

Initial Study/Mitigated Negative Declaration

Highland Avenue and Palm Avenue

Planned Residential Development

General Plan Amendment (GPA) 21-02

**Development Code Amendment/Zoning Map Amendment (DCA/ZMA)
21-07**

Subdivision (SUB) 21-13 (Tentative Tract Map No.20495)

Development Permit Type-P (DP-P) 21-07



Lead Agency:

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May 10, 2022

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- B. *Biological Habitat Assessment*, Michael V. Grimes, December 20, 2021.
- C. *Geotechnical and Infiltration Evaluation*, GeoTek Inc., July 30, 2021.
- D. *Phase I Environmental Site Assessment*, Stantec, July 30, 2021.
- E. *Phase II Environmental Site Assessment*, Stantec, August 27, 2021.
- F. *Preliminary Drainage Report*, Allard Engineering, October 12, 2021.
- G. *Preliminary Water Quality Management Plan*, Allard Engineering, (Undated).
- H. *Noise Assessment Technical Memorandum*, KPC EHS Consultants, January 1, 2022.
- I. *Vehicle Miles Traveled Screening Analysis*, TJW Engineering, March 10, 2022.

LIST OF EXHIBITS

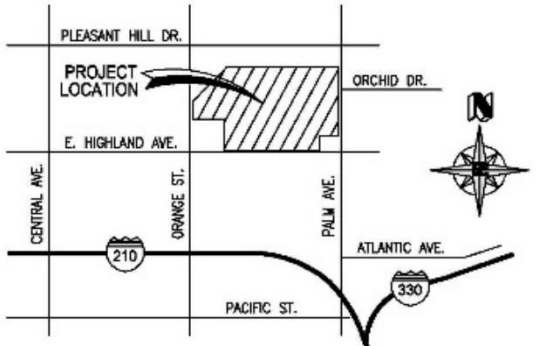
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EXECUTIVE SUMMARY

Project Name/File No(s).	Highland Ave, & Palm Ave. Residential Project/TTM 20495 General Plan Amendment (GPA) 21-02 Development Code Amendment/Zoning Map Amendment (DCA/ZMA) 21-07 Subdivision (SUB) 21-13 Development Permit Type-P (DP-P) 21-07
Lead Agency Contact	City of San Bernardino 201 North E Street, 3 rd Floor San Bernardino CA 92501 Travis Martin, Associate Planner 909-384-5313 martin_tr@sbcity.org
Project Proponent	Warmington Residential 3090 Pullman Street Costa Mesa, CA 92626 Moses Kim, (562) 822-0806
Project Summary	The Project proposes to amend the General Plan and Zoning Map from CG-1 (General Commercial) to RM (Residential Medium) and subdivide 14.7 gross acres into individual lots to develop a planned residential development consisting of 133 single-family detached homes, open space, and private streets.
Project Location Assessor Parcel Nos: 0285-211-05, 21, 22, 23, , and 25.	

Based on this Initial Study document, the Project will result in the following impacts to the environment:

Initial Study Section	Description of Impact	Mitigation Measure
4.4 Biological Resources	<p>Grading may impact the burrowing owl and nesting birds.</p> <p>BIO-1. Pre-Construction Burrowing Owl Survey / Burrowing Owl Protection. A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within seven days before the commencement of ground-disturbing activities. If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum of 300 feet) of any active burrow will be halted. If there is an active nest at the burrow, work will not proceed within the buffer until that nesting effort is finished. The onsite biologist will review and verify compliance with these boundaries and will ascertain the nesting effort has been completed. Work can resume in the buffer when no occupied/active burrowing owl burrows are found within the buffer area. If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun (or are complete), then passive and active relocation may be approved following consultation with the City of San Bernardino and California Department of Fish and Wildlife. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and back filled to ensure that animals do not re-enter the holes/dens. Upon completing the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.</p> <p>BIO-2. Pre-Construction Nesting Bird Survey. If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then preconstruction nesting bird surveys must be conducted no greater than a minimum of 24 hours or a maximum of 7 days prior to vegetation removal by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a CDFW-approved no-construction buffer shall be established and/or monitored by the qualified biologist at their discretion.</p>	
4.5 Cultural Resources	<p>Grading may impact sub-surface archaeological resources.</p> <p>CR-1. Cultural Resources Discovery. If cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the discovery. Work on the other portions of the project outside the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes</p>	

	<p>his/her initial assessment of the nature of the discovery, to provide Tribal input with regards to significance and treatment.</p> <p>CR-2. Monitoring and Treatment Plan. If significant pre-contact cultural resources, as defined by CEQA, are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</p>
<p>4.7 Geology and Soils</p>	<p>Grading may impact sub-surface paleontological resources.</p> <p>GEO-1: Paleontological Monitoring. The Project Proponent shall retain a qualified paleontologist (the “Project Paleontologist”) prior to the issuance of a grading permit. The Project Paleontologist will be on-call to monitor ground-disturbing activities and excavations ground-disturbing activities if excavation depth exceeds approximately 5-10 feet below surface grade on the Project site. If paleontological resources are encountered during the project's implementation, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Paleontologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity to make an evaluation of the discovery. If the resource is significant, Mitigation Measure GEO-2 shall apply.</p> <p>GEO-2: Paleontological Treatment Plan. If a significant paleontological resource(s) is discovered on the property, in consultation with the Project Proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the discovery, curation in the find a qualified local repository, and preparation of a report summarizing the find.</p>
<p>4.18 Tribal Cultural Resources</p>	<p>Grading may impact sub-surface tribal cultural resources.</p> <p>TCR-1 -Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the native soil of the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed</p>

within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

TCR-2- Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility

within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

TCR-3 – Inadvertent Discoveries of Human Remains/Funerary Objects.

In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. 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[®]. The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 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, Lead Agency, and landowner 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 forty-eight (48) hours of the site visit, as required by California Public Resources Code §5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code §5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The

	<p>applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code §6254.</p>
4.19 Utilities and Service Systems	<p>Grading, trenching, or digging for the installation of water lines, sewer lines, storm drainage facilities, and utility connections may impact biological resources, cultural resources, paleontological resources, and tribal cultural resources.</p> <p>BIO-1, BIO-2, CR-1, CR-2, GEO-1, TCR-1 through TCR-3.</p>

1. INTRODUCTION

1.1-Purpose of the Initial Study/Mitigated Negative Declaration

The California Environmental Quality Act (CEQA) requires that for projects not exempt from CEQA, a preliminary analysis must be conducted to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report should be prepared for the project. This preliminary analysis is called an “Initial Study.” Based on the Initial Study prepared for this Project, the City of San Bernardino Planning Division recommends that a Mitigated Negative Declaration be adopted for this Project. A Mitigated Negative Declaration is a written statement by the City that the Initial Study identified potentially significant environmental effects caused by the Project, but mitigation measures are required to eliminate or mitigate impacts to less than significant levels.

1-2 -Public Review of the Initial Study/Mitigated Negative Declaration

This Initial Study/Mitigated Negative Declaration and a Notice of Intent to Adopt the Mitigated Negative Declaration was distributed to the following entities for a 20-day public review period:

- 1) Organizations and individuals who have previously requested such notice in writing to the City of San Bernardino.
- 2) Responsible and trustee agencies (public agencies that have a level of discretionary approval over some component of the proposed Project); and
- 3) Owners of property located within 500 feet of the exterior boundaries of the project site.
- 3) The San Bernardino County Clerk.

The Notice of Intent was also noticed to the general public in the *San Bernardino Sun*, a primary newspaper of circulation in the areas affected by the Project.

Highland Avenue & Palm Avenue Residential Project
Initial Study/Mitigated Negative Declaration
May 10, 2022

As required by California Environmental Quality Act (CEQA) Section 15105, a minimum 20-day public review period is required for this Initial Study/Mitigated Negative Declaration.

Comments are to be submitted to:

Travis Martin, Associate Planner
Community & Economic Development Department
City of San Bernardino
201 North E Street, 3rd Floor
San Bernardino, CA 92401
(909) 384-5313
martin_tr@sbcity.org

2.0 PROJECT BACKGROUND

2.1 Project Location

The Project site is located on the northwest corner of Highland Avenue and Palm Avenue. The Project site is also identified by the following Assessor Parcel Numbers: 0285-211-05, 21, 22, 23, 24, and 25.

2.2 Project Description

The Project Proponent, Warmington Residential, submitted the following applications to the City of San Bernardino, which comprise the proposed Project:

- General Plan Amendment (GPA) 21-02 changing the land use designation from C (Commercial) to Multi-Family Residential (MFR).
- Development Code Amendment/Zoning Map Amendment (DCA/ZMA) 21-07 from CG-1 (Commercial General) to RM (Residential Medium).
- Subdivision (SUB) 21-13 (Tentative Tract Map No. 20495) allows the subdivision of 14.7 gross acres into 133 residential lots with a range of 1,839 square feet 3,825 square feet.
- Development Permit Type-P (DP-P) 21-07 to allow the development of a Planned Residential Development (PRD) community consisting of detached single-family dwelling units on individual lots and open space areas. The proposed homes are two-story detached homes with three (3) floor plans, ranging from 1,650 square feet to 2,450 square feet.

The Project's application materials are on file with the City of San Bernardino Planning Division, 201 North E Street, 3rd Floor San Bernardino CA 92401, and are hereby incorporated by reference.

Site Improvements

The primary site improvements are described as follows:

Street Improvements and Access

Primary access is proposed from a private street within a 48-foot-wide right-of-way from Palm Avenue. Internal streets will be private streets within a 26-foot right-of-way with exit only and emergency vehicle access from Orange Street.

Water and Wastewater Improvements

Water: The Project is proposing to connect to the existing 12-inch diameter water main in Palm Avenue.

Sewer: The Project will connect to the existing 8-inch diameter sewer main in E. Highland Avenue.

No off-site sewer or water line extensions are needed to serve the Project site.

Drainage Improvements

In the proposed developed condition, the site will drain via sheet flow, swales, onsite storm drains and “V” gutters into Contech chamber systems (5-total) and a retention/infiltration basin. The site runoff will outlet via the retention/infiltration basin and discharge to the existing master storm drain system in Highland Avenue which ultimately drains to the Baldrige Creek Channel storm drainage facility maintained by the San Bernardino County Flood Control District.

Construction Duration

Construction duration is estimated to occur over 360 days.

Operational Characteristics

The Project would be operated as a residential community. Typical operational characteristics include residents and visitors traveling to and from the site, delivery of merchandise and supplies to the residents, and maintenance activities.

2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...” (CEQA Guidelines §15125[a]). A Notice of Preparation was not required when the Initial Study was commenced. Thus, the environmental setting for the Project is the approximate date that the Project’s Initial Study began in October 2021.

The 14.7 gross acre site is currently undeveloped vacant land. Existing developments adjacent to the southeast corner and southwest corner of the site are not part of the subject site. A drainage channel, about 10 feet deep, is situated along the northwest property boundary. The site slopes downward to the southwest with about 50 feet of elevation differential. The site is bordered by

Highland Avenue to the south, Palm Avenue to the east, and Orange Street to the west. Existing and surrounding land uses, and General Plan/Zoning designations are shown in Table 1, *Existing Land Uses and General Plan/Zoning Designations & Classifications* below.

Table 1. Existing Land Uses and General Plan/Zoning Designations & Classifications

Location	Existing Use	General Plan Designation	Zoning Classification
Site	Vacant land	C (Commercial)	CG-1 (Commercial General)
North	Single-family residential development	SFR (Single Family Residential)	RS (Residential Suburban)
South	Highland Avenue followed by commercial development, vacant land, and a medical facility.	C (Commercial)	CG-1 (Commercial General)
East	Convenience store with gas station, Palm Avenue followed by a commercial development and single-family residences	C (Commercial) SFR (Single Family Residential)	CG-1 (Commercial General) RS (Residential Suburban)
West	Car wash, apartments, Orange Street followed by Patton State Hospital and vacant land	C (Commercial) SFR (Single Family Residential)	CG-1 (Commercial General)

Sources: City of San Bernardino General Plan and Zoning Maps, Field Inspection, October 2022

Exhibit 1: Project Location Map/Aerial Photo

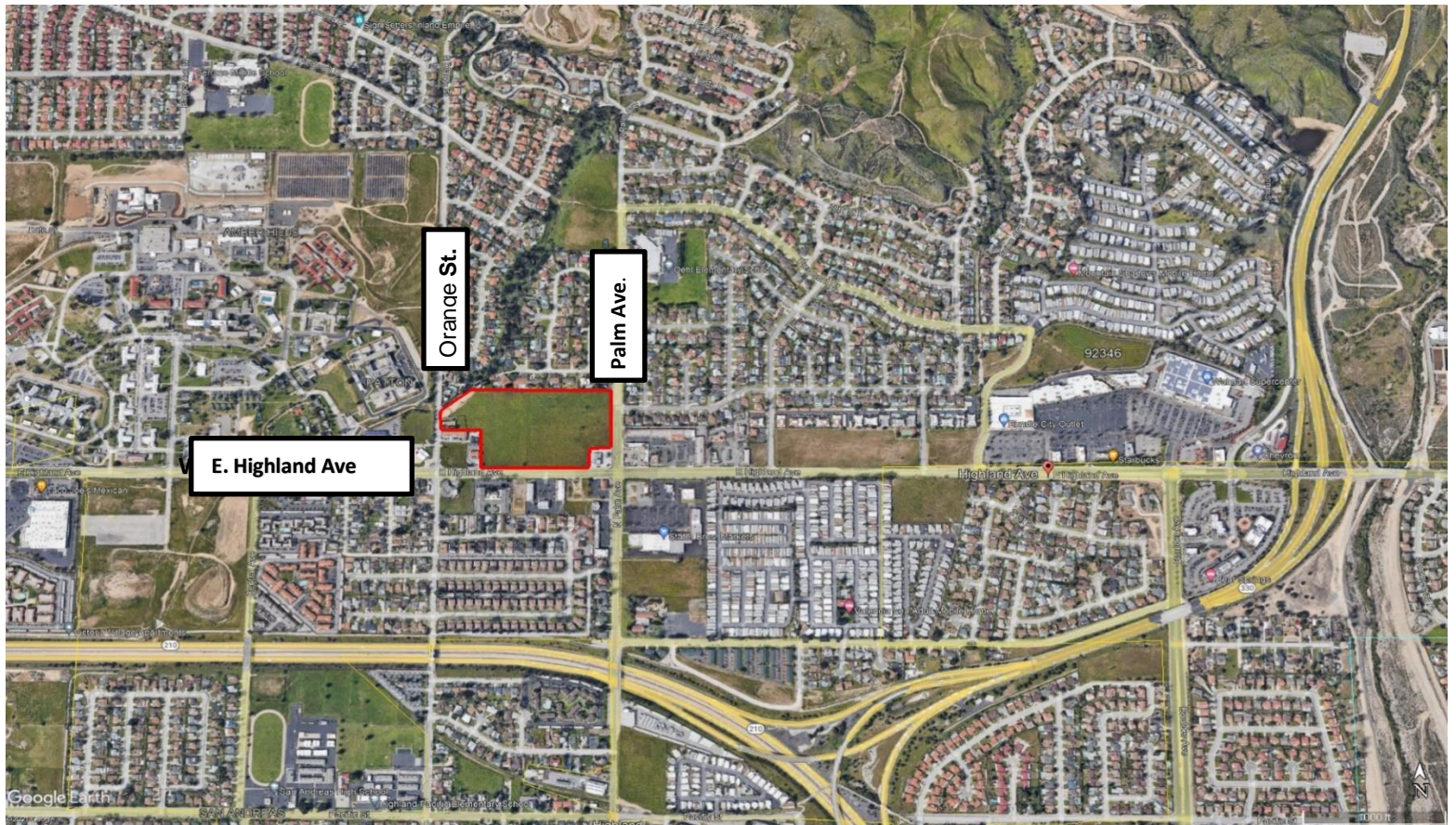


Exhibit 2: Illustrative Site Plan



3.0 INITIAL STUDY CHECKLIST

Evaluation Format

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on twenty-one (21) environmental factors categorized as follows, as well as Mandatory Findings of Significance:

- | | |
|-------------------------------------|--|
| 1. Aesthetics | 11. Land Use & Planning |
| 2. Agriculture & Forestry Resources | 12. Mineral Resources |
| 3. Air Quality | 13. Noise |
| 4. Biological Resources | 14. Population & Housing |
| 5. Cultural Resources | 15. Public Services |
| 6. Energy | 16. Recreation |
| 7. Geology & Soils | 17. Transportation |
| 8. Greenhouse Gas Emissions | 18. Tribal Cultural Resources |
| 9. Hazards & Hazardous Materials | 19. Utilities and Service Systems |
| 10. Hydrology & Water Quality | 20. Wildfire |
| | 21. Mandatory Findings of Significance |

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on the particular factor in the form of a checklist. This Initial Study provides a manner to analyze the impacts of the Project on each factor to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without preparing an Environmental Impact Report.

The effects of the Project are then placed in the following four categories, each followed by a summary to substantiate why the Project does not impact the particular factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are determined, then the Project does not qualify for a Mitigated Negative Declaration, and an Environmental Impact Report must be prepared:

3.0 Initial Study Checklist

<i>Potentially Significant Impact</i>	<i>Less Than Significant Impact with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.	Potentially significant impact(s) have been identified or anticipated, but mitigation can reduce the impact(s) to a less than significant category. Mitigation measures must then be identified.	No "significant" impact(s) identified or anticipated. Therefore, no mitigation is necessary.	No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

Environmental Factors Requiring Mitigation

The environmental factors marked with an "X" below would be affected by this Project and thus require mitigation to reduce impacts to a "less than significant" level as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input 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 and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population and 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 and Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be recommended for adoption.

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project Applicant. A MITIGATED NEGATIVE DECLARATION will be recommended for adoption.

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal MAY have a significant effect(s) 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 if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that 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 all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures imposed upon the proposed Project, nothing further is required.

City of San Bernardino

Signature

Lead Agency

Travis Martin, Associate Planner

May 10, 2022

Printed Name/Title

Date

3.1 AESTHETICS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			✓	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. In non-urbanized areas, substantially degrade the site's existing visual character or quality of public views and its surroundings? (Public views are those that are experienced from 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?			✓	
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

3.1 (a) Have a substantial adverse effect on a scenic vista?

Determination: Less Than Significant Impact.

Sources: General Plan, Google Earth, Project Application Materials.

Impact Analysis

The Project site consists of vacant undeveloped land. To the north is single-family residential development. To the south is Highland Avenue followed by commercial development, vacant land, and a medical facility. To the east is a convenience store with a gas station and Palm Avenue followed by commercial development and single-family residential development. To the west is a car wash, an apartment complex, vacant land, and Patton State Hospital.

Under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The City of San Bernardino General Plan

identifies scenic vistas as Kendall Hills, San Bernardino Mountains, the hillsides adjacent to Arrowhead Springs, Lytle Creek Wash, East Twin Creeks Wash, Santa Ana River, Badger Canyon, Bailey Canyon, and Waterman Canyon¹. The Project site is not located in proximity to these identified scenic resources. As such, there is no impact.

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

Determination: No Impact.

Sources: California Department of Transportation -Scenic Highway Program Eligible and Officially Designated Routes.

Impact Analysis

The Legislature created California's Scenic Highway Program in 1963. Its purpose is to protect and enhance California highways and adjacent corridors' natural scenic beauty through special conservation treatment. The Scenic Highway Program's state laws are found in the Streets and Highways Code, Sections 260 through 263.

According to the California Department of Transportation, two roadways within the City have been nominated as eligible Scenic Highway status; however, they are not officially designated. The portions of State Route (SR) 210, south of SR 330, and SR 330 that pass through the City are designated as Eligible State Scenic Highways – Not Officially Designated. The Project site is not located within or adjacent to SR-30 or SR-330. As such, there is no impact.

3.1 (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 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?

Determination: Less Than Significant Impact.

Sources: Project Application Materials, General Plan, Municipal Code.

Impact Analysis

The Project site is in an “urbanized area,” as defined by Public Resources Code Section 21071 (i.e., an incorporated city with a population of at least 100,000 persons). In addition, according to the Census 2010 Urbanized Area Outline Maps², the Project site is in the Riverside-San Bernardino, CA Urbanized Area.

The Project is subject to the goals and policies of the Community Design Element of the General Plan to ensure that the Project meets policies relating to site design and architectural quality. In addition, the Project is subject to Municipal Code Section 19.04.030 Development Standards, 2. Residential Zones Specific Standards, Section 19.04.030.N Planned Residential

¹ General Plan, p.12-22.

² <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>

Development/Small Lot Subdivisions, and Section G. 19.04.050 Residential Development Design Guidelines. Through the project review process, the Planning Department determined that the Project complies with all applicable requirements governing scenic quality.

3.1 (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Determination: Less Than Significant Impact.

Sources: *Project Application Materials.*

Impact Analysis

The Project would increase the amount of light in the area above what is being generated by the vacant site by directly adding new illumination sources, including security and decorative lighting.

Lighting

All outdoor lighting is required to comply with *California Green Building Standard Code* §5.106 or with a local ordinance lawfully enacted according to *California Green Building Standard Code* §101.7, whichever is more stringent. The local ordinance is *Municipal Code Chapter 19.20 [Property Development Standards, Section 19.20.14: Lighting]*. The applicable requirements are stated below:

“Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits.”

Mandatory compliance with either the *California Green Building Standard Code* §5.106 or *Municipal Code Chapter 19.20 [Property Development Standards, Section 19.20.14: Lighting]* will ensure that impacts relating to light and glare remain less than significant.

Glare

Glare is related to light trespass and is defined as visual discomfort resulting from high contrast in brightness levels. Because the exterior façades of the residential dwelling units would consist of non-reflective materials, glare-related impacts are not anticipated.

3.2 AGRICULTURE AND FORESTRY RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				✓
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?				✓
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))?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓

3.2 (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?

Determination: No Impact

Source: California Department of Conservation "Farmland Mapping and Monitoring Program.

Impact Analysis

The Project site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation

Farmland Mapping and Monitoring Program³. The Project site is classified as “Urban Built-Up Land.” The Project has no potential to convert agriculture lands to non-agricultural use.

3.2 (b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

Determination: No Impact.

Sources: General Plan Land Use Map, Zoning Map.

Impact Analysis

Agricultural Zoning

The Project site is currently zoned CG-1 (Commercial General). The Project proposes a zone change to RM (Residential Medium). The RM zone is intended to promote the development of detached and attached units, duplex, mobile home parks, and small-lot subdivisions as part of a planned residential development⁴. The RM zone is not considered an agricultural zone. The Project would not conflict with zoning for agricultural use.

Williamson Act

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments. According to the California Department of Conservation Division of Land Resource Protection, the Project site is not used for agriculture and is not under a Williamson Act Contract.

3.2 (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))?

Determination: No Impact.

Sources: General Plan Land Use Map, Zoning Map.

Impact Analysis

The Project site is currently zoned CG-1 (Commercial General). The Project proposes a zone change to RM (Residential Medium). The RM zone is intended to promote the development of detached and attached units, duplex, mobile home parks, and small-lot subdivisions as part of

³ California Department of Conservation, Farmland Mapping and Monitoring Program, <https://www.conservation.ca.gov/dlrp/fmmp>

⁴ Municipal Code §19.04D.

planned residential development⁵. The RM zone is not considered a forest or timberland zone. The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact forest or timberland.

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

Determination: No Impact.

Source: Field Survey.

Impact Analysis

The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as having forest resources by the General Plan. Because forest land is not present on the Project site or near the Project site, the Project has no potential to result in the loss of forest land or the conversion of forest land to a non-forest use.

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

Determination: No Impact.

Sources: California Department of Conservation, Site Inspection.

Impact Analysis

The Farmland Mapping and Monitoring Program classifies the Project site as “Urban Built-Up Lands.”⁶ The Project site consists of vacant undeveloped land that is surrounded by development. In addition, the surrounding land uses are not zoned, planned for, or under agricultural use. Therefore, the project's implementation would not involve changes in the existing environment that would result in the conversion of farmland to non-agricultural use.

⁵ Municipal Code §19.04D.

⁶ California Department of Conservation, Farmland Mapping and Monitoring Program, <https://www.conservation.ca.gov/dlrp/fmmp>

3.3 AIR QUALITY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			✓	
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

3.3 (a) Conflict with or obstruct implementation of the applicable air quality plan (South Coast Air Quality Management District)?

Determination: Less Than Significant Impact.

Source: Air Quality and GHG Assessment (Appendix A).

Impact Analysis

Federal Air Quality Standards

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national (or federal) ambient air quality standards,” and they apply to what is called “criteria pollutants.” Ambient (i.e., surrounding) air quality standards establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)

- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO₂), and
- Lead.

State Air Quality Standards

Under the California Clean Air Act, the California Air Resources Board establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards,” and they apply to the following criteria pollutants:

- Ozone (1-hour standard)
- Ozone (8-hour standard)
- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO₂), and
- Lead

Regional Air Quality Standards

The City of San Bernardino is located within the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District. The District develops plans and regulations designed to achieve the national and state ambient air quality standards described above.

Attainment Designation

An “attainment” designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a “nonattainment” designation indicates that pollutant concentration criteria have exceeded the established standard.

Table 3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

Table 3. Attainment Status of Criteria Pollutants in the South Coast Air Basin.

Criteria Pollutant	State Designation	Federal Designation
Ozone – 1-hour standard	Nonattainment	No Standard
Ozone – 8-hour standard	Nonattainment	Nonattainment
Respirable Particulate Matter (PM10)	Nonattainment	Attainment
Fine Particulate Matter (PM2.5)	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NOx)	Attainment	Attainment
Sulfur Dioxide (SO2)	Attainment	Attainment
Lead	Attainment	Attainment
<i>Source: California Air Resources Board, 2015</i>		

Air Quality Management Plan

The South Coast Air Quality Management District must produce air quality management plans directing how the South Coast Air Basin’s air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is the *2016 Air Quality Management Plan*, and it applies to the City of San Bernardino. The purpose of the *2016 Air Quality Management Plan* is to achieve and maintain both the national and state ambient air quality standards described above.

To determine if a project is consistent with the *2016 Air Quality Management Plan*, the South Coast Air Quality Management District has established consistency criteria defined in Chapter 12, Sections 12.2 and 12.3 of the South Coast Air Quality Management District’s *CEQA Air Quality Handbook* and are discussed below.

Consistency Criterion No. 1: *The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan.*

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under Issues 3.3 (b), (c), and (d) below, the air emissions from construction or operation would not exceed regional or localized

significance thresholds for any criteria pollutant. Accordingly, the Project’s regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay attaining air quality standards.

Consistency Criterion No. 2: *The proposed project will not exceed the 2016 Air Quality Management Plan assumptions.*

Growth projections from local general plans adopted by cities in the district are provided to the Southern California Association of Governments (SCAG), which develops regional growth forecasts, which are then used to establish future air quality emission forecasts for the AQMP. Input from local general plans is only part of the process. The latest jurisdictions’ existing and general plan land use serve as the basis for future year population and household allocations.

The following major data sources are considered and used in the development of the growth forecast:

- California Department of Finance (DOF) population and household estimates.
- California Employment Development Department (EDD) jobs report by industry.
- Regional Housing Needs Assessment (RHNA) growth projections for years 2014 through 2021.
- 2012 existing land use and General Plans from local jurisdictions.
- 2010 Census and the latest American Community Survey (ACS) data; and
- 2011 Business Installment data from InfoGroup.

The City of San Bernardino’s growth projections used for the preparation of the 2016 AQMP is shown in Table 4, *Air Quality Management Plan Growth Assumptions*.

Table 4. Air Quality Management Plan Growth Assumptions.

2012 Population	2040 Population	2012 Household	2040 Household	2012 Employment	2040 Employment
211,900	257,400	59,300	77,100	88,900	128,900

Source: 2016 RTP/SCS Demographics and Growth Forecast Appendix, Table 11.

The General Plan Land Use designation currently assigned to the Project site is CG (General Commercial). The Project is proposing a General Plan Amendment from CG to (MFR) Multi-Family Residential. Based on 133 dwelling units, this would directly increase the population by 462 persons, assuming all future residents came from outside the City. According to the California Department of Finance⁷, the current population (2021) is 216,291. The addition of 462 persons is an increase of 0.21%. This minimal increase in population does not significantly affect the growth projections in the 2016 AQMP.

⁷ <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>

For the reasons stated above, the Project would not increase the frequency or severity of existing air quality violations or cause or contribute to new violations, delay the timely attainment of air quality standards, or the interim emissions reductions specified in the *2016 Air Quality Management Plan*. In addition, the Project would not exceed the growth assumptions in the *2016 Air Quality Management Plan*. As such, the Project would be consistent with the *2016 Air Quality Management Plan*, and impacts would be less than significant, and no mitigation measures are required.

3.3(b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

Determination: Less Than Significant Impact.

Source: Air Quality and GHG Assessment (Appendix A).

Impact Analysis

As shown in Table 3 above, the South Coast Air Basin is considered to be in “non-attainment” status for several criteria pollutants. The SCAQMD has developed regional and localized significance thresholds for regulated pollutants. Any project in the South Coast Air Basin with daily emissions that exceed any of the indicated regional or localized significance thresholds would be considered to contribute to a projected air quality violation. The Project’s regional and localized air quality impacts are discussed below.

Regional Impact Analysis

The Project can generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the SCAQMD to meet national and state air quality standards shown in Table 5 on page 22.

Table 5. South Coast Air Quality Management District Air Quality Regional Significance Thresholds

Pollutant	Emissions (Construction) (pounds/day)	Emissions (Operational) (pounds/day)
NOx	100	55
VOC	75	55
PM10	150	150
PM2.5	55	55
SOx	150	150
CO	550	550
<i>Source: South Coast Air Quality Management District CEQA Air Quality Significance Thresholds (2011)</i>		

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod), which is a statewide land-use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for various situations where an air quality analysis is necessary or desirable, such as CEQA documents and authorized by the SCAQMD.

Construction Related Impacts

Short-term criteria pollutant emissions will occur during site grading, building construction, paving, and architectural coating activities. Emissions will occur from the use of equipment, worker, vendor, and hauling trips, and disturbance of onsite soils (fugitive dust). Construction emissions were based on CalEEMod default values for 133 dwelling units “Residential – Single-Family Housing” land use, with a 360-day construction schedule. (See Appendix A: *Air Quality and Greenhouse Gas Assessment* for more information regarding the construction assumptions used in this analysis).

It is a mandatory requirement for all construction activities to comply with several SCAQMD Rules, including:

- Rule 403 for controlling fugitive dust, PM₁₀, and PM_{2.5} emissions from construction activities. Rule 403 requirements include, but are not limited to, applying water in sufficient

quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining adequate cover over exposed areas.

- Rule 1113 governing the content in architectural coating, paint, thinners, and solvents.
- Rule 1186 to reduce the amount of particulate matter entrained in the ambient air due to vehicular travel on paved and unpaved public roads.

Compliance with these mandatory rules was accounted for in the estimated maximum daily construction emissions summarized in Table 6, *Maximum Daily Peak Construction Emissions (lbs./day)* below.

Table 6. Maximum Daily Peak Construction Emissions (lbs/day)

Maximum Daily Emissions	Emissions (pounds per day)					
	VOC	NOX	CO	SOx	PM10	PM2.5
	52.27	28.16	20.28	0.04	3.88	2.45
Regional Threshold	75	100	550	150	150	55
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
<i>Source: SCAQMD and CalEEMod 2016.3.2</i>						

Emissions resulting from the Project construction would not exceed numerical thresholds established by the SCAQMD, and therefore no mitigation is required.

Long-Term Regional Operation Related Impacts

Long-term criteria air pollutant emissions will result from daily vehicle trips to and from the Project site, outdoor landscape maintenance equipment, and energy demand emissions resulting from the use of electricity and natural gas. The operational emissions of the Project site are summarized in Table 7, *Operational Emissions* below (Maximum Operational Daily Emissions) on page 24.

Table 7. Maximum Daily Peak Operational Emissions (lbs/day)

Maximum Daily Emissions	Emissions (pounds per day)					
	VOC	NOx	CO	SOx	PM10	PM2.5
	9.74	7.19	52.29	0.11	9.56	2.80
Regional Threshold	55	55	550	150	150	55
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
<i>Source: SCAQMD and CalEEMod 2016.3.2</i>						

Emissions resulting from the Project operations would not exceed numerical thresholds established by the SCAQMD, and therefore no mitigation is required.

Localized Impact Analysis

Although the region may be in attainment for a particular criteria pollutant, localized emissions from construction and operational activities coupled with ambient pollutant levels can cause localized increases in criteria pollutant that exceed national and/or State air quality standards. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST), developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities. LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. LST emissions are summarized in able 8, *Summary of Localized Significance Emissions* on page 24.

Table 8. Summary of Localized Significance Emissions

Emission Source	LST Significance Threshold (Lbs/Day*)	Project Emissions	Exceeds Threshold?
(NO _x) for Construction	170	28.16	NO
(NO _x) for Operation	170	7.19	NO
(CO) for Construction	972	20.28	NO
(CO) for Operation	972	52.29	NO
PM10 for Construction	7	3.88	NO
PM10 for Operation	4	0.29	NO
PM2.5 for Construction	5	2.45	NO
PM2.5 for Operation	1	0.29	NO

Source: Air Quality and GHG Assessment, Appendix A.

CO Hot Spots

CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the Project site which exceed the 100,000 vehicles per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, Project-related vehicular emissions would not create a Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Toxic Air Contaminants

Project Generated Construction Emissions

Diesel particulate matter emissions would be emitted from heavy equipment use and heavy-duty trucks during construction. They would temporarily add to the health risk from diesel particulate matter in the Project area. Heavy-duty construction equipment is subject to California Code of Regulations (CCR)§ 2449 *General Requirements* for In-Use Off-Road Diesel-Fueled Fleets. The purpose of this regulation is to reduce oxides of nitrogen (NO_x), diesel particulate matter (PM), and other criteria pollutant emissions from in-use off-road diesel-fueled construction vehicles.

The nearest sensitive receptors to the Project site are residences located adjacent to the northern boundary of the Project site. As described above for the LST analysis, PM₁₀ (representative of diesel particulate matter, which is a TAC) emissions and exposure would be minimal and below the SCAQMD LSTs.

In addition, according to the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment, health risks should be based on a 70-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Since the proposed Project's construction activities would only occur over 360 days, the exposure of any proximate individual sensitive receptor to TACs would be limited. TAC emissions would not be expected to result in concentrations causing significant health risks.

Project Generated Operational Emissions

Operation of the proposed Project would not result in any non-permitted direct emissions (e.g., those from a point source such as diesel generators) or a substantial increase in diesel vehicles (i.e., heavy-duty trucks). As such, the proposed Project would not result in the exposure of the residences to the north of the Project site to substantial TAC concentrations.

3.3(c) 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Determination: Less Than Significant Impact.

Source: Air Quality and GHG Assessment (Appendix A).

Impact Analysis

According to the SCAQMD, individual projects that do not generate operational or construction emissions that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

As discussed in Issue 3.3(b) above, the Project would not exceed the regional or localized significance thresholds for construction or operational activities. The Project will not result in a cumulatively considerable net increase of any criteria pollutant

3.3(d) Expose sensitive receptors to substantial pollutant concentrations?

Determination: Less Than Significant Impact.

Source: Air Quality and GHG Assessment (Appendix A).

Impact Analysis

Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. The closest sensitive receptors in the vicinity of the Project site are the single-family residences adjacent to the boundary of the Project site.

As shown in Table 8, *Summary of Localized Significance Emissions* above under the discussion of Issue 3.3 (b), the Project would not exceed any of the South Coast Air Quality Management District's Localized Significance Thresholds during near-term construction or long-term operation. In addition, the Project would not create a CO Hot Spot. Accordingly, Project-related localized emissions would not expose sensitive receptors to substantial pollutant concentrations during construction, or long-term operation.

3.3 (e) Create objectionable odors affecting a substantial number of people?

Determination: Less Than Significant Impact.

Source: CEQA Air Quality Handbook, Project Application Materials.

Impact Analysis

According to the SCAQMD's *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project does not propose any of the above-described uses.

Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction. The construction odor emissions would be temporary, short-term, and intermittent and would cease upon completion of the respective construction phase and are thus considered less than significant. The Project proposes 133 single-family detached homes and is not the type of use that creates objectionable odors from long-term operations.

3.4 BIOLOGICAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on federally protected (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
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?				✓

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

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: Natural Resource and Habitat Assessment, Appendix B.

Impact Analysis

The 14.7 gross acre Project site consists primarily of an unvegetated field. Habitat conditions are extremely marginalized due to surrounding development and associated human disturbance such as multimodal traffic, artificial lighting, and residential and commercial activities. Vegetation consists of common and nonnative invasive species characteristic of disturbed places such as common fiddle neck (*Amsinckia intermedia*), cheeseweed mallow (*Malva parviflora*), and foxtail barley (*Hordeum murinum*).

Wildlife observed at this site includes common raven (*Corvus corax*), pigeon (Columbidae) and common ground squirrel (*Otospermophilus beecheyi*). There are CNDDDB historic occurrences for special status species within the project site. Species include western yellow bat (*Lasiurus xanthinus*, SSC, 1998) and Parry's spineflower (*Chorizanthe parryi* var. *parryi*, CNPS 1B.1, 1919). Although western yellow bats are known for using palm skirts for roosting, the existing palm trees at the northwest corner of the projects site will not be impacted or removed. Due to these findings and existing human disturbance, surveys for bats are not warranted.

The existing roadway system and surrounding development have altered the natural landscape by introducing nonnative plant species and removing potentially suitable natural habitat for special status, federal and State listed plant or animal species within the study area. Furthermore, no federally designated critical habitat is found within the study area. Signs of mammal and small rodents occur on site. However, the site does not feature biological or physical features capable of supporting special-status species San Bernardino kangaroo rat (SBKR). SBKR are confined to inland valley scrub communities particularly along rivers, streams, and drainages. This species requires specialized habitat including Riversidean Alluvial Sage Scrub habitat and friable soils. Therefore, SBKR are deemed absent from the site.

Rodent burrows were observed at the site. However, No signs of burrowing owl [BUOW] were evident. BUOW use burrows dug by California ground squirrel (*Spermophilus beecheyi*) and round-tailed ground squirrel (*Citellus tereticaudus*) and other fossorial species. Breeding season for BUOW occurs between February 1 and August 31. All surfaces were searched for signs of burrows, molted feathers, cast pellets, prey remains, and owl whitewash. The Project site is subject to continuous disturbance which has resulted in habitat degradation. No indicators of BUOW were observed. High levels of habitat disturbance, human activity, and proximity to

3.4 Biological Resources

urbanized development render the site unfavorable for BUOW habitat. Although potential signs of suitable habitat features may occur at this site, such as squirrel and rodent burrows, the probability for BUOW to occur at this site is considered minimal. Furthermore, there are no CNDDDB documented occurrences for BUOW in the study area.

To ensure avoidance of potential impacts to BUOW or its respective habitat, Mitigation Measure BIO-1, *Pre-Construction Burrowing Owl Survey / Burrowing Owl Protection* is required.

BIO-1. Pre-Construction Burrowing Owl Survey / Burrowing Owl Protection. *A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within seven days before the commencement of ground-disturbing activities. If active burrowing owl burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum of 300 feet) of any active burrow will be halted. If there is an active nest at the burrow, work will not proceed within the buffer until that nesting effort is finished. The onsite biologist will review and verify compliance with these boundaries and will ascertain the nesting effort has been completed. Work can resume in the buffer when no occupied/active burrowing owl burrows are found within the buffer area. If active burrowing owl burrows are detected outside the breeding season or during the breeding season and its determined nesting activities have not begun (or are complete), then passive and active relocation may be approved following consultation with the City of San Bernardino and California Department of Fish and Wildlife. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and back filled to ensure that animals do not re-enter the holes/dens. Upon completing the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.*

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

Determination: No Impact.

Source: Natural Resource and Habitat Assessment, Appendix B.

Impact Analysis

No natural habitat or communities of special concern capable of supporting special status species occur at this location.

3.4(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?*

Determination: No impact.

Source: Natural Resource and Habitat Assessment, Appendix B.

Impact Analysis

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory identifies an unnamed drainage feature, a blue-line riverine feature, immediately adjacent to the northwest area of the Project site. This drainage feature consists of bare ground and rock slope protection. The channel is unnamed and conveys intermittent storm flows downstream through a series of culverts and underground pipes to Highland Creek, a potential jurisdictional Waters of the U.S. approximately 1.35 miles southwest of the project site. However, no jurisdictional waters and no wetland indicator features (hydric soils, wetland hydrology, hydrophytic vegetation) occur within the development footprint. The project would not impact any Waters of the State or of the U.S. and would not require regulatory water quality permitting (i.e. – Regional Water Quality Control Board Section 401 of the Clean Water Act (CWA), U.S. Army Corps of Engineers Section 404 of the CWA, or California Department of Fish and Wildlife (CDFW) Section 1602 Lake and Streambed Alteration Agreement).

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

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: Natural Resource and Habitat Assessment, Appendix B.

Impact Analysis

Due to the presence of adjacent ornamental shrubs, trees, and undeveloped field, both common ground and tree nesting migratory birds have the potential to nest in the Project site and adjacent areas. Nesting sites for birds and raptors that are protected under the federal Migratory Bird Treaty Act and/or California Fish and Game Code. The following mitigation measure is required.

BIO-2. Pre-Construction Nesting Bird Survey. *If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then preconstruction nesting bird surveys must be conducted no greater than a minimum of 24 hours or a maximum of 7 days prior to vegetation removal by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a CDFW-approved no-construction buffer shall be established and/or monitored by the qualified biologist at their discretion.*

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

Determination: Less Than Significant Impact.

Source: Municipal Code.

Impact Analysis

Chapter 12.40 of the City's Municipal Code serves as the City's Tree Ordinance. The purpose of the Tree Ordinance is to protect street trees and City trees (those located within public places, alleys, sidewalks, streets, etc.) from removal and regulate the planting of trees in the public sphere. There are no street trees within the public right-of-way of Highland Avenue and Palm Avenue adjacent to the Project site. There are two palm trees that may be within the public right-of-way of Orange Street. If these trees are to be removed, a permit is required.

3.4(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?

Determination: No Impact.

Sources: <https://ecos.fws.gov/ecp0/conservationPlan/>, <https://wildlife.ca.gov/Conservation/Planning/NCCP>.

Habitat Conservation Plan (HCP)

HCPs are planning documents required as part of an application for an incidental take permit. They describe the anticipated effects of the proposed taking, how those impacts will be minimized or mitigated, and how the HCP is to be funded.⁸

Natural Community Conservation Plan (NCCP)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats while allowing the compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the U.S. Fish and Wildlife Service provide the necessary support, direction, and guidance to NCCP participants.⁹

Impact Analysis

The Project site is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. As such, there is no impact.

⁸ <https://ecos.fws.gov/ecp0/conservationPlan>

⁹ <https://wildlife.ca.gov/Conservation/Planning/NCCP>.

3.5 CULTURAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		✓		
c. Disturb any human remains, including those interred outside of formal cemeteries?			✓	

3.5(a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?

Determination: No Impact.

Source: Field Inspection, General Plan.

Impact Analysis

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historical event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The property is vacant undeveloped land, except for a single-family residential structure located adjacent to Orange Street. Surrounding properties are a mixture of residential and commercial use, with a gasoline service station located adjacent to the southeast of the property. According to the County of San Bernardino Tax Assessor's Office and aerial photography, the residential structure was constructed in 1973.¹⁰ The minimum age criterion for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) is 50 years. In terms of age, the structure is 48 years old and does not meet this criterion.

A data review was conducted of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and documents and inventories from the California Office of Historic Preservation (OHP), including the lists of California Historical Landmarks, California Points of Historical Interest, listing of NRHP Properties, and the Inventory of Historic Structures. The structures are not identified on any of these lists.¹¹

In addition, the City conducted a Historic Resources Reconnaissance Survey in 1991, which is considered a local register of historic resources under state law. A "local register of historic resources" is broadly defined in §5020.1 (k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come essentially in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current, and (2) landmarks designated under local ordinances or resolutions. (Public Resources Code §§ 5024.1, 21804.1, 15064.5). The Historic Resources Reconnaissance Survey provides for the most complete overview of historically significant properties and neighborhoods within the City that were considered historically sensitive at the time of its adoption. It forms the single most important resource to the City for historic preservation planning. The property is not identified as a historic resource based on the survey.

3.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: Cultural Resource Technical Report for the San Bernardino Countywide Plan.

Impact Analysis

¹⁰ Tax Collector-Property Search <https://www.mytaxcollector.com/trSearch.aspx>

¹¹ OHP Tools, https://ohp.parks.ca.gov/?page_id=27959

The Project site is located within the Valley Region of San Bernardino County. As part of the County of San Bernardino Countywide Plan adoption process in 2019, the unincorporated areas in the vicinity of the Project site were researched for the potential to yield archaeological resources. It was found that archaeological sites are less common in the Valley Region than in the other regions. Historic archaeological resources present in the Valley Region include largely structural ruins and water control features and systems.¹² However, archaeological resources can be found below ground, and intact deposits could be present below the level of historic and modern disturbance. As such, development of the Project site has the potential to affect buried archaeological resources through ground-disturbing construction activities.

Based on the analysis above, there is the possibility that sub-surface archaeological resources may be encountered at deeper levels during grading. The following mitigation measure is required.

CR-1. Cultural Resources Discovery. *If cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the discovery. Work on the other portions of the project outside the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the discovery, to provide Tribal input with regards to significance and treatment.*

CR-2. Monitoring and Treatment Plan. *If significant pre-contact cultural resources, as defined by CEQA, are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.*

3.5(c) Disturb any human remains, including those interred outside of formal cemeteries?

Determination: Less Than Significant Impact.

Source: Field Inspection, California Health and Safety Code §7050.5 and Public Resources Code §5097 et. seq.

Impact Analysis

The site is not part of a cemetery. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

¹² Cultural Resource Technical Report for the San Bernardino Countywide Plan p.34.

If human remains are discovered during Project grading or other ground-disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 and Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted, and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

3.6 ENERGY

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✓	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓	

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

Determination: Less Than Significant Impact.

Source: Air Quality and GHG Assessment (Appendix A).

Impact Analysis

Short-Term Construction Impacts

Construction of the Project would require construction equipment for grading, hauling, and building activities. Electricity use during construction would vary during different phases of construction—most of the construction equipment during grading would be gas or diesel-powered, and the later construction phases would require electricity-powered equipment, such as for interior construction and architectural coatings.

Construction contractors are required to comply with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. Overall, construction activities would require limited energy consumption on a short-term basis, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner.

Long-Term Operational Impacts

Operation of the Project would create additional demands for electricity and natural gas compared to existing conditions and would result in increased energy use.

The Project involves the construction of 133 detached single-family dwellings. Electrical power to the Project site is provided by Southern California Edison (SCE) Company. Natural gas service is provided by the Southern California Gas Company (SCG). Table 9, *Estimated Annual Energy Consumption* below provides an estimate of electrical and natural gas consumption upon the Project's build-out.

Table 9. Estimated Annual Energy Consumption

Energy Source	Annual Consumption
Electricity	1,067,643 kWh/yr
Natural Gas	3.790 kBTU/yr

Source: CalEEMod Outputs (Appendix A).

According to the California Energy Commission (Electricity Consumption by County, 2020), San Bernardino County consumed approximately 6102.925598 million gigawatt-hours (GWh).¹³ The proposed Project would be less than 0.001 percent of San Bernardino County's total electricity demand. According to the California Energy Commission (Natural Gas Consumption by County, 2020), San Bernardino County consumed approximately 267.362800 million of therms of natural gas¹⁴. The Project would be less than 0.001 percent of San Bernardino County's total natural gas demand.

Additionally, the 2019 California Code of Regulations (CCR) Title 24, Part 11: *California Green Building Standards (Title 24)* reduces GHG emissions associated with energy consumption. Title 24 now requires that new buildings minimize water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed Project will conform to all applicable energy conservation requirements.

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

Determination: Less Than Significant Impact.

Source: California Energy Commission

¹³ <https://ecdms.energy.ca.gov/elecbycounty.aspx>

¹⁴ <https://ecdms.energy.ca.gov/gasbycounty.aspx>

Impact Analysis

The California Title 24 Building Energy Efficiency Standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. These measures (Title 24, Part 6) are listed in California Code of Regulations. The California Energy Commission is responsible for adopting, implementing, and updating building energy efficiency. Local city and county enforcement agencies have the authority to verify compliance with applicable building codes, including energy efficiency.

The Project must comply with the California Title 24 Building Energy Efficiency Standards. As such, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency

3.7 GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) 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.				✓
2) Strong seismic ground shaking?			✓	
3) Seismic-related ground failure, including liquefaction?			✓	
4) Landslides?			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
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 an on-site or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓	
d. Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?			✓	
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?			✓	
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	

3.7 (a) (1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

Determination: Less Than Significant Impact.

Source: Geotechnical and Infiltration Evaluation (Appendix C).

Impact Analysis

The Alquist-Priolo Earthquake, Fault Zone Act intends to denote properties within Earthquake Fault Zones, where fault studies would be required to assure that certain habitable structures are not constructed across traces of active faults. The site is not situated within a designated “Alquist-Priolo” Earthquake Fault Zone. The nearest zoned fault is the San Andreas fault zone, located about 0.4 mile to the northeast.

3.7 (a) (2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Determination: Less Than Significant Impact.

Source: Geotechnical and Infiltration Evaluation (Appendix C).

Impact Analysis

Given the site’s proximity to an active fault zone, the Project would be required to construct the proposed structures per the *California Building Code* (CBC). The City’s Building and Safety Division would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, ensuring that all required CBC seismic safety measures are incorporated into the structures. Compliance with the CBC as verified by the City’s review process would reduce impacts related to strong seismic ground shaking.

3.7 (a) (3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

Determination: No Impact.

Sources: EQ Zapp, Geotechnical and Infiltration Evaluation (Appendix C).

Impact Analysis

Liquefaction is caused by seismic ground shaking of relatively loose, granular soils that are saturated or submerged, which causes soils to liquefy and temporarily behave like a dense fluid.

According to the California Earthquake Hazards Zone Application ("EQ Zapp"),¹⁵ and General Plan Safety Element, Figure S-5, *Liquefaction Susceptibility*, the Project site is not located in a Liquefaction Hazard Zone. In addition, *Geotechnical and Infiltration Evaluation* (Appendix C) estimated ground water is more than one-hundred fifty feet below the surface. The potential for liquefaction to affect structures at the site is very low.

Notwithstanding, compliance with the mandatory requirements of the *California Building Code* as part of the building plan check process will ensure there are no risks associated with liquefaction.

3.7 (a) (4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Determination: No Impact.

Source: EQ Zapp, *Geotechnical and Infiltration Evaluation* (Appendix C).

Impact Analysis

According to the California Earthquake Hazards Zone Application ("EQ Zapp"),¹⁶ and General Plan Safety Element, Figure S-7, *Slope Stability and Major Landslides*, the Project site is not located in a Landslide Hazard Zone. The Project site is relatively flat and contains no slopes subject to landslides.

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

Determination: Less Than Significant Impact.

Source: *National Pollution Discharge Elimination System*.

Impact Analysis

The National Pollutant Discharge Elimination System (NPDES) establishes minimum stormwater management requirements and controls that are required to be implemented for development construction and operational activities within the City.

Construction

Construction of the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities required for the project's development will expose and loosen topsoil, which could be eroded by wind or water. As required by Municipal Code §8.80.502. *General Permit for Storm Water Discharges from Construction Activity*, which requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) per state requirements. Prior

¹⁵ <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

¹⁶ <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

3.7 Geology and Soils

to obtaining any City-issued grading and/or construction permits, the developer/owner shall provide evidence of compliance with the General Construction Permit by providing a copy of the

Waste Discharger's Identification Number (WDID) to the City's Development Services Department. Through mandatory compliance of Municipal Code §8.80.502, construction impacts related to erosion and loss of topsoil would be less than significant

Operation

The entire site will be developed and areas of loose topsoil that could erode by wind or water would not exist after construction is completed. In addition, as described in Section 3.9, *Hydrology and Water Quality*, the hydrologic features of the Project have been designed to slow, filter, and retain stormwater on the development site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, as required by Municipal Code § 8.80. 505. *Best Management Practices*, all construction projects which could potentially have an adverse impact on the City's storm water drainage system or waters of the state shall install and/or implement appropriate construction and post-construction BMPs, as listed in their SWQMP or the "*California Storm Water Best Management Practice Handbook*," to reduce pollutants to the maximum extent practicable or the extent required by law. Through mandatory compliance of Municipal Code §8.80.505, construction impacts related to erosion and loss of topsoil would be less than significant.

3.7(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable because of the Project, and potentially result in an on-or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Determination: No Impact.

Sources: EQ Zapp), Geotechnical and Infiltration Evaluation (Appendix C), General Plan Safety Element.

Impact Analysis

Landslide

As noted in response to Issue 3.7 (a) (4) above, the Project site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides

Lateral Spreading

Lateral spreading refers to landslides that commonly form on gentle slopes and have rapid fluid-like flow horizontal movement. Earthquakes cause most lateral spreading, but it is also caused by landslides. As noted in response to Issue 3.7 (a) (4) above, the Project site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the Project site is not considered susceptible to lateral spreading.

Subsidence/ Collapse

According to General Plan Safety Element Figure S-6, *Potential Subsidence Areas*, the Project site is not subject to subsidence. In addition, the degree of subsidence is dependent on groundwater levels. According to the *Geotechnical and Infiltration Evaluation* (Appendix C), groundwater depth is more than one-hundred fifty feet.

Liquefaction

According to the City's General Plan Safety Element Figure S-5, *Liquefaction Susceptibility*, the Project site is not designated as an area susceptible to liquefaction. In addition, the degree of liquefaction is dependent on the groundwater level. According to the *Geotechnical and Infiltration Evaluation* (Appendix C), groundwater depth is approximately one-hundred fifty feet below the surface.

Notwithstanding, compliance with the mandatory requirements of the *California Building Code* would ensure that there are no risks from landslides, lateral spreading, subsidence, collapse, or liquefaction.

3.7 (d) *Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?*

Determination: No Impact.

Source: Geotechnical and Infiltration Evaluation (Appendix C).

Impact Analysis

Expansive soils undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement, and distorting structural elements. The soils have an Expansion Index of one, defined as "Very Low" based on Soil Expansion Potential (ASTM D-4829).¹⁷ Notwithstanding, compliance with the *California Building Standards Code* would ensure that there are no risks from expansive soils.

3.7(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?*

Determination: No Impact.

Source: Project Application Materials.

¹⁷ <https://www.astm.org/d4829-21.html>

Impact Analysis

The Project does not propose septic tanks or alternative wastewater disposal systems. The Project will install domestic sewer infrastructure and connect to San Bernardino's existing sewer conveyance and treatment system.

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

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: General Plan.

Impact Analysis

Paleontological Resources

Paleontological resources are the preserved fossilized remains of plants and animals. The site is underlain by Younger and Very Old Alluvial Valley Deposits of Holocene and late Pleistocene ages, respectively. Younger Quaternary deposits are unlikely to contain significant vertebrate fossils in the uppermost layers, but at relatively shallow depths ranging from six to eight feet, there may be older Quaternary deposits that contain significant fossil vertebrate remains. Excavations in these older Quaternary deposits may potentially impact paleontological resources. The following mitigation measures are required.

Mitigation Measure (MM)

GEO-1: Paleontological Monitoring. The Project Proponent shall retain a qualified paleontologist (the "Project Paleontologist") prior to the issuance of a grading permit. The Project Paleontologist will be on-call to monitor ground-disturbing activities and excavations ground-disturbing activities if excavation depth exceeds approximately 5-10 feet below surface grade on the Project site. If paleontological resources are encountered during the project's implementation, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Paleontologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity to make an evaluation of the discovery. If the resource is significant, Mitigation Measure GEO-2 shall apply.

GEO-2: Paleontological Treatment Plan. If a significant paleontological resource(s) is discovered on the property, in consultation with the Project Proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the discovery, curation in the find a qualified local repository, and preparation of a report summarizing the find.

Unique Geologic Feature

Unique geologic features are those that are unique to the field of Geology. Unique geologic features are not common in San Bernardino. The geologic processes that formed the landforms in San Bernardino are generally the same as those in other parts of the state. What makes a geologic unit or feature unique can vary considerably. A geologic feature is unique if it:

- Is the best example of its kind locally or regionally.
- Embodies the distinctive characteristics of a geologic principle that is exclusive locally or regionally.
- Provides a key piece of geologic information important in geology or geologic history.
- Is a “type locality” (the locality where a particular rock type, stratigraphic unit, or mineral species is first identified) of a geologic feature.
- Is a geologic formation that is exclusive locally or regionally.
- Contains a mineral that is not known to occur elsewhere in the City; or
- Is used repeatedly as a teaching tool.

The Project site is relatively flat. The site is underlain by Younger and Very Old Alluvial Valley Deposits of Holocene and late Pleistocene ages, respectively. These features are common in the regions and are not considered “unique.”

3.8 GREENHOUSE GAS EMISSIONS

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

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

Source: Air Quality and GHG Assessment (Appendix A).

No single land-use project could generate enough greenhouse gas (GHG) emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. Thus, the primary goal in adopting GHG significance thresholds, analytical methodologies, and mitigation measures is to ensure new land use development provides its fair share of the GHG reductions needed to address cumulative environmental impacts from those emissions.

SCAQMD formed a GHG California Environmental Quality Act (CEQA) Significance Threshold Working Group to guide local lead agencies on determining the significance of GHG emissions in their CEQA documents. As of the last Working Group meeting (Meeting 15) held in September 2010, the SCAQMD proposes adopting a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency.

Although a final numerical threshold for determining the significance of greenhouse gas emissions in the South Coast Air Basin has not been established by the SCAQMD, they propose a screening threshold of 3,000 MTCO₂e for non-industrial projects. SCAQMD concluded that projects with emissions less than the screening threshold would not have a significant cumulative impact.

A summary of the Project’s projected annual operational greenhouse gas emissions, including amortized construction-related emissions, is shown in Table 10, *Total Project Greenhouse Gas Emissions*.

Table 10. Total Project Greenhouse Gas Emissions (CO₂e)

Source	GHG Emissions MT/yr
Mobile Sources	1,463.15
Area	29.84
Energy	393.72
Solid Waste	78.97
Water/Wastewater	43.04
30-year Amortized Construction	13.28
TOTAL	<i>2,022.00</i>
SCAQMD Threshold	3,000
Exceed Threshold?	NO

Because the Project would emit GHG emissions of less than 3,000 MTCO₂e per year, the Project is not considered a substantial GHG emitter.

3.8(b) Conflict with an applicable plan, policy, or regulation adopted to reduce greenhouse gas emissions?

Determination: Less Than Significant Impact.

Sources: CARB Scoping Plan, Connect SoCal, Municipal Code.

Impact Analysis

Determining a project's consistency with plans, policies, or regulations adopted to reduce greenhouse gas (GHG) emissions plans presents unique challenges because the impact is global, and solutions require global, federal, state, and local action.

Project GHG Emissions

As shown in Table 10, *Total Project Greenhouse Gas Emissions (CO₂e)* above, individually, the Project is not considered a substantial GHG emitter. However, individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with waste removal, disposal, and landfill operations. The proposed Project would increase the intensity of use of the site by constructing 133 dwelling units on a Project site that is currently occupied by one single-family residence. Therefore, the proposed Project would incrementally contribute to annual long-term increases in GHGs as a result of increased vehicle

trips (mobile sources) and residential operations that result in an increase in energy use, water use, wastewater treatment, and solid waste disposal. Construction activities would also result in temporary increases in GHG emissions.

The California Air Resources Board (CARB) Scoping Plan

The Scoping Plan is the state’s overall strategy in the form of measures that apply to emission sectors that comprise the state’s greenhouse gas emission inventory. The state’s implementation strategy primarily takes source-specific regulations for energy producers, fuel suppliers, and vehicle manufacturers—for example, California Light-Duty Vehicle GHG Standards and Low Carbon Fuel Standard. The Scoping Plan envisions a limited role for local government in implementing the state’s GHG reduction strategy, focusing on local government’s authority over land use and some transportation projects. The Scoping Plan is not directly applicable to specific projects, and it is not intended to be used for project-level evaluations.¹⁸

Generally, development projects are considered consistent with the Scoping Plan if they are compatible with the general intent of the plan and would not preclude the attainment of its primary goals. To implement the Scoping Plan at a local level, a partnership led by the San Bernardino County Transportation Authority (SBCTA) adopted the *San Bernardino County Regional Greenhouse Gas Reduction Plan* in March 2021. The Plan will serve as the basis for cities in the County to develop more detailed community-level climate action plans (CAP). Although the City of San Bernardino has not adopted a local climate action plan, the City of San Bernardino selected a suggested goal to reduce community GHG emissions to a level that is 40% below its 2016 GHG emissions level by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~75%) and local (~25%) efforts. The Pavley vehicle standards, the state’s low carbon fuel standard, the Renewable Portfolio Standard, and other state measures will reduce GHG emissions in San Bernardino’s on-road, solid waste, and building energy sectors in 2030.

Connect SoCal – The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) has adopted the *Connect SoCal – The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*, which supports the State's climate action goals to reduce greenhouse gas (GHG) emissions through coordinated transportation and land use planning with the goal of more sustainable communities. *Connect SoCal* sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures, and policies, will reduce greenhouse gas emissions from automobiles and light duty trucks. *Connect SoCal* is intended to provide a regional land use policy framework that local governments may consider and build upon.

¹⁸ The Final Statement of Reasons for the amendments to the CEQA Guidelines reiterates the statement in the Initial Statement of Reasons that “[t]he Scoping Plan may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan” (CNRA 2009).

An individual land use development project, such as the proposed Project, can be found to be consistent with *Connect SoCal* if the project does not conflict with the growth patterns assumed in the plan. In preparing The SCAG region is diverse and extensive, and the types and classifications of land use used by one jurisdiction often differ from those used by another. The result is that there are many different land-use types and categories that SCAG must organize for its analyses. Given the number of square miles the SCAG region encompasses, SCAG developed a simplified series of Land Development Categories (LDCs) to represent the dominant themes taken from the region's many General Plans. This was created to facilitate regional modeling of land use information from nearly 200 distinct jurisdictions. The LDCs employed in *Connect SoCal* is not intended to represent detailed land-use policies but are used to describe the general conditions likely to occur within a specific area if recently emerging trends, such as transit-oriented development, were to continue in concert with the implementation of *Connect SoCal*.

SCAG classified the Place Types into three LDCs. The agency used these categories to describe the general conditions and are likely to exist within a specific area. They reflect the varied conditions of buildings and roadways, transportation options, and the mix of housing and employment throughout the region. The three LDCs that SCAG used are:

- 1. Urban:** These areas are often found within and directly adjacent to moderate and high-density urban centers. Nearly all urban growth in these areas would be considered infill or redevelopment.
- 2. Compact:** These areas are less dense than those in the Urban LDC, but they are highly walkable with a rich mix of retail, commercial, residential, and civic uses. These areas are most likely to occur as a new growth on the urban edge or as large-scale redevelopment.
- 3. Standard:** These areas comprise most separate-use, auto-oriented developments that have characterized the American suburban landscape for decades. Densities in these areas tend to be lower than those in the Compact LDC, and they are generally not highly mixed. Medium- and larger-lot single-family homes comprise the majority of this development form. Standard areas are not typically well served by regional transit service, and most trips are made by automobile.

According to Exhibit 32, *Forecasted Regional Development Types by Land Development Categories (2040)-San Bernardino County*, San Bernardino is within the Standard LDC.¹⁹ The Project is proposing a zone change from commercial to residential. This change does not result in a change to the LDC assigned to the City because of its size (14.7 acres) and land-use intensity (133 dwelling units), would not result in the area being reclassified to the Urban or Compact LDC.

In addition, *Connect SoCal* is not the type of plan that is directly applicable to land development projects. The Project would not conflict with or impede the implementation of *Connect SoCal* for the following reasons:

¹⁹ https://planning.lacity.org/odocument/2a7e374a-5c53-4db8-8ea1-a75f12a73b31/Appendix_L_SCAGs_2016-2040_RTP_SCS_Background_Documentation.pdf

- The Project is located adjacent to Highland Avenue, which is a primary transportation corridor and in close proximity via walking, bicycle, and transit to work, commercial uses, educational and other destinations in the area.
- The Project is an infill development on underutilized land that is well served by regional and local transit services.
- The Project promotes diverse housing choices by developing smaller lots which tend to consume less water and energy.

Municipal Code

In addition, the Project is subject to the following Municipal Code requirements, which will assist in meeting compliance with the State's GHG emission reduction goals consistent with applicable plans, policies, or regulations adopted to reduce the emissions of greenhouse gases:

Energy Efficiency: As required by Municipal Code §15.04.020. B. (6), *California Energy Code*, before issuing a building permit, the Project Applicant shall submit plans showing that the Project will be constructed in compliance with this section.

Green Buildings: As required by Municipal Code §15.05. 020. B (9), *California Green Building Standards Code*, before issuing a building permit, the Project proponent shall submit plans in compliance with this code section.

Water Conservation: The Project will comply with Municipal Code §19.28.120, *Water Efficient Landscaping Standards*.

Solid Waste Reduction: The Project shall comply with §4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan to reduce the amount of construction waste transported to landfills.

In conclusion, the Project would not conflict with an applicable plan, policy, or regulation adopted to reduce greenhouse gas emissions.

3.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
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?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
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?				✓
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?				✓
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires,				✓

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

3.9 (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?

Determination: Less than Significant Impact.

Source: EPA, DOT, Project Application Materials.

Impact Analysis

Existing Conditions

The Project site consists primarily of an un-vegetated mowed/disked field that has been disturbed because of associated human disturbance. Based on aerial photographs, a research of historical building permit records, and County of San Bernardino Tax Collector property records, the site has not been used for any activity or use that generates a substantial amount of hazardous materials such as dry-cleaning plants, motor vehicle repair and servicing facilities, freight terminals, or industrial manufacturing or service facilities (i.e. furniture, textiles, plastics, printing, leather, laboratories).

However, based on the *Phase I Environmental Site Assessment* prepared for the Project (Appendix D), the following Recognized Environmental Condition's (RECs) were identified:

Historical Agriculture: The Property was used for agricultural activities (row cropping) from at least 1930 through the early 1970's. Application of pesticide and herbicide is considered likely to have occurred during this time period, potentially resulting in the accumulation of pesticides and metals common with herbicide application in shallow soils at the Property. Therefore, the former Property use as an orchard is considered a REC.

Adjacent LUST Case: A service station is located adjacent southeast of the Property. This facility is listed as a leaking underground storage tank (LUST) case, with a closure date of 1990. Limited information was available for review regarding this facility, but it appears the impacts were limited to soil (i.e., no groundwater impacts). However, it is unclear if soil vapor assessment has been conducted in connection with the historical release at this facility. Therefore, given the proximity of this facility to the Property, there is potential that soil vapor may encroach onto the Property from this facility. Therefore, this facility is considered a REC to the Property.

Adjacent Car Wash: A car wash facility, identified as Mr. Suds Carwash, has been located adjacent

southwest of the Property since at least 2000. Oil-water separators, or clarifiers, are commonly used at these facilities to separate oil from water prior to discharge to the sanitary sewer. These units are known to leak, impacting soil and soil vapor conditions in the immediate area.

Therefore, there is potential that soil vapor may encroach onto the Property from this facility. Therefore, this facility is considered a REC to the Property.

Because of the above-described REC's, a *Phase II Environmental Site Assessment* (Appendix E), was prepared to evaluate possible impacts to soil at the Site related to previous on-Site operations and potential soil vapor impacts from off-site sources. The assessment activities included the advancement of twenty (20) soil borings and four (4) soil vapor borings. All field work was performed under the supervision of a State of California registered professional geologist.

The detected concentrations of lead were found to be within typical regional background levels and below applicable regulatory thresholds, and the results indicate no releases related to historical site operations. Further, trace concentrations of OCPs were detected above laboratory reporting limits, however at concentrations below residential screening criteria. Therefore, it is concluded that the historical agricultural use of the Site does not represent a Recognized Environmental Condition pursuant to ASTM E1527-13, and no further investigation is required regarding this issue.

Various volatile organic compounds were detected in soil vapor samples collected proximate to the nearby carwash and service station facilities. Specifically, the VOCs acrolein and benzene were detected at concentrations exceeding their respective residential-use screening levels using an attenuation factor of 0.03. However, no compounds, including acrolein or benzene, were detected at concentrations exceeding residential screening levels using an attenuation factor of 0.001, currently used for risk evaluation by various regulatory agencies. Therefore, no further investigation related to the off-site carwash and automotive service facilities is required.

Transport and Use of Hazardous Materials

Both the US Environmental Protection Agency (EPA) and the US Department of Transportation (DOT) regulate the transport of hazardous waste and material, including transport via highway. The EPA administers permitting, tracking, reporting, and operations requirements established by the Resource Conservation and Recovery Act, which addresses the generation, transportation, treatment, storage, and disposal of hazardous waste. The DOT regulates the transport of hazardous materials through the enforcement of the Hazardous Materials Transportation Act. This act includes requirements for container design and labeling, as well as for driver training. The established regulations are intended to track and manage the safe interstate transportation of hazardous materials and waste. Additionally, State, and local agencies enforce the application of these acts and coordinate safety and mitigation responses if accidents involving hazardous materials occur.

The Project is a residential community. It is not involved in the routine transport, use, or disposal of hazardous materials.

Construction Activities

Heavy equipment used during the construction of the Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction

would be located on the Project site during construction. Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited to requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board.

In addition, because the existing home constructed in 1973 will be demolished, the presence of lead-based paint and asbestos could be released during demolition. The Project Proponent is required to comply with mandatory state and local regulations regarding demolition, including but not limited to, the following:

- Southcoast Air Quality Management District Rule 1403. *Asbestos Emissions from Demolition/Renovation Activities*. The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials (ACWM). All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings.
- California Code of Regulations, Title 8, §1532.1. *Lead*. This section applies demolition work and addresses hazards from lead by meeting regulatory requirements and following industry best practices

Operational Activities

The Project site would be developed with residential land uses, which is not typically associated with the potential to release hazardous materials. Although residential land uses may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and minor in amount. They would not pose a significant risk to humans or the environment during use at the Project site.

According to State law and local regulations, residents would be required to dispose of household hazardous waste (e.g., batteries, used oil, old paint) at a permitted household hazardous waste collection facility. Accordingly, the Project would not expose people or the environment to significant hazards associated with the disposal of hazardous materials at the Project site. The long-term operation of the Project would not expose the public or the environment to significant hazards associated with the release of hazardous materials.

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

Determination: Less Than Significant Impact.

Sources: Project Application Materials, Google Earth.

Impact Analysis

The Project site is within 0.25 miles of Oehl Elementary School. The Project site would be developed with residential land uses, which are not associated with emitting hazardous emissions or handling hazardous materials. Although residential land uses may utilize household products containing toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and minor. They would not pose a significant risk to persons at the school.

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

Determination: No Impact.

Sources: DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List) Phase I Environmental Site Assessment (Appendix D).

Impact Analysis

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State and local agencies to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites according to Government Code Section 65962.5. Below are the data resources that provide information regarding the facilities or sites that meet the "Cortese List" requirements.

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database.
- List of Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker database.

3.9 Hazards and Hazardous Materials

- List of solid waste disposal sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit.
- List of “active” CDO and CAO from Water Board.
- List of hazardous waste facilities subject to corrective action according to Section 25187.5 of the Health and Safety Code, identified by DTSC.

Based on a review of the Cortese List maintained by the California Environmental Protection Agency website at <https://calepa.ca.gov/SiteCleanup/CorteseList/> on October 1, 2021, the Project site is not identified on the list of hazardous materials sites compiled according to Government Code Section 65962.5.

3.9(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?

Determination: No Impact.

Source: Municipal Code, San Bernardino International Airport Authority, San Bernardino International Airport, Airport Layout Plan Narrative Report, November 2010.

Impact Analysis

The Project site is not within two miles of an airport or within an airport land use plan. The nearest airport is approximately 2.25 miles south of the San Bernardino International Airport. In addition, the Project site is not within an airport hazard zone.²⁰

3.9(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Determination: No Impact.

Sources: General Plan, Project Application Materials.

Impact Analysis

Emergency access to the Project site is available from Highland Avenue, Palm Avenue, and Orange Street. The Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles as required by the City. Furthermore, Highland Avenue, Palm Avenue, and Orange Street abutting the site will be further improved in compliance with the City’s roadway standards. As such, the Project would not result

²⁰ *Airport Layout Plan Narrative Report for San Bernardino International Airport, November 2010.*

in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures.

3.9 (h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires?

Determination: No Impact.

Source: General Plan.

Impact Analysis

According to General Plan Safety Element Figure S-9- *Fire Hazard Areas*, the Project site is not within a high fire hazard area. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur. (Also see Issue 3.20, Wildfire).

3.10 HYDROLOGY AND WATER QUALITY

Would the Project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	
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 that would:			✓	
(i) Result in substantial erosion or siltation on- or off-site?			✓	
(ii) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?			✓	
(iii) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
(iv) Impede or redirect flood flows?			✓	
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			✓	

Existing Condition

In the current condition the property consists of a small residential use buildings, driveway, paved area, landscaping and mostly barren undeveloped open area. The entire property drains via sheet flow to the northwest direction towards Highland Avenue and drains to street gutter in Highland Avenue. The Highland Avenue street gutter drains to the existing storm drain system which ultimately drains to the Baldrige Creek Channel (SBBCFCD Flood Control Channel). The storm water ultimately conveyed to the Santa Ana River via the Upper Warm Creek Channel and Twin Creek Channel.

Proposed Drainage System

The project is proposing redevelopment of the site to build one-hundred thirty-three units of single-family residential lot, private driveways, private streets, walkways, planters, and landscape areas. The proposed drainage includes below surface infiltration chamber system 1 through 5 (Contech), on-surface retention/infiltration basin (Basin-1), grate inlets with Filter Inserts for pre-treatment, swales, and storm water piping. The proposed Contech inf. chamber systems and the retention/infiltration basin will retain and infiltrate water quality volume and detain the water volume from 2-yr 24-hr storm event for WQ HCOC mitigation and outflow via pipe to drains to Master Storm Drain System. For larger storm event (up to 100- year) , the water will overflow the proposed retention/infiltration basin via overflow riser grate and pipe to drains to Master Storm Drain System in Highland Avenue which ultimately drains to the Baldrige Creek (Concrete Channel Segment) to the southwest corner of the site. WQ HCOC mitigation will be meet by detaining the water volume generates in developed condition (2yr, 24hr storm event) as well as attenuation of runoff flow utilizing the proposed Contech Chamber Systems and the Ret/Inf Basin to mitigate the runoff flow rate to existing Highland & Palm Ave Residential Water Quality Management Plan (WQMP) 1-2 condition.

3.10(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Determination: Less Than Significant Impact.

Sources: Preliminary Drainage Study (Appendix D), Preliminary Water Quality Management Plan (Appendix D).

Impact Analysis

Construction Impacts

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with

3.10 Hydrology and Water Quality

the potential to affect water quality adversely. As such, short-term water quality impacts can occur during construction activities in the absence of any protective or avoidance measures. According to the requirements of the Santa Ana Regional Water Quality Control Board and the City of San Bernardino, the Project Proponent will be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

Compliance with the National Pollutant Discharge Elimination System permit, and the Santa Ana River Basin Water Quality Control Program involves preparing and implementing a Storm Water Pollution Prevention Plan for construction-related activities, including grading. The Storm Water Pollution Prevention Plan would specify the Best Management Practices that the Project must implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated before being discharged from the site.

Operational Impacts

Storm water pollutants commonly associated with residential land uses include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides. The Project will be required to conform with Title 8 of the City of San Bernardino Municipal Code. Title 8 of the City of San Bernardino Municipal Code implements the NPDES and MS4 stormwater runoff requirements. A Preliminary Water Quality Management Plan (PWQMP) has been submitted which will implement the drainage facilities described under Proposed Drainage System on page 56.

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

Determination: Less Than Significant Impact.

Source: 2020 Upper Santa Ana River Watershed, Regional Urban Water Management Plan, Part 2.

Impact Analysis

Groundwater Supplies

The Project site would be served with potable water by the East Valley Water District (The *Urban Water Management Planning Act*²¹requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water

²¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2242

management plan (UWMP) and update its plan once every five years. The Act requires that a UWMP assess water supply reliability by comparing total projected water use with the expected water supply over the next twenty years in five-year increments. The Act also requires an assessment of single-dry years and multiple-dry years. Water supply and demand for EVWD is included in the *2020 Upper Santa Ana River Watershed, Integrated Regional Urban Water Management Plan* (UWMP) which summarizes EVWD water supply availability as follows:

EVWD's water supply is comprised of local groundwater, local surface water and SWP water. EVWD is also developing a new recycled water supply that will be used to replenish the groundwater basin. These same supplies will be used in the future but may shift toward more surface water if EVWD constructs another surface water treatment plant. As discussed in Part 1 Chapter 5, EVWD is applying a Reliability Factor of 15% to their supply reliability analysis to account for uncertainties in supply and demand projections. The 15% value is recommended in a study by the RAND Corporation that evaluated uncertainty factors in the regional supplies and demands, including population growth, per capita water use, climate change impacts on supplies and demands, SWP project supplies and local surface water supplies. See Part 1 Chapter 5 for more details on how the Reliability Factor was established. EVWD EVWD Part 2 Chapter 6 For the purposes of supply projections in this 2020 IRUWMP, is using the 15% Reliability Factor to establish a supply target of 15% more than total projected demand. While utilizing as much local surface water and SWP supplies as feasible, EVWD will source all other supplies from the San Bernardino Basin. As discussed in WesternPart 1 Chapter 3, the San Bernardino Basin is a shared resource, and the San Bernardino Judgement does not limit pumping by agencies within the Valley District service area. Each agency can pump as much water as they need and if total pumping by all agencies exceeds the safe yield, Valley District is responsible for replenishing the SBB. As shown in Part 1 Chapter 5, the total planned use of San Bernardino Basin groundwater by all agencies in Valley District's service area, including the Reliability Factor, is below the safe d in EVWD's yield of the SBB through 2045 so supplemental recharge is not anticipated to be required and is not include supply projection. However, the SEVWD BB Groundwater Council, which is a member of, may elect to recharge the SBB with supplemental water to provide additional supply reliability.²²

Groundwater Recharge

Development of the Project would increase impervious surface coverage on the site, which would reduce the amount of direct infiltration of runoff into the ground. This would have a less than significant impact on groundwater recharge in the Bunker Hill Groundwater Basin areas that are managed for that purpose since those recharge areas do not encompass the Project site.

²² Pps. 6-15-16.

3.10(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 that would result in:

i) Substantial erosion or siltation on- or off-site?

ii) A substantial increase in the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?

iii) Exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

iv) A substantial increase in the rate or amount of surface runoff in a manner that would create or contribute runoff water which would impede or redirect flood flows?

Determination: Less Than Significant Impact.

Sources: Preliminary Hydrology and Hydrology Study (Appendix D), Preliminary Water Quality Management Plan (Appendix E).

Impact Analysis

i) Substantial Erosion or Siltation On- or Off-site

Construction

Construction of the Project would involve clearing, grading, paving, utility installation, building construction. As such, short-term water quality impacts resulting from off-site soil erosion or siltation have the potential to occur during the construction of the Project in the absence of any protective or avoidance measures.

According to the Santa Ana Regional Water Quality Control Board and the City of San Bernardino requirements, the Project must obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation.

The required Storm Water Pollution Prevention Plan would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that off-site soil erosion or siltation are prevented, minimized, and/or otherwise appropriately treated before being discharged from the subject property.

Developed Condition

The site will be developed with structures, pavement, and landscaping to minimize the amount of soil erosion and siltation. However, according to Title 8 of the City of San Bernardino Municipal Code, a Water Quality Management Plan is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A Water Quality Management Plan describes the Best Management Practices (BMPs) that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

ii) Substantial Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- Or Offsite

Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff

Flow generation in the existing and the developed condition for the 100-yr storm event was calculated as 46.7 CFS & 42.1 CFS. There will be an increase of 4.6 CFS in peak flow which is about 11% of the existing peak flow rate. The proposed site is located within the tributary area of the Master Storm Drain System and was planned to drain to the master storm drain system in its future developed condition. The proposed storm drain system can mitigate the increase of the 100-year storm runoff, and the proposed development would not have an adverse impact on the existing storm drain system or downstream flood protection.

iv) Substantial Increase in the Rate or Amount of Surface Runoff in a Manner Which Would Create, or Contribute Runoff Water Which Would Impede or Redirect Flood Flows

According to General Plan Safety Element Figure S-1- *100-Year Flood Plain*, the Project site is not located within a 100-Year Floodplain (i.e., land subject to flooding by the 100-year flood or lands within the floodable elevation that has a one percent chance of being equaled or exceeded each year). The Project site is located within a flood zone per FEMA National Flood Hazard Map 060281, September 2, 2016, and is not subject to flooding. The Project will not impede or redirect flood flows.

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

Determination: Less Than Significant Impact.

Source: General Plan Figure S-1, 100 Year Flood Plain.

Impact Analysis

Flood Hazard Zone

According to General Plan Figure S-1, *100 Year Flood Plain*, the Project site is not located within a flood hazard zone.

Tsunami inundation Zone

According to the California Department of Conservation, California Official Tsunami Inundation Maps, the site is not located within a tsunami inundation zone.²³

Seiche Zone

The Project would not be at risk from seiche because there is no water body in the Project site area capable of producing as seiche.

Dam Inundation Zone

The Project site is not located within the dam inundation zone for the Seven Oaks Dam according to General Plan Safety Element Figure S-2, *Seven Oaks Dam Inundation Map*. The Project would not release pollutants due to inundation.

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

Determination: Less Than Significant Impact.

Sources: Santa Ana Region Water Quality Control Plan, SGMA Basin Prioritization Dashboard, <https://gis.water.ca.gov/app/bp-dashboard/final/>

Impact Analysis

The Water Quality Control Plan (Basin Plan) for The Santa Ana River Basin

The Basin Plan for the Santa Ana is the basis for the Regional Board's regulatory programs. The Basin Plan establishes water quality standards for the ground and surface waters of the region. The term "water quality standards," as used in the federal Clean Water Act, includes both the beneficial uses of specific waterbodies and the levels of quality which must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the Regional Board and others that are necessary to achieve and maintain the water

²³ California Tsunami Maps and Data, <https://www.conservation.ca.gov/cgs/tsunami/maps>

quality standards.²⁴ As it affects the Project, the primary regulatory tool is the National Pollutant Discharge Elimination System (NPDES). The Clean Water Act prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health.

To implement the Basin Plan, the Project will be required to be in conformance with Title 8 of the City of San Bernardino Municipal Code. Title 8 of the San Bernardino Municipal Code implements the NPDES and MS4 stormwater runoff requirements. A Water Quality Management Plan is required to manage the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A Water Quality Management Plan describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff. With the implementation of the drainage system improvements and features described under Issues 3.10a, 3.10b, and 3.10c above, the Project will not conflict with or obstruct the implementation of the Basin Plan.

Sustainable Groundwater Management Plan

The Sustainable Groundwater Management Act (SGMA) classifies California's 515 groundwater basins into four categories high, medium, low, or very low-priority. SGMA requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge.

According to the SGMA Basin Prioritization Dashboard accessed on October 5, 2021, the Project site is located within the Upper Santa Ana Valley Basin and is classified as "low priority" and is not subject to the provisions of a Sustainable Groundwater Management Plan.²⁵

²⁴ *Santa Ana River Basin Plan*, https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/

²⁵ *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>

3.11 LAND USE AND PLANNING

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				✓
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?			✓	

3.11(a) Physically divide an established community?

Determination: No Impact.

Sources: Project Application Materials, Google Earth.

Impact Analysis

An example of a Project that can divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site consists of vacant undeveloped land. To the north is single-family residential development. To the south is Highland Avenue followed by commercial development, vacant land, and a medical facility. To the east is a convenience store with a gas station and Palm Avenue followed by commercial development and single-family residential development. To the west is a car wash, an apartment complex, vacant land, and Patton State Hospital. The Project would not divide an established community.

3.11(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?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Sources: This Initial Study

Impact Analysis

Land use impacts would be considered significant if the Project would conflict with a land-use plan, policy, or regulation adopted for the purpose of *avoiding or mitigating an environmental effect*. Conflicts with any land use plan, policy, or regulation of an agency with jurisdiction over

the Project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted to *avoid or mitigate an environmental effect* are summarized below.

- General Plan: Chapter 2, *Land Use*, Chapter 5, *Community Design*, Chapter 7, *Public Facilities & Services*, Chapter 8, *Parks, Recreation, and Trails*, Chapter 9, *Utilities*, Chapter 10, *Safety*, Chapter 11, *Historical and Archaeological Resources*, Chapter 12, *Natural Resources and Conservation*, Chapter 13, *Energy and Water Conservation*, Chapter 14, *Noise*. (Refer to the analysis under the related environmental topic throughout this Initial Study document).
- Municipal Code Title 8. *Health & Safety*, Title 15, *Buildings & Construction*, Title 19, *Land Use/Subdivision Regulations*. Refer to the analysis under the related environmental topic throughout this Initial Study document)
- *South Coast Air Quality Management District 2016 Air Quality Management Plan*
(Refer to Threshold 4.3 (a) in Section 4.2, *Air Quality* for analysis).
- *San Bernardino County Regional Greenhouse Gas Reduction Plan* (Refer to Threshold 4.8 (b) in Section 4.8, *Greenhouse Gas Emissions* for analysis).
- *Southern California Association of Governments Connect SoCal – The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*. (Refer to Threshold 4.8 (b) in Section 4.8, *Greenhouse Gas Emissions* for analysis).
- *Santa Ana Regional Water Quality Control Board’s Santa Ana River Basin Water Quality Control Program*. (Refer to Threshold 4.10 (e) in Section 4.10, *Hydrology and Water Quality* for analysis).

As disclosed in this Initial Study document, implementation of the Project would result in potentially significant impacts to the environment concerning Biological Resources, Cultural Resources, Paleontological Resources, Noise, and Tribal Cultural Resources; however, in all instances where potentially significant impacts have been identified, the following mitigation measures are required to reduce each impact to less-than-significant levels.

BIO-1-Pre-Construction Burrowing Owl Survey

BIO-2-Nesting Bird Survey

CR-1- Archaeological Monitoring

CR-2-Archaeological Inadvertent Discovery

GEO-1-Paleontological Inadvertent Discovery

GEO-2- Paleontological Treatment Plan

TCR-1-Tribal Monitoring

TCR-2-Treatment of Cultural Resources

TCR-3-Inadvertent Discoveries of Human Remains/Funerary Objects

3.12 MINERAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
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?				✓

3.12(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Determination: No Impact.

Source: General Plan.

Impact Analysis

The Surface Mining and Reclamation Act (SMARA) identifies land designated as Mineral Resources Zones of State-wide or regional importance. According to General Plan Figure NRC-3: *Mineral Resource Zones*, the Project site is not within an area mapped as a Mineral Resource Zone. In addition, there is no mineral resource extraction occurring on the Project site, and no mineral resource extraction activity is known to have ever occurred on the Project site. Accordingly, the project's implementation would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California.

3.12(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?

Determination: No Impact.

Source: General Plan.

Impact Analysis

The General Plan currently designates the Project site as CG (General Commercial). The proposed land use Multi-Family Residential (MFR). These land use designations do not allow mineral resource recovery. As such, the Project will not result in the loss of availability of a locally

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3.12 Mineral Resources

important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan.

3.13 NOISE

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			✓	
b. Generation of excessive groundborne vibration or groundborne noise levels?			✓	
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?				✓

3.13(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?

Determination: Less Than Significant Impact.

Source: Noise Assessment Technical Memorandum (Appendix G), Municipal Code.

Impact Analysis

Existing Noise Environment

The primary source for existing ambient noise in the Project area is from traffic along Highland Avenue and North Palm Avenue. The current average daily vehicle trips along Highland Avenue are approximately 20,440 average daily vehicle trips (ADT)²⁶. Noise analysis performed on projects in the City indicate that similar roadways with an approximately 18,400 to 22,200 ADT noise levels have been measured at 68.9 to 69.7 dBA CNEL 100 feet from the Roadway

²⁶ City of San Bernardino Public Works/Traffic Engineering, 24-Hour Traffic Count Map, with 2% increase per annum calculated. <https://www.sbcity.org/pdf/DevSvcs/traffic%20map.pdf>

² Washington Commerce Center West Project Initial Study/Mitigated Negative Declaration Table 12-1, September 2018.

Centerline²⁷. As such outdoor ambient noise levels in the area of the Project are expected to be below 70 CNEL.

Sensitive Land Uses in the Project Vicinity

Sensitive receptors that may be affected by Project-generated noise are the existing residential land uses the north and east of the Project site.

Construction Noise

Construction activities that would create noise include site preparation, grading, building construction, paving, and architectural coating. Noise levels associated with the construction will vary with the different types of construction equipment, the duration of the activity, and the distance from the source. Construction noise will have a temporary or periodic increase in the ambient noise level above the existing levels within the Project vicinity. Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during the site preparation and grading phases. Table 11, *Typical Construction Equipment Noise Levels*, identifies the noise level generated by construction equipment.

Table 11. Typical Construction Equipment Noise Levels

Type	Lmax (dBA) at 50 Feet	Lmax (dBA) at 100 Feet
Backhoe	80	74
Grader, Dozer, Excavator, Scraper	85	79
Truck	84	78
Concrete Mixer	85	79
Pneumatic Tool	85	79
Pump	77	71
Saw, Electric	76	70
Air Compressor	80	74
Generator	82	76
Paver	85	79
Roller	85	79

Source: FTA Transit Noise and Vibration Impact Assessment Manual, Sept. 2018

Residential uses around the proposed Project Site are located approximately 25 feet from the northeast corner boundary, approximately 50 feet from the north boundary, approximately 110 feet from the east boundary, and 130 feet from the northwest corner boundary. Additionally, the Project site's east boundary is North Palm Avenue, and the south boundary is East Highland

Avenue. Commercial uses are located on the southeast and southwest corner boundaries of the site.

San Bernardino has set restrictions to control noise impacts from construction activities. Section 8.54.070 of the San Bernardino Municipal Code states that no person shall be engaged or employed, or cause any person to be engaged or employed, in any work of construction, erection, alteration, repair, addition, movement, demolition, or improvement to any building or structure except within the hours of 7:00 a.m. and 8:00 p.m.

The Municipal Code also exempts certain activities associated with the proposed project. Section 8.54.060(l) states that noise resulting from “Construction, repair, or excavation work performed pursuant to a valid written agreement with the City, or any of its political subdivisions, which provides for noise mitigation measures” are exempt from the provisions of Chapter 8.

While the City establishes limits to the hours during construction activity, it does not identify specific noise level limits for construction noise levels. Therefore, to evaluate whether the Project will generate a substantial increase in the short-term noise levels at the offsite sensitive receptors (residences), the construction-related noise level threshold is based on the National Institute for Occupational Safety and Health (NIOSH) recommended exposure limit (REL) for occupation noise exposure at 85 dBA, as an 8-hour time-weighted average (85 dBA – 8-hr TWA).

As indicated in Table 11, the highest equipment noise level will be equipment operating at 85 dBA. The noise levels will be the highest during the construction phase as heavy equipment passes along the Project site boundaries. During the site preparation and grading, phases equipment will not be stationary; rather, equipment will be moving throughout the site and varying speeds and power levels and, as a result, not operating at the maximum noise level for the entire workday. From the center of the site to the nearest sensitive receptor is 330-feet, decreasing the 85 dBA noise level to 68.6 dBA. These levels are below the NIOSH REL of 85 dBA 8-hour TWA and would be less than significant. Construction noise is short-term and will not present any long-term impacts on the project site or the surrounding area.

Operational Noise (Stationary)

Typical operational sound levels generated by single-family residential activities include everyday outdoor conversations, air conditioner units, and lawn care equipment with levels as indicated below:

- Normal conversation, air conditioner - 60 dBA
- Gas-powered lawnmowers and leaf blowers – 80 to 85 dBA.²⁸

²⁸ Center for Disease Control, “*Loud Noised Can Cause Hearing Loss*”. https://www.cdc.gov/nceh/hearing_loss/default.html, accessed on November 11, 2021.

Noise generated from air conditioners and lawn care equipment is not constant and consistent throughout the day. Lawn care is performed during daylight hours for short durations, and although air conditioners are operating both day and night, they are cycling on/off with windows closed conditions. As indicated in Section 3.2 of this memorandum, noise levels would be attenuated with mobile noise sources with standard building construction and windows closed by approximately 25 dBA.

The USEPA identifies noise levels affecting health and welfare as exposure levels over 70 dBA over 24 hours. Noise levels for various levels are identified according to the use of the area. Levels of 45 dbA are associated with indoor residential areas, hospitals, and schools, whereas 55 dBA is identified for outdoor spaces where typical residential human activity occurs. According to the USEPA, levels of 55 dbA outdoors and 45 dbA indoors are identified as levels of noise considered to permit spoken conversation and other activities such as sleeping, working, and recreation, which are part of the daily human condition.²⁹ Levels exceeding 55 dbA in a residential setting usually are short in duration and not significant in affecting the health and welfare of residents.

Offsite Traffic Noise Impacts

Vehicle noise is a combination of the noises produced by the engine, exhaust, and tires. The primary source of noise generated by the Project will be from the vehicle traffic generated by the vehicle ingress and egress to the Project site. Under existing conditions, the site does not generate any traffic noise that impacts the surrounding area.

According to the Federal Highway Administration, *Highway Traffic Noise Analysis and Abatement Policy and Guidance*, the level of roadway traffic noise depends on three things: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of the traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater numbers of trucks. These factors are discussed below.

The Volume of the Traffic

Upon buildout, the proposed Project is expected to generate approximately 1,265 average daily vehicle trips³, which will increase the ambient traffic noise levels in the vicinity of the Project site in comparison to the existing site conditions (vacant land). General Plan Figure C-2, *Circulation*, classifies Highland Avenue and North Palm Avenue as “Major Arterial”. Highland and North Palm Avenues are designed to accommodate higher traffic volumes as primary linking thoroughfares to and from the City to adjacent cities and the regional highway system.

The primary source for existing ambient noise in the Project area is from traffic along Highland Avenue and Palm Avenue. The current average daily vehicle trips along Highland Avenue and

²⁹ USEPA “EPA Identifies Noise Levels Affecting Health and Welfare” <https://archive.epa.gov/epa/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare.html> accessed November 11, 2021.

Palm Avenue are approximately 20,440 and 3,781 average daily vehicle trips (ADT) respectively. Noise analysis performed on projects in the City indicate that similar roadways with an

approximately 18,400 to 22,200 ADT noise levels have been measured at 68.9 to 69.7 dBA CNEL 100 feet from the roadway centerline additionally, the assessment indicates that an increase of approximately 1,800 vehicles per day would create an approximately 0.4 dBA increase in traffic generated noise.⁴ The Project is expected to increase traffic by approximately 1,265 average daily vehicle trips, as such increases into the ambient noise level created by the project will be less than significant

According to Caltrans, the human ear is able to begin to detect sound level increases of 3 decibels (dB) in typical noisy environments.³⁰ A doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dBA increase in sound would generally be barely detectable. Implementation of the Project will increase traffic volumes in the area occurring along Highland Avenue and Palm Avenue but not to the extent that traffic volumes will be doubled, creating a +3dBA noise increase or resulting in a perceivable noise increase. Therefore, operational noise impacts would be less than significant.

The Speed of Traffic

Highland Avenue has a speed limit of 40 mph North Palm Avenue has a speed limit of 35 mph and 25 mph in the school zone to the north when children are present. These low levels of speeds do not result in vehicles generating high levels of noise.

The Number of Trucks in the Flow of the Traffic

The Project is a residential development, and it will not generate noise from large trucks.

3.13(b) Generation of excessive ground-borne vibration or ground-borne noise levels?

Determination: Less Than Significant Impact.

Sources: Municipal Code, Project Application Materials.

Impact Analysis

Construction Vibration

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.20 inches per second) appears to be conservative. The types of

³⁰ Caltrans, Traffic Noise Analysis Protocol, April 2020, p.7-1.

3.13 Noise

construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods. Building damage can be cosmetic or structural. Typical vibrations produced by construction equipment are shown in Table 12, *Typical Vibration Level for Construction Equipment*.

Table 12. Typical Vibration Level for Construction Equipment.

Equipment Type	Typical Vibration Levels for Construction Equipment (PPV [in/sec])		
	25 feet	50 feet	100 feet
Large Bulldozer	0.089	0.0315	0.0111
Loaded Trucks	0.076	0.0269	0.0095
Small Bulldozer	0.003	0.0011	0.0004
Jackhammer	0.035	0.0124	0.0044
Vibratory Compactor	0.210	0.0742	0.0263

Source: FTA Transit Noise and Vibration Impact Assessment Manual.

Construction of the Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction. Outdoor site preparation for the Project is expected to require the use of a large bulldozer, which would generate ground-borne vibration of up to 0.089 PPV [in/sec] and loaded trucks, which would generate and 0.076 PPV [in/sec] when measured to closest residential structures located approximately 25 feet to the north of the Project site. These vibration levels are below any threshold of damage. The impact is less than significant, and no mitigation is required.

Operational Vibration Noise

Typical sources of vibration noised are heavy industrial uses and railroad tracks. The proposed Project is a residential use and would therefore not generate significant vibration noise levels.

3.13 (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?

Determination: No Impact.

Sources : Municipal Code. San Bernardino International Airport, Airport Layout Plan Narrative Report.

Impact Analysis

The Project site is not within two miles of an airport or within an airport land use plan. The nearest airport is the San Bernardino International Airport, approximately 2.25 miles south of the site. The Project site is not within the noise impact contours of the airport.³¹

³¹ Figure 4-6 of the Eastgate Air Cargo Facility FEIR, SBIAA, July 2, 2019.

3.14 POPULATION AND HOUSING

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through the extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

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

Determination: Less than Significant Impact.

Source: Project Application Materials.

Impact Analysis

Typically, growth would be considered a potentially significant impact if it encourages unplanned growth into an area where infrastructure and utilities are not available. The Project site is considered an infill development site because it is surrounded by existing developments and infrastructure and utility extensions are not required to serve the Project.

3.14(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Determination: Less Than Significant Impact.

Sources: Project Application Materials.

Plans, Policies, or Programs (PPP)

The Project site contains one residential unit. Therefore, the Project's implementation would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere.

3.15 PUBLIC SERVICES

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?			✓	

3.15(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

Determination: Less Than Significant Impact.

Source: San Bernardino County Fire District.

Impact Analysis

The San Bernardino County Fire District provides fire protection services to the Project site. The nearest fire station is Fire Station No. 228, located at 3398 E. Highland Avenue adjacent to the Project site.

Development of the Project would impact fire protection services by placing additional demand on existing fire protection resources should its resources not be augmented. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes.

The City of San Bernardino Municipal Code, Chapter 3.27 requires a fee payment that the City applies to the funding of public facilities, including law enforcement facilities, vehicles, and equipment, to offset the incremental increase in the demand for fire protection services that the Project would create.

In addition, as required by the City's project development review process, the Project plans were routed to the Fire Department for review and comment on the impacts of providing fire protection services. The Fire Department did not indicate that the Project would require new or physically altered fire facilities to maintain acceptable service ratios, response times, or other performance objectives.

Based on the above analysis, impacts related to fire protection are less than significant.

POLICE PROTECTION

Determination: Less Than Significant Impact.

Sources: City of San Bernardino Police Department.

Impact Analysis

The City of San Bernardino Police Department would provide police protection services to the Project via their headquarters at 710 North D Street. The Project site is in an urbanized area that is regularly patrolled.

The City of San Bernardino Municipal Code, Chapter 3.27, requires a fee payment that the City applies to the funding of public facilities, including law enforcement facilities, vehicles, and equipment, to offset the incremental increase in the demand for police protection services that the Project would create. The Project is not expected to result in the need for new or physically altered fire facilities to maintain acceptable service ratios, response times, or other performance objectives.

Based on the above analysis, impacts related to police protection are less than significant.

SCHOOLS

Determination: Less Than Significant Impact.

Sources: California Senate Bill 50 (Greene), Project Application Materials.

Impact Analysis

The proposed Project is located within the area served by San Bernardino City Unified School District (SBCUSD). The Project would be required to contribute fees to the SBCUSD in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). According to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

PARKS

Determination: Less Than Significant Impact.

Source: Project Application Materials.

Impact Analysis

According to City of San Bernardino General Plan Policy 8.1.1, 5.0 acres of parkland is required for every 1,000 residents. The Project would generate a demand for approximately 2.31 acres of parkland. Although the Project provides common open space on-site, it does not propose any public parks. The City of San Bernardino Municipal Code, Chapter 3.27, requires the subdivider, as a condition of approval of a tentative map, to pay a fee in lieu, dedicate land, or both, at the discretion of the Council for park and/or recreational purposes according to the Subdivision Map Act, Government Code Section 66477. The Project is proposing to pay an in-lieu fee.

The Project's contribution of Development Impact fees for park and recreation facilities is within the City would result in a less than significant impact.

OTHER PUBLIC FACILITIES

Determination: Less Than Significant Impact.

Source: Project Application Materials.

Impact Analysis

The City of San Bernardino Municipal Code, Chapter 3.27, requires payment of the Development Impact Fee to assist the City in providing public facilities such as libraries, public meeting facilities, and aquatic facilities. Payment of the Development Impact Fee would ensure that the Project provides a fair share of funds for additional public facilities.

3.16 RECREATION

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 would occur or be accelerated?			✓	
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?		✓		

3.16(a) *Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Determination: Less than Significant Impact.

Source: Project Application Materials.

Impact Analysis

The Project would not cause substantial physical deterioration of any park facilities or accelerate the physical deterioration of any park facilities because the Project results in a relatively small increase in population of 462 persons³², and on-site recreation areas are provided.

3.16(b) *Does the Project include recreational facilities or require the construction or expansion of recreational facilities that might adversely affect the environment?*

Determination: Less than Significant Impact With Mitigation Incorporated.

Source: Project Application Materials

Impact Analysis

The Project proposes 21,859 square feet of open space. The environmental impacts created by the open space are evaluated throughout this Initial Study document. In instances where

³² California Department of Finance E-5 Population Estimates (3.45 persons per household), <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>

significant impacts have been identified, mitigation measures are required to reduce impacts to less-than-significant levels.

3.17 TRANSPORTATION

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

3.17(a) *Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Determination: Less Than Significant Impact.

Source. Project Application Materials.

Note: Changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018, which require all lead agencies to adopt Vehicle Miles Traveled (VMT) as a replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. This statewide mandate took effect July 1, 2020. Results related to LOS will be evaluated through the City’s development review process apart from CEQA and are not addressed in this Initial Study document.

Roadway System Analysis

The General Plan require that all City streets be constructed, maintained, and rehabilitated in an adequate, safe, and interconnected system of transit, pedestrian and bicycle paths in accordance with the Circulation Plan (Figure C-2) and the standards established by the Public Works

Department.³³ The Projects site is bordered by Highland Avenue to the south, Palm Avenue to the east, and Orange Street to the west. Highland Avenue and Palm Avenue are classified as a “Major Arterial” by the Circulation Plan. Orange Street is classified as a “Collector.” Although these streets are existing, additional improvements such as the pavement rehabilitation, curbs, gutters, sidewalks, and parkway landscaping will be provided consistent with the City’s street design standards.

Transit Service Analysis

OmniTrans provides bus service to the City of San Bernardino. Line 3 runs along Highland Avenue adjacent to the Project site. The Project is not proposing any roadway improvements that interfere with the existing bus route or future transit bus stops.

Bicycle & Pedestrian Facilities Analysis

Pedestrian and bicycle access will be available to the Project site from Highland Avenue, Palm Avenue, and Orange Street via sidewalks and the street travel lanes.

In conclusion, the Project would not conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

3.17(b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Determination: Less Than Significant Impact.

Source: SBCTA Screening Tool.

Impact Analysis

The San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool (Tool) is a web-based GIS application developed by SBCTA and its member jurisdictions to determine whether a future land development project meets set thresholds requiring thorough VMT analysis. The tool relies on a hybrid version of the San Bernardino Transportation Analysis Model (SBTAM), which uses a 2016 base year consistent with the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and a 2040 forecast year consistent with the 2040 RTP/SCS. Based on the SBCTA Screening Tool, the City’s baseline (2020) VMT per service population is 34.0, and future buildout (the year 2040) VMT per service population is 32.8. A project’s VMT analysis follows the process of first using screening criteria, identifying the significance threshold, selecting the VMT metric, and, lastly, determining requirements for modeling and assessment. Based on City’s guidelines, project screening criteria were applied to the proposed project to determine if it could be screened out from further VMT analysis. Its impacts can be presumed to be less than significant.

³³ General Plan Chapter 6, *Circulation*.

Low VMT Area Screening Analysis

A low VMT Area is defined as an individual traffic analysis zone (TAZ). The total daily Origin/Destination VMT per service population is lower than the City's average daily Origin/Destination VMT per service population. To identify if the Project is in a low VMT-generating area, the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool was applied to the Project. The results of the Low WMT Screening are shown in Table 3.17-1, *Results of Low VMT Area Screening Tool* below.

Table 12. Results of Low VMT Area Screening Tool

Traffic Analysis Zone (TAZ)	City Average VMT (1)	Project VMT (2)	Screening Criteria Satisfied?
53829102	30.0	29.6	YES

Source: SBCTA Screening Tool located at:

<https://www.arcgis.com/apps/webappviewer/index.html?id=779a71bc659041ad995cd48d9ef4052b>

Based on the VMT screening analysis above, the VMT per service population for the proposed project would be lower than the City's average VMT. Therefore, the proposed Project is presumed to have a less than significant VMT impact.

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

Determination: No Impact.

Source: Project Application Materials.

Impact Analysis

Future access to the Project site will from Palm Avenue and Orange Street, improved roadways abutting the site that would meet City standards. The Project proposes constructing new internal streets that connect to Palm Avenue and Orange Street. All new roads will be built to meet City standards to ensure traffic hazards are not created.

In addition, the Project is in a commercial and residential area. The Project would not be incompatible with existing development in the surrounding area to the extent that it would create a transportation hazard resulting from an incompatible use (e.g., farm equipment). Accordingly, the Project would not substantially increase hazards due to a design feature or incompatible use.

3.17(d) Result in inadequate emergency access?

Determination: Less Than Significant Impact.

Source: Project Application Materials.

Impact Analysis

Adequate emergency access would be provided to the Project site from Palm Avenue and Orange Street. During the review of the Project, the Project's transportation design was reviewed by the City's Engineering Department and Fire Department to ensure that adequate access to and from the site would be provided for emergency vehicles.

3.18 TRIBAL CULTURAL RESOURCES

<i>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>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. 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)?		✓		
b. 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?		✓		

3.18(a) 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)?

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: AB 52 and SB18 Consultation.

The property is vacant undeveloped land, except for a single-family residential structure located in the western portion of the property along Orange Street. Surrounding properties are a mixture of residential and commercial use, with a gasoline service station located adjacent to the southeast of the property. According to the County of San Bernardino Tax Assessor’s Office and aerial photography, the residential structure was constructed in 1973.³⁴ The minimum age criterion for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) is 50 years. In terms of age, the structure is 48 years old and does not meet this criterion.

A data review was conducted of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and documents and inventories from the California

³⁴ Tax Collector-Property Search <https://www.mytaxcollector.com/trSearch.aspx>

Office of Historic Preservation (OHP), including the lists of California Historical Landmarks, California Points of Historical Interest, listing of NRHP Properties, and the Inventory of Historic Structures. The structures are not identified on any of these lists.³⁵

In addition, the City conducted a Historic Resources Reconnaissance Survey in 1991, which is considered a local register of historic resources under state law. A “local register of historic resources” is broadly defined in §5020.1 (k) as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.” Local registers of historic properties come essentially in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current, and (2) landmarks designated under local ordinances or resolutions. (Public Resources Code §§ 5024.1, 21804.1, 15064.5). The Historic Resources Reconnaissance Survey provides for the most complete overview of historically significant properties and neighborhoods within the City that were considered historically sensitive at the time of its adoption. It forms the single most important resource to the City for historic preservation planning. The property is not identified as a historic resource based on the survey.

However, there is the possibility that sub-surface tribal cultural resources 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) may be encountered at deeper levels during grading. If such sub-surface tribal cultural resources are encountered during the project's earthmoving operations, Mitigation Measures CR-1 and CR-2 shall apply. (Refer to Section 3.5 (a) under *Cultural Resources*).

3.18(b) 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?

Determination: Less Than Significant Impact with Mitigation Incorporated.

Source: AB 52 & SB18 Consultation.

Tribal Cultural Resources consist of the following:

1. A tribal cultural resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources.

(2) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

³⁵ OHP Tools, https://ohp.parks.ca.gov/?page_id=27959

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant according to criteria outlined in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Assembly Bill (AB) 52 created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

SB 18 requires local governments to consult with tribes before making certain planning decisions and to notify tribes at certain key points in the planning process. These consultation and notice requirements apply to the adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

The Planning Division notified California Native American Tribes per the requirements of AB52 and SB18. The San Manuel Band of Mission Indians (SMBMI) requested consultation. During the consultation, SMBMI indicated the Project site has a heightened sensitivity for tribal cultural resources. Therefore, the following mitigation measures are required:

TCR-1 -Tribal Monitoring. *Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the native soil of the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.*

TCR-2- Treatment of Cultural Resources. *If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).*

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for

their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

TCR-3 – Inadvertent Discoveries of Human Remains/Funerary Objects. *In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. 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[®]. The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 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, Lead Agency, and landowner 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 forty-eight (48) hours of the site visit, as required by California Public Resources Code §5097.98.*

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code §5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, parties, and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code §6254.

3.19 UTILITIES AND SERVICE SYSTEMS

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		✓		
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?			✓	
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?			✓	
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?			✓	
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			✓	

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

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: This Initial Study Document.

Impact Analysis

The installation or construction of water, wastewater treatment or storm water, drainage, electric power, natural gas, or telecommunications facilities will require grading, trenching, or

digging that could impact Biological Resources, Cultural Resources, Paleontological Resources, and Tribal Cultural Resources. Where potentially significant impacts have been identified, the following mitigation measures are required: BIO 1- Pre-Construction Burrowing Owl Survey; BIO-2- Nesting Bird Survey; CR-1- Archaeological Monitoring; CR-2- Archaeological Inadvertent Discovery; GEO-1-Paleontological Inadvertent Discovery; and GEO-2- Paleontological Treatment Plan; TCR-1-Tribal Monitoring; TCR-2-Treatment of Cultural Resources; and TCR-3- – Inadvertent Discoveries of Human Remains/Funerary Objects. Accordingly, additional measures beyond those identified above would not be required.

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

Determination: Less Than Significant Impact.

Source: 2020 San Bernardino Valley Regional Urban Water Management Plan.

Impact Analysis

The Project site would be served with potable water by the East Valley Water District. The *Urban Water Management Planning Act*³⁶ requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan (UWMP) and update its plan once every five years. The Act requires that a UWMP assess water supply reliability by comparing total projected water use with the expected water supply over the next twenty years in five-year increments. The Act also requires an assessment of single-dry years and multiple-dry years.

Water supply and demand for EVWD is included in the *2020 Upper Santa Ana River Watershed, Integrated Regional Urban Water Management Plan* (UWMP) which summarizes EVWD water supply availability as follows:

“EVWD’s water supply is comprised of local groundwater, local surface water and SWP water. EVWD is also developing a new recycled water supply that will be used to replenish the groundwater basin. These same supplies will be used in the future but may shift toward more surface water if EVWD constructs another surface water treatment plant. As discussed in Part 1 Chapter 5, EVWD is applying a Reliability Factor of 15% to their supply reliability analysis to account for uncertainties in supply and demand projections. The 15% value is recommended in a study by the RAND Corporation that evaluated uncertainty factors in the regional supplies and demands, including population growth, per capita water use, climate change impacts on supplies and demands, SWP project supplies and local surface water supplies. See Part 1 Chapter 5 for more details on how the Reliability Factor was established. EVWD Part 2 Chapter 6 For the purposes of supply projections in this 2020 IRUWMP, is using the 15% Reliability Factor to establish a supply target of 15% more than total projected demand. While utilizing as much

³⁶ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2242

local surface water and SWP supplies as feasible, EVWD will source all other supplies from the San Bernardino Basin. As discussed in Western Part 1 Chapter 3, the San Bernardino Basin is a shared resource, and the San Bernardino Judgement does not limit pumping by agencies within the Valley District service area. Each agency can pump as much water as they need and if total pumping by all agencies exceeds the safe yield, Valley District is responsible for replenishing the SBB. As shown in Part 1 Chapter 5, the total planned use of San Bernardino Basin groundwater by all agencies in Valley District's service area, including the Reliability Factor, is below the safe d in EVWD's yield of the SBB through 2045 so supplemental recharge is not anticipated to be required and is not include supply projection. However, the S EVWD BB Groundwater Council, which is a member of, may elect to recharge the SBB with supplemental water to provide additional supply reliability."

Therefore, the proposed Project would have sufficient water supplies available to serve the Project.

3.19(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?

Determination: No Impact.

Source: San Bernardino Municipal Water Department Sewer System Management Plan, September 10, 2019.

Impact Analysis

Wastewater collection will be provided by San Bernardino Municipal Water Department's (SMWD) Water Reclamation Plant (WRP). The current permitted capacity of the Plant is 33 MGD³⁷. Wastewater use for the Project was estimated using the California Emissions Estimator Model (CalEEMod). The model can estimate wastewater usage for analysis in CEQA documents. The Project is estimated to have an indoor water demand of 6.83 million gallons per year (23,981 gallons per day) which includes wastewater, assuming that all the water is discharged to the sewer system. The City's collection system has sufficient capacity to handle peak dry-weather flows. Over the past ten years, the City of San Bernardino has not experienced any capacity related sanitary sewer overflows Therefore, the proposed project's implementation would not result in impacts related to wastewater treatment provider capacity, and impacts would be less than significant.

3.19(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?

Determination: Less Than Significant Impact.

³⁷ City of San Bernardino, Water Reclamation Plant Facilities Assessment and Master Plan, May 2020 p. 1-1. Available at: <https://www.sbmwd.org/DocumentCenter/View/7679/Water-Reclamation-Plant-Master-Plan-2020>

Construction Related Impacts

Waste generated during the project's construction phase would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other Project-related construction activities. The California Green Building Standards Code ("CALGreen") requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The City of San Bernardino Building and Safety Division reviews and approves all new construction projects required to submit a Waste Management Plan. Mandatory compliance with CALGreen solid waste requirements will ensure that construction waste impacts are less than significant.

Operational Related Impacts

San Bernardino contracts its waste collection services with Burrtec Waste Industries. Burrtec Waste Industries disposes waste at the West Valley Materials Recovery Facility in the City of Fontana. This facility is permitted to receive up to 7,500 tons of solid waste daily.

The California Emissions Estimator Model (CalEEMod) is a statewide land-use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with construction and operations from various land-use projects. The model can also estimate solid waste generation rates for various types of land uses for analysis in CEQA documents. Waste disposal rates by land use and overall municipal solid waste composition in California are primarily based on CalRecycle data. Based on solid waste generation usage obtained from CalEEMod, the Project would generate approximately 157 tons of solid waste per year (0.43 tons per day).

Based on the amount of waste generated by the Project vs. the capacity of the West Valley Materials Recovery Facility, the Project is not anticipated to cause this landfill to exceed its maximum permitted daily disposal volume.

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

Determination: No Impact.

Source: County of San Bernardino Integrated Waste Management Plan, April 2018.

Impact Analysis.

The California Legislature passed the Integrated Waste Management Act of 1989 (known as AB 939 or the IWM Act). The IWM Act established a hierarchy of preferred waste management practices: (1) Source Reduction, to reduce the amount of waste generated at its source; (2) Recycling and Composting; and (3) Disposal. Waste disposal must be cut by 25% by 1995 and 50%

by 2000. Percentages are based on 1990 levels and adjusted for population and economic conditions changes.

According to the *County of San Bernardino Integrated Waste Management Plan*, each city is responsible for its own integrated solid waste management planning, implementation, and monitoring, as well as public information, budgeting, and enforcement.

Municipal Code Section 8.24 sets forth San Bernardino City law for the appropriate containment, collection, and disposal of garbage, recyclable materials, organics waste, and byproducts. The Project is required to comply with the provisions of Municipal Code Section 8.24. As such, the Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

3.20 WILDFIRE

<i>WILDFIRE -- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
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?				✓

Determination: No Impact.

Sources: General Plan, Cal Fire.

Impact Analysis

According to General Plan Safety Element Figure S-9- *Fire Hazard Areas*, and the Cal Fire, *Fire Hazard Severity Zones Maps*³⁸, the Project site is not located within a high fire hazard area. As such, the questions posed above do not apply to the Project. The Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur.

³⁸ Cal Fire, *Fire Hazard Severity Zone Maps* available at: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the Project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		✓		
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)?		✓		
c. Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

Impact Analysis

3.21(a) *Does the Project have the potential to 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, 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?*

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: Based on analysis contained in this Initial Study Checklist.

Impact Analysis

Construction or installation of the required utility and service systems would require ground disturbances. As described in Section 3.4, Biological Resources; Section 3.5, Cultural Resources; Section 3.7, Geology and Soils; and Section 3.18, Tribal Cultural Resources, the project would not result in significant impacts to biological resources, archaeological resources, paleontological resources, and tribal cultural resources with mitigation incorporated. Therefore, with the incorporation of Mitigation Measures BIO-1, Pre-Construction Burrowing Owl Survey / Burrowing Owl Protection; CR-1, Cultural Resources Discovery, CR-2, Monitoring and Treatment Plan; GEO-1, Paleontological Monitoring, GEO-2, Paleontological Treatment Plan; TCR-1-Tribal Monitoring; TCR-2-Treatment of Cultural Resources; and TCR-3—Inadvertent Discoveries of Human Remains/Funerary Objects. the project would not 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, reduce the number or restrict the range of a rare or endangered plant or animal, or create a significant hazard to the public or the environment.

3.21(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)?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: This Initial Study Checklist.

The cumulative impacts analysis provided here is consistent with §15130(a) of the CEQA Guidelines, in which the study of cumulative effects of a project is based on two determinations:

- Is the combined impact of this project and other projects significant?
- If so, is the project’s incremental effect cumulatively considerable, causing the combined impact of the projects evaluated to become significant? The cumulative impact must be analyzed only if the combined effects are significant, and the Project’s incremental effect is found to be cumulatively considerable (CEQA Guidelines 15130(a)(2) and (3)).

The construction or installation of the infrastructure and utilities needed to serve future development will result in ground disturbance that may impact Biological Resources, Cultural Resources, Paleontological Resources, and Tribal Cultural Resources. Based on the analysis contained in this Initial Study, the Project is required to mitigate potentially significant impacts to these resources. In addition, the Project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, and plans or regulations for the reduction of GHG emissions that provides specific requirements that will avoid

or substantially lessen the cumulative impacts within the geographic area in which the Project is located.

In conclusion, with the incorporation of mitigation identified herein, the Project's individual-level impacts would be reduced to less-than-significant levels and would not considerably contribute to cumulative impacts in the greater region. In addition, other Projects within the region would presumably be bound by their applicable lead agency to (1) comply with the all applicable federal, state, and local regulatory requirements; and (2) incorporate all feasible mitigation measures, consistent with CEQA, to further ensure that their potentially cumulative impacts would be reduced to less-than-significant levels.

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

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: This Initial Study Checklist.

Impact Analysis

As evaluated throughout this Initial Study, with the incorporation of mandatory regulatory requirements, the Project would not directly or indirectly cause substantial adverse effects on human beings.