding parking lot noise and then states that the MND does not provide any quantified analysis of actual operational noise levels at the nearest sensitive receptor to the north. Although the residence to the north is nearest to the project property line, due to the configuration of the site plan the residence to the north would be shielded from loading dock noise by the building and landscaping. The residence to the west is nearest sensitive receptor to operation noise sources. As stated in the MND, because the loading dock doors are set back from the property line, the loading dock is 400 feet from the nearest receptor to the west. Loading dock noise is approximately 68 dB at 50 feet and approximately 50 dB at the nearest receptors, conservatively assuming a clear line of sight and no attenuation from intervening walls or structures. Furthermore, loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area.

The commenter also states that the Project will operate 24/7 but that the Noise analysis states that office employees would only work 8:00 AM – 5:00 PM. This statement is false, the complete sentence reads: “Office workers would likely have typical shifts of Monday through Friday, 8:00 AM to 5:00 PM, while warehouse staff would work day, evening and night shifts.”

16. Comment 16: *The MND concludes that impacts to population and housing will not be significant because “the unemployment rate for Riverside-San Bernardino-Ontario area is 3.749%, it is reasonably assured that the jobs would be filled by people living in the surrounding unincorporated County area and communities.” The MND does not provide any meaningful analysis or supporting evidence to substantiate this conclusion. Providing unemployment rates for the metropolitan area does not prove that the unemployed population is qualified for or interested in work in the industrial sector. Additionally, the MND reaches this conclusion without citing the number of residents with the appropriate skillset or the number of jobs created by the project. The Southern California Association of Government (SCAG) Employment Density Study provides the following applicable employment generation rates for San Bernardino County:*

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

A project EIR must be prepared which includes supporting evidence to substantiate the claim that there will be no significant environmental impacts.

Response 16: Refer to Response 6, above.

17. Comment 17: *Again, the MND utilizes an arbitrary and unduly low rate of 38 employees for VMT analysis. The VMT analysis does not provide a source of calculation to demonstrate how the project will generate this number of employees. The Southern California Association of Government (SCAG) Employment Density Study provides the following applicable employment generation rates for San Bernardino County:*

1 employee per 1,195 sf of warehouse area

1 employee per 697 sf of office area

Application of these ratios results in the following calculation:

179,866 sf warehouse / 1,195 = 151 employees

6,000 sf office / 697 = 9 employees

Total: 160 employees

A project EIR must be prepared which includes a revised VMT analysis utilizing SCAG employment generation calculations to adequately and accurately analyze the potentially significant environmental impacts regarding transportation and VMT. All other sections of environmental analysis must also be revised accordingly with the revised VMT and employee information. This is especially vital since the operational nature of warehouse/distribution uses involves high rates of truck/trailer VMT traveling from massive regional distribution centers to smaller last mile delivery buildings (such as the proposed project) and then from last mile delivery buildings to final destinations.

Response 17: Refer to Response 6, above.

18. Comment 18: *Based on the operational nature of the proposed use, a Traffic Impact Analysis (TIA) must be provided as part of a project EIR and include analysis of the following facilities providing direct access to the project site:*

Freeway Merge/Diverge

I-210 at I-15

I-15 at I-10

Freeway On/Off Ramps

I-15 at Foothill Blvd.

I-15 at Fourth St./San Bernardino Ave.

I-15 at Baseline Ave.

I-210 at Cherry Ave. I-10 at Cherry Ave.

I-10 at Etiwanda Ave.

Intersections

Foothill Blvd. at Cherry Ave.

Cherry Ave. at Arrow Rte.

Arrow Rte. at Almond Ave.

Almond Ave. at Whittram Ave.

Whittram Ave. at Cherry Ave.

This is especially vital for analysis since the I-15 and I-210 provide direct access to the project site from the Southern California Logistics Airport.

Response 18: The commenter states that a TIA should have been prepared for the Project and lists several facilities that should require analysis. It should be noted that delay-based metrics are no longer applicable to identify transportation impacts under CEQA. In December 2019, a new case (*Citizens for Positive Growth & Preservation v. City of Sacramento*) was published by the Third District Court of Appeal. In that case, the City of Sacramento relied on a new General Plan policy to determine there would be no significant and unavoidable traffic impacts as a result of a General Plan update that would cause several roadway segments to operate at unacceptable LOS. Citing CEQA section 21099(b)(2), the court held that the General Plan's impacts on LOS "cannot constitute a significant environmental impact."

The County does require traffic analysis for certain projects outside CEQA as part of the entitlement process. The County's threshold for requiring a traffic study is if a project generates more than 100 peak hour trips. Since the Project generates less than 100 peak hour trips, a traffic study or analysis is not required.

19. Comment 19: *The MND again utilizes the arbitrary and unduly low rate of 38 employees for calculating operational solid waste generation. This section of the MND sources the rate of 38 employees to Appendix N - VMT Memo. A project EIR must be prepared which revises this section accordingly with the updated VMT and employee information.*

Response 19: Refer to Response 6, above.

20. Comment 20: *For the foregoing reasons, GSEJA believes the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.*

Response 20: These are conclusion statements and do not warrant a response. As previously stated, the commenter has been added to the distribution list for future notices related to this Project.