

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11
12

14
15
16
17
18

19
20
21
22

23
24
25

26

27

Specific Plan (“SPA Project”), and the SPA Project is necessary to facilitate the Warehouse Project; and

WHEREAS, the site for the SPA Project is the entirety of the Pepper Avenue Specific Plan area, which consists of eleven (11) parcels of land (APNs: 0264-191-02, -04, -13, & -14 and 0264-201-08, -25, -27, -28, -29, -30, & -31) approximately 101.7 acres in size and generally located south of the SR-210 Freeway, north of Walnut Avenue, east of Eucalyptus Avenue west of Meridian Avenue (“SPA Project Site”); and

WHEREAS, the SPA Project proposes an amended version of the Pepper Avenue Specific Plan with the following components:

- Provision of a new “Light Industrial” land use designation that will allow warehouses and logistics centers as permitted uses; and
- Provision of development standards for the new “Light Industrial” land use designation; and
- Dividing of Planning Area 1 into two (2) Planning Areas: Planning Area 1, encompassing 2.63 acres, and Planning Area 10, encompassing 11.64 acres; and
- Amending the land use designations of Planning Areas 2, 3, and 10 from Community Commercial with a development maximum of 476,650 square feet to the new Light Industrial land use designation with a development maximum of 735,185 square feet, the residential overlay on Planning Area 3 will be preserved in place; and
- Various traffic circulation improvements, such as provisions of new access points and new medians; and
- Various textual and graphic amendments related to the changes listed above; and

WHEREAS, in conjunction with the Warehouse Project, the applicant has submitted Conditional Development Permit No. 2020-0008 (“CDP No. 2020-0008”) to facilitate the development and use of a 470,000 square foot industrial warehouse building on the Warehouse Site; and

WHEREAS, in conjunction with the Warehouse Project, the applicant has submitted Precise Plan of Design No. 2020-0014 (“PPD No. 2020-0014”) to facilitate the development of a 470,000 square foot industrial warehouse building on the Warehouse Site; and

1 **WHEREAS**, the SPA Project and the Warehouse Project are together referred to as “Project”
2 or “project” herein; and

3 **WHEREAS**, the City of Rialto (“City”) has undertaken review under the California
4 Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000, *et seq.* and
5 California Code of Regulations (“CEQA Guidelines”) Title 14, Sections 15000, *et seq.*; and

6 **WHEREAS**, the Applicant retained EPD Solutions, Inc., an environmental consulting
7 firm, to prepare a subsequent environmental impact report (“SEIR”) for the Project; and

8 **WHEREAS**, the City retained Enplanners, an environmental consulting firm, to conduct
9 a peer review of the SEIR prepared for the Project by EPD Solutions, Inc.; and

10 **WHEREAS**, on March 4, 2022, the City distributed a Notice of Preparation for Draft
11 Environmental Impact Report SCH. 2022030161, for the Project, pursuant to CEQA Guidelines
12 Section 15082 and Public Resources Code Section 21080.4, providing a 30-day period during
13 which responsible agencies, trustee agencies, and members of the general public could provide
14 comments to the City regarding the scope of the proposed EIR; and

15 **WHEREAS**, pursuant to the authority and criteria contained in CEQA and the City of
16 Rialto environmental guidelines, the City, as the Lead Agency, analyzed the Project and directed
17 the Applicant to prepare a Draft Subsequent Environmental Impact Report (“DSEIR”), and
18 determined that the proposed Project would have significant impacts related to air quality and
19 greenhouse gas emissions from Project construction and operations; and

20 **WHEREAS**, consistent with the requirements of CEQA Guidelines Section 15085, upon
21 completing the DSEIR dated September 2022, the City filed a Notice of Completion on September
22 1, 2022 with the Office of Planning and Research; and

23 **WHEREAS**, on September 2, 2022 consistent with the requirements of the Public
24 Resources Code Section 21092 and CEQA Guidelines Section 15087, the City published a Notice
25 of Availability of the DSEIR in the San Bernardino Sun newspaper, and, on September 2, 2022,
26 posted the Notice of Availability at City Hall and mailed a Notice of Availability to all responsible
27 and trustee agencies, all organizations and individuals who had requested notice, and all property
28 owners located within a 1,000 foot radius of the Site; and

1 **WHEREAS**, the Notice of Availability and Notice of Completion noticed all agencies,
2 organizations, and the public that they had 45 days to provide comments on the contents of the
3 DSEIR, which was available in hard copy for in-person review at City Hall – the Community
4 Development Building - and available for download on the City of Rialto website, throughout the
5 comment period; and

6 **WHEREAS**, at the conclusion of the 45-day public review and comment period related to
7 the DSEIR, the City directed the preparation of the Final Subsequent Environmental Impact Report
8 dated January 2023 (“FSEIR”) pursuant to CEQA Guidelines Sections 15088, 15089 and 15132,
9 which included the DSEIR, responses to public comments on the DSEIR, and a Mitigation
10 Monitoring and Reporting Program; and

11 **WHEREAS**, pursuant to CEQA Guidelines Section 15132, the FSEIR is required to be
12 completed in compliance with CEQA, and pursuant to Section 21092.5 of CEQA, on February 23,
13 2023, the City sent via email and overnight mail the FSEIR, including written responses to
14 comments, to all agencies, organizations, and persons that commented on the DSEIR; and

15 **WHEREAS**, on February 24, 2023, the City published a Notice of Public Hearing that the
16 Planning Commission would consider certification of the FSEIR and approval of the Project at its
17 March 8, 2023 meeting in the San Bernardino Sun newspaper, posted the notice at City Hall, and
18 mailed said notice to all property owners within a 1,000 foot radius of the Site as well as all to all
19 organizations and individuals who had requested notice; and

20 **WHEREAS**, on March 8, 2023, the Planning Commission conducted a public hearing, and
21 considered the record of proceedings for the FSEIR, which includes, but is not limited to, the
22 following:

- 23 (1) The Notice of Preparation for the Project (the “NOP”), and all other public notices
24 issued by the City in connection with the Project;
25 (2) The FSEIR dated January 2023;
26 (3) All written comments submitted by agencies or members of the public during any
27 public review comment period on the DSEIR;

- 1 (4) All written and verbal public testimony presented during a noticed public hearing for
2 the Project at which such testimony was taken, including without limitation, the Staff
3 Report to the Planning Commission, including all attachments, any and all
4 presentations by City staff, the City's consultants, the Applicant and the Applicant's
5 consultants, the public, and any other interested party;
- 6 (5) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");
- 7 (6) The reports, studies and technical memoranda included and/or referenced in the DSEIR
8 and the FSEIR and or their appendices;
- 9 (7) All documents, studies, or other materials incorporated by reference in the DSEIR and
10 the FSEIR;
- 11 (8) All Ordinances and Resolutions presented to and/or to be adopted by the City in
12 connection with the Project; and all documents incorporated by reference therein,
13 specifically including, but not limited to, this Resolution and its exhibit;
- 14 (9) Matters of common knowledge to the City, including but not limited, to federal, state,
15 and local laws and regulations, adopted City plans, policies (including but not limited
16 to the 2010 Rialto General Plan and the Pepper Avenue Specific Plan), and the
17 professional qualifications of City staff members and consultants;
- 18 (10) Any documents expressly cited in this Resolution and its exhibit, the Staff Report to
19 the Planning Commission, the FSEIR which includes the DSEIR; and
- 20 (11) Any other relevant materials required to be in the record of proceedings under Section
21 21167.6(e) of the Public Resources Code; and

22 **WHEREAS**, on March 8, 2023, following the public hearing, the Planning Commission
23 considered and discussed the adequacy of the proposed FSEIR as an informational document and
24 applied their own independent judgment and analysis to review said FSEIR, and thereby desired
25 to take action to recommend that the City Council certify the FSEIR, as having been completed in
26 compliance with CEQA, based on the findings found therein; and

27 **WHEREAS**, at its March 8, 2023 meeting, following the public hearing, the Planning
28 Commission also considered and decided whether to approve or reject the Project at this time; and

1 **WHEREAS**, on March 8, 2023, the Planning Commission voted 4-0 (1 vacancy & 2
2 vacancies) to recommend denial of the FSEIR and the Project to the City Council; and

3 **WHEREAS**, on April 25, 2023, the City Council conducted a public hearing, and
4 considered the record of proceedings for the FSEIR, which includes, but is not limited to, the
5 following:

- 6 (1) The Notice of Preparation for the Project (the “NOP”), and all other public notices
7 issued by the City in connection with the Project;
- 8 (2) The FSEIR dated January 2023;
- 9 (3) All written comments submitted by agencies or members of the public during any
10 public review comment period on the DSEIR;
- 11 (4) All written and verbal public testimony presented during a noticed public hearing for
12 the Project at which such testimony was taken, including without limitation, the Staff
13 Report to the Planning Commission, including all attachments, any and all
14 presentations by City staff, the City’s consultants, the Applicant and the Applicant’s
15 consultants, the public, and any other interested party;
- 16 (5) The Mitigation Monitoring and Reporting Program for the Project (the “MMRP”);
- 17 (6) The reports, studies and technical memoranda included and/or referenced in the DSEIR
18 and the FSEIR and or their appendices;
- 19 (7) All documents, studies, or other materials incorporated by reference in the DSEIR and
20 the FSEIR;
- 21 (8) All Ordinances and Resolutions presented to and/or to be adopted by the City in
22 connection with the Project; and all documents incorporated by reference therein,
23 specifically including, but not limited to, this Resolution and its exhibit;
- 24 (9) Matters of common knowledge to the City, including but not limited, to federal, state,
25 and local laws and regulations, adopted City plans, policies (including but not limited
26 to the 2010 Rialto General Plan and the Pepper Avenue Specific Plan), and the
27 professional qualifications of City staff members and consultants;

1 (10) Any documents expressly cited in this Resolution and its exhibit, the Staff Report to
2 the Planning Commission, the FSEIR which includes the DSEIR; and

3 (11) Any other relevant materials required to be in the record of proceedings under Section
4 21167.6(e) of the Public Resources Code; and

5 **WHEREAS**, the City has not pre-committed to approving the Project or the FSEIR, and
6 will not commit to any approval related to the Project until the Planning Commission and City
7 Council consider and certify the FSEIR for the Project based upon all evidence presented; and

8 **WHEREAS**, on April 25, 2023, following the public hearing, the City Council considered
9 and discussed the adequacy of the proposed FSEIR as an informational document and applied their
10 own independent judgment and analysis to review said FSEIR, and hereby desire to take action to
11 certify the FSEIR, as having been completed in compliance with CEQA, based on the findings
12 found herein; and

13 **WHEREAS**, at its April 25, 2023 meeting, following the public hearing, the City Council
14 also considered and decided whether to approve or reject the Project at this time; and

15 **WHEREAS**, CEQA requires in Public Resources Section 21081 the following:

16 “Section 21081. Findings necessary for approval of project. Pursuant to the policy stated
17 in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for
18 which an environmental impact report has been certified which identifies one or more
19 significant effects on the environment that would occur if the project is approved or carried
20 out unless both of the following occur:

21 (a) The public agency makes one or more of the following findings with respect to each
22 significant effect:

23 (1) Changes or alterations have been required in, or incorporated into, the Project
24 which mitigate or avoid the significant effects on the environment.

25 (2) Those changes or alterations are within the responsibility and jurisdiction of
26 another public agency and have been, or can and should be, adopted by that other
27 agency.

1 (3) Specific economic, legal, social, technological, or other considerations,
2 including considerations for the provision of employment opportunities for highly
3 trained workers, make infeasible the mitigation measures or alternatives identified
4 in the environmental impact report.

5 (b) With respect to significant effects which were subject to a finding under paragraph (3)
6 of subdivision (a), the public agency finds that specific overriding economic, legal, social,
7 technological, or other benefits of the Project outweigh the significant effects on the
8 environment.”

9 **WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

10 **NOW, THEREFORE**, the City Council hereby finds, determines, and resolves as follows:

11 **SECTION 1: RECITALS.** The City Council hereby specifically finds all of the facts set
12 forth in the recitals above this Resolution are true, correct, and incorporated herein.

13 **SECTION 2: FINDINGS.** The FSEIR available at the Community Development
14 Department office and provided concurrently with this Resolution, includes the DSEIR SCH No.
15 2022030161 dated September 2022 and all related appendices, the Response to Comments, and all
16 related appendices and attachments to the FSEIR. The City Council finds, based upon the
17 substantial evidence in the record of proceedings and the whole record before it, in the exercise of
18 its independent judgment and analysis, that the FSEIR is, procedurally and substantively, in
19 compliance with the requirements of CEQA:

20 a. *Procedural Compliance:* The FSEIR was prepared in procedural
21 compliance with the requirements of CEQA:

22 1. Notice of Preparation. As described in the Recitals hereto, a Notice
23 of Preparation was prepared in accordance with Section 15082 of
24 CEQA.

25 2. Public Review. As described in the Recitals hereto, the City held
26 multiple public review periods pursuant to the CEQA Guidelines.

27 3. Notice of Completion. As described in the Recitals hereto, the City
28 has complied with CEQA Guidelines Sections 15085, 15086,

1 15087, and 15105 by providing a Notice of Completion of the DEIR
2 to the State Clearinghouse and a Notice of Availability to
3 responsible and trustee agencies and other persons and agencies as
4 required.

5 4. Written Comments. As described in the Recitals hereto, the City
6 has evaluated and responded to all written comments received
7 during the public review period and included both comments and
8 responses as part of the FSEIR pursuant to CEQA Guidelines
9 Section 15088.

10 b. *Findings Regarding Significant Effects that Can be Mitigated to Less*
11 *Than Significant.* The FSEIR identifies potentially significant effects on
12 the environment that could result if the Project were adopted without
13 changes or alterations in the Project and imposition of mitigation
14 measures and further finds that changes, alterations, and mitigation
15 measures have been incorporated into, or imposed as conditions of
16 approval on, the Project. The City Council adopts the statements and
17 findings in Exhibit A (Section III, titled “Impacts Mitigated to a Level of
18 Less than Significant”) to this Resolution, which is attached hereto and
19 incorporated herein by this reference. These avoidable significant effects
20 are identified in Exhibit A (Section III) and include potentially significant
21 impacts to air quality, biological resources, cultural resources,
22 transportation, and tribal cultural resources. However, mitigation
23 measures can be implemented to reduce these impacts to a level that is
24 less than significant; changes have been required in, or incorporated into,
25 the Project through the imposition of mitigation measures as described in
26 Exhibit A (Section III). These mitigation measures identified in Exhibit
27 B will be imposed pursuant to the MMRP found in Chapter 4.0 of the
28 FSEIR. These changes, alterations, and mitigation measures are fully

1 enforceable because they have either resulted in an actual change to the
2 Project as proposed or they have been imposed as conditions of approval
3 on the Project.

4 c. *Findings Regarding Unavoidable Significant Impacts.* The City Council
5 adopts the statements and findings in Exhibit A (Section IV, titled
6 “Significant and Unavoidable Environmental Impacts”) to this
7 Resolution, which is attached hereto and incorporated herein by this
8 reference. The Project has significant effects that cannot be mitigated to
9 a less than significant level through the imposition of mitigation measures.
10 These significant effects are identified in Exhibit A (Section IV). Specific
11 economic, legal, social, technological, or other considerations are found
12 to make the Proposed Project acceptable notwithstanding that even with
13 the required mitigation measures, and consideration of project alternatives
14 identified in the FSEIR for the significant impacts identified in Exhibit A
15 (Section VII) all impacts cannot be reduced to less than significant levels,
16 including those based upon the findings in Exhibit A (Section IV) to this
17 resolution, and the findings in Exhibit A (Section VII) regarding the
18 proposed alternatives. Therefore, those impacts are found to be
19 significant and unavoidable.

20 d. *Findings Regarding Less than Significant Impacts.* In the course of the
21 DSEIR evaluation, certain environmental impacts of the Project were
22 found not to be significant. Any and all potential significant impacts
23 discussed in the FSEIR that are not subject to paragraph 2(b) or 2(c),
24 above, as either an avoidable significant impact, or as an unavoidable
25 significant impact, are insignificant impacts to the environment. There
26 exists no fair argument that the environmental conditions that were found
27 not to be significant in the DSEIR will pose a significant environmental
28 impact, due to the inability of a Project of this scope to create such impacts

1 or the absence of Project characteristics producing significant effects of
2 this nature.

3 **SECTION 3: FEIR REVIEWED AND CONSIDERED.** The City Council has reviewed
4 and considered the information contained in the FSEIR and finds that the FSEIR has been
5 completed in compliance with CEQA.

6 **SECTION 4: ALTERNATIVES.** The FSEIR identified potential environmental impacts
7 of separate project alternatives compared to impacts from the proposed Project. These alternatives
8 were selected based upon their ability to avoid or substantially lessen the significant effects of the
9 proposed Project, while still achieving the primary Project objectives. Most alternatives are hereby
10 found infeasible due to lack of alternative site availability, failure to meet basic Project objectives,
11 or the fact that some alternatives would still have the same types of significant and unavoidable
12 impacts as the Project. The City Council hereby adopts the Statement of Findings on rejection of
13 Project Alternatives in Exhibit A (Section VII, titled “Alternatives”) to this Resolution, which is
14 attached hereto and incorporated herein by this reference.

15 **SECTION 5: STATEMENT OF OVERRIDING CONSIDERATIONS.** The City
16 Council finds, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, that the
17 specific economic, legal, social, technological and other benefits of the Project outweigh the
18 Project's unavoidable adverse environmental impacts, and therefore, the impacts are acceptable.
19 The City Council hereby adopts the Statement of Overriding Considerations in Exhibit A (Section
20 VIII, titled “Statement of Overriding Considerations”) to this Resolution, which is attached hereto
21 and incorporated herein by this reference. The City Council finds that each of the Significant and
22 Unavoidable Impacts identified in Exhibit A (Section IV) may be considered acceptable for the
23 reasons cited therein and considered together with the Project applicant’s entering into a
24 Community Benefit Agreement with the City pursuant to which the Project applicant will provide
25 voluntary contributions to the City, and to other organizations within the City, in excess of
26 \$11,000,000 for education, small business technical assistance and training, funding for public
27 services, funding for public facilities, and support for a trained, well-paid workforce.

SECTION 6: MITIGATION MONITORING. The City as lead agency adopts the MMRP for the changes made to the Project that it has adopted in order to mitigate or avoid significant effects on the environment. Pursuant to Public Resources Code Section 21081.6, the MMRP set forth as Chapter 4.0 of the FSEIR to this Resolution, which is attached hereto as Exhibit B and incorporated herein by this reference, is hereby adopted to ensure that all mitigation measures adopted for the Project are fully implemented. The City Council hereby adopts the MMRP to ensure compliance with mitigation measures during Project implementation. As required by Public Resources Code Section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the FSEIR. The MMRP will remain available for public review during the compliance period.

SECTION 7: CERTIFICATION. Based on the above facts and findings, the City Council hereby certifies the FSEIR for the Project as accurate and adequate. The City Council certifies that the FSEIR was completed in compliance with CEQA and the CEQA Guidelines.

SECTION 8: The Mayor shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2023.

DEBORAH ROBERTSON, MAYOR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTEST:

BARBARA MCGEE, CITY CLERK

APPROVED AS TO FORM:

ERIC S. VAIL, CITY ATTORNEY

1
2
3
4
5
6 STATE OF CALIFORNIA)
7 COUNTY OF SAN BERNARDINO) ss
8 CITY OF RIALTO)
9

10 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
11 Resolution No. _____ was duly passed and adopted at a regular meeting of the City Council
12 of the City of Rialto held on the _____ day of _____, 2023.

13 Upon motion of Councilmember _____, seconded by Councilmember
14 _____, the foregoing Resolution No. _____ was duly passed and adopted.

15 Vote on the motion:

16 AYES:

17 NOES:

18 ABSENT:

19 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
20 Rialto this _____ day of _____, 2023.
21
22
23

24 _____
25 BARBARA MCGEE, CITY CLERK
26
27
28

EXHIBIT A

CEQA FINDINGS OF FACT FOR THE PEPPER AVENUE SPECIFIC PLAN AND
INDUSTRIAL DEVELOPMENT PROJECT RIALTO, CALIFORNIA STATE
CLEARINGHOUSE NO. 2022030161

[See Following Pages]

**CEQA FINDINGS OF FACT
FOR THE
PEPPER AVENUE SPECIFIC PLAN AND INDUSTRIAL DEVELOPMENT PROJECT
RIALTO, CALIFORNIA
STATE CLEARINGHOUSE NO. 2022030161**

Public Resources Code section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which would avoid or substantially lessen such significant effects."

Agencies demonstrate compliance with section 21002's mandate by adopting findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions.

- The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (State CEQA Guidelines § 15091, subd. (a)(1).)
- The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding" and that "[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines § 15091, subd. (a)(2).)
- The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines § 15091, subd. (a)(3).)

Agencies must not approve a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." State CEQA Guidelines section 15364 adds "legal" considerations as another indicium of feasibility (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). Project objectives also inform the determination of "feasibility." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) Further, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt infeasible mitigation measures or alternatives (State CEQA Guidelines § 15091, subds. (a), (b)). Further, environmental impacts that are less than significant do not require the imposition of mitigation measures (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347).

Notably, section 21002 requires an agency to "substantially lessen or avoid" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoid them, satisfy section 21002's mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 ("CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 309 ("[t]here is no

requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible").

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines § 15091, subds. (a), (b). The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 576).

The City of Rialto has determined that based on all the evidence presented, including, but not limited to, the Final Subsequent EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are either:

- (1) less than significant and do not require mitigation;
- (2) potentially significant and each of these impacts would be avoided or reduced to a level of insignificance through the identified mitigation measures; or
- (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

SECTION I**ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The Final Subsequent EIR includes the Draft Subsequent Environmental Impact Report (EIR) dated September 2022, written comments on the Draft Subsequent EIR that were received during the public review period, written responses to those comments, changes to the Draft Subsequent EIR, and the Mitigation Monitoring and Reporting Program (MMRP). In conformance with CEQA and the State CEQA Guidelines, the City of Rialto conducted an extensive environmental review of the Pepper Avenue Specific Plan Amendment and Industrial Development Project that includes the following:

- Completion of an Initial Study (IS) by the City of Rialto, which concluded that a Subsequent EIR should be prepared, and the Notice of Preparation (NOP) released for a 30-day public review period from March 4, 2022, through April 4, 2022. The NOP was posted at the San Bernardino County Clerk of the Board's office on March 4, 2022, and was published in the March 4, 2022 issue of the San Bernardino Sun newspaper, a newspaper of general circulation. The NOP was posted to the State Clearinghouse's ceqanet.opr.ca.gov for public review from March 4, 2022, through April 4, 2022. Copies of the IS were made available for public review and download via the City's website at: <http://www.yourrialto.com/314/Current-Projects>
- Completion of a scoping process, in which agencies and the public were invited by the City of Rialto to participate. The public scoping meeting for the Subsequent EIR was held on March 16, 2022 at Frisbee Park, Shelter 4. The notice of the public scoping meeting was included in the NOP distributed on March 4, 2022.
- Preparation of a Draft Subsequent EIR by the City of Rialto, which was made available for a 45-day public review period (September 2, 2022 through October 18, 2022). The Notice of Availability (NOA) for the Draft Subsequent EIR was sent to all persons, agencies and organizations on the interested persons list and published in the September 2, 2022 issue of the San Bernardino Sun newspaper. The NOA of the Draft Subsequent EIR was posted to the State Clearinghouse's ceqanet.opr.ca.gov for public review from September 2, 2022 through October 18, 2022. The NOA was posted at the San Bernardino County Clerk of the Board's office on September 2, 2022. Copies of the Draft Subsequent EIR were made available for public review and download via the City's website at: <https://www.yourrialto.com/314/Current-Projects>
- The Final Subsequent EIR contains comments on the Draft Subsequent EIR, responses to those comments, revisions to the Draft Subsequent EIR if any, the Mitigation Monitoring and Reporting Program, and appended documents. The Final Subsequent EIR was released for a 10-day agency review period prior to certification of the Final Subsequent EIR.
- After considering the Subsequent EIR and in conjunction with making these findings, the City of Rialto hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Project will result in significant effects on the environment, however, the significant effects will be eliminated or substantially lessened where feasible and has determined that remaining significant effects are found to be acceptable under Section 15093.
- The Mitigation Monitoring and Reporting Program is hereby adopted to ensure implementation of feasible mitigation measures identified in the Subsequent EIR. The City of Rialto finds that these mitigation measures are fully enforceable and shall be binding upon the City and affected parties.
- The City of Rialto finds that the Project is in the public interest and is necessary for the public health, safety, and welfare.
- The City of Rialto hereby certifies the Final Subsequent EIR in accordance with the requirements of CEQA.

- Pursuant to CEQA Guidelines Section 15095, staff is directed as follows: a) copy of the Final Subsequent EIR and CEQA Findings of Fact shall be retained in the Project files; b) copy of the Final Subsequent EIR and CEQA Findings of Fact shall be provided to all CEQA "responsible" agencies.

SECTION II**ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION**

The City prepared an Initial Study that determined that potentially significant environmental effects could occur and that a Subsequent EIR should be prepared for the Project. The scope of the Subsequent EIR was determined based upon the Initial Study which is included as Appendix A to the Draft Subsequent EIR. Based upon the Initial Study, the City determined that the Project would have no new impact over and above those identified in the 2017 Final EIR or a less than significant impact related to the following environmental topic areas and that no further analysis of these topics was required in the Subsequent EIR:

- Agriculture & Forest Resources
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as "less than significant" where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the Initial Study and Draft Subsequent EIR in this Section II. Thus, the City hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

A. Aesthetics

Impact AE-1 Finding: The Project would not have a substantial adverse effect on a scenic vista (Draft Subsequent EIR at p. 5.1-8). Impacts would be less than significant.

Facts in Support of Findings: The Specific Plan Amendment would change the future development within PA 2, PA 3, and proposed PA 10 from Community Commercial uses that have an allowable maximum building height of 4 stories / 55 feet, to Light Industrial uses that have the same allowable maximum building height of 55 feet. Therefore, the proposed Specific Plan Amendment would result in the same maximum height of buildings. The light industrial buildings would be required to have a minimum front setback from Pepper Avenue of 25 feet and a one-foot setback for each one foot in building height for every foot above 25 feet.

Direct north views across PA 9 from Walnut and Chestnut Avenues would continue to be across the Project's proposed open space areas and would not be directly blocked by development. Northeasterly views of the San Bernardino Mountain Range from these vantage points would be across foreground open space, with the approved two-story commercial uses in PA 5 and PA 6 in the background. The Walnut Avenue and Chestnut Avenue vantage point (approximately 1,310 feet amsl) is approximately 22 to 46 feet higher in elevation than the proposed industrial development area (PA 2 and PA 3) that is between 1,288 and 1,264 feet amsl (SCS Engineers, 2019). Because of the permanent open space in PA 9, the proposed light industrial development would be a minimum of 920 feet east of the Walnut Avenue and Chestnut Avenue vantage point, beyond Pepper Avenue and not in the direct line of sight between mountain views from this location. Because no change in allowable building height would occur for PA 2, PA 3, and proposed PA 10, drop in topography, and direction of mountain views, development pursuant to the Specific Plan Amendment, including the industrial development Project would not block north- and northeasterly-facing views of the San Bernardino Mountains. Similarly, the proposed Specific Plan Amendment buildout would not change the existing public views of the La Loma Hills, Jurupa Hills, and Box Spring Mountains that are located to the

south of I-10. There are no public roadways to the east of PA 2, PA 3, and proposed PA 10 that the new buildings would hinder views from; and views from SR-210 would not be restricted because the proposed building heights would not increase.

Pepper Avenue runs in a north/south direction through the Specific Plan area and, as the Specific Plan Amendment requires a minimum of a 25-foot setback from Pepper Avenue right-of-way, the roadway would continue to provide a north-facing view corridor with implementation of the proposed Project. As with the Walnut and Chestnut Avenue vantage point, there is a vantage point on Pepper Avenue just to the north of Winchester Drive/Terrace Drive that currently provides views of the San Bernardino Mountains to the north and the La Loma Hills, Jurupa Hills, and Box Spring Mountains to the south and, is more than 20 feet higher than the Specific Plan Amendment area. This vantage point is located approximately 1,600 feet from PA 2 and approximately 25 feet higher in elevation. Because the maximum building height of 55 feet is the same height of the previously approved buildings in this area, views of the mountains across PA 2, PA 3, and proposed PA 10 to the north would also not be blocked by development of the area. Other north-facing views are farther to the south and include potential views of WVWD water storage tanks, and traffic along the Pepper Avenue corridor. In addition, south facing views of the La Loma Hills, Jurupa Hills, and Box Spring Mountains would not change because PA 2, PA 3, and proposed PA 10 are located in the opposite (northern) direction from this viewpoint and because the proposed development would be setback a minimum of 25-feet from Pepper Avenue. As such, the proposed Project would result in less than significant impacts related to effects on a scenic vista.

Impact AE-2 Finding: The Project would not have a substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Initial Study at p. 31). No impact would occur.

Facts in Support of Findings: The Specific Plan area and proposed industrial development site is not located within view of a state scenic highway, as there are no designated scenic highways within the vicinity. The proposed Project would not result in impacts to trees, rock outcroppings, or historic buildings within a state scenic highway. The nearest eligible state scenic highways are Route 38 and Route 330, both are approximately 10 miles from the Specific Plan area and are not visible from the Specific Plan area. Therefore, no impacts to scenic resources within a state scenic highway would occur.

Impact AE-3 Finding: The Project is located in an urban area and would not conflict with applicable zoning and other regulations governing scenic quality. (Draft Subsequent EIR at p. 5.1-9). Impacts would be less than significant.

Facts in Support of Findings:

The proposed Specific Plan Amendment includes design guidelines and development standards, including building design and landscape design for the new light industrial land use. All developments proposed within the Specific Plan—including the proposed industrial development Project in PA 2 and PA 3, would be required to adhere to the standards therein. Though development within the Specific Plan PA 2, PA 3, and proposed PA 10 would change the previously anticipated view of the area from commercial and business park, to one of light industrial and commercial the change would not degrade the visual character or quality of the site.

The Specific Plan design guidelines and development standards for the proposed Specific Plan light industrial land use designation for PA 2, PA 3, and the proposed PA 10 would include various architectural elements, as are listed previously. Light industrial buildings are required to have scale, massing, fenestration, materials, and colors are consistent with the building's architectural style and compatible with the overall design in the Specific Plan area; not have blank walls; provide articulation toward the street frontage; employ different colors, materials, and/or textures on each building; etc. Also, development would be required to have screened loading doors, service docks, and equipment areas. They would be screened by a combination of

walls, fencing, and landscaping. Additionally, the Project's landscape would incorporate low water need plant species that can maintain vibrancy during drought conditions. These visual features would ensure that loading activities and parked truck are screened and that the properties maintain a uniform appearance, as viewed from public roadways. Thus, implementation of the proposed Specific Plan Amendment would not result in degradation of the visual quality or character of the site, and impacts would be less than significant.

The proposed industrial development in PA 2 and PA 3 would adhere to the development standards of the Specific Plan Amendment. As detailed in Table 5.1-2 below, the Project would be consistent with the light industrial development standards proposed by the Specific Plan Amendment. Thus, upon approval of the Specific Plan Amendment, the industrial development Project would not conflict with applicable Specific Plan regulations governing scenic quality and impacts would be less than significant.

General Plan Regulations Governing Scenic Quality

Because the Project site is located within an urbanized area, an analysis with the proposed Project's consistency with the policies of the City of Rialto General Plan that govern scenic quality is applicable. As detailed in Section 5.6, *Land Use and Planning*, Table 5.6-3, the proposed Project would be consistent with each policy; thus, impacts related to a conflict with an applicable General Plan policy related to scenic quality would not occur.

Municipal Code Regulations Governing Scenic Quality

The Specific Plan supersedes the design guidelines in the Municipal Code. However, the Specific Plan would be consistent with the intent of the Municipal Code in reflecting the City's standard for aesthetic and high-quality development. The proposed Specific Plan Amendment design standards are consistent with the Municipal Code's emphasis on landscape and architectural treatments that enhance focal points and public site entrances. Design requirements of the Specific Plan Amendment are consistent with Municipal Code Section 18.61.050, which requires that loading areas, trash and storage areas, and roof-mounted equipment be not visible from offsite areas. The Specific Plan Amendment and industrial development Project would be consistent with building design requirements under Municipal Code Section 18.61.060 that require desirable colors on building exteriors, including muted natural colors, earth tone colors, pastel colors, and natural stains. Under the Specific Plan Amendment, facades of long buildings, including the proposed industrial development Project building, would be segmented and well-defined, which is consistent with Municipal Code Section 18.61.080. Similar to the Municipal Code, large blank, flat walls, flat roofs, square "box-like" buildings, highly reflective surfaces such as metal would not be permitted. The Specific Plan Amendment and light industrial development Project would be consistent with Section 18.61.100, which requires that materials and colors on building exteriors of all elevations of a building be coordinated to provide a total continuity of design and with Section 18.61.140, which requires lighting to be designed as an integral part of the overall site and building design. Because the Specific Plan Amendment design guidelines and development standards would be substantially consistent with applicable aesthetic regulations of the Municipal Code, impacts related to Municipal Code consistency would be less than significant. Likewise, because the proposed light industrial development would be consistent with the Specific Plan Amendment design guidelines and development standards, it would also be consistent with the applicable regulations of the municipal code governing scenic quality. Thus, impacts would be less than significant.

Impact AE-4 Finding: The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Initial Study at p. 32). No impact would occur.

Facts in Support of Findings: Lighting would be required to meet the City's municipal code standards that require light fixtures to be situated and shielded as not to direct or reflect lighting adjacent properties or public rights-of-way. Thus, the increase in light that would be generated by the proposed Project would not adversely affect day or nighttime views in the area. The proposed land uses and light industrial development would not use highly reflective surfaces, or glass sided buildings. Although the buildings would contain windows and glass doorway entrances, the windows and doorway areas would be separated by stucco and

architectural elements, which would limit the potential of glare. In addition, lighting would be required to be angled down and shielded, which would avoid the potential of Project lighting to generate glare.

Aesthetics Cumulative Finding: The Project would not have a cumulatively adverse impact related to aesthetics (Draft Subsequent EIR at p. 5.1-11). Less than significant impact would occur.

Facts in Support of Findings: Implementation of the Specific Plan Amendment would result in a coordinated development from implementation of the design guidelines and development standards that would be ensured through the City's development permitting process. Therefore, cumulative impacts would be less than significant.

Other cumulative development projects are located outside of the viewshed of the Specific Plan area. As shown on Figure 5-1 of the Draft Subsequent EIR, the closest cumulative projects (Projects 1 and 2) are located along East Baseline Road, between Cactus Avenue and Ayala Drive, which is outside of the Specific Plan viewshed to the southwest of the site. Cumulative Project 6 is further south and west of the Pepper Avenue view corridor, and thus, not within the viewshed of the Specific Plan area. Also, cumulative Project 4 is located far northwest of the Specific Plan area, past SR-210; at the intersection of North Linden Avenue and Riverside Avenue and is not within the viewshed of the Specific Plan area. Because these cumulative projects are not within the viewshed of the Specific Plan area, cumulative impacts related to these projects would not occur.

As evidenced by the General Plan and existing Pepper Avenue Specific Plan provisions, the City has long anticipated that this area would be developed for new urban uses. The cumulative change in visual condition that would result from the proposed Project, in combination with future nearby projects would not be considered adverse, because the proposed Project would implement the City's General Plan, Municipal Code, and Pepper Avenue Specific Plan regulations as amended related to architecture, landscaping, signs, lighting, and other related items that are intended to improve visual quality. Thus, the proposed Project would result in a less than significant cumulatively considerable impact related to scenic quality.

B. Agricultural & Forestry Resources

Impact AG-1 Finding: The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (Initial Study at p. 34). No impacts would occur.

Facts in Support of Findings: The California Department of Conservation Important Farmland mapping identifies the Specific Plan area as Grazing land. No areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is located on or adjacent to the Specific Plan area. Therefore, the proposed Project would not have impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

Impact AG-2 Finding: The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract (Initial Study at p. 34). No impacts would occur.

Facts in Support of Findings: None of the parcels within the Specific Plan area are currently zoned for agricultural use, nor is there any land under a Williamson Act contract within the Specific Plan area. Therefore, no impact would occur.

Impact AG-3 Finding: The Project would not 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)) (Initial Study at p. 35). No impacts would occur.

Facts in Support of Findings: The Specific Plan area contains a limited number of trees and does not include forestland or timberland. Additionally, the Specific Plan area does not include areas zoned as forestland. Therefore, no impact would occur.

Impact AG-4 Finding: The Project would not result in the loss of forest land or conversion of forest land to non-forest use (Initial Study at p. 35). No impacts would occur.

Facts in Support of Findings: The Specific Plan area contains a limited number of trees and does not include forestland or timberland. No forest land exists in the Project area, and implementation will not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact would occur.

Impact AG-5 Finding: The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use (Initial Study at p. 35). No impacts would occur.

Facts in Support of Findings: The Specific Plan area has no agricultural or forest resources and is not designated as Prime, Unique, or Farmland of Statewide Importance. Therefore, the proposed Project would not convert Farmland to non-agricultural uses or forestland to non-forest use. Therefore, no impact would occur.

Agricultural and Forestry Resources Cumulative Findings: The Project would not result in cumulatively considerable impacts to agricultural or forestry resources.

Facts in Support of Findings: The Project area does not contain agricultural or forest resources. Implementation of the Project would develop an area where no farmland, agricultural land, or forest land exists. Therefore, the Project would not result in any cumulative impacts to agricultural or forestry resources.

C. Air Quality

Impact AQ-4 Finding: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Initial Study at pp. 38). Impacts would be less than significant.

Facts in Support of Findings: Odors generated by the operation of light industrial and commercial uses are not expected to be significant or highly objectionable and would be required to be in compliance with SCAQMD Rule 402, which would prevent nuisances to sensitive land uses.

During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary and are not expected to affect a substantial number of people. During operations of the amended Specific Plan and proposed industrial development, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts relating to both operational and construction activity odors would be less than significant.

D. Biological Resources

Impact BIO-5 Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Initial Study at p. 44). No impact would occur.

Facts in Support of Findings: The amended Specific Plan would be required to be implemented in compliance with the City's municipal code; including Municipal Code Chapter 11.08 that provides regulations

related to removal and planting public street trees. The proposed industrial development site contains a variety of ornamental trees, which would be removed and replaced with implementation of the proposed Project. Public trees in Rialto are protected by Chapter 11.08 of the Municipal Code, which was established to preserve, protect, and maintain public trees. The proposed industrial development would be required to comply with the municipal code requirements as part of the City permitting process, which would ensure that the Project does not conflict with local policies or ordinances protecting trees. As a result, there would be no impact.

Impact BIO-6 Finding: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Initial Study at p. 44). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not within the study area of an adopted Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

E. Cultural Resources

Impact CUL-1 Finding: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (Initial Study at p. 52). No impact would occur.

Facts in Support of Findings: There are no historic resources within areas that are proposed for development by the Specific Plan. The Specific Plan Amendment does not change the areas proposed to be developed. Thus, no historic resources exist, and no impacts related to historic resources would occur from implementation of the Specific Plan Amendment. The proposed industrial development site is undeveloped land that was previously used as agricultural land (an orchard) since at least the 1930s. The Phase I Environmental Site Assessment (Appendix B of the Initial Study) describes that the orchard was removed from the site by the mid-1980s and that it has remained vacant and undeveloped since then. The site is vacant with disturbed ruderal habitat that is continually disced. There are no historic resources on the proposed industrial development site, and impacts would not occur.

F. Energy

Impact E-1 Finding: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Draft Subsequent EIR at p. 5.4-5). Impacts are less than significant.

Facts in Support of Findings:

Construction

Construction activities related to buildout of PA 2 and PA 3 would require limited energy consumption, would comply with all existing regulations, as verified through the City's permitting process; and would therefore not use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Additionally, construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofit, repowering, or replacement of heavy duty diesel on- and off-road equipment during the City's construction permitting process. Compliance with existing CARB idling restrictions and the use of newer

engines and equipment would reduce fuel combustion and energy consumption. Draft Subsequent EIR pages 5.4-6 through 5.4-7 detail that construction of the proposed Project is estimated to result in the need for 2,282,064 kWh of electricity and approximately 117,375 gallons of diesel fuel. Construction workers would use approximately 67,882 gallons of fuel to travel to and from the Project area. Approximately 44,042 gallons of fuel would be used by vendor trucks during construction of the proposed Project.

Construction contractors are required to demonstrate compliance with applicable CARB regulations and compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption on the Project site. Overall, construction activities would require limited energy consumption and would comply with all existing regulations. Thus, impacts related to construction energy usage would be less than significant.

Operation

Once operational, the proposed Project would generate demand for electricity, natural gas, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, and lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity, natural gas, and water to the areas where they would be consumed. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption.

As detailed on Draft Subsequent EIR Table 5.4-4, operation of the proposed industrial development on PAs 2 and 3 (at 485,000 SF) is estimated to annually use 523,265 gallons of fuel. CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of vehicles to no more than 5 minutes. The idling restrictions would preclude unnecessary and wasteful consumption of fuel due to unproductive idling of trucks. Table 5.4-5 details that operation of the proposed unrefrigerated warehousing industrial development would use approximately 974,850 thousand British thermal units (kBtu) per year of natural gas and 1,166,717 kWh per year of electricity.

Operation of the proposed PA 1 and PA 10 includes 13,000 SF of community commercial uses and 250,185 SF of light industrial. As detailed on Draft Subsequent EIR Table 5.4-6, operation of PA 1 and 10 at buildout would consume 418,743 gallons of fuel annually, which when added to the fuel used from operation of the proposed industrial development would total approximately 1,072,376 gallons of fuel annually. Draft Subsequent EIR Table 5.4-7 details that operation of operation of PA 1 and 10 at buildout would consume 1,820,574 thousand British thermal units (kBtu) per year of natural gas annually and 901,545 kWh of electricity annually, which when added to the energy used from operation of the proposed unrefrigerated warehousing industrial development would total approximately 2,795,424 kBtu of natural gas annually and 2,068,262 kWh of electricity annually.

Because this use of energy is typical for urban development, no operational activities or land uses would occur that would result in extraordinary energy consumption, and through City permitting assurance would be provided that existing regulations related to energy efficiency and consumption, such as Title 24 regulations and CCR Title 13, Motor Vehicles, section 2449(d)(3) related to idling, would be implemented. Therefore, impacts related to operational energy consumption would be less than significant.

Impact E-2 Finding: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Draft Subsequent EIR at p. 5.4-10) Impacts are less than significant.

Facts in Support of Findings: The development that would occur pursuant to the proposed Specific Plan Amendment and industrial development Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. In addition, the Project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. The non-residential buildings would be solar

ready would have infrastructure as required by CCR Title 24 requirements. As detailed in Draft Subsequent EIR Section 3.0, *Project Description*, the Project Applicant for the industrial development Project has voluntarily agreed to incorporate various measures from the California Attorney General's Warehouse Projects Best Practices that would reduce energy consumption during both construction and operation of the Project. These features include development of buildings per CalGreen Tier 2 green building standards (PDF-19) and LEED green building standards (PDF-20). Thus, the proposed Specific Plan Amendment and proposed industrial development Project would not obstruct use of renewable energy or energy efficiency. Overall, the proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and no impacts would occur.

Energy Cumulative Findings: The Project would not result in cumulative energy consumption which would occur in a cumulatively wasteful, inefficient, or unnecessary (Draft Subsequent EIR at p. 5.4-11).

Facts in Support of Findings: The geographic context for analysis of cumulative impacts regarding energy includes past, present, and future development within southern California because energy supplies (including electricity, natural gas, and petroleum) are generated and distributed throughout the southern California region.

All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, or other LEED type energy efficiency infrastructure. With implementation of the existing energy conservation regulations, cumulative electricity and natural gas consumption would not be cumulatively wasteful, inefficient, or unnecessary.

Petroleum consumption associated with the proposed mixed uses would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely) would contribute to a reduction in fuel use, and the federal Energy Independence and Security Act and the state Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful, inefficient, or unnecessary manner and would be less than cumulatively considerable.

G. Geology and Soils

Impact GEO-1i Finding: The Project would not directly or indirectly cause 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 (Initial Study at p. 62).

Facts in Support of Findings: The Specific Plan area is within the Alquist-Priolo Earthquake Fault Zone for the San Jacinto fault. The potential impacts related to fault rupture that would result from the proposed Specific Plan Amendment would be similar to those that were identified by the 2017 Final EIR because the areas of development would be the same and the same fault setback and building code regulations would be applicable. Additionally, the same design features that were included in the 2017 Final EIR (DF GEO-1 and DF GEO-2) would continue to be applicable to the amended Specific Plan. Thus, consistent with the findings of the 2017 Final EIR implementation of existing regulations would reduce potential impacts related to fault rupture from the amended Specific Plan to a less than significant level.

Because the proposed industrial development site is located within a fault zone, the Alquist-Priolo Earthquake Fault Zoning Act requires a fault trenching investigation to determine the presence of on-site strands of any active or potentially active fault and to determine the need for a structural setback, which is also required by 2017 Final EIR Design Feature DF GEO-1. Thus, a Fault Study was prepared for the proposed industrial development site, which is included as Appendix C of the Initial Study. The Fault Study describes that a segment of the San Jacinto fault is mapped 650± feet southwest of the proposed industrial development

site and another segment of the San Jacinto fault is mapped 7500± feet northeast of the proposed industrial development site. The segment of the San Jacinto fault near the proposed industrial development site is identified as the San Bernardino segment, which is a right-lateral fault with an average slip rate is 5 millimeters per year.

Approximately 18-20 feet of onsite sediments were trenched in two locations across the proposed industrial development site. The upper 10 to 12 feet generally consisted of unbroken sediments. The deeper alluvial soils were characteristic of channel deposits with interbedded sand and gravel layers that pinch out horizontally. The cobbles were generally rounded and sub-rounded and were generally concentrated in the lower section of each depositional channel. None of the deeper alluvial channel deposits were offset. The sediments exposed near the bottom of the trenches were determined to be deposited approximately 2,100 years ago and the recurrence interval for the San Bernardino segment of the San Jacinto fault is 107 years. Based on the recurrence interval with respect to the approximate date of the deeper exposed sediments, an offset in the deeper sediments would be evident if the fault transected the site. Therefore, the Fault Study determined that the San Bernardino segment of the San Jacinto fault does not transect the site. As a result, potential impacts related to fault rupture were determined to be less than significant.

Impact GEO-1ii Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (Initial Study at p. 63). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area is subject to strong seismic shaking, but that the effects of seismic shaking on structures can be reduced through conformance with the structural and seismic requirements of future site-specific and design-specific geotechnical and geologic reports (included as DF GEO-1) and the California Building Code. The potential impacts related to seismic shaking that would result from the proposed Specific Plan Amendment would be similar to those that were identified by the 2017 Final EIR because the areas of development would be the same and the same geotechnical and building code regulations would be applicable, and DF GEO-1 requires site specific geotechnical studies to identify appropriate structural engineering. Thus, consistent with the findings of the 2017 Final EIR implementation of existing regulations would reduce potential impacts related to seismic ground shaking from the amended Specific Plan to a less than significant level.

Structures built in the City are required to be built in compliance with the CBC (California Code of Regulations, Title 24, Part 2) that provides provisions for earthquake safety based on factors including building occupancy type, the types of soils onsite, and the probable strength of ground motion. Compliance with the CBC would require the incorporation of: 1) seismic safety features to minimize the potential for significant effects as a result of earthquakes; 2) proper building footings and foundations; and 3) construction of the building structure so that it would withstand the effects of strong ground shaking. As required by Design Feature DF GEO-1 a site-specific geotechnical investigation has been completed for the proposed light industrial development project with recommendations for construction to withstand seismic ground shaking.

The City's permitting process would ensure that all required CBC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City's review process and included as a condition of approval, would reduce impacts related to strong seismic ground shaking to a less than significant level.

Impact GEO-1iii Finding: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction (Initial Study at p. 63). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area has a low potential for liquefaction that would be further reduced through conformance with design-specific geotechnical and geologic reports (included as DF

GEO-1) and the California Building Code. The Geotechnical Feasibility Study (Appendix D of the Initial Study) for the proposed industrial development did not identify ground water within the 50-foot-deep borings and describes that water level readings at the nearest groundwater well show a high groundwater of 418 feet below the ground surface. Thus, the high groundwater (within 50 feet of the ground surface) does not exist, and onsite liquefaction would not occur. In addition, the Geotechnical Feasibility Study describes that the site is not mapped as within a liquefaction zone and that based on subsurface conditions, liquefaction is not a design concern. Therefore, impacts related to liquefaction would be less than significant.

Impact GEO-1iv Findings: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides (Initial Study at p. 64). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area has various topographical features that includes slopes as steep as 1:1. Implementation of the proposed Specific Plan Amendment would have the same potential effects related to landslides that would be reduced to a less than significant level with compliance with the California Building Code and site-specific geologic reports (that are included as DF GEO-1). Implementation of existing regulations would reduce potential impacts related to landslides from the amended Specific Plan to a less than significant level.

The Geotechnical Feasibility Study (Appendix D of the Initial Study) for the proposed industrial development site describes that there are no hills or substantial changes to topography on the development site. The site topography ranges from approximately 1,267 feet mean sea level (msl) on the southeast corner of the site to approximately 1,290 msl in the northwest corner of the site. The site generally slopes downward to the southeast at a gradient of $1\frac{1}{2}\pm$ percent. Due to the lack of substantial slopes on or adjacent to the proposed industrial development site, impacts related to landslides would not occur.

Impact GEO-2 Finding: The Project would not result in soil erosion or the loss of topsoil (Initial Study at p. 65). Impacts are less than significant.

Facts in Support of Findings: The potential impacts related to soil erosion and loss of topsoil that would result from the proposed Specific Plan Amendment would be similar to those that were identified by the Final EIR because the areas of development would be the same, the same areas of ground disturbance would occur, and the same regulations would require implementation of project specific SWPPPs and WQMPs that are as DF HYDRO-1 and DF HYDRO-2 that would reduce potential impacts to a less than significant level.

Construction of the proposed industrial development has the potential to contribute to soil erosion and the loss of topsoil. However, DF HYDRO-1 implements the requirements of the NDPES Storm Water Permit that all projects in the City are required to conform to. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the Regional Water Quality Control Board (RWQCB) regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP is required to identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control BMPs to reduce or eliminate the erosion and loss of topsoil, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding. With implementation of the SWPPP included as DF HYDRO-1, construction impacts related to erosion and loss of topsoil would be less than significant.

In addition, the proposed industrial development includes installation of landscaping, such that during operation of the proposed industrial development large areas of loose topsoil that could erode would not exist. As described in Section 10, *Hydrology and Water Quality*, of the Draft Subsequent EIR, the onsite drainage features that would be installed by the proposed industrial development have been designed to slow, filter, and infiltrate stormwater, which would also reduce the potential for stormwater to erode topsoil during operations. Furthermore, implementation of the proposed industrial development requires City approval of a site-specific Water Quality Management Plan (WQMP), included as DF HYDRO-2, which

would ensure that appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

Impact GEO-3 Finding: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse (Initial Study at p. 66). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area has a low potential for landslides and liquefaction; thus, the related lateral spreading and collapse potential would also be low. In addition, seismic and soil stability effects would be reduced through conformance with design-specific geotechnical and geologic reports (included as DF GEO-1) and the California Building Code. Implementation of existing regulations would reduce potential impacts related to landslide, collapse, liquefaction, subsidence, and lateral spreading from the amended Specific Plan to a less than significant level.

The proposed industrial development site does not contain or is adjacent to large slopes, and impacts related to landslides would not occur. Also, the Geotechnical Feasibility Study (Appendix D of the Initial Study) describes that the site does not have potential for liquefaction. Thus, the related impacts of lateral spreading and subsidence would also not occur. In addition, the Geotechnical Feasibility Study provides CBC design criteria to limit the potential for soils movement or collapse. Therefore, impacts would be less than significant.

Impact GEO-4 Finding: The Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (Initial Study at p. 66). Impacts are less than significant.

Facts in Support of Findings: Soils within the Specific Plan area (sand and gravel to silty sand), have a very low expansion potential. The Geotechnical Feasibility Study (Appendix D of the Initial Study) performed expansion testing on the soils within the proposed industrial development site, which determined that soils have a 0 expansion index and are not expansive. Therefore, no impacts related to expansive soils would occur.

Impact GEO-5 Finding: The Project would not 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 (Initial Study at p. 66). No impacts would occur.

Facts in Support of Findings: The Project area is currently served by a sewer and wastewater treatment system. Future development projects would include connection to existing sewers mainlines and service lines. Future development under the Project would not include the use of septic systems. Therefore, no impact would occur.

Geology and Soils Cumulative Finding: The Project would not result in cumulatively considerable impacts to geology and soils.

Facts in Support of Findings: Geotechnical impacts are site-specific rather than cumulative in nature. Direct and indirect impacts related to geology and soils would be mitigated through mandatory conformance with the CBC, Rialto Municipal Code, and site-specific geotechnical recommendations, which will be incorporated as part of future projects' design and construction efforts as required by DF GEO-1. With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions are unique to each project site, and inherently restricted to the developments proposed. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) the development, are specific to conditions on the property, and are not influenced by or additive with the geologic and/or soils hazards that may occur on other, off-site properties. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection

to similar potential issues or cumulative effects from the Specific Plan Amendment or proposed industrial development project.

Impacts related to erosion and loss of topsoil could be cumulatively considerable. However, as discussed in Impact GEO-2, mandates related to the NPDES permit, preparation of a WQMP, Erosion Control Plan, and SWPPP, as well as compliance with SCAQMD Rule 403 (Fugitive Dust) incorporate measures during construction activities to ensure that significant erosion impacts do not occur, included as DF HYDRO-1 and DF HYDRO-2. Other development projects in the vicinity of the Specific Plan area would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the development pursuant to the Specific Plan Amendment and light industrial development project and related projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with erosion and loss of topsoil would be less than significant.

2017 Final EIR Project Design Features

Design Feature DF GEO-1: Geotechnical Investigation – Prior to the approval of a precise grading permit for any building within the Project Site, a subsequent site- and design-specific geotechnical and geologic report prepared by a licensed geologist shall be submitted to the City Engineer for review and approval. The report shall document the feasibility of each proposed use and the appropriate geotechnical, geologic, and seismic conditions associated with that use. The geologic investigation shall demonstrate that buildings for human occupancy will not be constructed across active faults and must be setback in accordance with Alquist-Priolo Earthquake Fault Zoning Act requirements. For residential uses, setback distances may vary, but a minimum 50-foot setback is required.

To demonstrate compliance with the Alquist-Priolo Earthquake Fault Zoning Act requirements, the analysis shall include the results of a subsurface investigation, including on-site trenching activities as necessary, to delineate the precise location(s) of any fault traces that could impact buildings on the future development. Unless otherwise modified, any conditions, recommendations, or construction measures contained therein, including the imposition of specified setback requirements for proposed development activities within Alquist-Priolo Earthquake Fault Zones, shall become conditions of approval for the requested use. The report shall comply with all applicable State and local code requirements, including the current building code in effect at the time of precise grading permit issuance.

Proposed Industrial Development Project Applicability: Design Feature DF GEO-1 is applicable to the proposed industrial development site, has been completed, is included as Appendix D of the Initial Study.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature GEO-1 is applicable to future developments within PA 1 and PA 10.

Design Feature DF GEO-2: Geotechnical Disclosures – Pursuant to the requirements of the Natural Hazards Disclosure Act, under Sec. 1103 of the California Civil Code, real estate sellers and brokers shall disclose to future buyers that if the Project lies within one or more state or locally mapped hazard areas, including an earthquake fault zone. This hazard shall also be disclosed on a statutory form called the Natural Hazard Disclosure Statement (NHDS) to all prospective buyers within the Project Site.

Proposed Industrial Development Project Applicability: Design Feature DF GEO-2 is applicable to the proposed industrial development and would be implemented as part of real estate disclosures.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature GEO-2 is applicable to future developments within PA 1 and PA 10.

Design Features DF HYDRO-1 and DF HYDRO-2. As listed in H. *Hydrology and Water Quality*.

Proposed Industrial Development Project Applicability: Design Features DF HYDRO-1 and DF HYDRO-2 are applicable to the proposed industrial development and would be implemented as part of Project permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Features DF HYDRO-1 and DF HYDRO-2 are applicable to future developments within PA 1 and PA 10.

H. Greenhouse Gas Emissions

Impact GHG-2 Finding: The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs (Draft Subsequent EIR at p. 5.5-13). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment includes measures that shall be included as performance standards and conditions of approval for industrial development projects and various measures from the California Attorney General's Warehouse Projects Best Practices. Also, the Project would implement CalGreen building standards, as verified through the City's permitting process, that include requirements such as solar photovoltaic systems, increased energy and water efficiency. In addition, proposed Project would not interfere with implementation of the GHG reduction measures listed in CARB's 2007 Scoping Plan or CARB's Updated Scoping Plan (2017).

The development resulting from the proposed Project would include sustainable design features related to reduction of GHG emissions that would meet existing regulatory requirements and be consistent with CARB's Scoping Plans (the 2007 and 2017) that provide measures to reduce GHG emissions, as detailed in Tables 5.5-4 and 5.5-5 of the Draft Subsequent EIR. Thus, the proposed Project would not conflict with the CARB Scoping Plans and related regulations.

Further, the proposed Project is consistent with AB 32 and SB 32 through implementation of measures that address GHG emissions related to building energy, solid waste management, wastewater, and water conveyance. Thus, the Project would be consistent with the State's requirements for GHG reductions. As detailed in Table 5.5-6 of the Draft Subsequent EIR, the Project would not conflict with the relevant General Plan and Climate Adaptation Plan goals and policies. Overall, the proposed Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Thus, impacts would be less than significant.

I. Hazards and Hazardous Materials

Impact HAZ-1 Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Initial Study at pp. 72). Impacts are less than significant.

Facts in Support of Findings:

Construction

The construction activities that would occur by the proposed change in the Specific Plan allowable land uses and by the proposed industrial development would involve transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking. In addition, hazardous materials would be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by county, state, and federal regulations, which construction activities are required to strictly adhere to. As a result, the routine transport, use or disposal of hazardous materials during construction activities for the proposed Project would be less than significant.

Operation

The proposed change in Specific Plan allowable land uses and the proposed industrial development would include operation of light industrial uses, which use and store limited hazardous materials, such as: cleaning agents, paints, pesticides, batteries, and aerosol cans. Normal routine use of these products would not result in a significant hazard to residents or workers in the vicinity of the Specific Plan area and industrial development site.

Also, should any future business that occupies the proposed industrial building or other buildings within the Specific Plan area handle acutely hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) the business would require a hazardous materials permit from the Fire Department, as part of City operational permitting procedures. Such businesses are also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Fire Department regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. In addition, any business handling at any one time, greater than 500 pounds of solid, 55 gallons of liquid, or 200 cubic feet of gaseous hazardous material, is required, under Assembly Bill 2185 (AB 2185), to file a Hazardous Materials Business Emergency Plan. A Hazardous Materials Business Emergency Plan is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. The intent of the Hazardous Materials Business Emergency Plan is to satisfy federal and state right-to-know laws and to provide detailed information for use by emergency responders.

Therefore, if future businesses that use or store hazardous materials occupy a building within the Specific Plan area, the business owners and operators would be required to comply with all applicable federal, state, and local regulations, as verified by City operational permitting. Hence, operational impacts associated with the disposal of hazardous materials and/or the potential release of hazardous materials would be less than significant.

Impact HAZ-2 Finding: The Project would not 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 (Initial Study at p. 73). Impacts are less than significant.

Facts in Support of Findings:

Construction

Construction of the proposed industrial development and allowable uses under the Specific Plan Amendment would involve the limited use and disposal of hazardous materials. Equipment that would be used in construction has the potential to release gas, oils, greases, solvents; and spills of paint and other finishing substances. However, the amount of hazardous materials onsite would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement construction BMPs (through implementation of a required SWPPP implemented by City permitting) to prevent a hazardous materials release and to promptly contain and clean up any spills, which would minimize the potential for harmful exposures. With compliance to existing laws and regulations, which is mandated by the City through construction permitting, the potential construction-related impacts would be less than significant.

Operation

As described previously, operation of the allowable uses proposed by the Specific Plan Amendment and the proposed industrial development includes use of limited hazardous materials, such as: cleaning agents, paints, pesticides, batteries, and aerosol cans. These types of hazardous materials are not acutely hazardous and regulated by existing laws that have been implemented to reduce risks related to the use of these substances. Similarly, should any future business that occupies a building within the Specific Plan area handle acutely hazardous materials, it would be required to file a Hazardous Materials Business Plan to ensure proper use, storage, and disposal of hazardous substances. As a result, operation of the proposed Specific Plan Amendment and proposed industrial development would not create a reasonably foreseeable upset and

accident condition involving the release of hazardous materials into the environment, and impacts would be less than significant.

Impact HAZ-3 Finding: The Project would not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Initial Study at p. 74). Impacts are less than significant.

Facts in Support of Findings: The nearest school to the Specific Plan area is Frisbie Middle School, located at 1442 N. Eucalyptus Avenue (approximately 0.7 mi southwest of the proposed industrial development site). The allowable uses by the Specific Plan Amendment and proposed industrial development are not anticipated to release hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes in significant quantities. Construction activities associated with the Specific Plan Amendment buildout and proposed industrial development site would use a limited amount of hazardous and flammable substances/oils during heavy equipment operation for site excavation, grading, and construction. The amount of hazardous chemicals present during construction is limited and would be contained in compliance with existing government regulations. Therefore, impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or wastes within 0.25 mi of an existing or proposed school would be less than significant.

Impact HAZ-4 Finding: The Project would not 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 create a significant hazard to the public or the environment. (Initial Study at p. 74). No impacts would occur.

Facts in Support of Findings: According to the California Department of Toxic Substances Control (DTSC) EnviroStor database and the Phase I Environmental Site Assessment that was prepared for the proposed industrial development site, the area is not located on a federal Superfund site, State response site, voluntary cleanup site, school cleanup site, corrective action site, or tiered permit site. Therefore, the proposed Project would not be located on a hazardous materials site pursuant to Government Code Section 65965.5.

Impact HAZ-5 Finding: The Project would not result in a safety hazard or excessive noise for people residing or working in the project area (Initial Study at p. 75). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area is not within an airport land use plan and is located over 6 miles to the northwest of the closest operating public airport or public use airport (San Bernardino International Airport). Additionally, the proposed industrial development would be a maximum of 55-feet high and would not be of a sufficient height to require modifications to the existing air traffic patterns at the airport and, therefore, would not affect aviation traffic levels or otherwise result in substantial aviation-related safety risks. Hence, the proposed Project would not result in impacts to an airport land use plan, or where such a plan has not been adopted, and would not result in a safety hazard or excessive noise for people residing or working in the Specific Plan area or proposed industrial development site.

Impact HAZ-6 Finding: The Project would not impair implementation of an adopted emergency response plan or emergency evacuation plan (Initial Study at p. 75). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment and proposed industrial development would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Direct access to the proposed industrial development site would be provided by two driveway locations along Pepper Avenue, which is directly adjacent to the site. Construction activities would occur within the proposed industrial development site and would not restrict access of emergency vehicles to the site or adjacent areas. In addition, travel along Pepper Avenue would remain open and would not interfere with emergency access in the site vicinity. The proposed industrial development and all other Specific Plan development projects are required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform to Rialto Fire Department standards. The Rialto Fire Department would review the development plans prior to approval to ensure adequate

emergency access pursuant to the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). As such, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Impact HAZ-7 Finding: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (Initial Study at p. 75). No Impact would occur.

Facts in Support of Findings: The Specific Plan area does not contain and is not adjacent to any wildland areas. According to the CalFire Fire Hazard Severity Zone map, the Specific Plan area is not within an area identified as a Fire Hazard Area. As a result, the proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Hazards and Hazardous Materials Cumulative Findings: The Project would not result in cumulative impacts related to hazards or hazardous materials (Initial Study at p. 72).

Facts in Support of Findings: Cumulative land use changes within the city would have the potential to expose future area residents, employees, and visitors to chemical hazards through redevelopment of sites and structures that may be contaminated from either historic or ongoing uses. The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. All hazardous material users and transporters, as well as hazardous waste generators and disposers, are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety. Thus, if hazardous materials are found to be present on present or future project sites appropriate remediation activities would be required pursuant to standard federal, state, and regional regulations. Compliance with the relevant federal, state, and local regulations during the construction and operation of related projects would ensure that cumulative impacts from hazardous materials would be less than significant.

J. Hydrology and Water Quality

Impact WQ-1 Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (Initial Study at p. 78). Impacts are less than significant.

Facts in Support of Findings:

Construction

Construction of the proposed industrial development and the other development projects under the proposed Specific Plan Amendment would be required through City permitting to implement of a grading and erosion control plan that is required by the Construction Activities General Permit (State Water Resources Board Order No. 2012-0006-DWQ, NPDES No. CAS000002), which requires preparation of a SWPPP by a Qualified SWPPP Developer, included as Design Feature DF HYDRO-1. Adherence to the existing requirements and implementation of the appropriate BMPs per the permitting process would ensure that activities associated with construction would not violate any water quality standards.

Operation

The proposed industrial development and other uses allowed by the proposed Specific Plan Amendment would operate industrial and warehouse type facilities, which would introduce the potential for pollutants such as, chemicals from cleaners, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. These pollutants could potentially discharge into surface waters and result in degradation of water quality. However, in accordance with State Water Resources Board Order No. 2012-0006-DWQ, NPDES No. CAS000002 each development would be required to incorporate a WQMP with post-construction (or permanent) Low Impact Development (LID) site design, source control, and treatment

control BMPs. The LID site design would minimize impervious surfaces and provide infiltration of runoff into landscaped areas.

The source control BMPs would minimize the introduction of pollutants that may result in water quality impacts; and treatment control BMPs that would treat stormwater runoff. The proposed industrial development would install an onsite detention basin to treat stormwater, which would remove coarse sediment, trash, and pollutants (i.e., sediments, nutrients, heavy metals, oxygen demanding substances, oil and grease, bacteria, and pesticides). With implementation of the operational source and treatment control BMPs that is outlined in the preliminary WQMP (Appendix F) that would be reviewed and approved by the City during the project permitting and approval process, potential pollutants would be reduced to the maximum extent feasible, and implementation of the proposed industrial development and Specific Plan Amendment would not substantially degrade water quality. Therefore, impacts would be less than significant.

Impact WQ-2 Finding: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Initial Study at p. 80). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan area, including the industrial development site, is largely undeveloped, vacant, and pervious. Thus, stormwater currently infiltrates into the soils. Both the development projects under the proposed Specific Plan Amendment and the proposed industrial development would result in areas of impervious surfaces. However, pursuant to Design Feature DF HYDRO-2, WQMPs are required to be completed for each development that are required to demonstrate that runoff would be infiltrated to retain the runoff from the 85th percentile, 24-hour rain event. Thus, a majority of stormwater would continue to infiltrate into site soils, such that the potential for groundwater recharge onsite would not be substantially affected.

In addition, groundwater within the Specific Plan area is adjudicated, which manages groundwater pumping such that substantial depletion of groundwater supplies would not occur. The 2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan that includes the West Valley Water District (WVWD) that supplies water to the Specific Plan area describes that WVWD draws the majority of its water supply from its wells that extract groundwater from five regional groundwater basins: Bunker Hill and Lytle Creek (which are both part of the San Bernardino Basin or SBB), Rialto-Colton, Riverside North, and Chino Basins. All five basins have been adjudicated and are managed for long term sustainability. Groundwater extractions and conditions are monitored and tracked annually by the Western-San Bernardino Watermaster and the Basin Technical Advisory Committee. The proposed Specific Plan Amendment and proposed industrial development would not conflict with the groundwater basing adjudications. Thus, impacts related to the groundwater recharge would be less than significant.

Impact WQ-3i Finding: The Project would not substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in a substantial erosion or siltation on- or off-site (Initial Study at p. 81). Impacts are less than significant.

Facts in Support of Findings: Construction of the proposed industrial development and other developments within the Specific Plan area have the potential to contribute to soil erosion and siltation. Grading and excavation activities that would be required that would expose and loosen topsoil, which could be eroded by wind or water. DF HYDRO-1 implements the requirements of the NDPES Storm Water Permit that all projects in the City are required to conform to. To reduce the potential for soil erosion and the loss of topsoil, a SWPPP is required by the RWQCB regulations to be developed by a QSD (Qualified SWPPP Developer). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP is required to identify potential sources of erosion and siltation during construction, identify erosion control BMPs to reduce or eliminate the erosion and siltation, such as use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding. With implementation of the

SWPPP included as DF HYDRO-1, construction impacts related to erosion and siltation would be less than significant.

In addition, the proposed industrial development includes installation of landscaping, such that during operation of the proposed industrial development large areas of loose topsoil that could erode would not exist. The onsite drainage features that would be installed by the proposed industrial development have been designed to slow, filter, and infiltrate stormwater, which would also reduce the potential for stormwater to erode soil during operations. Furthermore, implementation of the proposed industrial development requires City approval of a site-specific Water Quality Management Plan (WQMP), included as DF HYDRO-2, which would ensure that appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion and sedimentation to occur. As a result, potential impacts related to substantial soil erosion or sedimentation would be less than significant.

Impact WQ-3ii Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (Initial Study at p. 82). Impacts are less than significant.

Facts in Support of Findings: The potential impacts related to surface runoff and drainage that would require implementation of project specific WQMPs that are included as DF HYDRO-2, that requires the 85th percentile of stormwater runoff to be infiltrated on site. Therefore, the proposed Specific Plan Amendment would not substantially increase surface water runoff in a manner that would result in flooding. Thus, implementation of existing regulations would reduce potential impacts to a less than significant level.

As detailed previously, runoff generated by the proposed industrial development would be conveyed to a detention basin that would be installed on site to filter and infiltrate into site soils. In addition, the proposed industrial development includes installation of landscaping that provide for infiltration of stormwater runoff. As described previously, the onsite drainage features that would be installed by the proposed industrial development have been designed to slow, filter, and infiltrate stormwater, such that a substantial increase in stormwater runoff would not occur. Furthermore, implementation of the proposed industrial development requires City approval of a site-specific Water Quality Management Plan (WQMP), included as DF HYDRO-2, which would manage stormwater runoff. As a result, potential impacts related an increase in stormwater runoff that could result in flooding would be less than significant.

Impact WQ-3iii Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Initial Study at p. 82). Impacts are less than significant.

Facts in Support of Findings: Implementation of project specific WQMPs that are included as DF HYDRO-2, that requires the 85th percentile of stormwater runoff to be infiltrated on site. Therefore, the proposed Specific Plan Amendment would not substantially increase surface water runoff in a manner that would exceed the capacity of drainage systems or result in polluted runoff. Thus, implementation of existing regulations would reduce potential impacts to a less than significant level, which is consistent with the findings of the Final EIR.

Runoff generated by the proposed industrial development would be conveyed to a detention basin that would be installed on site to filter and infiltrate into site soils. In addition, the proposed industrial development includes installation of landscaping that provide for infiltration of stormwater runoff. The onsite drainage features that would be installed by the proposed industrial development have been designed to meet the 85th percentile storm water capture requirements that would be verified in project specific WQMPs,

included as DF HYDRO-2. As a result, potential impacts related an increase in stormwater runoff that could exceed the capacity of drainage systems or result in polluted runoff would be less than significant.

Impact WQ-3iv Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows (Initial Study at p. 83). No impacts would occur.

Facts in Support of Findings: According to the Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA) (06071C7940J), the Specific Plan area is located in Zone X, which is an area located outside of the 100-year and 500-year flood plains. Therefore, the proposed Project would not impede or redirect flood flows.

Impact WQ-4 Finding: The Project would not risk release of pollutants due to Project inundation within a flood hazard zone (Initial Study at p. 83). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not within a flood hazard area. As such, the Project is not at risk of inundation during a storm event. Therefore, the proposed Project would not risk release of pollutants within a flood hazard area. No impacts would occur.

Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The Specific Plan area is over 45 miles from the nearest ocean shoreline. Based on the inland location of the site, the Specific Plan area is not at risk of inundation from tsunami. Therefore, the proposed Project would not risk release of pollutants from inundation from a tsunami.

Seiche is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). Such waves can cause retention structures to fail and flood downstream properties. The Specific Plan area is not located adjacent to any water retention facilities. For this reason, the Specific Plan area is not at risk of inundation from seiche waves. Therefore, the proposed Project would not risk release of pollutants from inundation from seiche and impacts.

Impact WQ-5 Finding: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Initial Study at p. 84). Impacts are less than significant.

Facts in Support of Findings: Development projects are required to have an approved SWPPP, which would include construction BMPs to minimize the potential for construction related sources of pollution, included as DF HYDRO-1. Also, WQMPs with source control BMPs are required to minimize the introduction of pollutants and treatment control BMPs are included to treat runoff. With implementation of the WQMPs that are (included as DF HYDRO-2) required by the City during the project permitting and approval process, potential pollutants would be reduced to the maximum extent feasible, and implementation of the proposed Project would not obstruct implementation of a water quality control plan.

Also, the Specific Plan area receives water from groundwater basins that are adjudicated. Thus, the allowable withdrawal of water from the basin by water purveyors is limited. The proposed Specific Plan Amendment and proposed industrial development would not pump water and water supplies would be provided by WVWD. Thus, the proposed Project would not conflict with or obstruct a groundwater management plan.

Hydrology and Water Quality Cumulative Findings: The Project would not result in cumulative impacts related to hydrology and water quality (Initial Study at p. 84).

Facts in Support of Findings: Related developments within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration, in areas permitted. The NPDES permit requirements have been set by the SWRCB and implemented by the RWQCB to reduce incremental effects of individual projects so that they would not become cumulatively considerable. Therefore, overall potential impacts to water quality associated with present and future development in the watershed would not be cumulatively considerable with compliance with all applicable laws, permits, ordinances and plans. Therefore, cumulative impacts related to water quality would be less than significant.

As described previously, the Specific Plan area receives water from groundwater basins that are adjudicated. As a result, the proposed Project would not generate impacts related to the groundwater basin that have the potential to combine with effects from other projects to become cumulatively considerable. Therefore, cumulative impacts related to the groundwater basin would be less than significant.

2017 Final EIR Project Design Features

Design Feature DF HYDRO-1: SWPPP - A Storm Water Pollution Prevention Plan (SWPPP) shall be developed by the applicant of each future development proposed within the Specific Plan that disturbs 1 or more acre. The SWPPP shall comply current Construction General Permit (CGP) and associated local National Pollutant Discharge Elimination System (NPDES) regulations at the time of development to ensure that the potential for soil erosion and short-term water quality impacts is minimized on a project-by-project basis.

Proposed Industrial Development Project Applicability: Design Feature DF HYDRO-1 is applicable to the proposed industrial development and would be implemented as part of construction related City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF HYDRO-1 is applicable to future developments within PA 1 and PA 10.

Design Feature DF HYDRO-2: WQMP - A Water Quality Management Plan (WQMP) shall be developed by the applicant of each future development proposed within the Specific Plan. The WQMP shall comply with all applicable provisions of the San Bernardino County Technical Guidance Document for Water Quality Management Plan (TGD-WQMP), WQMP Template (Template), and Transportation Project BMP Guidance, as required under Section XI.D.2 of Order No. R8-2010-0036. The WQMP shall include, but not be limited to, the following:

- Incorporation of site design/Low Impact Development (LID) strategies and source control measures in a systematic manner that maximize the use of LID features to provide treatment of stormwater and reduce runoff. For those areas of the Project Site where LID features are not feasible or do not meet the feasibility criteria, treatment control Best Management Practices (BMPs) with biotreatment enhancement design features shall be utilized to provide treatment. LID features shall be sized to infiltrate the required design capture volume (DCV) to reduce impacts of pollutants and runoff volumes to downstream receiving waters.
- Assuming complete build-out of the project, the entire Project Site shall require approximately 5.4 acre-feet of runoff to be infiltrated to retain the runoff from the 85th percentile, 24-hour rain event. Individual developments shall be responsible for their proportionate share. Infiltration BMPs would be sized in accordance with Form 4.3-3 of the TGD for WQMPs.
- Should infiltration prove infeasible based on future geotechnical studies associated with the site-specific plans, harvest and reuse BMPs shall be evaluated as part of the future site-specific plans and WQMPs.

Proposed Industrial Development Project Applicability: Design Feature DF HYDRO-2 is applicable to the proposed industrial development and would be implemented as part of Project permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF HYDRO-2 is applicable to future developments within PA 1 and PA 10.

Design Feature DF HYDRO-3: Storm Drain Infrastructure - Should the "West and East Systems Drainage Scenario," as depicted in Section IX, Hydrology and Water Quality, in Attachment B of the Initial Study be implemented by the Project, then DF HYDRO-3 shall be required. If an alternative drainage system is implemented, DF HYDRO-3 would not be required. As stated above, the final storm water design may differ from this design, as the Project's Specific Plan does not mandate specific building locations. Additionally, the final design could include green roofs, bioswales, etc. that would alter the minimum required size of the underground basin, or even eliminate the need for an underground basin. Other designs such as at-grade basins, or storm water designs that only treat individual developments could also be implemented.

Regardless, the precise drainage conveyance system design would be analyzed as part of the Water Quality Management Plan for each future, precise development consistent with State and City requirements for storm water conveyance.

If the Project Site west or east of Pepper Avenue is developed concurrently, the respective West or East drainage and water quality system would be constructed in its entirety consistent with DF HYDRO-2. In this scenario, the developers within either system would enter into a development agreement to delineate their fair share cost of design and construction of the facilities, as applicable. If the northerly portion within either system is developed prior to the southerly portion, the owner would be responsible to do one of the following: 1. Install the proposed retention/detention system within the southerly portion of the Project Site (within their respective system) as well as any drainage conveyances to and from the basin system, sized to accommodate the south site as well. This could require a development agreement for reimbursement of the fair share of costs and shared land use between both owners; or 2. Install drainage and water quality facilities to accommodate only the north portion of their respective system. This would most likely require the design and implementation of an interim Grading and Drainage Plan to mitigate any impacts to the southerly owner.

In this scenario, if the southerly portion of either system is developed prior to the northerly portion, the southern property owner would be responsible to install a drainage and water quality system within the southerly portion of the Project Site to include the anticipated demand and capacity contributed from the northerly site (within their respective system). Specifically, the proposed stormwater conveyances and retention/detention basin within each system would be sized per stormwater and water quality demand for the either the entire West system (Planning Areas 5, 6, 7 and 8) or entire East system (Planning Areas 1, 2 and 3). As such, a development agreement between owners within each system would be implemented for the reimbursement of the fair share of costs.

Proposed Industrial Development Project Applicability: Design Feature DF HYDRO-3 is applicable to the proposed industrial development and would be implemented as part of construction related City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF HYDRO-3 is applicable to future developments within PA 1 and PA 10.

Design Feature DF HYDRO-4: Storm Drain Fees - The applicant of each future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.270 – Storm Drain Facilities Development Impact Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF HYDRO-4 is applicable to the proposed industrial development and would be implemented as part of Project permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF HYDRO-4 is applicable to future developments within PA 1 and PA 10.

K. Land Use and Planning

Impact LU-1 Finding: The Project would not physically divide an established community (Initial Study at p. 88). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is generally undeveloped vacant land that is bisected by Pepper Avenue. The Specific Plan area has been previously designated for development. The proposed Specific Plan Amendment would modify the specific types of uses that are allowed to be developed on the site, but those new uses would not physically divide an established community. The proposed industrial development is to be located adjacent to Pepper Avenue, WVWD water infrastructure facilities, a rail line, and undeveloped land that is planned for similar development. Implementation of the proposed Project would change future planned land uses within the eastern portion of the Specific Plan area and would change the current undeveloped land of the proposed development site to light industrial uses.

These changes would not physically divide an established community. The new light industrial allowable land uses are employment land uses that are similar to the currently allowable business park uses within the Specific Plan area. In addition, neither the proposed Specific Plan Amendment, nor the proposed industrial development would include new infrastructure (such as roadways) that would physically divide an established community. Therefore, consistent with the findings of the Final EIR, no impact would occur.

Impact LU-2 Finding: The Project would not 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 (Draft Subsequent EIR at p. 5.6-8). Impacts are less than significant.

Facts in Support of Findings:

2020 RTP/SCS. The 2020 RTP/SCS Goals that are relevant to the proposed Project focus largely on maximizing mobility, encouraging development patterns and densities that reduce infrastructure costs, and provide for efficiency. The proposed Project would be consistent with the applicable SCAG's 2020 RTP/SCS goals, as detailed in Draft Subsequent EIR Table 5.6-2 on pages 5.6-8 through 5.6-10. Therefore, implementation of the proposed Project would not result in conflict with RTP/SCS goals, and impacts would not occur.

City of Rialto General Plan Policies. The proposed Project has been prepared in conformance with the goals and policies of the City of Rialto General Plan. Table 5.6-3 of the Draft Subsequent EIR lists the General Plan goals and policies that are applicable to the proposed Project and were adopted for the purpose of avoiding or mitigating an environmental effect. The table evaluates the Project's compliance with each policy. As described, the proposed Project would be consistent with the applicable General Plan policies, and therefore, impacts would be less than significant.

Municipal Code. The proposed industrial development and other development within the Specific Plan area would be implemented in compliance with the proposed amendment to the Pepper Avenue Specific Plan and the City of Rialto Municipal Code. The Specific Plan is the main development implementation tool, and the Municipal Code applies in absence of a Specific Plan specification. The City's development permitting process would ensure that the proposed industrial development component of the Project would be implemented in compliance with these existing regulations. As such, the proposed industrial development component of the Project would not result in conflicts with the City of Rialto zoning code, and impacts would be less than significant.

Land Use and Planning Cumulative Findings: The Project would not result in cumulative impacts related to land use and planning (Draft Subsequent EIR at p. 5.6-18).

Facts in Support of Findings: The geographic context for this cumulative analysis includes the City of Rialto in relation to the City's General Plan. Cumulative development would be subject to site-specific environmental and planning reviews that would address consistency with adopted General Plan and Specific Plan policies, as well as with the City's Municipal Code. As part of environmental review, projects would be required to provide mitigation for any inconsistencies with the General Plan and environmental policies that would result in adverse physical environmental effects.

While cumulative projects could include General Plan amendments and/or zone changes, modifications to existing land uses. Such amendments do not necessarily represent an inherent negative effect on the environment, particularly if the proposed changes involve changes in types and intensity of uses, rather than eliminating application of policies that were specifically adopted for the purpose of avoiding or mitigating environmental effects. Past and present cumulative projects do not involve amendments that would eliminate application of policies that were adopted for the purpose of avoiding or mitigating environmental effects. Determining whether any future project might include such amendments and determining the cumulative effects of any such amendments would be speculative since it cannot be known what applications that are not currently filed might request. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant.

L. Mineral Resources

Impact MIN-1 Finding: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (Initial Study at p. 90). No impacts would occur.

Facts in Support of Findings: Exhibit 2.7, Mineral Resource Zones, of the General Plan identifies that the Specific Plan area is located within an MRZ-2 Zone. The General Plan does not support expansion of surface mining activities in MRZ-2 areas. The Specific Plan area and proposed industrial development site have not historically been used for mining and are not identified as containing valuable mineral resources. Therefore, implementation of the proposed Specific Plan Amendment and development and operation of the proposed industrial development would not result in the loss of availability of a valuable known mineral resource.

Impact MIN-2 Finding: The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on the general plan, specific plan or other land use plan (Initial Study at p. 90). No impacts would occur.

Facts in Support of Findings: No known valuable mineral resources exist on or near the Specific Plan area. The Specific Plan area is not designated for mineral recovery uses but is designated for urban uses. In addition, the proposed Specific Plan Amendment and proposed industrial development would not cause loss of potential resources. Therefore, no impacts related to the loss of availability of a locally important mineral resource recovery site, as delineated on a local general plan, specific plan, or other land use plan, would occur as a result of Project implementation.

Mineral Resources Cumulative Findings: The Project would not result in cumulative impacts related to mineral resources.

Facts in Support of Findings: The Project area has not historically included mineral extraction, nor does the Project area currently support mineral extraction or have identified mineral resources. Thus, implementation of the Project would not result in significant impacts to mineral resources and impacts would not be cumulatively considerable.

M. Noise

Impact NOI-1 Finding: The Project would not generate a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft Subsequent EIR at p. 5.7-16). Impacts are less than significant with mitigation.

Facts in Support of Findings:

Construction

Section 9.50.050(F) of the City's Municipal Code allows construction noise to exceed the City noise standards provided that construction activities occur between 7:00 a.m. to 5:30 p.m. Monday through Friday from October 1st to April 30th, 6:00 a.m. to 7:00 p.m. Monday through Friday from May 1st to September 30th, and 8:00 a.m. to 5:00 p.m. on Saturdays any time of year. However, the City construction noise standards do not provide any limits to the noise levels that may be created from construction activities and even with adherence to the City standards, the resultant construction noise levels may result in a significant substantial temporary noise increase to the nearby residents. Therefore, in order to determine if construction activities would create a significant substantial temporary noise increase, the FTA construction noise criteria thresholds detailed above have been utilized, which shows that a significant construction noise impact would occur if construction noise exceeds 80 dBA during the daytime at a sensitive receiver, such as a residence.

As shown on Table 5.7-6 of the Draft Subsequent EIR, the construction noise levels are expected to range from 42.0 to 62.2 dBA Leq at 255 feet from construction, which would not exceed the daytime construction noise threshold of 80 dBA Leq. Therefore, construction noise from the proposed industrial development component of the Project would be less than significant.

Also, future light industrial uses that would be developed within the proposed PA 10, pursuant to the proposed Specific Plan Amendment would result in similar construction noise that would be farther distances to sensitive receptors. However, should sensitive receptors be as close as 255 feet from the future construction pursuant to the proposed Specific Plan Amendment, the construction noise would be similar to that shown in Table 5.7-6 of the Draft Subsequent EIR and impacts would also be less than significant.

Nighttime concrete pouring activities are often conducted to reduce concrete mixer truck transit times and take advantage of lower air temperatures than during the daytime hours and are generally limited to the actual building area. Since the nighttime concrete pours would take place outside the permitted Municipal Code Section 9.50.070 hours of 7:00 a.m. to 5:30 p.m. Monday through Friday from October 1st to April 30th, 6:00 a.m. to 7:00 p.m. Monday through Friday from May 1st to September 30th, and 8:00 a.m. to 5:00 p.m. on Saturdays any time of year, the Project applicant would be required to obtain authorization for nighttime work from the City. As shown on Table 5.7-7 of the Draft Subsequent EIR, the noise levels from nighttime concrete pour activities (paving) are estimated to range from 41.6 to 53.8 dBA Leq at 255 feet from the activities and would be less than the FTA 70 dBA Leq nighttime noise level threshold at sensitive receptor locations. Thus, noise impacts related nighttime concrete pour activities would be less than significant.

Operation

Onsite Operational Noise Standard Compliance. To present the potential worst-case noise conditions, this analysis assumes the proposed industrial uses would be operational 24 hours per day, seven days per week. Consistent with similar unrefrigerated warehouse uses, the business operations of the industrial uses proposed by the proposed Project would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site

industrial use-related noise sources are expected to include: loading dock activity, trailer activity, truck movements, roof-top air conditioning units, parking lot vehicle movements, and trash enclosure activity. Table 5.7-8 of the Draft Subsequent EIR shows that operational noise levels of the proposed unrefrigerated industrial development during the daytime hours at the closest off-site noise receiver locations are expected to range from 33.7 to 48.1 dBA Leq. Table 5.7-9 of the Draft Subsequent EIR shows the nighttime hourly noise levels at the off-site receiver locations are expected to also range from 33.7 to 48.1 dBA Leq. These operational noise levels would not exceed the City's General Plan Noise Guidelines for Land Use Planning at the closest sensitive receiver locations and would be less than significant.

Operational Noise Level Increases. As indicated on Tables 5.7-11 and 5.7-12 of the Draft Subsequent EIR, the increase in noise would range from 0.0 to 0.9, which would not generate a significant daytime or nighttime operational noise level increase at the nearby receiver locations. Therefore, impacts would be less than significant.

Off-Site Traffic Noise. Table 5.7-14 of the Draft Subsequent EIR shows that the Opening Year with Project plus cumulative conditions would range from 74.1 to 79.1 dBA CNEL, and that an off-site traffic noise level increases range from 0.0 to 0.3 dBA CNEL, which is less than the 1.5 and 3.0 dBA CNEL thresholds. Thus, off-site traffic noise impacts in the Opening Year plus Project and cumulative condition would be less than significant. Also, Table 5.7-15 of the Draft Subsequent EIR shows that the General Plan Buildout with Project would range from 74.5 to 74.8 dBA CNEL, and that an off-site traffic noise level increases range from 0.0 to 0.3 dBA CNEL, which is less than the 1.5 and 3.0 dBA CNEL thresholds. Thus, off-site traffic noise impacts in the General Plan buildout plus Project condition would be less than significant.

Impact NOI-2 Finding: The Project would not generate excessive groundborne vibration or groundborne noise levels (Draft Subsequent EIR at p. 5.7-28). Impacts are less than significant.

Facts in Support of Findings:

Construction

The primary source of vibration during infill and redevelopment construction would be from the operation of a bulldozer. As shown in Table 5.7-16 of the Draft Subsequent EIR a large bulldozer would create a vibration level of 0.089 inch per second PPV at 25 feet. Table 5.7-17 of the Draft Subsequent EIR lists that anticipated construction related vibration levels at distances ranging from 255 to 2,757 feet from construction activity. As shown construction vibration from the proposed industrial development would not occur. Likewise, other construction projects from implementation of the proposed Specific Plan Amendment that would occur at similar distances from sensitive receptors would also not result in vibration impacts.

Operation

Operation of the proposed Project would include heavy trucks for loading dock activities and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, typical vibration levels for the heavy truck activity at normal traffic speeds would be approximately 0.006 in/sec PPV, based on the FTA Transit Noise Impact and Vibration Assessment. Truck movements on site would be travelling at very low speed, so it is expected that truck vibration at nearby sensitive receivers would be less than the vibration threshold of 0.2 in/sec PPV, and therefore, would be less than significant.

Impact N-3 Finding: The Project would not expose people residing or working in the project area to excessive noise levels, 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 (Initial Study at p. 93). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not located within an airport land use plan and is not located within two miles of a private or public use airport. The Specific Plan area is located over 6 miles

east of the San Bernardino International Airport. Therefore, implementation of the proposed Project would not expose people residing or working in the Specific Plan area or proposed industrial development site to excessive noise levels, and no impacts would occur.

Noise Cumulative Findings: The Project would not result in cumulative impacts related to noise (Draft Subsequent EIR at pp. 5.7-30).

Facts in Support of Findings: Buildout of the proposed Project in combination with the related projects would result in an increase in construction-related and traffic-related noise. However, Municipal Code Section 9.50.050(F) limits construction noise to between 7:00 a.m. to 5:30 p.m. Monday through Friday from October 1st to April 30th, 6:00 a.m. to 7:00 p.m. Monday through Friday from May 1st to September 30th, and 8:00 a.m. to 5:00 p.m. on Saturdays any time of year. Also, construction noise and vibration are localized in nature and decreases substantially with distance. Consequently, in order to achieve a substantial cumulative increase in construction noise and vibration levels, more than one source emitting high levels of construction noise would need to be in close proximity to proposed Project construction activity. As the timing of development and various construction activities pursuant to the proposed Specific Plan Amendment would be dependent upon market conditions and development applications for new projects, its currently unknown if construction projects would occur adjacent to one another. However, due to the location of the closest sensitive receptors from the Specific Plan Amendment area noise and vibration levels from potential cumulative projects would attenuate to a less than significant level. Thus, cumulative construction noise and vibration impacts would be less than significant.

Development anticipated by the proposed Project in combination with other nearby projects would result in an increase in ambient noise. However, all development projects would be subject to the operational noise standards established by the General Plan and Municipal Code, which would ensure that noise from new uses would stay below City standards and therefore not combine with other development projects to be cumulatively significant. Thus, operational noise from new land uses in the Specific Plan area would result in less than significant cumulative noise impacts.

Also, as detailed previously, operational traffic noise would not combine to be cumulatively considerable. Table 5.7-14 of the Draft Subsequent EIR shows that the Opening Year with Specific Plan Amendment and industrial development plus cumulative conditions would result in off-site traffic noise increases between 0.0 and 1.0 dBA CNEL, which is less than the 1.5 dBA CNEL threshold. Thus, off-site traffic noise impacts in the cumulative condition with the proposed Project would be less than significant.

N. Population and Housing

Impact POP-1 Finding: The Project would not induce substantial unplanned population growth in an area, either directly or indirectly (Initial Study at p. 95). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment would change the existing buildout from 476,650 SF of Community Commercial uses to 735,185 SF of Light Industrial uses and 13,000 SF of commercial uses (including the proposed light industrial development of approximately 485,000). The 2017 Final EIR assumes a generation rate of 12.60 employees per acre (3,457.14 SF per employee) for the existing Community Commercial, which equates to a total of 138 employees for buildout of the 476,650 square foot area.

The Fiscal Analysis prepared for the proposed light industrial development identifies that the proposed land use is estimated to result in one employee per 1,200 SF, which is consistent with SCAG's Employment Density Study estimate of one employee per 1,195 SF. Based on the estimate of one employee per 1,200 SF, the proposed light industrial buildout of PAs 2, 3, and 10 would result in 612 employees. The proposed buildout of the reduced PA 1 would result in approximately 4 employees. This is an increase of 478 employees over

the existing allowable buildout of these PAs. Of these employees, 404 would be employed at the proposed approximately 485,000 square foot industrial development.

SCAG's Growth Forecast by Jurisdiction estimates that employment within the City of Rialto would grow from 24,400 in 2020 to 30,500 in 2040. The increase of 478 employees that would result from the proposed Specific Plan Amendment would equate to 8 percent of the projected growth. Therefore, the growth that would result from the Project is within existing projections, and the additional jobs provided by the proposed Project would not result in substantial unplanned growth in the area.

Furthermore, the Specific Plan area is in an urbanized area and the Project does not propose to expand surrounding utility infrastructure (e.g., water, electricity, cell tower, gas, sanitary sewer, and stormwater drains). Thus, the proposed Project would result in a less than significant impact related to inducement of substantial unplanned population growth.

Impact POP-2 Finding: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Initial Study at p. 96). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is generally undeveloped and does not contain any housing and has not been historically used for housing. The proposed industrial development site in PAs 2 and 3 is undeveloped and vacant. PA 3 includes a Residential Overlay that allows 275 residential units subject to a CUP. Residences are not permitted by right, so they were not accounted for in the City's Housing Element. Because the proposed Project would keep the Residential Overlay on PA 3, which would continue to allow the potential development of 275 residential units subject to a CUP if industrial uses are no longer needed, the Project would not displace any housing and would not necessitate the construction of replacement housing. As a result, no impact would occur.

Population and Housing Cumulative Findings: The Project would not result in cumulative impacts related to population and housing (Initial Study at p. 96).

Facts in Support of Findings: Impacts from cumulative population growth are considered in the context of their consistency with local and regional planning efforts. As discussed, SCAG's 2020-2045 RTP/SCS sets forth land use strategies that help the region achieve state greenhouse gas emission reduction goals and assist the South Coast Air Quality Management District prepare its Air Quality Management Plan (AQMP). The increase of 478 employees that would result from the proposed Specific Plan Amendment would equate to 8 percent of the projected growth. Therefore, the growth that would result from the Project is within the growth projections used to prepare RTP/SCS and AQMP. Thus, impacts related to cumulative growth would be less than significant and not cumulatively considerable.

O. Public Services

Fire Protection

Impact PS-1 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for fire protection services (Initial Study at p. 98). Impacts are less than significant.

Facts in Support of Findings: The City of Rialto Fire Department provides fire protection services to the Specific Plan area, in addition to the rest of the City. The Fire Department has 5 fire stations, the closest of which is 1.6 miles from the proposed industrial development. The increase in fire service demands from the additional 478 employees at buildout of the amended Specific Plan would not require construction of a new or physically altered fire station that could cause environmental impacts. Therefore, impacts related to fire protection services would be less than significant.

In addition, Design Feature DF SERVICE – 2, includes municipal code requires fees to provide funding for fire protection facilities necessary to address direct and cumulative service needs generated by new development. Because impacts related to fire services would be less than significant and DF SERVICE – 2 would be implemented, cumulative impacts to fire services would also be less than significant.

Police Services

Impact PS-2 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios and response times or other performance objectives for police services (Initial Study at p. 99). Impacts are less than significant.

Facts in Support of Findings: The City of Rialto Police Department provides police protection to the City. The police station is located approximately 3.3 miles from the industrial development site at 128 N Willow Avenue. The additional 478 employees at buildout and the additional goods that would be accommodated by the increase square footage provided by the Specific Plan Amendment could create the need for additional police services. However, to reduce the need for law enforcement services, security concerns are addressed by inclusion of low-intensity security lighting and security cameras. Pursuant to the City's existing permitting process, site plans are reviewed to ensure that crime prevention and emergency access measures are incorporated appropriately to provide a safe environment. Although an incremental increase could occur from implementation of the Specific Plan Amendment and proposed industrial development, the increased need for law enforcement services would not result in the need for new or physically altered police facilities. Thus, impacts related to police services would be less than significant. In addition, Design Feature DF SERVICE - 3 includes municipal code requires fees to provide funding for police facilities necessary to address direct and cumulative service needs generated by new development. Because impacts related to police services would be less than significant and DF SERVICE – 2 would be implemented, cumulative impacts to police services would also be less than significant.

School Facilities

Impact PS-3 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts (Initial Study at p. 99). Impacts are less than significant.

Facts in Support of Findings: The addition of employees would not directly generate new students. Thus, potential impacts related to school facilities would be less than significant. In addition, Design Feature DF SERVICE - 4 requires fee payments to provide funding for school facilities necessary to address direct and cumulative service needs generated by new development.

The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets a maximum level of fees a developer may be required to pay to mitigate a project's impacts on school facilities. Development fees are required to be paid pursuant to development conditions of approval. Pursuant to SB 50, the payment of these school fee amounts provided for in Government Code Sections 65995, 65995.5, and 65995.7 would constitute full and complete mitigation for school facilities. That is to say, SB 50 states that the exclusive method of mitigating the impact of school facilities according to CEQA is to pay the maximum school fees and that such fees are "deemed to provide full and complete school facilities mitigation" related to the adequacy of school facilities when considering approval or the establishment of conditions for the approval of a development project (Government Code 65996(a) and (b)). Thus, impacts would be less than significant.

Park Facilities

Impact PS-4 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which could cause significant environmental impacts (Initial Study at p. 99). Impacts are less than significant.

Facts in Support of Findings: The addition of employees would not directly generate new residents that would use parks. Thus, potential impacts related to parks would be less than significant, which is consistent with the findings of the Final EIR. In addition, Design Feature DF SERVICE - 5 requires fee payments to provide funding for park facilities necessary to address direct and cumulative service needs generated by new development.

Other Services:

Impact PS-5 Finding: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts (Initial Study at p. 100). Impacts are less than significant.

Facts in Support of Findings: The addition of employees would not directly generate new residents that would need other services, such as libraries. Thus, potential impacts related to other services would be less than significant, which is consistent with the findings of the Final EIR. In addition, Design Feature DF SERVICE - 6 requires fee payments to provide funding for library facilities necessary to address direct and cumulative service needs generated by new development.

Public Services Cumulative Findings: The Project would not result in cumulative impacts related to public services (Initial Study p. 98 through 102).

Facts in Support of Findings: The Project would not significantly increase the need for public services in Rialto, cities surrounding Rialto, or the region. As discussed above, the Project applicant would pay the required City Development Impact Fees and Park Fees included as design features. Additionally, as discussed above, the Project would not impact acceptable service ratios, staffing levels, adequate equipment, response times, and other performance objectives or if the result in the need for new or the expansion of existing government services and facilities. Related projects in the region would be required to demonstrate their level of impact on public services and also pay their proportionate development fees. Therefore, the past, present, and future projects would not result in a cumulative impact related to the provision of public services.

2017 Final EIR Project Design Features

Design Feature DF SERVICE - 1: Construction Management Plan – A construction management plan shall be developed by the applicant or contractor of each future developments proposed within the Specific Plan area and approved by the City of Rialto Public Works Department prior to construction activities. The construction management plan shall include, at a minimum, the following:

- Identify the locations of the off-site truck staging and provide measures to ensure that trucks use the specified haul route, as applicable, and do not travel through nearby residential neighborhoods or schools;
- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on surrounding streets;
- Establish requirements for loading/unloading and storage of materials on the Project Site;
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to and around the Project Site; and
- During construction activities when construction worker parking cannot be accommodated on the Project Site, a Construction Worker Parking Plan shall be prepared which identifies alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City. The Construction Worker Parking Plan shall prohibit construction worker parking on residential streets and prohibit on-street parking, except as approved by the City.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 1 is applicable to the proposed industrial development and would be implemented prior to issuance of construction permits.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-1 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SERVICE - 2: Fire Fees – The applicant of each applicable future developments proposed within the Specific Plan shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.220 – Fire Protection Facilities Development Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 2 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-2 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SERVICE - 3: Police Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.210 – Law Enforcement Facilities Development Impact Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 3 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-3 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SERVICE - 4: Schools Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees to the Rialto Unified School District (RUSD) as full mitigation for potential impacts to schools pursuant to SB 50 (Section 65995 of the Government Code) and Title 17 – Subdivisions, Chapter 17.22 – School Facilities Fee, Section 17.22.120 – Facilities Fee and Section 17.22.140 – Dedication or Provision of Facilities in Lieu of Fees, of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 4 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-4 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SERVICE - 5: Parks – The applicant of each future residential development proposed within the Project Site shall be responsible for meeting the parkland dedication or fee requirements pursuant to the Quimby Act and Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.150 – Parks and Recreation Development Impact Fees and Title 17 – Subdivisions, Chapter 17.23 – Park and Recreational Facilities Dedication of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 5 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-5 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SERVICE - 6: Library Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying applicable development impacts fees Title

3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.200 – Library Facilities Development Impact Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 6 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-6 is applicable to future developments within PA 1 and PA 10.

P. Recreation

Impact REC-1 Finding: The Project would not result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Initial Study at p. 103). Impacts are less than significant.

Facts in Support of Findings: The addition of employees would not directly generate new residents that would use park and recreation facilities. Thus, potential impacts related to recreation would be less than significant. In addition, Design Feature DF SERVICE - 5 requires fee payments to provide funding for park facilities necessary to address direct and cumulative service needs generated by new development.

Impact REC-2 Finding: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (Initial Study at p. 104). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment does not include changes to any recreation facilities. The open space areas and proposed pedestrian bridge included in the existing Specific Plan remain unchanged. Thus, no new recreation facilities are included in the proposed Project that, the construction of which could have an adverse physical effect on the environment. Therefore, impacts related to recreation would be less than significant.

Recreation Cumulative Findings: The Project would not result in cumulative impacts related to public services (Initial Study p. 103-104).

Facts in Support of Findings: The addition of employees would not directly generate new residents that would use park and recreation facilities. Design Feature DF SERVICE - 5 requires fee payments to provide funding for park facilities necessary to address direct and cumulative service needs generated by new development. Therefore, cumulative impacts related to recreation would be less than significant.

2017 Final EIR Project Design Features

Design Feature DF SERVICE - 5: Parks. As listed previously.

Proposed Industrial Development Project Applicability: Design Feature DF SERVICE - 5 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SERVICE-5 is applicable to future developments within PA 1 and PA 10.

Q. Transportation

Impact TR-2 Finding: The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (B) regarding vehicle miles traveled (Draft EIR at p. 5.8-23). Impacts are less than significant.

Facts in Support of Findings: The City of Rialto utilizes the County of San Bernardino VMT analysis methodology, impact thresholds and screening thresholds to determine if projects would have a potential to result in a significant impact related to VMT, and therefore, require a VMT analysis. The County's Transportation Impact Study Guidelines provide criteria for projects that would be considered to have a less-than significant impact on VMT and therefore could be screened out from further analysis. The criteria and the applicability of each to the proposed Project is described below.

Screening Criteria 1 – Local Serving Land Use: According to the County's guidelines, projects that serve the local community and have the potential to reduce VMT would not be required to complete a VMT assessment. These types of projects include K-12 schools, local serving retail, day care centers and student housing. The project proposes to redesignate a portion of the Specific Plan area from Community Commercial to Light Industrial and to develop and operate an industrial warehouse within a portion of the area. Therefore, the Project would not be considered a local serving land use. Criteria 1 would not apply.

Screening Criteria 2 – Project Trip Generation Screening: The County's guidelines state that projects generating less than 110 daily vehicle trips would not be required to complete a VMT assessment. The County's Guidelines discuss the type of VMT that should be evaluated for various types of projects. For employment projects, such as the proposed project, the County guidelines specify that VMT/Employee for only the home-based-work trip purpose is analyzed. This is consistent with CEQA Guidelines Section 15064.3(a) which states "For the purpose of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project". Based on both of these guidance documents, truck trips are not included in the VMT analysis.

To determine if the project's trip generation would exceed the 110 daily vehicle trips screening threshold, the passenger vehicle trip generation was utilized. This approach is consistent with both the County and CEQA Guidelines. The light industrial development Project would generate 498 daily passenger vehicle trips, which is more than 110 daily passenger vehicle trips. Therefore, the Project would not meet Screening Criteria 2.

Screening Criteria 3 – Transit Priority Area Screening: According to the County's guidelines, projects located in a - Transit Priority Area (TPA) may be presumed to have a less than significant impact. The Specific Plan area is not located in a TPA; thus, the Project would not satisfy the requirements of Screening Criteria 3.

Screening Criteria 4 – Low VMT Area Screening: The County's guidelines include a screening threshold for projects located in a low VMT generating area. The Specific Plan area was evaluated using the SBCTA VMT Screening Tool ([SBCTA VMT Screening Tool \(arcgis.com\)](http://sbcta.net/arcgis.com)). The Specific Plan area is located within two traffic analysis zones (TAZ's; TAZ 53759102 and 53759602). The Specific Plan Amendment area (PA 1, PA 2, PA 3, and proposed PA 10) is located in TAZ53759602. The County's criteria of 4 percent below County baseline was used to screen the project using Production-Attraction VMT per worker. As shown in Figure 5.8-3, the Countywide VMT/Worker is 16.9, therefore the threshold VMT/Worker would be 16.2. The VMT/Worker for the TAZ 53759102 is 14.7 and for TAZ 53759602 (the Specific Plan Amendment Area) is 9.7. Therefore, the VMT/Worker within the Specific Plan area (including the Amendment area of PA 1, PA 2, PA 3, and proposed PA 10 and the industrial development Project within PA 2 and PA 3) would be below the threshold of 16.2 and would meet Screening Criteria 4. Because the proposed Project site is located within a low VMT area, the proposed Project would meet Screening Criteria 4 and impacts related to VMT would be less than significant.

Impact TR-3 Finding: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Initial Study at p. 106). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment land use designation change from Community Commercial to Light Industrial does not create an incompatible use that could cause a hazard. The proposed Light Industrial designated areas are set aside on the east side of Pepper Avenue with separate driveway entrances. Thus, the proposed Specific Plan Amendment would result in less than significant impacts.

The proposed industrial development includes only a light industrial warehouse facility. There are no proposed uses that would be incompatible. The development would also not increase any hazards related to a design feature. Operation of the industrial development would involve trucks entering and exiting the site from Pepper Avenue for access to the loading bays and trailer parking via two 40-foot-wide driveways that are designed to accommodate trucks. Passenger vehicles would enter and exit the site using a separate driveway from Pepper Avenue. The onsite circulation design provides fire truck accessibility and turning ability throughout the site. Thus, no impacts related to vehicular circulation design features would occur from the proposed industrial development.

Impact TR-4 Finding: The Project would not result in inadequate emergency access (Initial Study at p. 107). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment and proposed industrial development would not result in inadequate emergency access. Direct access to the proposed industrial development site would be provided by two driveway locations along Pepper Avenue, which is directly adjacent to the site. Construction activities would occur within the proposed industrial development site and would not restrict access of emergency vehicles to the site or adjacent areas. In addition, travel along Pepper Avenue would remain open and would not interfere with emergency access in the site vicinity. The proposed industrial development and all other Specific Plan development projects are required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform to Rialto Fire Department standards. The Rialto Fire Department would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). As such, the proposed Project would not result in inadequate access, and impacts would be less than significant.

Cumulative Findings: The Project would not result in cumulative impacts related to roadway levels of service, alternative modes of transportation (transit, bicycle, and pedestrian facilities), and VMT (Draft Subsequent EIR at p. 5.8-24).

Facts in Support of Findings: The cumulative traffic study area for the proposed Project includes the City of Rialto. Projects that are located in a low VMT generating area would not have a cumulative impact on VMT. Therefore, because the Specific Plan Amendment area, including industrial development site are within a low VMT generating area and have a VMT/Worker that is below the County average, impacts related to VMT would be less than cumulatively considerable VMT impacts. As such, the proposed Project would not result in cumulative impacts related to VMT.

R. Tribal Cultural Resources

Impact TCR-1 Finding: The Project would not 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 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) (Initial Study at p. 112). No impacts would occur.

Facts in Support of Findings: There are no historic resources within areas that are proposed for development by the Specific Plan. Thus, no impacts related to historic resources as defined in Public Resources Code section 5020.1(k) would occur from implementation of the Specific Plan Amendment.

The proposed industrial development site is undeveloped land that was previously used as agricultural land (an orchard) since at least the 1930s. The Phase I Environmental Site Assessment (Appendix B of the Initial Study) describes that the orchard was removed from the site by the mid-1980s and that it has remained vacant and undeveloped since then. There are no historic resources on the proposed industrial development site, and impacts would not occur.

S. Utilities and Service Systems

Impact UT-1 Finding: The Project would not require or result in the relocation or construction of new water or wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects (Initial Study at p. 114). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan Amendment would not change the planned infrastructure of the planning area. The proposed development areas would remain the same under the proposed Specific Plan Amendment and the infrastructure improvements described in the Final EIR are consistent with the needed infrastructure for buildout of the proposed Specific Plan Amendment. Thus, additional impacts from implementation of the proposed Specific Plan Amendment would not occur and impacts would be less than significant.

The proposed industrial development would install new water and sewer infrastructure on the site and connect to the existing water and sewer infrastructure in the adjacent roadways. Existing 30-inch and 12-inch water lines and a 12-inch sewer line are located in Pepper Avenue. New or expanded off-site water and wastewater infrastructure would not be required be constructed to serve the proposed industrial development. Thus, impacts would be less than significant.

Impact UT-2 Finding: The Project would have sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years (Initial Study at p. 115). Impacts are less than significant.

Facts in Support of Findings: The Specific Plan currently designates PA 1, PA 2, and PA 3 as Community Commercial with a maximum development potential for 476,650 SF of business park and retail uses. The proposed Specific Plan Amendment would change the designation of PA 2, PA 3, and the new PA 10 to Light Industrial and allow a maximum development of 735,185 SF. The remaining approximately 2.86-acre portion of PA 1 would remain Community Commercial to allow commercial development at up to 13,000 SF. The proposed Specific Plan Amendment would result in a change of use and a 271,535 square foot increase in buildout.

The West Valley Water District (WVWD) that supplies water to the Specific Plan area has 21 groundwater wells, 25 separate storage reservoirs across eight pressure zones, for a total storage over 72 million gallons (MG), and over 375 miles of transmission and distribution pipelines. The West Valley Water District 2020 Water Facilities Master Plan provides a water demand rate of 1,794 gallons per day per net acre for commercial land uses and 500 gallons per day per net acre for light industrial uses. Therefore, the change in proposed land use would reduce the water demand by 1,294 per net acre. The 2017 Final EIR assumes (Appendix A, Initial Study, pages B-61 and 62) that commercial land uses have a water demand of 2.43 gallons per minute per acre (3,499 gallons per day per acre). This analysis provides a comparison based on the WVWD demand rates to provide a more conservative analysis of water demand changes from the proposed Project.

Based on these demand rates, buildout of 476,650 SF of Community Commercial would generate a water demand of 19,554.6 gallons per day (21.9 acre-feet per year). Buildout of 735,185 SF of light industrial uses would generate a water demand of 8,439 gallons per day (9.5 acre-feet per year) and the buildout of 13,000 SF of commercial uses would generate a water demand of 535 gallons per day (0.60 acre-feet per year). As such, buildout based on the proposed Specific Plan Amendment would result in a water demand of 8,974 gallons per day (10.05 acre-feet per year). Therefore, the proposed Project would result in a reduction in water demand of approximately 10,580 gallons per day (11.9-acre feet annually). Impacts would be less than significant.

Impact UT-3 Finding: The Project would not result in a determination by the wastewater treatment provider that would serve the Project that it has inadequate capacity to serve the projects projected demand in addition to the providers existing commitments (Initial Study at p. 116). Impacts are less than significant.

Facts in Support of Findings: As described in the previous response, the proposed Specific Plan Amendment would result in a change of use and a 271,535 square foot increase in non-residential development at buildout, including the proposed industrial development. The 2017 Final EIR (Appendix A, Initial Study, page B-57) describes that the City's Sewer Master Plan assumes a wastewater generation rate of 1,500 gallons per acre per day for non-residential land uses. Thus, the increase in wastewater that would be generated from the increase in buildout would be approximately 9,350 gallons per day.

The 2017 Final EIR (Appendix A, Initial Study, page B-58) describes that the City's Sewer Master Plan performance criteria considers sewers adequate if they convey peak flows without surcharging or exceeding the maximum depth over diameter criteria (d/D) of 0.8. The 2017 Final EIR Sewer System Analysis determined that the highest proposed d/D for the adopted Specific Plan would be 0.42. As such, the existing sewer system has capacity to accommodate the additional 9,350 gallons per day from the build out of the proposed Specific Plan Amendment and proposed industrial development.

The 2017 Final EIR (Appendix A, Initial Study, page B-59) also describes that the permitted capacity of the Rialto Wastewater Treatment Plant (WWTP) is 11.7 million gallons per day (mgd) with average sewage flows of 7 mgd. The increase of 9,350 gallons would be 0.2 percent of the available capacity of the Rialto WWTP. Thus, impacts would be less than significant.

Impact UT-4 Finding: The Project would not 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 (Initial Study at p. 116). Impacts are less than significant.

Facts in Support of Findings: The 2017 Final EIR (Appendix A, Initial Study, page B-67) estimates that both commercial and business park uses generate approximately 5 pounds of solid waste per day per 1,000 SF. Business park and light industrial uses have similar uses and generate similar volumes of solid waste. Thus the 271,535 square foot increase in non-residential development at buildout of the proposed Specific Plan, including the proposed industrial development, would result in approximately 1,357.7 pounds of additional solid waste per day. However, pursuant to AB 341, at least 75 percent of the solid waste is required to be recycled, which would reduce the volume of landfilled solid waste to approximately 339.4 pounds of solid waste per day.

In 2019, a majority (89 percent) of the solid waste from the City of Rialto that was disposed of in landfills, went to the Mid-Valley Sanitary Landfill. The Mid-Valley Sanitary Landfill is permitted to accept 7,500 tons per day of solid waste and is permitted to operate through April 2033. In September 2021, the facility received a peak tonnage of 4,105.26 tons. Thus, the facility had additional capacity of 3,394.75 tons per day. Therefore, the landfill would be able to accommodate the addition of solid waste from buildout of the proposed Specific Plan Amendment, including proposed industrial development. Thus, impacts related to solid waste generation and landfill capacity would be less than significant.

Impact UT-5 Finding: The Project would not 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 ((Initial Study at p. 117). Impacts are less than significant.

Facts in Support of Findings: The proposed Specific Plan and industrial development would result in new development that would generate an increased amount of solid waste as described in the previous response. All solid waste-generating activities within the City is subject to the requirements set forth in Section 5.408.1 of the 2016 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed Specific Plan Amendment and industrial development would be consistent with all state regulations, as ensured through the City's development project permitting process. Therefore, the proposed Project would comply with all solid waste statute and regulations; and impacts would not occur.

Utilities and Service Systems Cumulative Findings: The Project would not result in cumulative impacts related to utilities and service systems (Initial Study p. 114-119).

Facts in Support of Findings: As detailed, the proposed Project would connect to existing infrastructure and is within previous projections for utilizes and service systems demands. Thus, impacts would be less than significant and cumulative impacts would be less than cumulatively considerable.

2017 Final EIR Project Design Features

Design Feature DF WATER-1: Water Infrastructure – Future development within the Project Site shall provide connections to the water servicing line from both sides of Pepper Avenue. These future connections shall lie north of the WVWD Lord Ranch Facility and require either a direct connection to the existing 30-inch transmission line in Pepper Avenue or extending the 12-inch line to the connection points. The water system shall be designed to deliver the peak hour domestic demand to each service point with a residual pressure of 40 pounds per square inch (psi) and to deliver specified fire flow plus the peak day domestic demand with a minimum residual pressure of 20 psi. The fire flow requirement for the Project Site is 3,000 gallons per minute (gpm) for three hours (for commercial/office/high density residential areas). The maximum operating pressure in mains shall not exceed 130 psi with pressure reducers required on service connections having pressure greater than 80 psi. All water lines shall be looped where possible. All dead-end lines shall not exceed 660 feet in length or the current design requirements at the time of design.

Proposed Industrial Development Project Applicability: Design Feature DF WATER - 1 is applicable to the proposed industrial development that would connect to the water lines within Pepper Avenue.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF WATER-1 is applicable to future developments within PA 1 and PA 10.

Design Feature DF WATER-2: Water Fees - The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.260 – Domestic and Recycled Water Facilities Development Impact Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF WATER - 2 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF WATER-2 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SEWER-1: Sewer Infrastructure – The sewer system for the Project shall consist of two systems, the East and West systems. The East system shall gravity flow southerly within the future commercial

development area (east of Pepper Avenue) and then westerly to a proposed lift station on the east side of Pepper Avenue. The East system shall consist of 8-inch and 6-inch laterals. The West system (west of Pepper Avenue) shall gravity flow easterly towards Pepper Avenue and join an existing 12-inch VCP sewer line in Pepper Avenue.

An on-site sewer lift station on the east side of Pepper Avenue shall be required to pump sewage flows southerly via a force main into the gravity sewer system in Winchester Drive. The future lift station shall be sized to accommodate the peak sewer flows from the Project as well as any potential offsite future developments that may be tributary to the lift station, including the Caltrans-maintained area north of the 210 Freeway and south of Highland Area (which consists of 7.4 acres). Future development of this 7.4-acre area would likely add additional sewer flows of approximately 9 percent of the above peak flow to the lift station. Therefore, the proposed lift station shall be designed to accommodate the calculated peak flow plus 9 percent.

The on-site sewer system for the Specific Plan area may reach depths of 20-25 feet, therefore the future lift station shall be designed to have sufficient power to siphon sewer flows from these depths. Furthermore, there would be approximately 35-40 feet of vertical change and approximately 1,100 feet of horizontal length between the lift station and the point of connection into the existing sewer system in Winchester Drive. The final engineering and design specifications shall ensure the lift station can accommodate these constraints.

Proposed Industrial Development Project Applicability: Design Feature DF SEWER – 1 is not applicable to the proposed industrial development that would connect to the existing sewer line in Pepper Avenue.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SEWER-1 is applicable to future developments within PA 1 and PA 10.

Design Feature DF SEWER-2: Sewer Fees – The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.240 – Sewage Collection Facilities Development Impact Fee and Section 3.33.250 – Sewage Treatment Facilities Development Impact Fee of the Municipal Code.

Proposed Industrial Development Project Applicability: Design Feature DF SEWER – 2 is applicable to the proposed industrial development and would be implemented as part of City permitting.

Specific Plan Amendment PA 1 & 10 Applicability: Design Feature DF SEWER-2 is applicable to future developments within PA 1 and PA 10.

T. Wildfires

Impact WF-1 Finding: The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would not substantially impair an adopted emergency response plan or emergency evacuation plan (Initial Study at p. 120). No impacts would occur.

Facts in Support of Findings: According to the CalFire Fire Hazard Severity Zone map, the Specific Plan area is not within an area identified as a Fire Hazard Area. In addition, the amended Specific Plan and proposed industrial development would not substantially impair an adopted emergency response plan or emergency evacuation plan. The Specific Plan area and proposed industrial development site are adjacent to roadways, and the site is not adjacent to or in the vicinity of wildlands. Therefore, the proposed Project would not impair an adopted emergency response plan or emergency evacuation plan within or near a very high fire hazard severity zone.

Impact WF-2 Finding: The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and would not involve slope, prevailing winds, and other factors, that could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (Initial Study at p. 121). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not within a High Fire Hazard Severity Zone. The Specific Plan area is flat and does not generally have prevailing winds or other factors that could exacerbate fire risks. The proposed Project would not result in exposure of persons to pollutant concentrations from a wildfire.

Impact WF-3 Finding: The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would not 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 (Initial Study at p. 121). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not within a High Fire Hazard Severity Zone, and the proposed Project does not include infrastructure that could exacerbate fire risks. The proposed industrial development would connect to the existing utility infrastructure that is adjacent to the site. Thus, no impacts would result.

Impact WF-4 Finding: The Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would not 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 (Initial Study at p. 121). No impacts would occur.

Facts in Support of Findings: The Specific Plan area is not within a High Fire Hazard Severity Zone and is generally flat area and does not contain or is adjacent to large slopes, and the proposed Project would not generate large slopes. Furthermore, the proposed industrial development includes installation of drainage facilities. Thus, the Project would not result in risks related to wildfires or risks related to downslope or downstream flooding or landslides after wildfires.

Wildfires Cumulative Findings: The Project would not result in cumulative impacts related to wildfires (Initial Study p. 120-121).

Facts in Support of Findings: As detailed, the Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and therefore would not result in impacts related to wildfires and no potential of a cumulative impacts would occur.

SECTION III**IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

The City hereby finds that mitigation measures have been identified in the Subsequent EIR that would avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures that would reduce them to a less than significant level are detailed in the Subsequent EIR and summarized below.

A. Air Quality

Impact AQ-3 Finding: The Project would not result in exposure of sensitive receptors to substantial pollutant concentrations (Draft Subsequent EIR p. 5.2-27). Impacts are less than significant with mitigation.

Facts in Support of Finding:**Localized Emissions**

The Subsequent EIR evaluated potential impacts at 255 feet (78 meters) from the proposed industrial development Project site. Table 5.2-11 on page 5.2-28 of the Draft Subsequent EIR identifies the peak daily localized onsite emissions would not exceed the SCAQMD's localized significance thresholds, and impacts would be less than significant.

A localized significance threshold (LST) analysis can only be conducted at a development project level, and quantification of LST's is not applicable for the program-level environmental analysis contained in the Draft Subsequent EIR. Although LSTs for implementation of buildout of PA 1 and 10 are anticipated to be less than PAs 2 and 3, due to the farther distance and smaller development project, because development specific information is not currently available for PA 1 and PA 10, Mitigation Measure AQ-2 is included, which requires that prior to discretionary approval, development projects are required to provide modeling of the regional and the localized emissions (NO_x, CO, PM₁₀, and PM_{2.5}) associated with the maximum daily grading and operational activities; and requires grading activity to be limited to ensure that LST thresholds would not be exceeded. Therefore, impacts related to localized air quality impacts would be less than significant with implementation of Mitigation Measure AQ-2.

Toxic Air Contaminants

CARB has issued advisory recommendations for siting new sensitive land uses in proximity to sources associated with Toxic Air Contaminants (TAC's), such as warehouses, industrial areas, freeways, roadways, and rail lines with traffic volumes over 10,000 vehicle per day. The recommendations provide for 1,000-foot setback. The closest existing residence is approximately 1,153 feet from the closest boundary of the proposed industrial development site (PA 2) and Frisbie Middle School is the closest school that is located approximately 1,950 feet from the proposed industrial development. Thus, the closest sensitive receptors are beyond the 1,000-foot recommended setback.

As detailed on page 5.2-30 of the Draft Subsequent EIR, the proposed Specific Plan Amendment Project does not generate anywhere near 6,620 lbs/day of NO_x or 89,190 lbs/day of VOC emissions. As shown on Table 5.2-9, the peak operational emissions of PA 1, PA 2, PA 3, and PA 10 at buildout would generate up to 86.18 lbs/day of NO_x (1.30% of 6,620 lbs/day). The VOC emissions would be a maximum of 69.28 lbs/day during construction and 14.13 lbs/day of during operations (0.08% and 0.02% of 89,190 lbs/day, respectively). These emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level. Notwithstanding, this evaluation does evaluate the proposed industrial development on PA 2 and PA 3 on CO, NO_x, PM₁₀, and PM_{2.5} by comparing the on-site emissions to the SCAQMD's applicable LST thresholds. In addition, the proposed industrial development Project on PA 2 and PA 3 would not result in emissions that exceeded the SCAQMD's LSTs. Therefore, the emissions would

not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions of CO, NO_x, PM₁₀, and PM_{2.5}.

Pages 5.2-31 through 5.2-33 of the Draft Subsequent EIR, details the Mobile Source Health Risk Assessment, included as Appendix C to the Draft, was prepared to evaluate the health risk impacts as a result of exposure to diesel particulate matter (DPM) emissions as a result of construction, operation, and heavy-duty diesel trucks traveling to and from the industrial development. As shown on Table 5.2-13, the cumulative risk during the construction of PAs 1, 2, 3, and 10 would not exceed the applicable significance thresholds. Therefore, impacts related to DPMs during construction would be less than significant. As shown on Table 5.2-14, the cumulative risk of operation of all four PAs would be 0.72 per million, which would not exceed the threshold of 10 in a million. Maximum non-cancer risks are <0.01, which would not exceed the applicable significance threshold of 1.0. As such, operation of all four PAs would not cause a significant human health or cancer risk and impacts would be less than significant.

Mitigation Measures

2017 Final EIR Mitigation Measure

Mitigation Measure AQ-1: Tier 4. All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NO_x and PM_{2.5} emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Proposed Industrial Development Project Applicability: Mitigation Measure AQ-1 is applicable to the proposed industrial development and would be implemented as part of the grading permit requirements.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure AQ-1 is applicable to future developments within PA 1 and PA 10 and would be implemented as part of the grading permit requirements.

Proposed Project Mitigation Measures

Mitigation Measure AQ-2: PA 1 and PA 10 - Emissions Modeling. Prior to approval of a construction permit for development within PA 1 and PA 10, the applicant shall be responsible for submitting a focused project-level air quality assessment that includes the modeling of regional construction emissions and localized on-site emissions associated with daily grading activities required for construction and operations of PA 1 and PA 10. During the City's review process of development applications in the PA 1 and PA 10 areas, the applicant shall conduct or shall have conducted modeling of the regional and the localized emissions (nitrogen oxides [NO_x], carbon monoxide [CO], Particulate Matter 10 microns in diameter or less [PM₁₀], and Particulate Matter 2.5 microns in diameter or less [PM_{2.5}]) associated with the maximum daily grading and other construction and operational activities estimated for the proposed individual developments. If the modeling shows that emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily grading and/or operational activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD's significance thresholds for those emissions; and/or use of higher tiered construction equipment shall be required to reduce the exceedance of emissions to below the SCAQMD thresholds.

Proposed Industrial Development Project Applicability: Mitigation Measure AQ-2 is not applicable to the proposed industrial development as emissions modeling for this project was completed as part of the Subsequent EIR.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure AQ-2 is applicable to future developments within PA 1 and PA 10 and would be implemented as part of the construction permitting requirements.

B. Biological Resources

Impact BIO-1 Finding: The Project would not 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 Wildlife or U.S. Fish and Wildlife Service (Initial Study at p. 41). Impacts are less than significant with mitigation.

Facts in Support of Findings: The potential impacts related to biological resources that would result from the proposed Specific Plan Amendment would be similar to those that were identified by the Final EIR because the areas of development would be the same and the same areas of disturbance would occur. Thus, the same potential for impacting biological resources would occur under the amended Specific Plan. Hence, implementing development projects pursuant to the amended Specific Plan would be required to implement Final EIR Mitigation Measures BIO-1 through BIO-9, which would reduce potential impacts to a less than significant level consistent with the findings of the Final EIR.

The General Biological Assessment that was prepared for the proposed industrial development site (included as Appendix A to the Draft Subsequent EIR) describes that the site is disturbed land that was historically used for agriculture and appears to be continually disced for weed abatement purposes. The habitat onsite is identified as disturbed ruderal that is dominated by non-native species, and there are no special status plant species present on the site. However, the proposed industrial development site contains potential habitat for burrowing owl (*Athene cunicularia*), which is a CDFW Species of Special Concern. Therefore, Final EIR Mitigation Measure BIO-8 was implemented, which did not observe any signs of the species. Thus, it was determined that the species is not present on site. The Subsequent EIR utilized existing 2017 Final EIR mitigation to determine that impacts would be less than significant.

Impact BIO-2 Finding: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service (Initial Study at p. 42). Impacts are less than significant with mitigation.

Facts in Support of Findings: Implementing development projects pursuant to the amended Specific Plan would be required to implement Final EIR Mitigation Measures BIO-1 and BIO-2, which would reduce potential impacts to a less than significant level consistent with the findings of the 2017 Final EIR. The industrial development site is disturbed ruderal habitat that is dominated by non-native species. No riparian habitat or other sensitive natural communities occur within the proposed development area. The development area is also not included in any local or regional plans, policies, and regulations that identify the area as riparian habitat or other sensitive natural community. Therefore, no impact would occur.

Impact BIO-3 Finding: The Project would not 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 (Initial Study at p. 43). Impacts are less than significant with mitigation.

Facts in Support of Findings: Implementing development projects pursuant to the amended Specific Plan would be required to implement Final EIR Mitigation Measure BIO-8, which would reduce potential impacts

to a less than significant level. The General Biological Assessment for PAs 2 and 3 determined that the proposed industrial development site does not contain wetlands. Therefore, no impacts to wetlands would occur.

Impact BIO-4 Finding: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites (Initial Study at p. 43). Impacts are less than significant with mitigation.

Facts in Support of Findings: The General Biological Assessment determined that the proposed industrial development site is not located within a designated wildlife corridor or linkage. The site is flat land surrounded by residential uses to the north, water facilities to the south, I-210 to the north, the railroad to the east, and Pepper Avenue to the east, and does not function as a wildlife movement corridor. Thus, impacts related to wildlife corridors would not occur.

However, the site and other development areas within the Specific Plan area contains trees and shrubs that could be utilized by nesting birds and raptors during the nesting bird season. Thus, consistent with the direction of the 2017 Final EIR Mitigation Measure BIO-9 would be implemented to require nesting bird surveys occur prior to vegetation removal during nesting season, and impacts would be less than significant.

Biological Resources Cumulative Findings: The Project would not result in cumulatively considerable impacts to biological resources. Impacts are less than significant with mitigation.

Facts in Support of Findings: With implementation of the mitigation measures identified in the 2017 Final EIR, the proposed Project would not result in significant impacts related to special-status species, jurisdictional waters, wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation. Since the Project would implement existing requirements and mitigation measures and would result in less than significant impacts to biological resources, the Project could not combine with other projects within the City in a manner that would result in cumulative impacts. Cumulative projects would be required to comply with applicable survey requirements and mitigation for biological resources. Further, there are no projects that would, in combination with the Project, produce a significant impact to biological resources.

Mitigation Measures

2017 Final EIR Mitigation Measures

Mitigation Measure BIO-1: Prior to and during construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to special-status plant and wildlife species:

- Construction limits shall be temporarily fenced prior to construction activities to avoid the inadvertent disturbance of areas adjacent to the construction limits. This fence shall be constructed as SBKR proof within alluvial fan sage scrub habitat (see Mitigation Measure BIO-2);
- A biological monitor shall be present during clearing and grubbing of the Project Site;
- All movement of construction contractors, including ingress and egress of equipment and personnel, shall be limited to the designated construction zones;
- Construction staging areas shall be located as far from the wash area as feasible;
- The use of rodenticides, herbicides, insecticides, or other chemicals that could potentially harm special-status plant and animal species shall be prohibited;
- The proposed use and disposal of oil, gasoline, and diesel fuel shall be enforced;
- Orientation meetings shall be conducted for construction personnel to review construction limits, conservation measures, and the locations of any listed species that must be avoided; and

- Best Management Practices (BMPs) shall be implemented with a storm water pollution prevention plan to avoid and minimize impacts to biological resources outside of construction areas.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-1 is not applicable to the proposed industrial development because no Riversidean alluvial fan sage scrub habitat is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-1 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Riversidean alluvial fan sage scrub habitat within the future development site.

Mitigation Measure BIO-2: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR) and the Santa Ana River woollystar (SARWS):

- The Project shall be designed to avoid Riversidean alluvial fan sage scrub habitat, where possible.
- The pedestrian crossing shall be designed to minimize changes in the hydrology that could impact the ability of the SARWS to disperse or to establish in sandy soils created by scour, and also minimize the amount of habitat that could become less suitable for SBKR with reduced scour.
- Water runoff from impervious surfaces shall be captured to ensure that the hydrological regime is not altered from the existing condition. Capturing the flows would also help reduce the number of road contaminants that enter the wash.
- Temporary impact areas shall require a weed abatement program for approximately 5-years to ensure it remains suitable to SARWS and SBKR.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-2 is not applicable to the proposed industrial development because no Riversidean alluvial fan sage scrub habitat is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-2 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Riversidean alluvial fan sage scrub habitat within the future development site.

Mitigation Measure BIO-3: Prior to any permanent or temporary direct impacts to the Santa Ana River woollystar (SARWS) and where avoidance of impacts through Project design is not possible, the following measures shall be implemented:

- Seeds from all the SARWS proposed for impacts shall be collected from the Project Site and deposited at the Rancho Santa Ana Botanic Garden. The seeds shall be collected in September before the first sizeable rain event (i.e., one of 1/2 inch or more) to increase the ability to collect the seeds and to ensure a high rate of germination.
- The Rancho Santa Ana Botanic Garden shall divide the seeds for three uses: 1) for a permanent seed bank; 2) for germination and growing seedlings; and 3) to preserve for later seeding or authorized research purposes.
- The propagated seedlings and a portion of preserved seeds shall be replanted within any temporary impact areas once construction has ceased, and any permanent impacts to individual plants shall be replaced at a minimum 1:1 ratio within the proposed avoidance area (PA 9). Planting shall be conducted October to December or as close to the winter rainy season as possible. All replanting shall be conducted pursuant to an approved mitigation and monitoring plan prepared and overseen by a qualified biologist. The plan should include, at minimum, a map of the restoration areas, a description of any irrigation methodology, measures to control exotic vegetation, specific success criteria, a detailed monitoring program, contingency measures should the success criteria not be met, and identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend

across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-3 is not applicable to the proposed industrial development because no Santa Ana River woollystar (SARWS) is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-3 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Santa Ana woollystar (SARWS) within the future development site.

Mitigation Measure BIO-4: Prior to construction within San Bernardino Kangaroo Rat (SBKR) critical habitat, which consists of Riversidean Alluvial Fan Sage Scrub (RAFSS), the project applicant shall purchase mitigation credits from the Vulcan Materials mitigation land bank in Cajon Wash or equivalent preserved SBKR RAFSS habitat to offset permanent impacts to occupied SBKR critical habitat at a 3:1 ratio, and temporary or indirect impacts at a 1:1 ratio.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-4 is not applicable to the proposed industrial development because no Riversidean Alluvial Fan Sage Scrub (RAFSS) is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-4 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Riversidean Alluvial Fan Sage Scrub (RAFSS) within the future development site.

Mitigation Measure BIO-5: Prior to construction within Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to San Bernardino kangaroo rat (SBKR):

- A 4-foot high, 0.5-inch temporary steel mesh SBKR exclusionary fence shall be placed along the perimeter footprint where suitable SBKR habitat exists. The bottom of the exclusionary fence shall be buried below ground a minimum depth of 24 inches to minimize the potential that SBKR can re-enter the construction area and to preclude impacts to adjacent habitat. Trapping shall be conducted for SBKR within 30 days prior to ground disturbing activities. Any SBKR or other sensitive mammal species that are captured shall be relocated outside the exclusionary fencing. Trapping shall be conducted by a permitted biologist and according to protocol;
- The temporary SBKR exclusionary fencing shall be maintained in place throughout the duration of construction in these areas to minimize take of SBKR during the construction phase and preclude the inadvertent disturbance of outlying areas by construction personnel. Access to SBKR habitat outside of the construction limits shall be prohibited and posted accordingly. The exclusionary fence shall be inspected weekly and repaired as necessary so that there are no gaps greater than 0.5 inch on any portion of the fence that could allow SBKR entry into the Project Site;
- All the construction equipment shall meet applicable noise ordinances. Compliance with this requirement would minimize noise stress to SBKR in the vicinity of the Project Site; and
- Contractor pets shall be prohibited in and adjacent to the construction area.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-5 is not applicable to the proposed industrial development because no Riversidean Alluvial Fan Sage Scrub (RAFSS) is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-5 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Riversidean Alluvial Fan Sage Scrub (RAFSS) within the future development site.

Mitigation Measure BIO-6: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR):

- The pedestrian bridge supports shall be designed to minimize impacts to SBKR habitat and allow continued movement of SBKR.
- Temporary impacts areas shall be revegetated with native shrub vegetation through container plantings to reestablish SBKR habitat and provide cover and facilitate movement of small mammals. All replanting shall be conducted pursuant to a mitigation and monitoring plan prepared and overseen by a qualified biologist.
- To minimize light and noise pollution, no night lighting shall be directed into the open space areas and noise levels should not exceed City standards.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-6 is not applicable to the proposed industrial development because no Riversidean Alluvial Fan Sage Scrub (RAFSS) is located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-6 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no Riversidean Alluvial Fan Sage Scrub (RAFSS) within the future development site.

Mitigation Measure BIO-7: Protocol survey for burrowing owl shall be required prior to any ground disturbing activities within disturbed and non-native grassland habitats. The surveys shall be conducted pursuant to the protocol provided as Appendix D of the Staff Report on Burrowing Owl Mitigation published by the California Department of Fish and Wildlife (CDFW) dated March 7, 2012. A qualified biologist, as defined in the CDFW Staff Report, shall conduct the surveys. Surveys shall preferably be conducted during the breeding season which requires 4 site visits, including at least one site visit between February 15 and April 15; and a minimum of three site visits at least three weeks apart between April 15 and July 15, with at least one visit after June 15.

If burrowing owls are determined present during the focused survey, occupied burrows and habitat shall be avoided if feasible following the guidelines in the above referenced CDFW Staff Report. This includes, but is not limited to, avoiding direct or indirect destruction of burrows, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. Avoidance measures shall be implemented under the direction of the qualified biologist. If occupied burrows or habitat cannot be avoided, appropriate compensation measures shall be determined by the qualified biologist in accordance with the guidelines detailed in the CDFW staff report and subject to approval by CDFW. This includes a Burrowing Owl Exclusion Plan for temporary or permanent exclusion of owls from occupied burrows, and/or a Mitigation Land Management Plan for permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering and dispersal comparable to or of higher quality than the impact area.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-7 is applicable to the proposed industrial development site and has been implemented as part of the General Biological Assessment, which is included as Appendix A of the Initial Study.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-7 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there is no burrowing owl habitat within the future development site.

Mitigation Measure BIO-8: Prior to the issuance of any grading permit for permanent or temporary impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from

the USACE, RWQCB, and CDFW, as applicable. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:

1. On-site and/or off-site creation, enhancement, and/or restoration of USACE/RWQCB jurisdictional "waters of the U.S."/"waters of the State" within the Santa Ana Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.
2. On-site and/or off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Ana Watershed at a ratio no less than 2:1 or within an adjacent watershed at a ratio no less than 3:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Any off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.
3. Any purchase of mitigation credits through an agency approved mitigation bank or in-lieu fee program shall occur prior to any impacts to jurisdictional drainages. If off-site mitigation is proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat pursuant to a Habitat Mitigation and Monitoring Plan (HMMP). A HMMP shall also be prepared for on-site mitigation. The HMMP shall be prepared prior to any impacts to jurisdictional features, and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the impacted habitat.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-8 is not applicable to the proposed industrial development because no areas under the jurisdiction of the USACE, RWQCB, and/or CDFW are located within or adjacent to the development site.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-8 is applicable to future developments within PA 1 and PA 10, unless a Biological Resources Analysis demonstrates there are no areas under the jurisdiction of the USACE, RWQCB, and/or CDFW within the future development site.

Mitigation Measure BIO-9: Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Rialto that either of the following have been or will be accomplished.

1. Vegetation removal activities shall be scheduled outside the nesting season (i.e., September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.
2. Any construction activities that occur during the nesting season (i.e., February 15 to August 31 for songbirds; January 15 to August 31 for raptors) would require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 100 feet (300 feet for raptors) around the nest adjacent to construction, or as determined appropriate by the biologist, shall be delineated, flagged, and avoided until the nesting cycle is complete. An appropriate buffer shall be determined by the biological monitor to minimize impacts to the nesting bird(s) accounting for factors such as the species, type of construction activities, in addition to habitat and topography that may provide natural sound attenuation. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biologist to minimize impacts.

Proposed Industrial Development Project Applicability: Mitigation Measure BIO-9 is applicable to the proposed industrial development and would be implemented prior to issuance of grading permits.

Specific Plan Amendment PA 1 & 10 Applicability: Mitigation Measure BIO-9 is applicable to future developments within PA 1 and PA 10.

Proposed Project Mitigation Measures

No additional biological resource mitigation measures are required.

C. Cultural Resources

Impact CUL-2 Finding: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Draft Subsequent EIR at p. 5.3-6). Impacts are less than significant with mitigation.

Facts in Support of Findings:

PA 2 and PA 3. Pursuant to 2017 Final EIR Mitigation Measure CUL-1, a Cultural Resources Assessment (Appendix D to the Subsequent EIR) was prepared for the proposed industrial development in PAs 2 and 3, which included a cultural record search and cultural resources survey. No prehistoric or historic-period archaeological resources were identified during the pedestrian and reconnaissance surveys within PA 2 and PA 3. However, previously recorded prehistoric and historical archaeological sites have been identified within the site vicinity and within PA 1. Therefore, the area is considered moderately sensitive to archaeological resources. Construction of the proposed industrial development Project would require excavation to depths of at least 4 to 6 feet below the existing ground surface and proposed building pad subgrade elevations. Therefore, it is possible that ground-disturbing construction for the proposed industrial development could uncover archaeological resources.

As such, 2017 Final EIR Mitigation Measure CUL-4, which requires archaeological and tribal monitoring, 2017 Final EIR Mitigation Measure CUL-5, which requires which includes provisions for incidental discoveries of previously unknown resources, and 2017 Final EIR Mitigation Measure CUL-6, which requires an Archeological Monitoring Report, would be required for the proposed industrial development in PA 2 and PA 3. With implementation of 2017 Final EIR Mitigation Measures CUL-4 through CUL-6, impacts to archaeological resources within PA 2 and PA 3 from development of the proposed industrial development Project would be less than significant.

PA 1 and Proposed PA 10. Resource P-36-026760 is located within PA 1. Therefore, the area is considered moderately sensitive to archaeological resources, and it is possible that ground-disturbing constructing activities in PA 1 and proposed PA 10 could uncover archaeological resources. Resource P-36-026760 was previously formally evaluated for listing in the CRHR and determined to be ineligible for listing due to a lack of integrity and unknown association with the Cox family. The 2017 Final EIR Mitigation Measure CUL-4 requires archaeological and tribal monitoring, 2017 Final EIR Mitigation Measure CUL-5 includes provisions for incidental discoveries of previously unknown resources, and 2017 Final EIR Mitigation Measure CUL-6 requires an Archeological Monitoring Report, for developments in PA 1 and proposed PA 10. With implementation of 2017 Final EIR Mitigation Measures CUL-4 through CUL-6, potential impacts to archaeological resources within PA 1 and proposed PA 10 would be less than significant.

Impact CUL-3 Finding: The Project would not disturb any human remains, including those interred outside of formal cemeteries (Initial Study at p. 53). Impacts are less than significant with mitigation incorporated.

Facts in Support of Findings: There are no known human remains within the Specific Plan area or the proposed industrial development site. The site is not part of a formal cemetery and is not known to have been used for disposal of human remains. In addition, the ground has been previously disturbed by previous agricultural uses. Thus, human remains are not expected to be encountered during construction of the proposed Project. In addition, existing state regulations (California Health and Safety Code Section 7050.5) requires that in the unanticipated event of discovery or recognition of any human remains, there shall be no further excavation until the coroner has made recommendations concerning the treatment and disposition of the human remains to the person responsible. If the coroner determines that the remains are not subject to his or her authority and has reason to believe that they are those of a Native American, he or she shall contact the Native American Heritage Commission within 24 hours. These requirements were included in the 2017 Final EIR as Mitigation Measure CUL-7. Implementation of the proposed industrial development would comply with provisions of state law and Mitigation Measure CUL-7 regarding discovery of human remains, and impacts relating to the disturbance of human remains would be less than significant.

Cultural Resources Cumulative Findings: Impacts related to archaeological resources and human remains would be less than significant with compliance with existing regulations and mitigation measures (Draft Subsequent EIR at p. 5.3-7).

- **Archaeological Resources:** The Project's impact to prehistoric archaeological resources was analyzed in the context of the City of Rialto, which is identified as sensitive for archaeological resources. Construction activities within the Specific Plan area – as with other development projects in the region – may uncover subsurface prehistoric archaeological resource that meet the CCR § 15064.5 definition. However, mitigation has been included to reduce the potential of the Project to contribute to a significant cumulative impact to archaeological resources. With compliance with project-specific mitigation, cumulatively considerable impacts would be less than significant.
- **Disturbance of Human Remains:** Mandatory compliance with the provisions of California Health and Safety Code § 7050.5, Public Resources Code § 5097 et seq., and CEQA Guidelines Section 15064.5, which are included as 2017 Final EIR Mitigation Measure CUL-7, would assure that the Project, in addition to all development projects, treat human remains that may be uncovered during development activities in accordance with prescribed, respectful and appropriate practices, thereby avoiding significant cumulative impacts.

Mitigation Measures

2017 Final EIR Mitigation Measures

Mitigation Measure CUL-4: Conduct Archaeological and Native American Construction Monitoring. If it is determined by the qualified archaeologist preparing the Phase I Archaeological Resources Assessment that there is a moderate or high potential to encounter buried archaeological resources; and 2) that construction monitoring is required during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the proposed improvements, then the City shall require future development/Project applicants on a project-by-project basis within the Specific Plan area to retain a qualified archaeological monitor and/or Native American monitor who shall be present during construction excavation activities. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill soils), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the archaeological monitor.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-4 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-4 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-5: Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant and City shall coordinate with the archaeologist and Native American monitor (if the resources are prehistoric in age) to develop an appropriate treatment plan for the resources. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preserve it in place. The Applicant, in consultation with the archaeologist and Native American monitor (if the resources are prehistoric in age), shall designate repositories in the event that archaeological material is recovered.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-5 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-5 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-6: Prepare Archaeological Monitoring Report. The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City and the San Bernardino Archaeological Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register of Historical Resources and CEQA, and treatment of the resources.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-5 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-5 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-7: Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered. If human remains are unearthed during construction excavation activities, the construction contractor shall comply with State Health and Safety Code Section 7050.5. The contractor and Project applicant shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify

the NAHC. The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, inspect the site of the discovery of the Native American remains and may recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated funerary objects. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and cultural items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. MLDs in the region typically recommend reburial of the remains as close to the original burial location as feasible accompanied by a ceremony. The MLD shall file a record of the reburial with the NAHC and the Project archaeologist shall file a record of the reburial with the CHRIS-SBAIC.

If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance. A record of the reburial shall be filed with the NAHC and the CHRIS-SBAIC.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-7 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-7 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Proposed Project Mitigation Measures

No additional cultural resource mitigation measures are required.

D. Transportation

Impact TR-1 Finding: The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (Draft Subsequent EIR at p. 5.8-13). Impacts are less than significant with mitigation.

Facts in Support of Findings: SB 743 requires that VMT thresholds be utilized for traffic analysis. State CEQA Guidelines Section 15064.3 states that a project's effect on automobile delay shall not constitute a significant environmental impact. However, the City's General Plan and traffic study guidelines require analysis based on Level of Service (LOS), which the City uses to confirm development projects' consistency with the General Plan, to determine the transportation improvement obligations of development projects, and implement the City's DIF Program. Also, in the case of this Draft Subsequent EIR, the LOS evaluation identifies if the 2017 Final EIR PDFs and mitigation measures to identify those that are applicable to the proposed Project.

Intersection Operations: Table 5.8-11 of the Draft Subsequent EIR shows the opening year, plus Project, plus cumulative AM and PM peak hour levels of service at study intersections. As shown, the intersection of Pepper Avenue/SR-210 Westbound Ramps would operate at unsatisfactory LOS E in the AM peak hour this condition. The 2017 Final EIR Mitigation Measure TRAF-1 would be required to provide improvements at this intersection to modify the traffic signal to provide north/south split phasing, and restripe to provide one left-through lane, one shared through lane, and one through lane. The impact at the Pepper Avenue/SR-210 Westbound Ramps is a cumulative impact that was previously identified in the 2017 Final EIR. With implementation of 2017 Final EIR Mitigation Measure TRAF-1, the intersection would operate at acceptable levels as shown in Table 5.8-12 of the Draft Subsequent EIR.

Table 5.8-14 of the Draft Subsequent EIR shows the General Plan buildout year 2040, plus Project, plus cumulative AM and PM peak hour levels of service at study intersections. As shown, the intersection of Pepper Avenue/SR-210 Westbound Ramps would operate at unsatisfactory LOS E in the AM peak hour this condition and the Project would cause an increase in delay of 9.0. As a result, 2017 Final EIR Mitigation Measure TRAF-1 would be required to provide improvements at this intersection. Consistent with 2017 Final EIR Mitigation Measure TRAF-1 the improvement includes changing the intersection phasing to split phase and changing the northbound lane geometry from one left-turn lane and two through lanes to one left-turn lane, one left-through lane, and one through lane, which would reduce impacts to an acceptable LOS as shown in Table 5.8-15 of the Draft Subsequent EIR.

The queue length for turn movements at study intersections was analyzed to determine whether the available queue length of left and right-turn pockets would be adequate for the forecast traffic volumes in the General Plan with Project with cumulative condition. As shown in Table 5.8-17 of the Draft Subsequent EIR, most of the intersections would provide sufficient queuing length; however, at Pepper Avenue/Baseline Road, the queue of eastbound and northbound left-turning vehicles would terminate within the transition of the left-turn lane. At these locations, a painted median is present and therefore vehicles would not queue into the through lanes. The southbound left-turn lane at the intersection of Pepper Avenue/North Project Driveway would provide a queue length of 175 feet, as included in Design Feature DF TRAF-2, to avoid a queueing impact.

Therefore, the proposed Project would not conflict with a plan, ordinance, or policy addressing roadway circulation, and impacts would be less than significant with implementation of design features and the 2017 Final EIR mitigation measures.

Transit: The Specific Plan area is not currently served by OmniTrans transit. The closest existing transit services to the Specific Plan area include Route 10 that runs east and west along Baseline Road to the south of the Specific Plan area and Route 12 that runs east and west along Highland Avenue to the north of the Specific Plan area. This existing transit service would continue to serve its ridership in the area and may also have the potential to serve employees of the Specific Plan area. The proposed Specific Plan would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

Bicycle Facilities: Pepper Avenue contains Class II bike lanes on both sides of the street. Also, Baseline Road contains a Class II bike lane. Class II bike lanes are striped lanes that provide bike travel and can be next to a curb or parking lane. Implementation of the proposed Project would not alter or conflict with existing or planned bike lanes or bicycle transportation. Thus, impacts related to bicycle facilities would not occur.

Pedestrian Facilities: Pepper Avenue and Baseline Road contains sidewalks on both sides of the street. Implementation of the proposed Project would include roadway improvements that would provide for new sidewalks where none exist currently, thereby improving pedestrian facilities and the sidewalk network. Therefore, the proposed Project would also not conflict with pedestrian facilities.

Traffic Cumulative Findings: Impacts related to transportation would be less than significant with compliance with existing regulations and mitigation measures from the 2017 Final EIR (Draft Subsequent EIR at p. 5.8-24).

Facts in Support of Findings: the impacts of proposed Project in relation to roadway levels of service, in combination with past, present, and reasonably foreseeable future development would result in one intersection operating at unsatisfactory level of service in the AM peak hour in the Project plus cumulative scenarios in both the opening year 2023 and General Plan buildout 2040 cumulative traffic conditions. That require implementation of 2017 Final EIR Mitigation Measure TRAF-1, which would require implementation of roadway improvements.

Because the Project implements the adopted plans for bicycle and pedestrian facilities, and future development would be required to be consistent with these plans, the proposed Project would not contribute to cumulative impacts.

2017 Final EIR Project Design Features

Design Feature DF TRAF-1: Pepper Avenue / Northerly Right-In/Right-Out (RIRO) Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left-out access from the Project driveway, and construct the intersection with the following geometrics:

- NB Approach: Provide two through lanes.
- SB Approach: Provide one through lane and one shared through-right turn lane.
- EB Approach: Provide a right turn lane.

Proposed Industrial Development Project Applicability: Design Feature DF TRAF-1 is not applicable to the proposed industrial development because it is related to the driveway at PA 5. However, it is applicable to the Specific Plan buildout of PA 5 and will be included in the MMRP to ensure implementation.

2017 Final EIR Design Feature DF TRAF-2: Pepper Avenue / Main Driveway (intersection #23) – Install traffic signal control and construct the intersection with the following geometrics:

- NB Approach: Provide one left turn lane, one through lane, and one shared through right lane.
- SB Approach: Provide one ~~two~~ left turn lanes with 175 feet of storage, one through lane, and one shared through right lane.
- EB Approach: Provide one left turn lane and one shared through-right lane.
- WB Approach: Provide one left turn lane, one through lane, and one right turn lane.

Proposed Industrial Development Project Applicability: Design Feature DF TRAF-2 is included as part of the Project. However, per the evaluation in this Traffic Impact Analysis, only one southbound left-turn lane with 175 feet of storage would be required to achieve satisfactory LOS at this driveway. Therefore, the southbound approach improvement has been revised and will be included in the MMRP to ensure implementation.

2017 Final EIR Design Feature DF TRAF-3: Pepper Avenue / Southerly RIRO Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left out access from the Project driveway, and construct the intersection with the following geometrics:

- NB Approach: Provide two through lanes.
- SB Approach: Provide one through lane and one shared through-right turn lane.
- EB Approach: Provide a right turn lane.

Proposed Industrial Development Project Applicability: Design Feature DF TRAF-3 is not applicable to the proposed industrial development because it is related to the driveway at PA 6. However, it is applicable to the Specific Plan buildout of PA 6 and will be included in the MMRP to ensure implementation.

2017 Final EIR Design Feature DF TRAF-4: Pepper Avenue / South Driveway (intersection #24) – At complete buildout, or as otherwise determined by traffic needs, install traffic signal control and construct the intersection with the following geometrics:

- NB Approach: Provide one through lane and one shared through-right lane.
- SB Approach: Provide one left turn lane and two through lanes.
- WB Approach: Provide ~~one left turn lane,~~ and one right turn lane.

Proposed Industrial Development Project Applicability: Design Feature DF TRAF-4 is applicable to the proposed industrial development as it would provide truck access to PA 2 and PA 3 and would be limited to southbound (inbound) left-turns and westbound (outbound) right-turn. This measure will be included in the MMRP to ensure implementation.

Mitigation Measures

2017 Final EIR Mitigation Measures

Mitigation Measure TRAF-1: Prior to issuance of building permits, future Project applicant(s) shall participate in the City of Rialto Development Impact Fee (DIF) Program by paying applicable fees, supplemented by participation in additional fair share intersection improvement costs as needed. Such fees shall be determined by additional and/or focused traffic impact studies, as determined necessary by the City of Rialto Traffic Engineering Division, prior to future development occurring within the Specific Plan Area. Payment of fees to these fee programs may be considered as mitigation for the Project's proportionate share of cumulative impacts. If the City finds that the payment of DIF fees alone do not adequately address the Project's proportionate share, a fair share contribution may be imposed in order to mitigate the Project's share of cumulative impacts. Improvements constructed by development may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the City's discretion). The improvements identified below shall be funded by the Project's proportionate payment of fees, as determined necessary by the City of Rialto Traffic Engineering Division. The City shall ensure that the improvements will be constructed pursuant to the fee program at the point in time necessary to avoid identified significant traffic impacts.

Riverside Avenue/Easton Street (Intersection #3):

- Participate in the signal modification to provide separate right turn overlap signal phasing for the existing westbound right turn lane.

Eucalyptus Avenue/Baseline Road (Intersection #8):

- Northbound Approach: Provides separate left turn lane, in addition to the existing through lane.
- Southbound Approach: Provide separate left turn lane, in addition to the existing through lane.

Pepper Avenue/Highland Avenue (Intersection #9):

- Northbound Approach: Restripe through lane to shared through-right lane, in addition to the left turn lane and right turn lane.
- Eastbound Approach: Participate in the signal modification to provide separate right turn overlap signal phasing for the right turn lane.

Pepper Avenue/SR-210 Westbound Ramps (Intersection #10):

- Northbound Approach: Modify traffic signal to provide north/south split phase. restripe first through lane to provide a left-through lane, in addition to the left turn lane and second through lane.

- Westbound Approach: Provide additional (second) left turn lane.
- Pepper Avenue/SR-210 Eastbound Ramps (Intersection #11):
- Northbound Approach: Provide separate right turn lane.
 - Eastbound Approach: Provide additional (second) right turn lane.
- Pepper Avenue/Winchester Drive (Intersection #12):
- Participate in construction of a traffic signal.
 - Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane.
 - Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane.
- Pepper Avenue/Mariposa Drive (Intersection #13):
- Participate in construction of a traffic signal.
 - Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane.
 - Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane.
- Pepper Avenue/Baseline Road (Intersection #14):
- SB Approach: Provide separate right turn lane.
- Pepper Avenue/Etiwanda Avenue (Intersection #15):
- Participate in construction of a traffic signal.
- Pepper Avenue/Foothill Boulevard (Intersection #16):
- Participate in the signal modification to provide separate right turn overlap signal phasing for the existing eastbound right turn lane.
 - Southbound Approach: Provide separate right turn lane.
 - Westbound Approach: Provide additional (third) through lane.

Proposed Industrial Development Project Applicability: Mitigation Measure TRAF-1 and the improvement to the northbound approach at Pepper Avenue/SR-210 Westbound Ramps is applicable to the proposed industrial development and would be included in the MMRP for the development project.

Specific Plan Amendment Applicability: Mitigation Measure TRAF-1 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Proposed Project Mitigation Measures

No additional mitigation measures are required.

E. Tribal Cultural Resources

Impact TCR-2 Finding: The Project would not 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 that is 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, that considers the significance of the resource to a California Native American tribe. (Draft EIR at p. 5.9-6). Impacts are less than significant with mitigation measures.

Facts in Support of Findings: As part of the SB 18 and AB 52 consultation processes, the City of Rialto contacted local Native American tribes concerning the proposed Project. Of the 14 tribes contacted, the Gabrieleño Band of Mission Indians-Kizh Nation responded with a request for formal consultation. The consultation occurred via email, during which the Tribes requested to review the Phase 1 CRA, Geotechnical Report, and plans for the proposed industrial development component of the Project showing the depth of disturbance. The Tribe indicated that the Project lies within the Gabrieleño ancestral territory and a historical landscape. The Tribe provided information regarding Kizh oral history and elder testimony, along with data on Native American discoveries in proximity to the Project site. As such, the Tribe considers the Specific Plan area sensitive for tribal cultural resources.

As described in Draft Subsequent EIR Section 5.3, *Cultural Resources*, the 2017 Final EIR includes Mitigation Measure CUL-4 through CUL-6 provide for archaeological and Native American construction monitoring and protection of any resources that are uncovered. In addition, California Health and Safety Code Section 7050.5 and CEQA Guidelines 15064.5(e), included as 2017 Final EIR Mitigation Measure CUL-7, requires that if human remains are discovered, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

In addition, although consultation with the Gabrieleño Band of Mission Indians-Kizh Nation did not support substantial evidence that listed or eligible tribal cultural resources—pursuant to criteria in PCR Section 5024.1(c)—are within the Specific Plan area, the City has considered the Tribe's requests and has included Mitigation Measures TCR-1 through TCR-3, to ensure that potential impacts on the inadvertent discovery of tribal cultural resources are less than significant.

Tribal Cultural Resources Cumulative Findings: The Project would not result in cumulative impacts related to public services (Draft Subsequent EIR at p. 5.9-7).

Facts in Support of Findings: The Project's potential to result in cumulatively considerable impacts to tribal cultural resources were analyzed in conjunction with other projects located in the influence areas of the tribes in the region. There is potential for tribal cultural resources to be uncovered during construction activities from the Project. Other development projects within the region would have a similar potential to uncover tribal cultural resources. Cumulative impacts would be reduced by each development project's compliance with applicable regulations, consultations required by SB 18 and AB 52, and project-specific mitigation. Project implementation of 2017 Final EIR Mitigation Measure CUL-7 and Project-specific Mitigation Measures TCR-1 through TCR-3 would reduce project-level impacts to less than significant, and the Project's potential contribution toward cumulatively significant impacts to inadvertent discoveries of tribal cultural resources would also be reduced to less than significant.

Mitigation Measures

2017 Final EIR Mitigation Measures

Mitigation Measure CUL-4: Conduct Archaeological and Native American Construction Monitoring. As listed in C. *Cultural Resources*.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-4 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-4 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-5: Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. As listed in C. Cultural Resources.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-5 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-5 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-6: Prepare Archaeological Monitoring Report. As listed in C. Cultural Resources.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-6 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-6 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Mitigation Measure CUL-7: Cease Ground-Disturbing Activities and Notify County Coroner If Human Remains Are Encountered. As listed in C. Cultural Resources.

Proposed Industrial Development Project Applicability: Mitigation Measure CUL-7 is applicable to the proposed industrial development and would be included in the MMRP for the proposed industrial development project.

Specific Plan Amendment Applicability: Mitigation Measure CUL-7 is applicable to future developments within the Specific Plan area and would be included in the MMRP for implementation with future Specific Plan development projects.

Proposed Project Mitigation Measures

Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities within the Specific Plan Area.

- A. The Project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" within the Specific Plan at all Project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc.,

(collectively, tribal cultural resources, or "TCRs"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the Project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the Project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

Mitigation Measure TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects.

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods discovered or recognized on the Project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Construction activities may resume in other parts of the Project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the Project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Mitigation Measure TCR-3: Procedures for Burials and Funerary Remains.

- A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
- D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed.
- E. In the event preservation in place is not possible despite good faith efforts by the Project applicant/developer and/or landowner, before ground-disturbing activities may resume on the Project site, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects.
- F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
- G. The Tribe will work closely with the Project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

SECTION IV**SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS**

Public Resources Code section 21002 states that "it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

Section 15364 of the State CEQA Guidelines defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final Subsequent EIR, the following impacts cannot be fully mitigated to a less than significant level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

A. Air Quality

Impact AQ-1 Finding: The Project would conflict with or obstruct implementation of an applicable air quality plan (Draft Subsequent EIR at p. 5.2-22) at both the project and cumulative levels. Impacts are significant and unavoidable.

Facts in Support of Findings: The SCAQMD's 2016 AQMP is the applicable air quality plan for the Specific Plan area. Pursuant to Consistency Criterion No. 1, projects that are consistent with the regional population, housing, and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections, since the forecast assumptions by SCAG forms the basis of the land use and transportation control portions of the AQMP. The total number of employees that would result from the Specific Plan Amendment (of 612) would equate to 5.5 percent of the SCAG projected growth; and the increase 478 employees that would result from the proposed land use change at buildout would equate to 4.3 percent of the projected growth. Therefore, the growth that would result from the Project is within existing projections, and the additional jobs provided by the proposed Project would be within and consistent with SCAG's growth projections, and within the growth assumptions of the AQMP. Thus, the proposed Project would comply with AQMD AQMP Consistency Criterion No. 1.

Regarding Consistency Criterion No. 2, an impact would occur if the long-term emissions associated with the proposed Project would exceed SCAQMD's regional significance thresholds for operation-phase emissions. In Draft Subsequent EIR Section 5.2, *Air Quality*, the buildout of the proposed Specific Plan Amendment would result in regional operational-source emissions that would exceed the thresholds of significance for NOX emissions after implementation of requirements and Mitigation Measures AQ-3 through AQ-8; and therefore, would result in an increase in the frequency or severity of existing air quality violations and contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Hence, the proposed Project would result in an impact related to Consistency Criterion No. 2.

Overall, despite the Project's consistency with SCAG's regional growth forecasts, the Project would lead to increased regional air quality operational emissions that would exceed thresholds at buildout of the proposed Specific Plan Amendment. Therefore, the proposed Project would result in a conflict with, or

obstruct, implementation of the AQMP and impacts would be significant and unavoidable after implementation of the mitigation

Impact AQ-2 Finding: The Project would 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 (Draft Subsequent EIR at p. 5.2-23) at both the project and cumulative levels. Impacts are significant and unavoidable.

Facts in Support of Findings: In addition to operation of 485,000 SF of unrefrigerated warehousing uses on PA 2 and PA 3, buildout of the proposed Specific Plan Amendment includes operation of 13,000 SF of Community Commercial uses and 250,185 SF of Light Industrial uses on PA 1 and PA 10 that would also generate emissions. As shown in Table 5.2- 9, operation of the Specific Plan Amendment at buildout would generate emissions that would exceed the applicable SCAQMD threshold for NO_x.

It is important to note that over 90 percent of the Project's NO_x emissions are derived from heavy duty truck trips. The Project would implement various measures from the California Attorney General's Warehouse Projects: Best Practices and Mitigation Measures as PDFs and Mitigation Measures AQ-3 through AQ-8 are included to reduce the operational NO_x emissions. However, these measures would not be sufficient enough to reduce the NO_x emissions to below the SCAQMD thresholds. Neither the Project applicant nor the City have regulatory authority to control tailpipe emissions. Thus, no feasible mitigation measures exist that would reduce these emissions to levels that are less-than-significant, and impacts related to regional cumulative air quality emissions would be significant and unavoidable.

Health Impacts of Exceeded Criteria Pollutant Emissions. The significant and unavoidable impact with respect to NO_x emissions is due largely to vehicle trips. NO_x is a "criteria" pollutant, a pollutant that is regulated by the USEPA pursuant to the federal Clean Air Act. The potential health impacts of criteria pollutants are analyzed on a regional level, not on a facility/project level. The SCAQMD and the San Joaquin Valley Unified Air Pollution Control District (SJVAPD), experts in the area of air quality, both recognize that a meaningful, accurate analysis of potential health impacts resulting from criteria pollutants is not currently possible and not likely to yield substantive information that promotes informed decision making. The SJVAPD, in its amicus curiae brief for the recent California Supreme Court decision in *Sierra Club v. County of Fresno* (2018)6 Cal.5th 502, explained that "it is not feasible to conduct a [health impact analysis] for criteria air pollutants because currently available computer modeling tools are not equipped for this task." The SJVAPD described a project-specific health impact analysis as "not practicable and not likely to yield valid information" because "currently available modeling tools are not well suited for this task." The SJVAPD further noted that "...the CEQA air quality analysis for criteria pollutants is not really a localized, project-level impact analysis but one of regional" cumulative impacts.

It should also be noted that CO, NO_x, and VOCs are "precursor" pollutants, which makes analysis of potential health impacts even more difficult. CO, NO_x, and VOCs are precursors to ozone, which is formed in the atmosphere from the chemical reaction of CO, NO_x, and VOCs in the presence of sunlight. As explained by the SCAQMD in its amicus curiae brief for *Sierra Club v. County of Fresno*, it takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources." Given this, "...it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region." Therefore, SCAQMD opined that while it "may be feasible" for large, regional projects with very high emissions of CO, NO_x, and VOCs to conduct an accurate health impact analysis, SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by CO, NO_x, or VOC emissions from relatively small projects.

Thus, the difficulties with preparing potential health impact analysis related to the Project's CO, NOx, and VOC emissions are twofold. First, current modeling is not capable of correlating emissions of criteria pollutants to concentrations that can be reasonably linked to specific health impacts. Second, CO, NOx, and VOCs are precursor emissions and concentrations of CO, NOx, and VOC are impacted by regional atmospheric conditions. CO, NOx, and VOCs emitted by the Project may, depending upon interactions with the sun and other emissions, convert to ozone by complex chemical processes. Thus, there is a significant level of unpredictability associated with such conversion to ozone, as noted by the SCAQMD and the SJVAPD. It should also be noted that this Draft Subsequent EIR does identify health concerns related to CO and NOx emissions. Table 5.2-1 includes a list of criteria pollutants and summarizes common sources and effects. Thus, the Draft Subsequent EIR's analysis is reasonable and intended to foster informed decision making.

Air Quality Cumulative Findings: The Project would result in cumulative impacts related to air quality (Draft Subsequent EIR at p. 5.2-33).

Facts in Support of Findings: Per SCAQMD's methodology, if an individual project would result in air emissions of criteria pollutants that exceeds the SCAQMD's thresholds for project-specific impacts, then it would also result in a cumulatively considerable net increase of these criteria pollutants. As detailed in Table 5.2-9 of the Draft Subsequent EIR, emissions from operation of the proposed Specific Plan Amendment at buildout would exceed SCAQMD's threshold for NOx after implementation of mitigation measures. The large majority of operational-source NOx emissions (by weight) would be generated by Project vehicles that neither Project applicants nor the City have the ability to reduce emissions of. Therefore, operational-source NOx emissions from implementation of the proposed Project would be cumulatively considerable, and cumulative air quality impacts would be significant and unavoidable.

Project Description Features

PDF AQ-1: The Project Applicant/Developer/Operator shall post both interior and exterior facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, SCAQMD, and the building manager.

PDF AQ-2: During Project grading operations, Project contractors shall limit the amount of daily grading disturbance area to not exceed the assumptions specified in the Draft Subsequent EIR Air Quality Impact Analysis.

PDF AQ-3: Project construction plans and specifications shall require on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled, if such equipment is widely available and economically feasible.

PDF AQ-4: The Project shall provide electrical hook ups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.

PDF AQ-5: The construction plans and specifications shall prohibit off-road diesel powered construction equipment from being in the "on" position for more than 10 hours per day during Project construction.

PDF AQ-6: During Project construction, the Project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, onsite or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

PDF AQ-7: The Project Applicant/Developer shall provide information on transit and ridesharing programs and services to construction employees.

PDF AQ-8: The Project Applicant/Developer shall provide meal options onsite or shuttles between the construction site and nearby meal destinations for construction employees.

PDF AQ-9: The Project Applicant/Developer/Tenant shall require that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators which own vehicles subject to Section 2025 shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.

PDF AQ-10: The Project Applicant/Developer/Tenant shall require that all heavy-duty trucks entering or operated on the project site to be zero-emission beginning in 2030, if such trucks are widely available and economically feasible¹.

PDF AQ-11: The Project Applicant/Developer/Tenant shall require all on-site equipment, such as forklifts and yard trucks, to be electric, propane or natural gas with the necessary electrical charging stations provided.

PDF AQ-12: The Project Applicant/Developer/Owner shall require tenants to use zero-emission light- and medium-duty trucks as part of business operations, if such trucks are widely available and economically feasible.

PDF AQ-13: The Project Applicant/Developer shall construct electric truck charging infrastructure consisting of infrastructure (i.e., conduit) to support future installation of charging stations, when such trucks are widely available and economically feasible.

PDF AQ-14: The Project Applicant/Developer shall construct electric light-duty truck charging infrastructure consisting of infrastructure (i.e., conduit) proportional, i.e., conduit for one charging station for every five light-duty truck parking spaces at the Project.

PDF AQ-15: The Project Applicant/Developer shall install all necessary infrastructure (i.e., wiring, reinforced roofs) to allow solar photovoltaic systems on the project site to be installed in the future, with a specified electrical generation capacity, such as equal to the building's projected energy needs.

PDF AQ-16: The Project Applicant/Developer/Owner shall require all stand-by emergency generators to be powered by a non-diesel fuel.

PDF AQ-17: The Project owner shall require facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

PDF AQ-18: The Project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

PDF AQ-19: The Project shall meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.

¹ On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation. The regulation requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 electric trucks in California by the end of 2030 and about 300,000 by 2035. CARB is expected to consider a fleet regulation in 2021 that would be compatible with the Advanced Clean Trucks regulation, requiring fleets to purchase a certain percentage of zero-emission trucks and vans for their fleet operations. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>

PDF AQ-20: The Project building(s) will achieve certification of compliance or demonstrate equivalency with LEED green building standards.

PDF AQ-21: The Project Owner/Tenant shall provide meal options onsite or shuttles between the facility and nearby meal destinations.

PDF AQ-22: The Project Applicant/Developer/Owner shall post signs at every truck exit driveway providing directional information to the truck route.

PDF AQ-23: The Project Applicant/Developer/Owner shall require that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also, if the tenant/facility operator owns its own fleet of vehicles, subject to 13 California Code of Regulations section 2025, require such tenants/facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

PDF AQ-24: The Project Applicant/Developer/Owner shall encourage tenants to enroll in the United States Environmental Protection Agency's SmartWay program and encourage tenants to use carriers that are SmartWay carriers.

PDF AQ-25: The Project Applicant/Developer/Owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

PDF AQ-26: The Project Applicant/Developer/Owner shall post signs that all parking of trucks must be within designated on-site areas and not within the surrounding community or public streets. Install signs in residential areas noting that truck and employee parking is prohibited.

PDF AQ-27: The Project Applicant/Developer/Owner shall identify a person to act as a community liaison concerning onsite construction activities and operations and provide contact information for the community liaison to the surrounding community.

PDF AQ-28: The Project Applicant/Developer/Contractor shall prohibit grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone in the Project area.

Mitigation Measures

2017 Final EIR Mitigation Measures

Mitigation Measure AQ-1: Tier 4. All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NO_x and PM_{2.5} emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Proposed Project Mitigation Measures

Mitigation Measure AQ-2: PA 1 and PA 10 - Emissions Modeling. Prior to approval of a construction permit for development within PA 1 and PA 10, the applicant shall be responsible for submitting a focused project-level air quality assessment that includes the modeling of regional construction emissions and localized on-site emissions associated with daily grading activities required for construction and operations

of PA 1 and PA 10. During the City's review process of development applications in the PA 1 and PA 10 areas, the applicant shall conduct or shall have conducted modeling of the regional and the localized emissions (nitrogen oxides [NO_x], carbon monoxide [CO], Particulate Matter 10 microns in diameter or less [PM₁₀], and Particulate Matter 2.5 microns in diameter or less [PM_{2.5}]) associated with the maximum daily grading and other construction and operational activities estimated for the proposed individual developments. If the modeling shows that emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily grading and/or operational activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD's significance thresholds for those emissions; and/or use of higher tiered construction equipment shall be required to reduce the exceedance of emissions to below the SCAQMD thresholds.

Mitigation Measure AQ-3: Idling Regulation Signage. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager and CARB to report violations. Signs shall be installed prior to receipt of an occupancy permit.

Mitigation Measure AQ-4: Environmental Protection Agency (EPA) SmartWay Features. The Project plans and specifications shall include requirements (by contract specifications) that building operators/tenants to ensure that haul trucks incorporate EPA SmartWay features, as required by CARB. Tenants shall be required to maintain a daily log of incoming and outgoing haul trucks that are fitted with the combination of aerodynamic kits and low rolling resistance tires to reduce fuel consumption. The daily logs shall be submitted to the City Public Works Division regularly for verification.

Mitigation Measure AQ-5: Energy Efficient Vendor Trucks. The Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption.

Mitigation Measure AQ-6: Electric Vehicle Charging Stations and Carpool Parking. The Project plans and specifications for the industrial buildings shall include electric vehicle charging stations and a minimum of 5 carpool parking spaces at each building for employees and the public to use.

Mitigation Measure AQ-7: Electric Interior Vehicles. The Project plans and specifications for all of the industrial buildings shall include infrastructure to support use of electric-powered forklifts and/or other interior vehicles.

Mitigation Measure AQ-8: Transportation Management. The Project plans and specifications for the industrial buildings shall require that a Transportation Management Association (TMA) or similar mechanism shall be established by the Project to encourage and coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of 5 employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.

B. Greenhouse Gas Emissions

Impact GHG-1 Finding: The Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Draft Subsequent EIR at p. 5.5-11). Impacts are significant and unavoidable.

Facts in Support of Findings: As detailed in Section 5.5, *Greenhouse Gas Emissions*, of the Draft Subsequent EIR, the annual GHG emissions associated with operation of the proposed unrefrigerated light industrial development on PA 2 and PA 3 at 485,000 SF (Table 5.8-2) would be approximately 5,204.99 MTCO₂e/yr, which would exceed the 3,000 MTCO₂e/yr screening threshold and would therefore, result in a significant impact.

In addition, Table 5.5-3 shows that operation of the Specific Plan Amendment at buildout would generate approximately 9,926.17 MTCO₂e/yr, which would also exceed the 3,000 MTCO₂e/yr screening threshold and would therefore, result in a significant impact. Project Design Features (PDFs) AQ-1 through PDF AQ-28 and Mitigation Measures AQ-3 through AQ-8 would be implemented to require implementation of various measures to reduce GHG emissions. However, these measures would not be sufficient enough to reduce the GHG emissions to below the threshold. The large majority (79%) of GHG emissions would be generated by Project vehicles that neither Project applicants nor the City have the ability to reduce. Therefore, GHG emissions from implementation of the proposed Project would be significant and unavoidable.

Greenhouse Gas Cumulative Findings: The Project would result in cumulative impacts related to GHG emissions (Draft Subsequent EIR at p. 5.5-22).

Facts in Support of Findings: GHG emissions impacts are assessed in a cumulative context since no single project can cause a discernible change to climate. The analysis of greenhouse gas emission impacts under CEQA contained in this Draft Subsequent EIR effectively constitutes an analysis of a project's contribution to the significant statewide cumulative impact of GHG emissions. Because the estimated GHG emissions from development and operation of the proposed Project would exceed the threshold after implementation of mitigation measures, the contribution of the proposed Project to significant cumulative GHG impacts is significant and unavoidable and cumulatively considerable.

Project Design Features

Mitigation Measures AQ-1 through AQ-28, as listed previously.

Mitigation Measures

Mitigation Measures AQ-3 through AQ-8, as listed previously.

SECTION V**GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES**

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. Draft Subsequent EIR Section 5.10 evaluates the potential for the proposed Project to affect the environment from employment or population growth, or the construction of additional housing, either directly or indirectly.

Impact Growth-1 Finding: The Project would not establish substantial new permanent employment opportunities or otherwise stimulate economic activity such that it would result in the need for additional housing, businesses, and services to support increased economic activities (Draft Subsequent EIR at p. 5.10-3). Impacts would be less than significant.

Facts in Support of Findings: The total number of employees that would result from the Specific Plan Amendment (of 612) would equate to 5.5 percent of the SCAG projected growth; and the increase 478 employees that would result from the proposed land use change at buildout would equate to 4.3 percent of the projected growth. Therefore, the growth that would result from the Project is within existing projections, and the additional jobs provided by the proposed Project would be within and consistent with SCAG's growth projections.

The Project would accommodate the forecasted employment in an environmentally sustainable manner by providing job opportunities for nearby residents that would reduce vehicle miles traveled. The City of Rialto has had unemployment rates ranging between 4.6 and 10.9 percent over the last 5 years (EDD 2022). Most of the new labor and office jobs that would be created by the proposed Project would be positions that are anticipated to be filled by people who would already be living within Rialto and surrounding communities and would not induce an unanticipated influx of new labor into the region. Thus, impacts related to increased growth through the provision of employment opportunities would be less than significant.

Impact Growth-2 Finding: The Project would not remove obstacles to growth through the construction or extension of major infrastructure facilities that do not presently exist in the project area or would add substantial capacity that could accommodate additional unplanned growth (Draft Subsequent EIR at p. 5.10-4). Impacts would be less than significant.

Facts in Support of Findings: The Specific Plan area is within an urban area and has been planned and previously approved for development. The Pepper Avenue right-of-way contains an existing infrastructure system that would serve the Specific Plan area. Water, sewer, drainage, and roadways provide service to all of the areas within the Specific Plan. Development projects pursuant to the Pepper Avenue Specific Plan, including the industrial development component of the Project, would include installation of onsite infrastructure and new connections to the existing infrastructure systems. The proposed Project does not involve extension of utilities into undeveloped areas.

Development of the Pepper Avenue Specific Plan area would include circulation improvements to provide onsite streets and pedestrian sidewalks along Pepper Avenue, which would enhance local circulation for Specific Plan employees and the use of transit. The onsite streets and sidewalks that would be implemented by the proposed Project would not extend circulation into a new area or provide excess circulation capacity that could induce growth. As a result, the potential of infrastructure related growth inducement impacts would be less than significant.

Impact Growth-3 Finding: The Project would not remove obstacles to growth through the changes in existing regulations pertaining to land development (Draft Subsequent EIR at p. 5.10-4). Impacts would be less than significant.

Facts in Support of Findings: The total number of employees that would result from the buildout of the proposed Project (612) would equate to 5.5 percent of the SCAG projected growth; and the 478 employee increase that would result from the proposed land use change at buildout would equate to 4.3 percent of the projected growth. Therefore, the growth that would result from the Project is within existing projections, and the additional jobs provided by the proposed Project would be within and consistent with SCAG's growth projections. Thus, land use change and development that would occur from implementation of the proposed Project would not remove obstacles that would induce growth.

Impact Growth-4 Finding: The Project would not result in the need to expand one or more public service facilities to maintain desired levels of service (Draft Subsequent EIR at p. 5.10-4). Impacts would be less than significant.

Facts in Support of Findings: The proposed Project is expected to incrementally increase the demand for fire protection and emergency response, police protection, and school services. However, as detailed in the Initial Study (Draft Subsequent EIR, Appendix A), the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service. Based on service ratios and buildout projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur. The proposed Project would not result in significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

Impact Growth-5 Finding: The Project would not involve some other action that could encourage and facilitate other activities that could significantly affect the environment (Draft Subsequent EIR at p. 5.10-5). Impacts would be less than significant.

Facts in Support of Findings: The proposed Project does not propose changes to any of the City's building safety standards (i.e., building, grading, plumbing, mechanical, electrical, or fire codes). The development implemented pursuant to the proposed Specific Plan Amendment would comply with all applicable City plans, policies, and ordinances. In addition, the Specific Plan Amendment includes performance measures and development requirements to reduce potential impacts, and the Draft Subsequent EIR includes Project Design Features (PDFs) and mitigation measures to ensure that the Project minimizes environmental impacts. The Project would not involve any precedent-setting action that could encourage and facilitate other activities that significantly affect the environment.

Impact Growth-6 Finding: The Project would not result in environmental impacts of induced growth (Draft Subsequent EIR at p. 5.10-5). Impacts would be less than significant.

Facts in Support of Findings: All physical environmental effects from development of the proposed Project have been analyzed in all technical sections of the Draft Subsequent EIR and Initial Study prepared for this Project. For example, activities such as excavation, grading, and construction as required for the development of the industrial development component of the Project have been evaluated herein. Also, all operational aspects of the Specific Plan Amendment have been analyzed; and through implementation of existing regulations including the General Plan and zoning ordinance, and implementation of mitigation, environmental impacts from induced growth would not result.

SECTION VI**SIGNIFICANT IRREVERSIBLE EFFECTS**

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." Generally, a project would result in significant irreversible environmental changes if:

- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The proposed Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Specific Plan Amendment area would be committed to light industrial and commercial uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources include:
 - Changes in views associated with construction of the new buildings and associated development (Draft Subsequent EIR Section 5.1, *Aesthetics*)
 - Increased traffic on area roadways (Draft Subsequent EIR Section 5.8, *Transportation*).
 - Emissions of air pollutants associated with Specific Plan construction and operation (Draft Subsequent EIR Section 5.2, *Air Quality*).
 - Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the use of automobiles, trucks, lighting, heating and cooling systems, appliances, etc. (Draft Subsequent EIR Section 5.4, *Energy*).
 - Increased ambient noise associated with an increase in activities and traffic from the proposed Project (Draft Subsequent EIR Section 5.7, *Noise*).
- Construction of the proposed Project, as described in Draft Subsequent EIR Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials.

As discussed in Draft Subsequent EIR Section 5.4, *Energy*, the proposed Project would not involve a large commitment of nonrenewable resources as impacts related to energy were less than significant and would not involve the wasteful use of energy. As detailed in Draft Subsequent EIR Section 3.0, *Project Description*, the Project includes performance standards for light industrial uses and various measures from the California Attorney General's Warehouse Projects Best Practices. Development implemented pursuant to the proposed Project would incorporate energy-generating and conserving sustainable design features, PDFs, including those required by the California Building Code, California Energy Code Title 24, CalGreen Tier 2 green building standards (PDF-19), LEED green building standards (PDF-20), which specify green building standards for new developments. In addition, the Project would not result in irreversible damages that could result from any potential environmental accidents as associated with the proposed Project.

SECTION VII**ALTERNATIVES**

The City of Rialto hereby declares that it has considered and rejected as infeasible the alternatives identified in the Draft Subsequent EIR EIR and described below. Section 15126.6 of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

Objectives

The proposed amendment to the Pepper Avenue Specific Plan includes new Project objectives that all development within the Specific Plan area including the proposed industrial development would implement and are identified below:

- Revitalize the underutilized Project site by promoting the creation of a professional, well-maintained, and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex and commercial opportunities.
- Facilitate the construction of utilities, roads, and other major infrastructure that are sufficiently sized to adequately serve the Specific Plan area.
- Expand Rialto's industrial uses in proximity to regional transportation networks.
- Create an economic engine to drive future growth in Rialto, spur infrastructure improvements in the area and implement the Specific Plan vision.
- Provide local, well-paying jobs to residents that otherwise travel out of the region for employment.
- Provide freeway-oriented commercial and industrial opportunities to serve regional needs and stimulate job and revenue growth in the City.
- Incorporate "Green" and sustainable practices, as practicable, in developing buildings and infrastructure.
- Undertake development of the Project site in a manner that is economically feasible and balanced to address both the property owners' and the City's economic concerns.
- Locate and integrate the design of native habitat open space areas into the community, such as providing a pedestrian bridge inclusive of interpretive signage that connects the development area with the adjacent Frisbie Park.
- Maximize the use of native plant materials/species in the project landscaping, especially in areas located in proximity to preserved native habitat.

(Draft Subsequent EIR at p. 6-3)

Alternatives

Key provisions of the State CEQA Guidelines relating to the alternatives analysis (Section 15126.6 et seq.) are summarized below:

- The discussion of alternatives shall focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more-costly.
- The "No Project" alternative shall be evaluated along with its impact. The "No Project" analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.

- The range of alternatives required in an EIR is governed by a "rule of reason"; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the project if those reasonable alternatives would attain most of the project objectives while substantially lessening the potentially significant project impacts. The range of alternatives discussed in an EIR is governed by a "rule of reason," which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)(1)) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative.

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening the significant effects of the Project.

Alternatives Not Selected for Analysis

Alternate Site Alternative

An alternative site alternative was considered and eliminated from further consideration. CEQA specifies that the key question regarding alternative site consideration is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project at another location." In addition, an alternative site need not be considered when implementation is "remote and speculative," such as when the alternative site is beyond the control of a project applicant.

The proposed Specific Plan Amendment is change of the land use designation, which is location specific. The Specific Plan is a land use program for a specific land area that cannot be moved to an alternative site. A different land use plan at a different location would consist of a different project and not an alternative to amending the existing Pepper Avenue Specific Plan.

For the industrial development component of the Project, there are no suitable alternative sites within the control of the Project applicant (or the City of Rialto) as much of the City is built-out and the Specific Plan area is already planned for urban development, including business park and commercial, and is regionally located adjacent to SR-210 and the Pepper Avenue interchange. In the event land could be purchased of suitable size and developmental characteristics, based on the known general conditions in the City, a similarly sized project at an alternative site would likely have similar impacts to air quality and greenhouse gas

emissions after mitigation as the proposed industrial development. Given the size and nature of the proposed industrial development component of the Project and the project objectives, it would be impractical and infeasible to propose the industrial development on an alternate site in the area. Therefore, analysis of an alternative site for the proposed industrial development component of the Project is neither meaningful nor necessary, because the significant impacts resulting from the proposed industrial development would not be avoided or substantially lessened by its implementation. Therefore, the Alternative Site Alternative was rejected from further consideration. (Draft Subsequent EIR at p. 6-4)

Finding: The City of Rialto rejects the Alternative Site Alternative, on the following ground, which provides sufficient justification for rejection of this alternative: the Project is location specific and a similarly sized project at an alternative site would have similar impacts to air quality and greenhouse gas emissions after mitigation as the proposed industrial development. Therefore, this alternative is eliminated from further consideration.

Reduced Light Industrial and Increased Community Commercial Alternative

An alternative that would reduce the square footage of light industrial uses and increase community commercial uses beyond the proposed 13,000 SF on the east side of Pepper Avenue was considered and eliminated from further consideration. As detailed in Table 6-1 below, community commercial land uses have a substantially higher trip generation rate (42.70 daily trips per thousand square feet) compared to light industrial land uses (1.71 daily trips per thousand square feet). As a result, any alternative that would reduce light industrial development and increase commercial development would increase daily traffic, which would increase operational air quality emissions and greenhouse gas emissions and would not reduce the proposed Project's significant and unavoidable impacts. Conversely, it would result in an increase in emissions and increase the impacts. Therefore, a reduced light industrial and increased community commercial alternative was considered and rejected. (Draft Subsequent EIR at p. 6-4)

Finding: The City of Rialto rejects the Reduced Light Industrial and Increased Community Commercial Alternative on the following ground, which provides sufficient justification for rejection of this alternative: the alternative would increase operational air quality emissions and greenhouse gas emissions and would not reduce the proposed Project's significant and unavoidable impacts. Conversely, it would result in an increase in emissions and increase the impacts. Therefore, this alternative is eliminated from further consideration.

Alternatives Selected for Further Analysis

Alternative 1: No Project/ Existing Specific Plan Alternative. No Project/Existing Specific Plan Alternative. Under this alternative, the proposed Project would not be approved, and no amendment to the existing Specific Plan would occur. The existing land use designations would remain. In accordance with the CEQA Guidelines, the No Project Alternative consists of the circumstance under which the project does not proceed. Section 15126.6(e)(3)(A) of the CEQA Guidelines states that, when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

Accordingly, Alternative 1: No Project/Existing Specific Plan Alternative provides a comparison between the environmental impacts of the proposed Project in contrast to the result from not approving, or denying, the proposed Project. Thus, this alternative is intended to meet the requirements of CEQA Guidelines Section 15126.6(e) for evaluation of a no project alternative. (Draft Subsequent EIR at p. 6-5)

Alternative 2: Reduced Intensity Alternative. The Reduced Intensity Alternative would reduce the intensity of the proposed light industrial uses. Alternative 2 would allow for a maximum of 339,500 SF of unrefrigerated light industrial development on PAs 2 and 3 and 175,130 SF of light industrial development on proposed PA 10 (part of existing PA 1), which represents a 30 percent reduction in buildout compared to the Project's 735,185 SF of light industrial space at buildout of the proposed Project. A proportional

reduction in the amount of surface parking area would also occur by the Reduced Intensity Alternative. This alternative assumes that access to the site would be similar to the proposed Project with access from driveways on Pepper Avenue. PA 1, reduced in size, would be developed with 13,000 SF of Community Commercial uses, consistent with the proposed Project. No change to the buildout of the Specific Plan areas on the west side of Pepper Avenue would occur under this alternative. (Draft Subsequent EIR at p. 6-9)

Alternative 3: Business Park Alternative. Under this alternative PA 2, PA 3, and proposed PA 10 (part of PA 1) would be redeveloped with multi-tenant industrial/office/commercial small freestanding buildings ranging from 10,000 SF to 35,000 SF. Approximately 735,000 SF of total business park building area would be provided within these PAs, consistent with the proposed Project. The business park buildings would allow a wide range of industrial uses, such as small-scale workshops and light manufacturing, that also feature office and warehouse components. Also, business park/flex buildings typically have loading areas comprised of only a few ground-level, roll-up doors in-lieu of numerous dock-high doors found at larger industrial buildings. This alternative was used to evaluate a scenario that would develop the Specific Plan Amendment area with industrial land uses that are less reliant on heavy truck activity. Under this alternative, reduced PA 1 would be developed with 13,000 SF of Community Commercial uses, consistent with the proposed Project. No change to the buildout of the Specific Plan areas on the west side of Pepper Avenue would occur. (Draft Subsequent EIR at p. 6-13)

Findings for Alternatives

Alternative 1: No Project/Existing Specific Plan Alternative

The No Project/Existing Specific Plan Alternative would not eliminate the significant and unavoidable impacts related to air quality and greenhouse gas emissions that would occur from implementation of the proposed Project. This alternative would result in an 86 percent increase in vehicular trips in comparison to the proposed Project. Thus, the increase in air quality emissions, greenhouse gas emissions, fuel energy, and vehicular noise would be increased in comparison to the proposed Project. In addition, this alternative would not eliminate the potential impacts to cultural resources that would require mitigation to be reduced to a less than significant level. The No Project/Existing Specific Plan Alternative would not require a Specific Plan Amendment, as required by the proposed Project.

Implementation of the No Project/Existing Specific Plan Alternative would meet most of the Project objectives, however, they would not be met to the same extent as the proposed Project. This alternative would revitalize the underutilized Project site by promoting the creation of a professional, well-maintained, and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex and commercial opportunities; expand Rialto's industrial uses in proximity to regional transportation networks; and balance both the property owners' and the City's economic concerns. However, the proposed Project would better meet these objectives of providing light industrial and warehousing/logistics complex in proximity to regional transportation networks in a manner that is addressed to balance the concerns of both the property owners and City's economic interest. The No Project/Existing Specific Plan Alternative comparison to the Project objectives are listed in Draft Subsequent EIR Table 6-4. (Draft Subsequent EIR at p. 6-9)

Finding: The City of Rialto finds that the No Project/Existing Specific Plan Alternative would not eliminate the significant and unavoidable impacts related to air quality and greenhouse gas emissions that would occur from the Project. This alternative would result increase impacts related to air quality emissions, greenhouse gas emissions, fuel energy, and vehicular noise in comparison to the Project. In addition, this alternative would not eliminate the need for mitigation and would not meet the majority of the Project objectives to the same extent as the proposed Project. Each of these reasons, separately and independently, is a sufficient basis upon which to reject this alternative.

Alternative 2: Reduced Intensity Alternative

The Reduced Intensity Alternative would reduce the volume of vehicular trips, which would decrease the impacts related to air quality emissions and greenhouse gas emissions. However, significant and unavoidable impacts related to air quality and greenhouse gas emissions would continue to occur from implementation of this alternative. This alternative would also continue to require mitigation. Thus, the Reduced Intensity Alternative would not eliminate the significant and unavoidable impacts of the proposed Project or eliminate the need for mitigation. In addition, this alternative would not meet the Project objectives to the same extent as the proposed Project, as listed in Draft Subsequent EIR Table 6-4. (Draft Subsequent EIR at p. 6-12)

Finding: The City of Rialto finds that the significant and unavoidable impacts related to air quality and greenhouse gas emissions would continue to occur from implementation of the Reduced Intensity Alternative and mitigation would continue to be required. Also, this alternative would not meet the Project objectives to the same extent as the proposed Project. These reasons, separately and independently, is a sufficient basis upon which to reject this alternative.

Alternative 3: Business Park Alternative

The Business Park Alternative would reduce heavy truck trips and the related DPM emissions that were determined to be less than significant but would not eliminate the significant and unavoidable impacts related to air quality and greenhouse gas emissions that would occur from implementation of the proposed Project. This alternative would result in a 6.9 (588 trips) percent daily increase in vehicular trips in comparison to the proposed Project. Thus, an increase in air quality emissions, greenhouse gas emissions, and fuel energy, would occur in comparison to the proposed Project. In addition, this alternative would not eliminate the potential impacts to cultural resources that would require mitigation to be reduced to a less than significant level.

Implementation of the Business Park Alternative would meet most of the Project objectives, however, they would not be met to the same extent as the proposed Project. This alternative would revitalize the underutilized Project site by promoting the creation of a professional, well-maintained, and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex and commercial opportunities; expand Rialto's industrial uses in proximity to regional transportation networks; and balance both the property owners' and the City's economic concerns. The proposed Project would better meet these objectives of providing light industrial and warehousing/logistics complex in proximity to regional transportation networks in a manner that is addressed to balance the concerns of both the property owners and City's economic interest. The Business Park Alternative comparison to the Project objectives is listed in Draft Subsequent EIR Table 6-4. (Draft Subsequent EIR at p. 6-15)

Finding: The City of Rialto finds that the Business Park Alternative would not eliminate the significant and unavoidable impacts related to air quality and greenhouse gas emissions and would increase in air quality emissions, greenhouse gas emissions, and fuel energy, in comparison to the proposed Project. In addition, this alternative would not eliminate the need for mitigation. Further, implementation of the Business Park Alternative would not meet the Project objectives to the same extent as the proposed Project. These reasons, separately and independently, is a sufficient basis upon which to reject this alternative.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The Environmentally Superior Alternative for the proposed Project would be the Reduced Intensity Alternative.

The Reduced Intensity Alternative would reduce the volume of vehicular trips, which would decrease the impacts related to air quality emissions and greenhouse gas emissions. However, significant and unavoidable impacts related to air quality and greenhouse gas emissions would continue to occur from implementation of

this alternative. This alternative would also reduce potential impacts related to cultural resources, and tribal cultural resources compared to the proposed Project; but the mitigation required for implementation of the proposed Project would continue to be required for the Reduced Intensity Alternative to reduce impacts related to these topics to a less than significant level. The volume of impacts would be reduced by the Reduced Intensity Alternative in comparison to the proposed Project and would be less than the other alternatives evaluated herein, as detailed in Draft Subsequent EIR Table 6-3. Therefore, the Reduced Intensity Alternative would be the environmentally superior alternative. However, the Reduced Intensity Alternative would not eliminate the significant and unavoidable impacts of the proposed Project or eliminate the need for mitigation.

Regarding Project objectives, the Reduced Intensity Alternative would meet the Project objectives, but some of them would not be met to the extent as would be achieved by the proposed Project, as listed in Draft Subsequent EIR Table 6-4. The Reduced Intensity Alternative would revitalize the underutilized Project site by promoting the creation of a professional, well-maintained, and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex and commercial opportunities; expand Rialto's industrial uses in proximity to regional transportation networks; provides well-paying jobs, and balance both the property owners' and the City's economic concerns. However, the proposed Project would better meet these objectives of providing 30 percent more light industrial space in proximity to regional transportation networks in a manner that is addressed to balance the concerns of both the property owners and City's economic interest (Draft Subsequent EIR at p. 6-16). Thus, although environmentally superior, significant and unavoidable impacts related to air quality and greenhouse gas emissions would continue to occur, mitigation measures would continue to be required, and some of the Project objectives would not be met to the extent as would be achieved by the proposed Project.

CEQA does not require the lead agency (the City of Rialto) to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. Based on the considerations described herein, the City of Rialto finds that the Reduced Intensity Alternative is infeasible based on these environmental, economic, and social factors.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The City of Rialto is the Lead Agency under CEQA for preparation, review and certification of the Subsequent EIR for the Pepper Avenue Specific Plan Amendment and Industrial Development Project (Project). As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed Project. In making this determination the City is guided by CEQA Guidelines Section 15093, *Statement of Overriding Considerations*, which states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed Project against the unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed Project, none of which both meets the Project objectives to the same extent as the Project and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Rialto, as the Lead Agency for this Project, and having reviewed the Subsequent EIR for the Pepper Avenue Specific Plan Amendment and Industrial Development Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

Overriding Considerations

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse air quality and greenhouse gas impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable,

adverse environmental impacts of the Project, each of which standing alone is sufficient to support approval of the Project, in accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093. The specific economic, legal, social, technological, or other benefits of the Project are as follows:

- The Project would result in an 86 percent decrease in vehicular trips in comparison to the existing Pepper Avenue Specific Plan, which would result in a substantial decrease in air quality emissions, greenhouse gas emissions, fuel energy, and vehicular noise in comparison to buildout of the current land use plan.
- The Project includes 28 measures from the California Attorney General's Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (PDF AQ-1 through PDF AQ-28), including zero emissions technology, and implements the 2017 Final EIR Project Design Features related to geology, hydrology and water quality, public services, transportation, and utilities.
- The Project provides additional jobs that are within SCAG growth projections in an environmentally sustainable manner by providing job opportunities for nearby residents near regional transportation that would reduce vehicle miles traveled.
- The City of Rialto has had unemployment rates ranging between 4.6 and 10.9 percent over the last 5 years (EDD 2022). The Project would provide new employment opportunities for people living in Rialto and the surrounding cities. Most of the new labor and office jobs that would be created by the proposed Project would be positions that are anticipated to be filled by people who would already be living within Rialto and surrounding communities.

SECTION IX**CERTIFICATION OF THE SUBSEQUENT EIR**

The City of Rialto finds that it has reviewed and considered the Final Subsequent EIR in evaluating the proposed Project, that the Final Subsequent EIR is an accurate and objective statement that fully complies with CEQA, State CEQA Guidelines and that the Final Subsequent EIR reflects the independent judgment of the City.

The City of Rialto declares that no new significant information as defined by State CEQA Guidelines, section 15088.5 has been received by the City after circulation of the Draft Subsequent EIR that would require recirculation.

The City of Rialto certifies the Subsequent EIR based on the entirety of the record of proceedings, including but not limited to the following findings and conclusions.

Findings:

The following significant environmental impacts have been identified in the Subsequent EIR and will require mitigation as set forth in Section IV of this Resolution but cannot be mitigated to a level of insignificance: air quality (project and cumulative level) and greenhouse gas emissions (project and cumulative level).

Conclusions:

1. Except as to those impacts stated above relating to air quality and greenhouse gas emissions, all significant environmental impacts from the implementation of the proposed Project have been identified in the Subsequent EIR and, with implementation of Project Design Features, existing regulations, and the mitigation measures from the 2017 Final EIR and Subsequent EIR, will be mitigated to a level of insignificance.
2. Other alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.
3. Environmental, economic, social, and other considerations and benefits derived from the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

SECTION X

MITIGATION MONITORING AND REPORTING PLAN

Pursuant to Public Resources Code section 21081.6, the City of Rialto adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit B. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

SECTION XI**CONTENTS AND CUSTODIAN OF RECORDS**

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Rialto Planning Division. The custodian for these records is the City of Rialto. This information is provided in compliance with Public Resources Code section 21081.6.

The record of proceedings for the City's decision on the Project consists of the following documents, at a minimum:

1. The Initial Study for the Pepper Avenue Specific Plan Amendment and Industrial Development Project;
2. The NOP, NOC, and all other public notices issued by the City in conjunction with the Project;
3. All comments submitted by agencies or members of the public during the 45-day comment period on the Draft Subsequent EIR;
4. The Final Subsequent EIR for the Pepper Avenue Specific Plan Amendment and Industrial Development Project, including comments timely received on the Draft Subsequent EIR, responses to those comments, and technical appendices;
5. The Mitigation Monitoring and Reporting Plan for the Project;
6. All findings, resolutions and ordinances adopted by the City in connection with the Pepper Avenue Specific Plan Amendment and Industrial Development Project, and all documents cited or referred to therein;
7. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Pepper Avenue Specific Plan Amendment and Industrial Development Project;
8. All documents submitted to the City by other public agencies or members of the public in connection with the Pepper Avenue Specific Plan Amendment and Industrial Development Project up through Project approval.
9. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;
10. Any documents expressly cited or referenced in these findings, in addition to those cited above; and
11. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The following location is where review of the record may be performed:

City of Rialto
Community Development Department – Planning Division
150 S. Palm Avenue
Rialto, CA 92376

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

END OF EXHIBIT A

EXHIBIT B

Chapter 4.0 Mitigation Monitoring and Reporting Program

CEQA REQUIREMENTS

Section 15091(d) and Section 15097 of the CEQA Guidelines require a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. This Mitigation Monitoring and Reporting Program (MMRP) summarizes the mitigation commitments identified in the Pepper Avenue Specific Plan Amendment and Industrial Development Project (Project) Final Subsequent Environmental Impact Report (EIR) (State Clearinghouse No. 2022030161) which constitutes the Responses to Comments, Revisions to the Draft Subsequent EIR, and the Draft Subsequent EIR.

The City of Rialto is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMRP. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft Subsequent EIR and Final Subsequent EIR (designated by the respective environmental issue within Chapter 5.0 of the Draft Subsequent EIR) are implemented thereby minimizing identified environmental effects. The MMRP also includes the proposed Project Design Features (PDFs) listed in Chapter 3.0, *Project Description*, and throughout Chapter 5.0 of the Draft Subsequent EIR. The PDFs are specific design elements proposed by the Project that will be incorporated into the Project to prevent the occurrence of or to minimize the significance of potential environmental effects. Since PDFs have been incorporated into the Project, they do not constitute mitigation measures, as defined by Section 15126.4 of the State CEQA Guidelines (Title 14 of the California Code of Regulations). However, PDFs are included in this MMRP to ensure their implementation as a part of the Project. The Project would include PDFs related to: Air Quality, Energy, Greenhouse Gas Emissions (that are all listed under Air Quality), Geology and Soils, Hazards and Hazardous Material, Hydrology and Water Quality, Public Services and Recreation, Traffic/Transportation, and Utilities and Service Systems.

The MMRP for the Project will be in place through all phases of the Project, including design (preconstruction), construction, and operation (both prior to and post-occupancy). The City of Rialto Development Services Department will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems.

Each mitigation measure and PDF is categorized by impact area, with an accompanying identification of:

- **Implementation Responsibility:** Identifies the project applicant, department within the City, or other entity responsible for implementing the mitigation measure and when implementation would occur.
- **Monitoring Responsibility:** Identifies the department within the City, project applicant, or consultant responsible for mitigation monitoring. However, until the mitigation measures are completed, the City of Rialto, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the MMRP (CEQA Guidelines,

Section 15097(a)).

- **Monitoring/Reporting Action:** Identifies how the mitigation would be monitored, and ensured, and when.
- **Compliance Verification Responsibility:** Provides an area to document verification of compliance with the mitigation and date of compliance or mitigation completed.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Air Quality					
PDF AQ-1: The Project Applicant/Developer/Operator shall post both interior and exterior facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, SCAQMD, and the building manager.	All Light Industrial projects in the Specific Plan area	In Project plans, building plans, and operational permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Building permits and site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-2: During Project grading operations, Project contractors shall limit the amount of daily grading disturbance area to not exceed the assumptions specified in the Draft Subsequent EIR Air Quality Impact Analysis.	All grading operations in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading permits and site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-3: Project construction plans and specifications shall require on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled, if such equipment is widely available and economically feasible.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-4: The Project shall provide electrical hook ups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and shall use electric tools whenever feasible.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-5: The construction plans and specifications shall prohibit off-road diesel powered construction equipment from being in the "on" position for more than 10 hours per day during Project construction.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-6: During Project construction, the Project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, onsite or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. During Construction.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
PDF AQ-7: The Project Applicant/Developer shall provide information on transit and ridesharing programs and services to construction employees.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-8: The Project Applicant/Developer shall provide meal options onsite or shuttles between the construction site and nearby meal destinations for construction employees.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
PDF AQ-9: The Project Applicant/Developer/Tenant shall require that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators which own vehicles subject to Section 2025 shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Project Applicant/Developer/Tenant	City of Rialto Development Services Department, Building Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-10: The Project Applicant/Developer/Tenant shall require that all heavy-duty trucks entering or operated on the Project site to be zero-emission beginning in 2030, if such trucks are widely available and economically feasible.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Project Applicant/Developer/Tenant	City of Rialto Development Services Department, Building Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-11: The Project Applicant/Developer/Tenant shall require all on-site equipment, such as forklifts and yard trucks, to be electric, propane or natural gas with the necessary electrical charging stations provided.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Project Applicant/Developer/Tenant	City of Rialto Development Services Department, Building Division	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-12: The Project Applicant/Developer/Owner shall require tenants to use zero-emission light- and medium-duty trucks as part of business operations, if such trucks are widely available and economically feasible.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Project Applicant/Developer/Tenant	City of Rialto Development Services Department, Building Division	Operational permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

City of Rialto
Final Subsequent EIR
January 2023

4-4

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
PDF AQ-13: The Project Applicant/Developer shall construct electric truck charging infrastructure consisting of infrastructure (i.e., conduit) to support future installation of charging stations, when such trucks are widely available and economically feasible.	Light Industrial projects in the Specific Plan area	In Project construction plans and building plans. Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-14: The Project Applicant/Developer shall construct electric light-duty truck charging infrastructure consisting of infrastructure (i.e., conduit) proportional, i.e., conduit for one charging station for every five light-duty truck parking spaces at the Project.	Light Industrial projects in the Specific Plan area	In Project construction plans and building plans. Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-15: The Project Applicant/Developer shall install all necessary infrastructure (i.e., wiring, reinforced roofs) to allow solar photovoltaic systems on the project site to be installed in the future, with a specified electrical generation capacity, such as equal to the building's projected energy needs.	All non-residential development projects in the Specific Plan area	In Project construction plans and building plans. Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division	Construction and Building permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-16: The Project Applicant/Developer/Owner shall require all stand-by emergency generators to be powered by a non-diesel fuel.	All non-residential development projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Building Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-17: The Project owner shall require facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.	All non-residential development projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Tenant	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-18: The Project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.	All non-residential development projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Tenant	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-19: The Project shall meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.	All development projects in the Specific Plan area	In Project construction plans and building permitting specifications. Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
		Contractor			
PDF AQ-20: The Project will achieve certification of compliance or demonstrate equivalency with LEED green building standards.	All development projects in the Specific Plan area	In Project construction plans and building permitting specifications. Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-21: The Project Owner/Tenant shall provide meal options onsite or shuttles between the facility and nearby meal destinations.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Owner/Tenant	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-22: The Project Applicant/Developer/Owner shall post signs at every truck exit driveway providing directional information to the truck route.	Light Industrial projects in the Specific Plan area	In Project construction and operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-23: The Project Applicant/Developer/Owner shall require that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also, if the tenant/facility operator owns its own fleet of vehicles, subject to 13 California Code of Regulations section 2025, require such tenants/facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.	All non-residential development projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
PDF AQ-24: The Project Applicant/Developer/Owner shall encourage tenants to enroll in the United States Environmental Protection Agency's SmartWay program and encourage tenants to use carriers that are SmartWay carriers.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-25: The Project Applicant/Developer/Owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-26: The Project Applicant/Developer/Owner shall post signs that all parking of trucks must be within designated on-site areas and not within the surrounding community or public streets. Install signs in residential areas noting that truck and employee parking is prohibited.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-27: The Project Applicant/Developer/Owner shall identify a person to act as a community liaison concerning onsite construction activities and operations and provide contact information for the community liaison to the surrounding community.	Light Industrial projects in the Specific Plan area	In Project construction and operational plans and permitting specifications. Applicant/Developer/Owner	City of Rialto Development Services Department, Building Division (building construction).	Construction and operation permits. Site inspection. Prior to grading and construction permits and Certificates of Occupancy.	Initials: _____ Date: _____
PDF AQ-28: The Project Applicant/Developer/Contractor shall prohibit grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone in the Project area.	All development projects in the Specific Plan area	In Project grading and construction permitting specifications. Applicant/Developer/Contractor	City of Rialto Development Services Department, Building Division (building construction).	In grading plans and construction plans. Site inspection and permits.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
MM AQ-1: Tier 4. All off-road construction equipment with a horsepower (+P) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NOx and PM2.5 emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.	All development projects in the Specific Plan area	In Project grading and construction permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	In grading plans and construction plans. Site inspection.	Initials: _____ Date: _____
MM AQ-2: PA 1 and PA 10 Emissions Modeling. Prior to approval of a construction permit for development within PA 1 and PA 10, the applicant shall be responsible for submitting a focused project-level air quality assessment that includes the modeling of regional construction emissions and localized on-site emissions associated with daily grading activities required for construction and operation of PA 1 and PA 10. During the City's review process of development applications in the PA 1 and PA 10 areas, the applicant shall conduct or shall have conducted modeling of the regional and the localized emissions (nitrogen oxides [NOx], carbon monoxide [CO], Particulate Matter 10 microns in diameter or less [PM10], and Particulate Matter 2.5 microns in diameter or less [PM2.5]) associated with the maximum daily grading and other construction and operational activities estimated for the proposed individual developments. If the modeling shows that	Proposed development within PA 1 and/or PA 10	In Project grading and construction permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning and Building Divisions.	In grading plans and construction plans. Prior to approval of a grading permit.	Initials: _____ Date: _____

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily grading and/or operational activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD's significance thresholds for those emissions; and/or use of higher tiered construction equipment shall be required to reduce the exceedance of emissions to below the SCAQMD thresholds.					
MM AQ-3: Idling Regulation Signage. The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager and CARB to report violations. Signs shall be installed prior to receipt of an occupancy permit.	Light Industrial projects in the Specific Plan area	In Project construction plans and building permitting specifications. Applicant/Construction Contractor/Tenant	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
MM AQ-4: Environmental Protection Agency (EPA) Smartway Features. The Project plans and specifications shall include requirements (by contract specifications) that building operators/tenants to ensure that haul trucks incorporate EPA Smartway features, as required by CARB. Tenants shall be required to maintain a daily log of incoming and outgoing haul trucks that are fitted with the combination of aerodynamic kits and low rolling resistance tires to reduce fuel consumption. The daily logs shall be submitted to the City Public Works Division regularly for verification.	Light Industrial projects in the Specific Plan area	In Project plans and permitting specifications. Applicant/Owners/Tenants	City of Rialto Development Services Department, Planning Division	Operational permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
MM AQ-5: Energy Efficient Vendor Trucks. The Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits,	All non-residential development projects in the Specific Plan area	In Project plans and permitting specifications. Applicant/Owners/Tenants	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption.					
MM AQ-6: Electric Vehicle Charging Stations and Carpool Parking. The Project plans and specifications for the industrial buildings shall include electric vehicle charging stations and a minimum of 5 carpool parking spaces at each building for employees and the public to use.	Light Industrial projects in the Specific Plan area	In Project plans and construction permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
MM AQ-7: Electric Interior Vehicles. The Project plans and specifications for all of the industrial buildings shall include infrastructure to support use of electric-powered forklifts and/or other interior vehicles.	Light Industrial projects in the Specific Plan area	In Project plans and construction permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction)	Construction and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____
MM AQ-8: Transportation Management. The Project plans and specifications for industrial buildings shall require that a Transportation Management Association (TMA) or similar mechanism shall be established by the Project to encourage and coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of 5 employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.	Light Industrial projects in the Specific Plan area	In Project operational plans and permitting specifications. Applicant/Owner/Tenant	City of Rialto Development Services Department, Planning Division	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Biological Resources					
<p>MM BIO-1: Prior to and during construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to special-status plant and wildlife species:</p> <ul style="list-style-type: none"> Construction limits shall be temporarily fenced prior to construction activities to avoid the inadvertent disturbance of areas adjacent to the construction limits. This fence shall be constructed as SBKR proof within alluvial fan sage scrub habitat (see Mitigation Measure BIO-2); A biological monitor shall be present during clearing and grubbing of the Project Site; All movement of construction contractors, including ingress and egress of equipment and personnel, shall be limited to the designated construction zones; Construction staging areas shall be located as far from the wash area as feasible; The use of rodenticides, herbicides, insecticides, or other chemicals that could potentially harm special-status plant and animal species shall be prohibited; The proposed use and disposal of oil, gasoline, and diesel fuel shall be enforced; Orientation meetings shall be conducted for construction personnel to review construction limits, conservation measures, and the locations of any listed species that must be avoided; and Best Management Practices (BMPs) shall be implemented with a storm water pollution prevention plan to avoid and minimize impacts to biological resources outside of construction areas. 	<p>Not applicable to PA 2 and PA 3 because no habitat exists.</p> <p>Applicable to other Specific Plan areas unless a biological resources analysis demonstrates no habitat exists.</p>	<p>In grading and construction plans permitting Applicant/Construction Contractor</p>	<p>City of Rialto Development Services Department, Building Division (building construction).</p>	<p>Imposition of conditions of approval for applicable land use applications, including the preparation of a storm water pollution prevention plan and habitat mitigation and monitoring plan. If applicable, written evidence of completion of and compliance with requirements related to consultation with the CDFW.</p>	<p>Initials: _____ Date: _____</p>
<p>MM BIO-2: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR) and the Santa Ana River woollystar (SARWS):</p> <ul style="list-style-type: none"> The Project shall be designed to avoid Riversidean 	<p>Not applicable to PA 2 and PA 3 because no habitat exists.</p> <p>Applicable to other Specific Plan areas unless a biological</p>	<p>In grading and construction plans permitting Applicant/Construction Contractor</p>	<p>City of Rialto Development Services Department, Building Division (building construction).</p>	<p>Imposition of conditions of approval for applicable land use applications, including preparation of a weed</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<ul style="list-style-type: none"> alluvial fan sage scrub habitat, where possible. The pedestrian crossing shall be designed to minimize changes in the hydrology that could impact the ability of the SARWS to disperse or to establish in sandy soils created by scour, and also minimize the amount of habitat that could become less suitable for SBKR with reduced scour. Water runoff from impervious surfaces shall be captured to ensure that the hydrological regime is not altered from the existing condition. Capturing the flows would also help reduce the number of road contaminants that enter the wash. Temporary impact areas shall require a weed abatement program for approximately 5-years to ensure it remains suitable to SARWS and SBKR. 	resources analysis demonstrates no habitat exists.			abatement program. If applicable, written evidence of completion of and compliance with requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act.	
<p>MM BIO-3: Prior to any permanent or temporary direct impacts to the Santa Ana River woolllystar (SARWS) and where avoidance of impacts through Project design is not possible, the following measures shall be implemented:</p> <ul style="list-style-type: none"> Seeds from all the SARWS proposed for impacts shall be collected from the Project Site and deposited at the Rancho Santa Ana Botanic Garden. The seeds shall be collected in September before the first sizeable rain event (i.e. one of 1/2 inch or more) to increase the ability to collect the seeds and to ensure a high rate of germination. The Rancho Santa Ana Botanic Garden shall divide the seeds for three uses:) for a permanent seed bank; 2) for germination and growing seedlings; and 3) to preserve for later seeding or authorized research purposes. The propagated seedlings and a portion of preserved seeds shall be replanted within any temporary impact areas once construction has ceased, and any permanent impacts to individual plants shall be replaced at a minimum : ratio within the proposed avoidance area (PA 9). Planting shall 	<p>Not applicable to PA 2 and PA 3 because no habitat exists.</p> <p>Applicable to other Specific Plan areas unless a biological resources analysis demonstrates no habitat exists.</p>	In grading and construction plans permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	<p>Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan. If applicable, written evidence of completion of and compliance with requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act.</p>	<p>Initials: _____</p> <p>Date: _____</p>

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
be conducted October to December or as close to the winter rainy season as possible. All replanting shall be conducted pursuant to an approved mitigation and monitoring plan prepared and overseen by a qualified biologist. The plan should include, at minimum, a map of the restoration areas, a description of any irrigation methodology, measures to control exotic vegetation, specific success criteria, a detailed monitoring program, contingency measures should the success criteria not be met, and identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.					
MM BIO-4: Prior to construction within San Bernardino Kangaroo Rat (SBKR) critical habitat, which consists of Riversidean Alluvial Fan Sage Scrub (RAFSS), the project applicant shall purchase mitigation credits from the 900 Materials mitigation land bank in Cajon Wash or equivalent preserved SBKR RAFSS habitat to offset permanent impacts to occupied SBKR critical habitat at a 3:1 ratio, and temporary or indirect impacts at a 1:1 ratio.	Not applicable to PA 2 and PA 3 because no habitat exists. Applicable to other Specific Plan areas unless a biological resources analysis demonstrates no habitat exists.	In grading and construction plans permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications, including verification of the purchase of mitigation credits.	Initials: _____ Date: _____
MM BIO-5: Prior to construction within Riversidean alluvial fan sage scrub habitat the following measures shall be implemented to minimize temporary direct and indirect effects to San Bernardino kangaroo rat (SBKR): • A 4-foot high, 0.5-inch temporary steel mesh SBKR exclusionary fence shall be placed along the perimeter footprint where suitable SBKR habitat exists. The bottom of the exclusionary fence shall be buried below ground a minimum depth of 24 inches to minimize the potential that SBKR can re-enter the construction area and to preclude impacts to adjacent habitat. Trapping shall be conducted for SBKR within 30	Not applicable to PA 2 and PA 3 because no habitat exists. Applicable to other Specific Plan areas unless a biological resources analysis demonstrates no habitat exists.	In grading and construction plans permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan. If applicable, written evidence of completion of and compliance with	Initials: _____ Date: _____

City of Rialto
Final Subsequent EIR
January 2023

4-13

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>days prior to ground disturbing activities. Any SBKR or other sensitive mammal species that are captured shall be relocated outside the exclusionary fencing. Trapping shall be conducted by a permitted biologist and according to protocol;</p> <ul style="list-style-type: none"> The temporary SBKR exclusionary fencing shall be maintained in place throughout the duration of construction in these areas to minimize take of SBKR during the construction phase and preclude the inadvertent disturbance of outlying areas by construction personnel. Access to SBKR habitat outside of the construction limits shall be prohibited and posted accordingly. The exclusionary fence shall be inspected weekly and repaired as necessary so that there are no gaps greater than 0.5 inch on any portion of the fence that could allow SBKR entry into the Project Site; All the construction equipment shall meet applicable noise ordinances. Compliance with this requirement would minimize noise stress to SBKR in the vicinity of the Project Site; and Contractor pets shall be prohibited in and adjacent to the construction area. <p>MM BIO-6: Prior to construction within and adjacent to Riversidean alluvial fan sage scrub habitat the following design features shall be implemented to minimize long-term indirect effects to San Bernardino kangaroo rat (SBKR):</p> <ul style="list-style-type: none"> The pedestrian bridge supports shall be designed to minimize impacts to SBKR habitat and allow continued movement of SBKR. Temporary impacts areas shall be revegetated with native shrub vegetation through container plantings to reestablish SBKR habitat and provide cover and facilitate movement of small mammals. All replanting shall be conducted pursuant to a mitigation and monitoring plan prepared and overseen by a qualified biologist. To minimize light and noise pollution, no night lighting shall be directed into the open space areas and noise 	<p>Not applicable to PA 2 and PA 3 because no habitat exists.</p> <p>Applicable to other Specific Plan areas unless a biological resources analysis demonstrates no habitat exists.</p>	<p>In grading and construction plans permitting specifications. Project Applicant/Construction Contractor</p>	<p>City of Rialto Development Services Department, Planning Division</p>	<p>requirements related to consultation with the USFWS under Section 10 or Section 7 of the Federal Endangered Species Act.</p> <p>Imposition of conditions of approval for applicable land use applications, including the preparation of a habitat mitigation and monitoring plan.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>levels should not exceed City standards.</p> <p>MM BIO-7: A protocol survey for burrowing owl shall be required prior to any ground disturbing activities within disturbed and non-native grassland habitats. The surveys shall be conducted pursuant to the protocol provided as Appendix D of the Staff Report on Burrowing Owl Mitigation published by the California Department of Fish and Wildlife (CDFW) dated March 7, 2012. A qualified biologist, as defined in the CDFW Staff Report, shall conduct the surveys. Surveys shall preferably be conducted during the breeding season which requires 4 site visits, including at least one site visit between February 15 and April 15; and a minimum of three site visits at least three weeks apart between April 15 and July 15, with at least one visit after June 15.</p> <p>If burrowing owls are determined present during the focused survey, occupied burrows and habitat shall be avoided if feasible following the guidelines in the above referenced CDFW Staff Report. This includes, but is not limited to, avoiding direct or indirect destruction of burrows, implementing a worker awareness program, biological monitoring, establishing avoidance buffers, and flagging burrows for avoidance with visible markers. Avoidance measures shall be implemented under the direction of the qualified biologist. If occupied burrows or habitat cannot be avoided, appropriate compensation measures shall be determined by the qualified biologist in accordance with the guidelines detailed in the CDFW staff report and subject to approval by CDFW. This includes a Burrowing Owl Exclusion Plan for temporary or permanent exclusion of owls from occupied burrows, and/or a Mitigation Land Management Plan for permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering and dispersal comparable to or of</p>	<p>Completed for PA 2 and PA 3 as part of the General Biological Assessment for those PAs. Applicable to other Specific Plan areas.</p>	<p>In grading and construction plans permitting specifications. Project Applicant/Construction Contractor</p>	<p>City of Rialto Development Services Department, Planning Division; California Department of Fish and Wildlife.</p>	<p>Imposition of conditions of approval for applicable land use applications.</p> <p>Pre-Construction Survey per CDFW requirements prior to issuance of a grading permit and/or an action that would result in project site disturbance (whichever occurs first).</p> <p>If present, preparation and approval of a mitigation plan.</p> <p>Implementation of plan prior to issuance of a grading permit and/or an action that would result in project site disturbance (whichever occurs first).</p>	<p>Initials: _____</p> <p>Date: _____</p>

City of Rialto
Final Subsequent EIR
January 2023

4-15

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>higher quality than the impact area.</p> <p>MM BIO-8: Prior to the issuance of any grading permit for permanent or temporary impacts in the areas designated as jurisdictional features, the project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW, as applicable. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <p>1. On-site and/or off-site creation, enhancement, and/or restoration of USACE/RWQCB jurisdictional "waters of the U.S./" waters of the State" within the Santa Ana Watershed at a ratio no less than : or within an adjacent watershed at a ratio no less than 2: for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> <p>2. On-site and/or off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa Ana Watershed at a ratio no less than 2: or within an adjacent watershed at a ratio no less than 3: for permanent impacts, and for any temporary impacts to restore the impact area to pre-Project conditions (i.e., pre-Project contours and revegetate where applicable). Any off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank.</p> <p>3. Any purchase of mitigation credits through an agency- approved mitigation bank or in-lieu fee program shall occur prior to any impacts to jurisdictional drainages. If off-site mitigation is</p>	<p>Not applicable to PA 2 and PA 3 because no jurisdictional features exist.</p> <p>Applicable to other Specific Plan areas unless a biological resources analysis demonstrates that no jurisdictional features exist.</p>	<p>In grading and construction plans permitting specifications. Project Applicant/Construction Contractor</p>	<p>City of Rialto Development Services Department, Planning Division</p>	<p>Imposition of conditions of approval for applicable land use applications. If applicable, written evidence of completion of and compliance with requirements related to consultation with the USACE, RWQCB, and/or CDFW.</p>	<p>Initials: _____</p> <p>Date: _____</p>

4-16

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat pursuant to a Habitat Mitigation and Monitoring Plan (HMMMP). A HMMMP shall also be prepared for on-site mitigation. The HMMMP shall be prepared prior to any impacts to jurisdictional features, and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the impacted habitat.</p> <p>MM BIO-9: Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project applicant shall demonstrate to the satisfaction of the City of Rialto that either of the following have been or will be accomplished.</p> <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (i.e., September to February 4 for songbirds; September to January 4 for raptors) to avoid potential impacts to nesting birds. 2. Any construction activities that occur during the nesting season (i.e., February 5 to August 3 for songbirds; January 5 to August 3 for raptors) would require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 00 feet (300 feet for raptors) around the nest adjacent to construction, or as determined appropriate by the biologist, shall be delineated, flagged, and avoided until the nesting cycle is complete. An appropriate buffer shall be determined by the biological monitor to minimize impacts to the nesting bird(s) accounting 	All development projects in the Specific Plan area	In grading and construction plans permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications, including a report of the results of any pre-construction nest surveys.	Initials: _____ Date: _____

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
for factors such as the species, type of construction activities, in addition to habitat and topography that may provide natural sound attenuation. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biologist to minimize impacts.					
Cultural Resources					
<p>MM CUL-1: Conduct a Phase I Archaeological/Historical Resources Assessment. For specific development proposals that are initiated under the Project that require excavation (e.g., clearing/grubbing, grading, trenching, or boring) or demolition activities, the City shall require Phase I Archaeological Resources Assessments on a project-by-project basis within the Specific Plan area to identify any archaeological resources within the footprint or immediate vicinity. The level of effort for a Phase I assessment shall include a Sacred Lands File search through the California Native American Heritage Commission (NAHC) and a full-coverage pedestrian survey of the Project Site. In addition, the assessment shall include a review available geotechnical studies, site plans, and drilling/grading studies to determine the nature and depth of the construction activities to assist in determining the depths of fill versus native soils across the improvement footprint. If no resources are identified as a result of the pedestrian survey, it does not preclude the existence of buried resources within the improvement footprint. If this is the case, a qualified archaeologist shall determine the potential for the Project to encounter buried resources during construction based on the results of the record searches, depth of native versus fill soils, and proposed excavation parameters. The following scenarios shall be followed depending on the results of the Phase I assessment:</p> <ul style="list-style-type: none"> • If resources are identified during the Phase I assessment, then a Phase II evaluation shall be required, as described in CUL-2. • If no resources are identified as part of the 	Completed for PA 1, PA 2, PA 3, and PA 10 as part of the Project Cultural Resources Assessment for those PAs. Applicable to the other Specific Plan areas.	Project Applicant	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications. Preparation of significance evaluations as applicable.	Initials: _____ Date: _____

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>assessment, no further analyses or mitigation shall be warranted, unless it can be determined that the project has a moderate to high potential to encounter buried archaeological resources.</p> <ul style="list-style-type: none"> If it is determined that there is a moderate or high potential to encounter buried archaeological resources, appropriate mitigation such as construction monitoring shall be required as described in CUL-4, -5, and -6. 					
<p>MM CUL-2: Conduct a Phase II Archaeological/Historical Resources Evaluation. If resources are identified during the Phase I assessment, a Phase II Archaeological Resources Evaluation may be warranted if impacts from the improvements cannot be avoided. The Phase II assessment shall evaluate the resource(s) for listing in the California Register and to determine whether the resource qualifies as a "unique archaeological resource" pursuant to CEQA. If enough data is obtained from the Phase I assessment to conduct a proper evaluation, a Phase II evaluation may not be necessary. Methodologies for evaluating a resource can include, but are not limited to: subsurface archaeological test excavations, additional background research, property history research, and coordination with Native Americans and other interested individuals in the community.</p>	<p>Not applicable to PA 1, PA 2, PA 3, and PA 10 per the Project Cultural Resources Assessment for those PAs.</p> <p>Applicable to the other Specific Plan areas.</p>	<p>Project Applicant</p>	<p>City of Rialto Development Services Department, Planning Division</p>	<p>Preparation and compliance with applicable mitigation plan to protect the significant cultural resource in question (if applicable).</p>	<p>Initials: _____ Date: _____</p>
<p>MM CUL-3: Conduct a Phase III Assessment if Resources are Eligible. If, as a result of the Phase II evaluation, resources are determined eligible for listing in the California Register or are considered "unique archaeological resources" pursuant to Section 2 083.2 of the Public Resources Code, potential impacts to the resources shall be analyzed and if impacts are significant (i.e., the improvement will cause a "substantial adverse change" to the resource) and cannot be avoided, mitigation measures shall be developed and implemented, such as archaeological data recovery excavations to reduce impacts to the resources to a level that is less than significant.</p>	<p>Not applicable to PA 1, PA 2, PA 3, and PA 10 per the Project Cultural Resources Assessment for those PAs.</p> <p>Applicable to the other Specific Plan areas.</p>	<p>Project Applicant</p>	<p>City of Rialto Development Services Department, Planning Division</p>	<p>Preparation and compliance with applicable mitigation plan to protect the significant cultural resource in question (if applicable).</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>MM CUL-4: Conduct Archaeological and Native American Construction Monitoring. If it is determined by the qualified archaeologist preparing the Phase I Archaeological Resources Assessment that: 1) there is a moderate or high potential to encounter buried archaeological resources; and 2) that construction monitoring is required during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the proposed improvements, then the City shall require future development/Project applicants on a project-by-project basis within the Specific Plan area to retain a qualified archaeological monitor and/or Native American monitor who shall be present during construction excavation activities.</p> <p>The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill soils), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the archaeological monitor.</p>	All development projects in the Specific Plan area.	Project Applicant	City of Rialto Development Services Department, Planning Division	Establishment of monitoring procedures. Site observation.	Initials: _____ Date: _____
<p>MM CUL-5: Cease Ground-Disturbing Activities and Implement Treatment Plan if Archaeological Resources Are Encountered. In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant and City shall coordinate with the archaeologist and Native American monitor (if the resources are prehistoric in age) to develop an appropriate treatment plan for the resources. Treatment</p>	All development projects in the Specific Plan area.	In grading and construction plans permitting specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Establishment of monitoring procedures. Site observation.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
may include implementation of archaeological data recovery excavations to remove the resource or preserve it in place. The Applicant, in consultation with the archaeologist and Native American monitor (if the resources are prehistoric in age), shall designate repositories in the event that archaeological material is recovered.					
MM CUL-6: Prepare Archaeological Monitoring Report. The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City and the San Bernardino Archaeological Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register of Historical Resources and CEQA, and treatment of the resources.	All development projects in the Specific Plan area.	In grading and construction plans permitting specifications. Project Applicant/ Construction Contractor	City of Rialto Development Services Department, Planning Division	Preparation of monitoring report.	Initials: _____ Date: _____
MM CUL-7: Cease Ground-Disturbing Activities and Notify County Coroner if Human Remains Are Encountered. If human remains are unearthed during construction excavation activities, the construction contractor shall comply with State Health and Safety Code Section 7050.5. The contractor and Project applicant shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 509 .98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The NAHC shall then identify the person(s) thought to be the Most Likely Descendant (MLD). The MLD may, with the permission of the landowner, inspect the site of the discovery of the Native American remains and may recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated funerary objects. The MLD shall complete their inspection and make their recommendation within	All development projects in the Specific Plan area.	In grading and construction plans permitting specifications. Project Applicant/ Construction Contractor	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications. Site Observation.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and cultural items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. MLDs in the region typically recommend reburial of the remains as close to the original burial location as feasible accompanied by a ceremony. The MLD shall file a record of the reburial with the NAHC and the Project archaeologist shall file a record of the reburial with the CHRIS-SBAIC.</p> <p>If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 509.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance. A record of the reburial shall be filed with the NAHC and the CHRIS-SBAIC.</p>					

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
MM CUL-8 : If a tribe formally requests, in writing, to be notified of future specific development proposals that are initiated under the Project, the City shall begin AB 52 consultations with those particular tribes for all future development proposals within the Project Site. The purpose of those consultations would be to identify, evaluate, and mitigate impacts to tribal cultural resources from a given development proposal.	AB 52 consultations for the industrial development Project in PA 2 and 3 have been completed. Applicable to other development projects in the Specific Plan area.	Upon future development proposals, City of Rialto Development Services Department, Planning Division	City of Rialto Development Services Department, Planning Division	Imposition of conditions of approval for applicable land use applications.	Initials: _____ Date: _____
Geology and Soils					
Design Feature DF GEO-1: Geotechnical Investigation. Prior to the approval of a precise grading permit for any building within the Project Site, a subsequent site- and design-specific geotechnical and geologic report prepared by a licensed geologist shall be submitted to the City Engineer for review and approval. The report shall document the feasibility of each proposed use and the appropriate geotechnical, geologic, and seismic conditions associated with that use. The geologic investigation shall demonstrate that buildings for human occupancy will not be constructed across active faults and must be setback in accordance with Alquist-Priolo Earthquake Fault Zoning Act requirements. For residential uses, setback distances may vary, but a minimum 50-foot setback is required. To demonstrate compliance with the Alquist-Priolo Earthquake Fault Zoning Act requirements, the analysis shall include the results of a subsurface investigation, including on-site trenching activities as necessary, to delineate the precise location(s) of any fault traces that could impact buildings on the future development. Unless otherwise modified, any conditions, recommendations, or construction measures contained therein, including the imposition of specified setback requirements for proposed development activities within Alquist-Priolo Earthquake Fault Zones, shall become conditions of approval for the requested use. The report shall comply with all applicable State and local code requirements, including the current building code in effect at the time of	All development projects in the Specific Plan area.	Prior to the approval of a precise grading permit. Project Applicant	City of Rialto Public Works Department, Engineering and Traffic Division	Submittal and approval of design level geotechnical report, as applicable, and incorporation of the requirements of such reports into grading and building plans.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
precise grading permit issuance.					
Design Feature DF GEO-2: Geotechnical Disclosures. Pursuant to the requirements of the Natural Hazards Disclosure Act, under Sec. 1103 of the California Civil Code, real estate sellers and brokers shall disclose to future buyers that if the Project lies within one or more state or locally mapped hazard areas, including an earthquake fault zone. This hazard shall also be disclosed on a statutory form called the Natural Hazard Disclosure Statement (NHDS) to all prospective buyers within the Project site.	All development projects in the Specific Plan area.	Prior to real estate transactions within the project site. Project Applicant	City of Rialto Development Services Department, Building Division	Disclosures for real estate transactions.	Initials: _____ Date: _____
Hazards					
Design Feature DF HAZ-1: Soil Investigation. Soil samples shall be collected for new development within the Project Site prior to issuance of grading permits and analyzed for the presence of organochlorine pesticides and Title 22 Metals. Sampling and analysis shall be conducted in accordance with appropriate California guidelines (e.g., Department of Toxic Substances Control, 2008, Interim Guidance for Sampling Agricultural Properties). Soils with elevated organochlorine pesticides or metals compared with these guidelines shall be removed and disposed offsite in accordance applicable federal, state, and local regulations.	All development projects in the Specific Plan area.	Prior to issuance of grading permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Imposition of conditions of approval for applicable land use applications. Sampling prior to issuance of grading permits. Direct observations / site inspections. Evidence of contaminated soil sampling and removal, as necessary.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Hydrology and Water Quality					
Design Feature DF HYDRO-1: SWPPP. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed by the applicant of each future development proposed within the Specific Plan that disturbs 1 or more acre. The SWPPP shall comply current Construction General Permit (CGP) and associated local National Pollutant Discharge Elimination System (NPDES) regulations at the time of development to ensure that the potential for soil erosion and short-term water quality impacts is minimized on a project-by-project basis.	All development projects in the Specific Plan area.	In grading and construction specifications. Prior to issuance of grading permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____
Design Feature DF HYDRO-2: WQMP. A Water Quality Management Plan (WQMP) shall be developed by the applicant of each future development proposed within the Specific Plan. The WQMP shall comply with all applicable provisions of the San Bernardino County Technical Guidance Document for Water Quality Management Plan (TGD-WQMP), WQMP Template (Template), and Transportation Project BMP Guidance, as required under Section XLD.2 of Order No. R8-2010-0036. The WQMP shall include, but not be limited to, the following: <ul style="list-style-type: none"> Incorporation of site design/Low Impact Development (LID) strategies and source control measures in a systematic manner that maximize the use of LID features to provide treatment of stormwater and reduce runoff. For those areas of the Project Site where LID features are not feasible or do not meet the feasibility criteria, treatment control Best Management Practices (BMPs) with biotreatment enhancement design features shall be utilized to provide treatment. LID features shall be sized to infiltrate the required design capture volume (DCV) to reduce impacts of pollutants and runoff volumes to downstream receiving waters. Assuming complete build-out of the project, the entire Project site shall require approximately 5.4 acre-feet of runoff to be infiltrated to retain the 	All development projects in the Specific Plan area.	In construction and operational specifications. Prior to issuance of occupancy permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Building and operation permits. Site inspection. Prior to Certificates of Occupancy.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>runoff from the 85th percentile, 24-hour rain event. Individual developments shall be responsible for their proportionate share. Infiltration BMPs would be sized in accordance with Form 4.3-3 of the TGD for WQMPs.</p> <ul style="list-style-type: none"> Should infiltration prove infeasible based on future geotechnical studies associated with the site-specific plans, harvest and reuse BMPs shall be evaluated as part of the future site-specific plans and WQMPs. <p>Design Feature DF HYDRO-3: Storm Drain Infrastructure. Should the "West and East Systems Drainage Scenario," as depicted in Section IX, Hydrology and Water Quality, in Attachment 8 of the Initial Study be implemented by the Project, then DF HYDRO-3 shall be required. If an alternative drainage system is implemented, DF HYDRO-3 would not be required. As stated above, the final storm water design may differ from this design, as the Project's Specific Plan does not mandate specific building locations. Additionally, the final design could include green roofs, bioswales, etc. that would alter the minimum required size of the underground basin, or even eliminate the need for an underground basin. Other designs such as at-grade basins, or storm water designs that only treat individual developments could also be implemented.</p> <p>Regardless, the precise drainage conveyance system design would be analyzed as part of the Water Quality Management Plan for each future, precise development consistent with State and City requirements for storm water conveyance.</p> <p>If the Project Site west or east of Pepper Avenue is developed concurrently, the respective West or East drainage and water quality system would be constructed in its entirety consistent with DF HYDRO-2. In this scenario, the developers within either system would enter into a development agreement to delineate their fair share cost of design and construction of the facilities,</p>	<p>All development projects in the Specific Plan area.</p>	<p>In Water Quality Management Plan, grading plans, and construction specifications. Prior to issuance of grading permits.</p> <p>Project Applicant/ Construction Contractor</p>	<p>City of Rialto Development Services Department, Building Division (building construction).</p>	<p>Construction permits, Water Quality Management Plan, Site inspection. Prior to Grading Permits.</p>	<p>Initials: _____ Date: _____</p>

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>as applicable. If the northerly portion within either system is developed prior to the southerly portion, the owner would be responsible to do one of the following:</p> <p>1. Install the proposed retention/detention system within the southerly portion of the Project Site (within their respective system) as well as any drainage conveyances to and from the basin system, sized to accommodate the south site as well. This could require a development agreement for reimbursement of the fair share of costs and shared land use between both owners; or</p> <p>2. Install drainage and water quality facilities to accommodate only the north portion of their respective system. This would most likely require the design and implementation of an interim Grading and Drainage Plan to mitigate any impacts to the southerly owner.</p> <p>In this scenario, if the southerly portion of either system is developed prior to the northerly portion, the southern property owner would be responsible to install a drainage and water quality system within the southerly portion of the Project Site to include the anticipated demand and capacity contributed from the northerly site (within their respective system). Specifically, the proposed stormwater conveyances and retention/detention basin within each system would be sized per stormwater and water quality demand for the either the entire West system (Planning Areas 5, 6, 7 and 8) or entire East system (Planning Areas 1, 2 and 3). As such, a development agreement between owners within each system would be implemented for the reimbursement of the fair share of costs.</p>					

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Design Feature DF HYDRO-4: Storm Drain Fees. The applicant of each future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.270 – Storm Drain Facilities Development Impact Fee of the Municipal Code.	All development projects in the Specific Plan area.	Prior to issuance of grading permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction)	Payment of fees.	Initials: _____ Date: _____
Noise					
MM NOISE-1: Prior to approval of design review permits for sensitive uses, to reduce and/or ensure exterior noise levels are at or below 65 CNEL at potential outdoor sensitive uses (i.e., residential courtyards, parks, and passive recreation areas) proposed by the Specific Plan, a combination of sound barrier walls, earthen berms, and landscaping shall be designed and implemented by a qualified acoustical consultant, as necessary. Alternatively, outdoor uses shall be located behind buildings (not facing traffic corridors) in a manner that shields outdoor sensitive uses from roadway noise and reduces the exterior noise level to 65 CNEL or below. Also, an acoustical engineer shall submit evidence, along with the application for a building permit, any design plans or features of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.	Not applicable to the industrial development in PA 2 and PA 3 because no sensitive uses are included. All development projects related to sensitive uses in the Specific Plan area.	Prior to approval of design review permits for sensitive uses. Project Applicant	City of Rialto Development Services Department, Planning Division	Review and approval of land use applications, submittal and review of noise analyses as specified.	Initials: _____ Date: _____
Public Services					
Design Feature DF SERVICE - 1: Construction Management Plan. A construction management plan shall be developed by the applicant or contractor of each future developments proposed within the Specific Plan area and approved by the City of Rialto Public Works Department prior to construction activities. The construction management plan shall include, at a minimum, the following: • Identify the locations of the off-site truck staging and provide measures to ensure that trucks use the	All development projects in the Specific Plan area.	Prior to grading or construction permits. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Building Division (building construction).	Submittal of Construction Management Plan to City.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>specified haul route, as applicable, and do not travel through nearby residential neighborhoods or schools;</p> <ul style="list-style-type: none"> Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on surrounding streets; Establish requirements for loading/unloading and storage of materials on the Project Site; Coordinate with the City and emergency service providers to ensure adequate access is maintained to and around the Project Site; and During construction activities when construction worker parking cannot be accommodated on the Project Site, a Construction Worker Parking Plan shall be prepared which identifies alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City. The Construction Worker Parking Plan shall prohibit construction worker parking on residential streets and prohibit on-street parking, except as approved by the City. 	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department, Planning Division	Payment of fees.	Initials: _____ Date: _____
<p>Design Feature DF SERVICE - 2: Fire Fees. The applicant of each applicable future developments proposed within the Specific Plan shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.220 – Fire Protection Facilities Development Fee of the Municipal Code.</p>	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department, Planning Division	Payment of fees.	Initials: _____ Date: _____
<p>Design Feature DF SERVICE - 3: Police Fees. The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.210 – Law Enforcement Facilities Development Impact Fee of the Municipal Code.</p>	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department, Planning Division	Payment of fees.	Initials: _____ Date: _____
<p>Design Feature DF SERVICE - 4: Schools Fees. The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees to the Rialto Unified</p>	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department,	Payment of fees.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
School District (RUSD) as full mitigation for potential impacts to schools pursuant to SB 50 (Section 65995 of the Government Code) and Title 17 – Subdivisions, Chapter 17.22 – School Facilities Fee, Section 17.22.120 – Facilities Fee and Section 17.22.140 – Dedication or Provision of Facilities in Lieu of Fees, of the Municipal Code.			Planning Division		
Design Feature DF SERVICE - 5: Parks. The applicant of each future residential development proposed within the Project Site shall be responsible for meeting the parkland dedication or fee requirements pursuant to the Quimby Act and Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.150 – Parks and Recreation Development Impact Fees and Title 17 – Subdivisions, Chapter 17.23 – Park and Recreational Facilities Dedication of the Municipal Code.	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department, Planning Division	Payment of fees.	Initials: _____ Date: _____
Design Feature DF SERVICE - 6: Library Fees. The applicant of each applicable future development proposed within the Project Site shall be responsible for paying applicable development impacts fees Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.200 – Library Facilities Development Impact Fee of the Municipal Code.	All development projects in the Specific Plan area.	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department, Planning Division	Payment of fees.	Initials: _____ Date: _____
Transportation and Traffic					
Design Feature DF TRAF-1: Pepper Avenue / Northerly Right-In/Right-Out (RIRO) Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left-out access from the Project driveway, and construct the intersection with the following geometrics: <ul style="list-style-type: none"> NB Approach: Provide two through lanes. SB Approach: Provide one through lane and one shared through-right turn lane. EB Approach: Provide a right turn lane. 	Not applicable to the industrial development in PA 2 and PA 3 because it is for the driveway at PA 5. Applicable to the buildout of PA 5.	In Project grading plans and construction plans. Project Applicant/ Construction Contractor	City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division	Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. Imposition of Conditions of Approval for development projects.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Design Feature DF TRAF-2: Pepper Avenue / Main Driveway (Intersection #23) – Install traffic signal control and construct the intersection with the following geometrics: <ul style="list-style-type: none"> NB Approach: Provide one left turn lane, one through lane, and one shared through right lane. SB Approach: Provide one left turn lane with 175 feet of storage, one through lane, and one shared through right lane. EB Approach: Provide one left turn lane and one shared through-right lane. WB Approach: Provide one left turn lane, one through lane, and one right turn lane. 	Applicable to the industrial development in PA 2 and PA 3 and included as part of the Project.	In Project grading plans and construction plans. Project Applicant/ Contractor	City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division	Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. Imposition of Conditions of Approval for development projects.	Initials: _____ Date: _____
Design Feature DF TRAF-3: Pepper Avenue / Southerly RIR Driveway – Install stop sign control on the EB approach, design the intersection to restrict left-in access to the Project driveway and left out access from the Project driveway, and construct the intersection with the following geometrics: <ul style="list-style-type: none"> NB Approach: Provide two through lanes. SB Approach: Provide one through lane and one shared through-right turn lane. EB Approach: Provide a right turn lane. 	Not applicable to the industrial development in PA 2 and PA 3 because it is for the driveway at PA 6. Applicable to the buildout of PA 6.	In Project grading plans and construction plans. Project Applicant/ Contractor	City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division	Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. Imposition of Conditions of Approval for development projects.	Initials: _____ Date: _____
Design Feature DF TRAF-4: Pepper Avenue / South Driveway (Intersection #24) – At complete buildout, or as otherwise determined by traffic needs, install traffic signal control and construct the intersection with the following geometrics: <ul style="list-style-type: none"> NB Approach: Provide one through lane and one shared through-right lane. SB Approach: Provide one left turn lane and two through lanes. WB Approach: Provide one right turn lane. 	Applicable to the industrial development in PA 2 and PA 3 and included as part of the Project.	In Project grading plans and construction plans. Project Applicant/ Contractor	City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division	Evaluation of development proposals. Evidence of improvements as necessary to maintain acceptable LOS and/or provide acceptable access. Imposition of Conditions of Approval for development projects.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>MM TRAF-1: Prior to issuance of building permits, future Project applicant(s) shall participate in the City of Rialto Development Impact Fee (DIF) Program by paying applicable fees, supplemented by participation in additional fair share intersection improvement costs as needed. Such fees shall be determined by additional and/or focused traffic impact studies, as determined necessary by the City of Rialto Traffic Engineering Division, prior to future development occurring within the Specific Plan Area. Payment of fees to these fee programs may be considered as mitigation for the Project's proportionate share of cumulative impacts. If the City finds that the payment of DIF fees alone do not adequately address the Project's proportionate share, a fair share contribution may be imposed in order to mitigate the Project's share of cumulative impacts. Improvements constructed by development may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the City's discretion). The improvements identified below shall be funded by the Project's proportionate payment of fees, as determined necessary by the City of Rialto Traffic Engineering Division. The City shall ensure that the improvements will be constructed pursuant to the fee program at the point in time necessary to avoid identified significant traffic impacts.</p> <p><u>Riverside Avenue/Easton Street (Intersection #3):</u></p> <ul style="list-style-type: none"> • Participate in the signal modification to provide separate right turn overlap signal phasing for the existing westbound right turn lane. <p><u>Eucalyptus Avenue/Baseline Road (Intersection #8):</u></p> <ul style="list-style-type: none"> • Northbound Approach: Provides separate left turn lane, in addition to the existing through lane. • Southbound Approach: Provide separate left turn lane, in addition to the existing through lane. <p><u>Pepper Avenue/Highland Avenue (Intersection #9):</u></p>	<p>The improvement to the northbound approach at Pepper Avenue/SR-210 Westbound Ramps (Intersection #10), is applicable to the proposed industrial development in PA 2 and PA 3. Applicable to future development projects in the Specific Plan area</p>	<p>Prior to issuance of building permits. Project Applicant</p>	<p>City of Rialto Development Services Department, Planning Division and Department of Public Works, Engineering and Traffic Division</p>	<p>Payment of fees. projects.</p>	<p>Initials: _____ Date: _____</p>

City of Rialto
Final Subsequent EIR
January 2023

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<ul style="list-style-type: none"> Northbound Approach: Restripe through lane to shared through-right lane, in addition to the left turn lane and right turn lane. Eastbound Approach: Participate in the signal modification to provide separate right turn overlap signal phasing for the right turn lane. <p><u>Pepper Avenue/SR-210 Westbound Ramps (Intersection #10):</u></p> <ul style="list-style-type: none"> Northbound Approach: Modify traffic signal to provide north/south split phase. restripe first through lane to provide a left-through lane, in addition to the left turn lane and second through lane. Westbound Approach: Provide additional (second) left turn lane. <p><u>Pepper Avenue/SR-210 Eastbound Ramps (Intersection #11):</u></p> <ul style="list-style-type: none"> Northbound Approach: Provide separate right turn lane. Eastbound Approach: Provide additional (second) right turn lane. <p><u>Pepper Avenue/Windhester Drive (Intersection #12):</u></p> <ul style="list-style-type: none"> Participate in construction of a traffic signal. Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. <p><u>Pepper Avenue/Mariposa Drive (Intersection #13):</u></p> <ul style="list-style-type: none"> Participate in construction of a traffic signal. Northbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. Southbound Approach: Provide separate left turn lane and second through lane, eliminating defacto right turn lane. <p><u>Pepper Avenue/Baseline Road (Intersection #14):</u></p>					

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<ul style="list-style-type: none"> • SB Approach: Provide separate right turn lane. Pepper Avenue/Etiwanda Avenue Intersection #151. • Participate in construction of a traffic signal. Pepper Avenue/Foothill Boulevard Intersection #161. • Participate in the signal modification to provide separate right turn overlap signal phasing for the existing eastbound right turn lane. • Southbound Approach: Provide separate right turn lane. • Westbound Approach: Provide additional (third) through lane. 					
Tribal Cultural Resources					
MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.					
<p>A. The Project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject Project at all Project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other</p>					
All development projects in the Specific Plan area		In Project grading plans and construction specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division and Building Division (building construction).	Copy of the executed monitoring agreement. Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the Project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the Project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p> <p>MM TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects.</p> <p>A. Native American human remains are defined in PRC 5097.98(d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in</p>	All development projects in the Specific Plan area	In Project grading plans and construction specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division	Copy of the executed monitoring agreement. Grading and construction permits. Site	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods discovered or recognized on the Project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Construction activities may resume in other parts of the Project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the Project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept</p>			and Building Division (building construction).	inspection. Prior to Grading Permits.	

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p> <p>MM TCR-3: Procedures for Burials and Funerary Remains.</p> <p>A. As the Most Likely Descendant ("MLD"), the Koo-na-s-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting</p>	All development projects in the Specific Plan area	In Project grading plans and construction specifications. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division and Building Division (building construction).	Copy of the executed monitoring agreement. Grading and construction permits. Site inspection. Prior to Grading Permits.	Initials: _____ Date: _____

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
<p>the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the Project applicant/developer and/or landowner, before ground-disturbing activities may resume on the Project site, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Tribe will work closely with the Project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>					

Mitigation Measure/Project Design Features	Required/Applicable For	Implementation Responsibility	Agency Responsible For Monitoring	Monitoring/Reporting Action	Monitoring Compliance Record Name/Date
Utilities and Service Systems					
Design Feature DF WATER-1: Water Infrastructure. Future development within the Project Site shall provide connections to the water servicing line from both sides of Pepper Avenue. These future connections shall lie north of the WVWD Lord Ranch Facility and require either a direct connection to the existing 30-inch transmission line in Pepper Avenue or extending the 2-inch line to the connection points. The water system shall be designed to deliver the peak hour domestic demand to each service point with a residual pressure of 40 pounds per square inch (psi) and to deliver specified fire flow plus the peak day domestic demand with a minimum residual pressure of 20 psi. The fire flow requirement for the Project Site is 3,000 gallons per minute (gpm) for three hours (for commercial/office/high density residential areas). The maximum operating pressure in mains shall not exceed 30 psi with pressure reducers required on service connections having pressure greater than 80 psi. All water lines shall be looped where possible. All dead end lines shall not exceed 660 feet in length or the current design requirements at the time of design.	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department, Planning Division and Department of Public Works	Incorporation of requirement into construction and building plans and permits.	Initials: _____ Date: _____
Design Feature DF WATER-2: Water Fees - The applicant of each applicable future development proposed within the Project Site shall be responsible for paying development impacts fees per Title 3 – Revenue and Finance, Chapter 3.33 – Development Impact Fees, Section 3.33.260 – Domestic and Recycled Water Facilities Development Impact Fee of the Municipal Code.	All development projects in the Specific Plan area	Prior to issuance of occupancy permits. Project Applicant	City of Rialto Development Services Department of Public Works	Payment of fees.	Initials: _____ Date: _____
Design Feature DF SEWER-1: Sewer Infrastructure. The sewer system for the Project shall consist of two systems, the East and West systems. The East system shall gravity flow southerly within the future commercial development area (east of Pepper Avenue) and then westerly to a proposed lift station on the east side of Pepper Avenue. The East system shall consist of 8-inch and 6-inch laterals. The West system (west of Pepper Avenue) shall	All development projects in the Specific Plan area	In Project grading plans and construction plans. Project Applicant/Construction Contractor	City of Rialto Development Services Department of Public Works	Incorporation of requirement into construction and building plans and permits.	Initials: _____ Date: _____

END OF EXHIBIT B