File #: PC-1092, **Version:** 1, **Agenda #:** 1

For the Planning Commission Meeting of November 29, 2017

TO: Honorable Chairman and Planning Commissioners

APPROVAL: Robb Steel, Assistant CA/Development Services Director

REVIEWED BY: Gina M. Gibson-Williams, Planning Manager

FROM: Daniel Casey, Associate Planner

Tentative Tract Map No. 2017-0001 (TTM 20087): A request to allow the subdivision of 4.75 gross acres of land (APNs: 0131-131-13 & -14) into twenty (20) single-family lots and three (3) common lots. The project site is located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

Variance No. 2017-0002: A request to allow a variance from Section 18.16.030A, Section 18.16.030B, and Section 18.16.030C of the Rialto Municipal Code to reduce the minimum required lot area from 7,700 square feet to 6,273 square feet, to reduce the minimum required lot width from seventy (70) feet to fifty-five (55) feet, and to reduce the minimum required lot depth from one-hundred (100) feet to ninety-five and nine-tenths (95.9) feet, related to a request to subdivide 4.75 gross acres of land (APNs: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue into twenty (20) single-family lots and three (3) common lots. A Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0022) has been prepared for consideration in conjunction with the project in accordance with the California Environmental Quality Act (CEQA).

APPLICANT:

Asian Pacific, Inc., 22632 Golden Springs Drive, Suite 280, Diamond Bar, CA 91765.

LOCATION:

The project site consists of two (2) parcels of land (APN: 0131-131-13 & -14) located on the east side of Linden Avenue approximately 950 feet south of Etiwanda Avenue (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

Location	***Existing Land Use***	***Zoning***
Site	Vacant	Single-Family Residential (R-1C)
North	Single-Family Residences	Single-Family Residential (R-1C)
East	Single-Family Residences	City of San Bernardino
South	Poultry Farm	Agricultural (A-1)
West	Single-Family Residences	Agricultural (A-1)

General Plan Designations

Location	***General Plan Designation***
Site	Residential 6 (2.1 - 6.0 dwelling units per acre)
North	Residential 6 (2.1 - 6.0 dwelling units per acre)
East	City of San Bernardino
South	Residential 2 (0.1 - 2.0 dwelling units per acre)
West	Residential 2 (0.1 - 2.0 dwelling units per acre)

Site Characteristics
The project site is a relatively flat, rectangular-shaped piece of land comprised of two (2) parcels. Together the parcels are 4.75 gross acres in size with dimensions of 630 feet (east-west) by 330 feet (north-south). The site is entirely vacant and covered by naturally occurring grasses and shrubs. The project site is bound on the west by Acacia Avenue. To the north of the project site is a single-family residential subdivision built in 1970, and to the east is another single-family residential subdivision built between 1990 to 1992. To the south is a poultry farm that sits on 3.92 acres of land, and to the west, across Acacia Avenue are several single-family residences that each sit on 1.0 acre lots. The zoning of the project site and the properties to the north is Single-Family Residential (R-1C), and the zoning of the properties to the south and west is Agricultural (A-1). The properties to the east are located within the jurisdiction of the City of San Bernardino.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 2017-0001 (TTM 20087)
The applicant proposes to subdivide the project site into twenty (20) single-family lots and three (3) common lots for landscaping and a storm-water detention basin (**Exhibit B**). The proposed density of the project is 5.26 dwelling units per acre. Lot areas for the new single-family lots range from 6,273 square feet to 10,190 square feet, with an average lot size of about 7,270 square feet. The lot widths range from 55 feet to 72 feet, with an average lot width of 65.2 feet, while the lot depths range from 95.9 feet to 142.6 feet, with an average depth of 120.2 feet. The R-1C zone requires a minimum lot area of 7,700 square feet, a minimum lot width of 70 feet, and a minimum depth of 100 feet. Of the twenty (20) single-family lots proposed, only Lot 4 and Lot 9 meet all of the required criteria. The applicant filed Variance No. 2017-0002 to rectify the inconsistencies with the remaining single-family lots.

Access
Included in the proposal are four (4) new full-width street sections, including one (1) that will connect

directly to Acacia Avenue and provide access into and out of the tract. In accordance with General Plan Policy 2-21.8, none of the twenty (20) single-family lots will have their front or side yard adjacent to Acacia Avenue. Instead, the twenty (20) single-family lots will front the other three (3) local street sections located internally within the tract.

Two (2) of the new local street sections will terminate at the south side of the project site upon development of the project in order to allow for a future extension/connection to the properties to the south. At the request of the Fire Department, the applicant will install a temporary asphalt turnaround at the terminus of the easterly stub street upon initial development of the project. This temporary turnaround, located on Lots 15 and 21, will allow fire trucks to safely turnaround and exit the site should fire service ever be needed in the area. The Fire Department requests, as a condition of approval, that the applicant not develop Lot 20 until the easterly stub street is extended by a development in the future. That Fire Department also requests, as a condition of approval, that the side and rear yard fencing on Lot 14 not encroach into the temporary turnaround until the easterly stub street is extended.

Product Design

In conjunction with the tentative map, the applicant proposes to construct one (1) single-family residence on each single-family lot for a total of twenty (20) single-family residences. The applicant has not yet submitted architectural plans to the City for review. In accordance with Section 18.61.070 of the RMC, the applicant will develop at least three (3) different floor plans, each with at least three (3) distinct elevation themes. Additionally, the project will require the installation of a six (6) foot high decorative masonry wall around the perimeter of the project site. Submittal of a Precise Plan of Design application for review and approval by the Development Review Committee (DRC) is required prior to construction of the project.

Variance No. 2017-0002

As previously mentioned, the applicant is requesting a variance to reduce the required minimum lot area from 7,700 square feet to 6,273 square feet, reduce the required minimum lot width from 70 feet to 55 feet, and reduce the required minimum lot depth from 100 feet to 95.9 feet. The applicant's original proposal contained twenty (20) single-family lots fronting onto one (1) local street that extended directly from Acacia Avenue. At the time, each of the twenty (20) single-family lots complied with the lot criteria required by the R-1C zone. However, in an effort to achieve the highest quality design and to prevent the properties to the south from being unable to develop to their full potential, the Planning Division required the applicant to revise the design to provide connection points to the south, a detention basin to address storm-water run-off, and two (2) five (5) foot wide common landscape areas for additional buffering between the public right-of-way along Acacia Avenue and the proposed lots. The applicant complied with the requirements of the Planning Division, though the result included several lots that do not meet all of the lot criteria required by the R-1C zone.

However, many R-1C zoned single-family lots within the surrounding area do not meet the lot criteria of the R-1C zone. For instance, the majority of the lots within the single-family residential subdivision to the north of the project site (Tract 8241) do not comply with the minimum lot area of the R-1C zone, with the smallest lot size being 7,195 square feet. The smallest lot size within Tract 8241 is smaller than the average lot size of the applicant's proposal. With respect to lot width, the Planning Commission granted Variance No. 703 to Rapido Investments, Inc. on July 30, 2014 allowing 58-foot wide lots within an R-1C subdivision that is located approximately 600 feet away from the project site.

Furthermore, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot widths as short as 55 feet, including 571 S. Acacia Avenue, 581 S. Acacia Avenue, and 590 S. Encina Avenue. As for the lot depth, the project contains only three (3) lots that do not comply with the lot depth requirement of the R-1C zone - Lot 5, Lot 7, and Lot 8. Each of these lots is located within a knuckle at the transition of one street to the next. Their location within the knuckles resulted in portions of the lot depth falling below the 100-foot requirement, with the worst-case scenario being 95.9 feet on Lot 8. The knuckles were incorporated into the design at the insistence of the Planning Division to allow for connection points to the property to the south, otherwise the lot depths would have easily exceeded the 100-foot requirement of the R-1C zone. Additionally, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot depths shorter than 95 feet, and as short as 86 feet, including 535 W Merrill Avenue, 510 S Encina Avenue, 522 S. Encina Avenue, 534 S. Encina Avenue, and 546 S. Encina Avenue.

In addition to the surrounding R-1C properties, the project site is also within 70 feet of an existing Planned Residential Development-Detached (PRD-D) zoned subdivision (Tract 14450). The PRD-D zone does not have minimum requirements for lot area, lot width, or lot depth. As such, the lots within Tract 14450 have an average area of approximately 5,000 square feet, lot widths as short as 45 feet, and lot depths as short as 82 feet. In order for a project to qualify for the PRD-D zone, the project site must have a minimum gross site area of 5.0 acres. The project site is 4.75 gross acres in size and unable to qualify for the PRD-D zone. The applicant attempted to acquire the property to the south of project site without success. The unwillingness of this property owner to sell resulted in the applicant proceeding with a development within the R-1C zone; otherwise, the proposed lot dimensions would be of no issue.

The applicant's proposal contains lot dimensions that are consistent with the dimensions of several other lots within the surrounding area, and the project is compatible with the character of the surrounding area. The Planning Division determined that the proposed design of the subdivision is the highest and best use of the site, and the Planning Division recommends approval of the applicant's variance request.

The purpose of a Variance is to provide flexibility to prevent practical difficulties or unnecessary hardships that occur through the strict enforcement of development standards. However, the following findings from Section 18.64.020 of the RMC must be made prior to Planning Commission approval of the Variance:

1. That there are exceptional circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district.

Strict enforcement of the lot area, lot width, and lot depth requirements will prevent the applicant from providing the highest quality design for the site. The applicant's original proposal contained twenty (20) single-family lots fronting onto one (1) local street that extended directly from Acacia Avenue. Each of the twenty (20) single-family lots complied with the lot criteria required by the R-1C zone within the original proposal. However, in an effort to achieve the highest quality design and to prevent the property to the south from being unable to develop to its full potential, the Planning Division required the applicant to provide street stubs at the south end of the site to allow for a future connection/extension to the adjacent property to the south. This created an exceptional circumstance where the project site cannot maintain twenty (20) single-family lots and have each lot

meet the minimum required lot area, lot width, and lot depth.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant as possessed by other property owners in the same vicinity and district.

Strict enforcement of the lot area, lot width, and lot depth requirements will prevent the applicant from providing the highest quality design for the site. The majority of the lots within the single-family residential subdivision to the north of the project site (Tract 8241) do not comply with the minimum lot area of the R-1C zone, with the smallest lot size being 7,195 square feet. The smallest lot size within Tract 8241 is smaller than the average lot size of the applicant's proposal. The Planning Commission granted Variance No. 703 to Rapido Investments, Inc. in 2014 reducing the minimum lot width for a similar R-1C project from 70 feet to 58 feet. Furthermore, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot widths as low as 55 feet, including 571 S. Acacia Avenue, 581 S. Acacia Avenue, and 590 S. Encina Avenue. Additionally, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot depths below 95 feet, and as low as 86 feet, including 535 W Merrill Avenue, 510 S Encina Avenue, 522 S. Encina Avenue, 534 S. Encina Avenue, and 546 S. Encina Avenue.

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

Granting the variance will not be detrimental to the public welfare or injurious to other property or improvements in that the project site will be used for a single-family residential development in keeping with the character of the area and the density limits established within the area.

4. That the granting of such variance will not adversely affect the master plan.

Granting the variance will facilitate the development of a high-quality single-family residential subdivision in keeping with General Plan Land Use Element Goal 2-21, which requires the City to "Ensure high-quality planned developments within Rialto". Additionally, precedent has previously been set to allow lot dimensions below the criteria required by the R-1C zone, as established by Tract 8241, Variance No. 703 for Rapido Investments, Inc., and the lot depths of 535 W Merrill Avenue, 510 S Encina Avenue, 522 S. Encina Avenue, 534 S. Encina Avenue, and 546 S. Encina Avenue.

Planning staff concludes that all of the required findings can be met for the Variance request, as documented above.

Development Review Committee
The Development Review Committee (DRC) reviewed the project on March 15, 2017. The DRC recommended approval of the project, subject to certain design revisions. The DRC required the applicant to provide stub streets to terminate at the south end of the site, a temporary turnaround at the end of the easterly stub street, a detention basin to address storm-water run-off, and two (2) five (5) foot wide common landscape areas for additional buffering between the public right-of-way along Acacia Avenue and the proposed lots. The project plans incorporate all of the DRC's required revisions. Public Works Engineering conditions of approval were also gathered at the meeting and are incorporated into the Resolution of Approval for the Tentative Map.

Fiscal Analysis
The applicant will bear the full capital cost of construction of the project and the required infrastructure improvements. No City funds will be used to construct the project. Prior to completion of the project, the applicant will pay plan check, permit, and development impact fees to the City. The applicant will pay approximately $777,500 for those one-time fees, as shown in the chart below:

Fee	*Capital*	*Operating*	*Total*
Development Impact Fees	$660,000	-	$660,000
Building Plan Check / Permit Fees	-	$61,500	$61,500
Planning Fees	-	$9,000	$9,000
Engineering Plan Check / Permit Fees	-	$47,000	$47,000
One Time Fee Revenues	$660,000	$117,500	$777,500

Fiscal impact reports for similar developments within the City projected an average annual net operating cost of $288 per residential unit with the Utility Tax and $722 per residential unit without the Utility Tax. At stabilized occupancy, the proposed project of twenty homes would cost the City General Fund $5,760 to $14,440 more per year to service than the revenues derived. Staff recommends, as a condition of approval, that the applicant pay for the preparation of an operating fiscal impact report and mitigate the impacts, if any, through the annexation into a Community Facilities District, payment of a one-time mitigation fee, or other acceptable mitigations measures.

GENERAL PLAN CONSISTENCY:

The project is consistent with the following goals of the Land Use Element of the Rialto General Plan:

Goal 2-19: Encourage neighborhood preservation, stabilization, and property maintenance.

Goal 2-21: Ensure high-quality planned developments in Rialto.

ENVIRONMENTAL IMPACT:

CEQA
The applicant engaged Lilburn Corporation to prepare an Initial Study (Environmental Assessment Review No. 2017-0022) for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Initial Study is attached to the agenda report (**Exhibit C**). Based on the findings and recommended mitigation within the Initial Study, staff determined that the project will not have an adverse impact on the environment and a Mitigated Negative Declaration was prepared. Staff published a Notice of Intent to adopt the Mitigated Negative Declaration for the project in the San Bernardino Sun newspaper, and mailed copies to all property owners within 300 feet of the project site. A twenty (20) day public comment period was held from October 13, 2017 to November 1, 2017. No comment letters were received. Consequently, Planning staff determined that the Mitigated Negative Declaration prepared appropriately satisfies the requirement of CEQA.

Although the Initial Study indicates that the project could present a significant effect with respect to

Biological Resources, Cultural Resources, and Transportation/Traffic, any potential impacts will be mitigated to a level of insignificance through the implementation of the mitigation measures included within the Mitigation Monitoring and Reporting Program (**Exhibit D**).

Native American Tribal Consultation (Assembly Bill 52)
In accordance with California Assembly Bill 52, the Planning Division mailed notices to six (6) Native American tribes informing them of the project and allowing them to request consultation on the project. The six (6) tribes were given thirty (30) days, from April 1, 2017 to April 30, 2017 to request consultation on the proposed project. One (1) tribe, The Gabrieleño Band of Mission Indians-Kizh Nation (Kizh Nation), requested formal consultation during the period. Planning staff conducted formal consultation with Chairman Andrew Teutimez-Salas and Matt Teutimez of the Kizh Nation on September 28, 2017. The topics discussed included a basic background of the project and the anticipated construction activities. During the consultation, Chairman Teutimez-Salas requested the ability to place a certified Native American Monitor on-site during all ground disturbance activities. The Draft Resolution of Approval for Tentative Tract Map No. 2017-0001 (TTM 20087) includes a Condition of Approval requiring the applicant to coordinate with the Kizh Nation to allow access during all ground disturbance activities.

Delhi Sands Flower-Loving Fly
According to Exhibit 4.4.2 of the Rialto General Plan Environmental Impact Report, the project site lies within potential Delhi Sands Flower-Loving Fly (DSF) habit. Powell Environmental Consultants, on behalf of the applicant, conducted surveys of the project site in 2015, 2016, and 2017 (**Exhibit E**), and each survey found no presence of DSF on the project site. The Draft Resolution of Approval for Tentative Tract Map No. 2017-0001 (TTM 20087) includes a Condition of Approval requiring the applicant to obtain clearance from the USFWS prior to the commencement of any ground disturbance activities on the project site.

PUBLIC NOTICE:

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the project site, and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

RECOMMENDATION:

It is recommended that the Planning Commission:

- Adopt the attached Resolution (**Exhibit F**) to approve a Mitigated Negative Declaration for the proposed project, and authorize staff to file a Notice of Determination with Clerk of the Board of Supervisors of San Bernardino County; and

- Adopt the attached Resolution (**Exhibit G**) to approve Tentative Tract Map No. 2017-0001 to allow the subdivision of 4.75 gross acres of land (APNs: 0131-131-13 & -14) into twenty (20) single-family lots and three (3) common lots, subject to the findings and conditions therein; and

- Adopt the attached Resolution (**Exhibit H**) to approve Variance No. 2017-0002 to reduce the minimum required lot area from 7,700 square feet to 6,273 square feet, to reduce the minimum

required lot width from seventy (70) feet to fifty-five (55) feet, and to reduce the minimum required lot depth from one-hundred (100) feet to ninety-five and nine-tenths (95.9) feet related to a request to subdivide 4.75 gross acres of land (APNs: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue into twenty (20) single-family lots and three (3) common lots, subject to the findings and conditions therein.

Project Location Map

N

IN THE CITY OF RIALTO, STATE OF CALIFORNIA

TENTATIVE TRACT MAP 20087

LEGAL DESCRIPTION

APN 0131-131-13

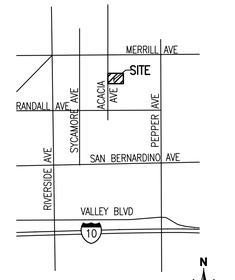
THE SOUTH ½ OF THE NORTH ½ OF THE WEST ½ OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

APN 0131-131-14

THE SOUTH ½ OF THE NORTH ½ OF THE WEST ½ OF LOT 137, TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 11, RECORDS OF SAID COUNTY.

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
C/L	CENTERLINE
EG	EXISTING GROUND
EX	EXISTING
EXIST	EXISTING
FL	FLOWLINE
FS	FINISHED SURFACE
GB	GRADE BREAK
HP	HIGH POINT
LP	LOW POINT
PE	PAD ELEVATION
PROP	PROPOSED
TC	TOP OF CURB



VICINITY MAP
NTS

OWNER

API WEST BASIN, LLC
22632 GOLDEN SPRINGS DR
DIAMOND BAR, CA 91765
PHONE: (626) 671-4780

DEVELOPER/APPLICANT

API WEST BASIN, LLC
22632 GOLDEN SPRINGS DR
DIAMOND BAR, CA 91765
PHONE: (760) 810-8548
PROJECT CONSULTANT: MICHAEL RAMIREZ

ENGINEER OF WORK/PLAN PREPARER

LOVE ENGINEERING
ATTN: THOMAS LOVE
31915 RANCHO CALIFORNIA ROAD, SUITE 200-166
TEMECULA, CA 92591
PHONE: (951) 440-8149 FAX: (951) 303-6701

AREA

4.75 ACRES (GROSS)
3.80 ACRES (NET)

BENCHMARK DESCRIPTION:

CITY OF RIALTO 002-88
CITY OF RIALTO BRASS DISC FD IN PCC SIDEWALK 1 FOOT EAST OF FIRE HYD, 1 FOOT WEST OF PCC CURB 21 FOOT WEST OF CENTERLINE LILAC, 54 FEET SOUTH OF CENTERLINE MERRILL
ELEVATION = 1182.174
DATUM NGVD 29

ASSESSORS PARCEL NUMBERS

0131-131-13 & 0131-131-14

BASIS OF BEARINGS

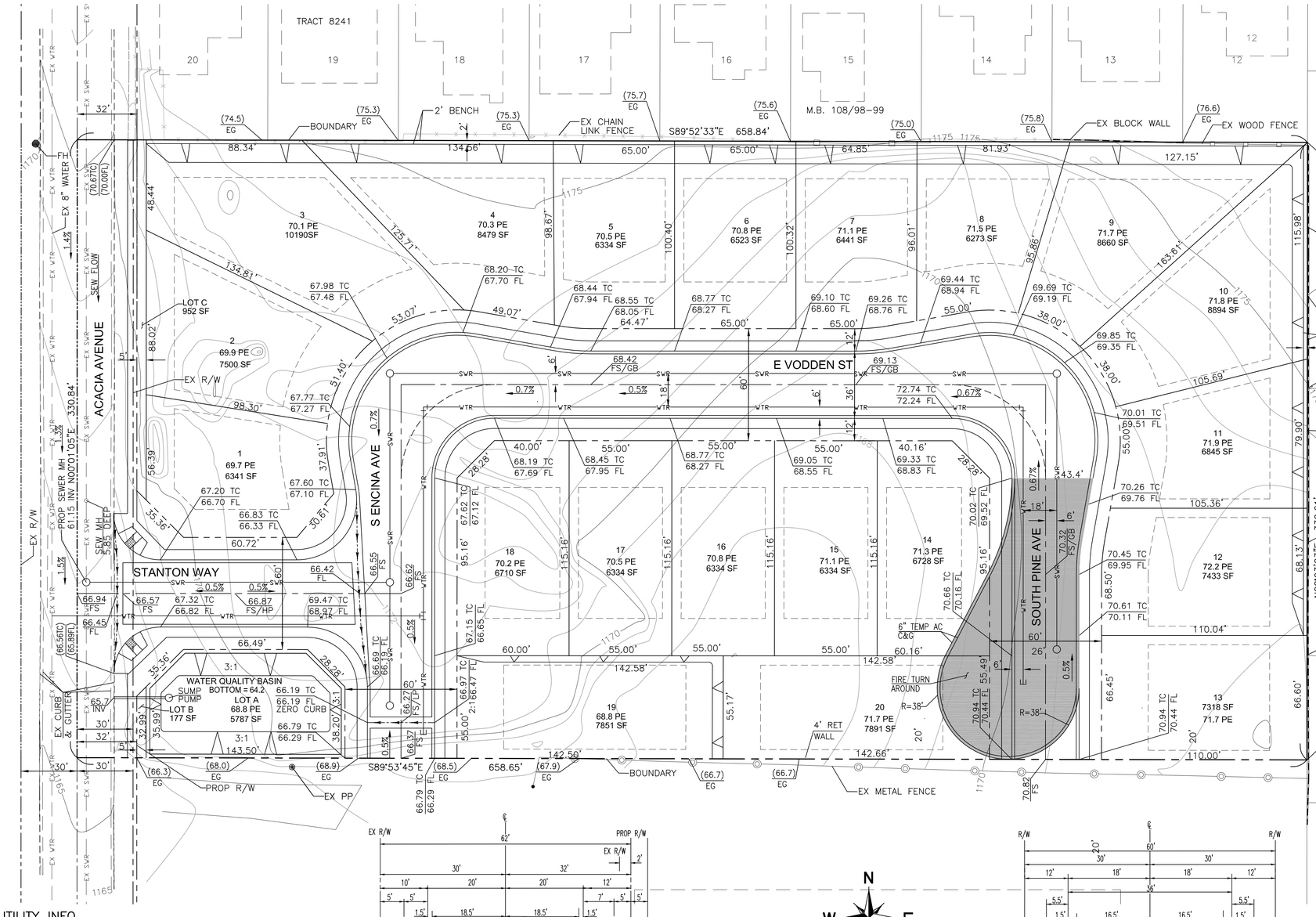
BASIS OF BEARINGS IS THE CENTERLINE OF ACACIA AVENUE BEING N00°00'42"E PER TRACT NO. 10625, MB 167/5-8

ZONING

R-1C

GENERAL PLAN DESIGNATION

R6 (RESIDENTIAL 6)



INFILTRATION TRENCH LONGITUDINAL SECTION
N.T.S.

INFILTRATION TRENCH LATERAL SECTION
N.T.S.

LOT DATA

LOT	WIDTH	DEPTH
A	58'	111'
1	65'	102'
2	60'	116.6'
3	63'	130.3'
4	72'	112.2'
5	65'	99.5'
6	65'	100.3'
7	65'	98.2'
8	61.6'	95.9'
9	70.7'	129.7'
10	61.3'	134.7'
11	67.5'	105.5'
12	68.3'	107.6'
13	66.2'	110'
14	60'	105'
15	55'	115.1'
16	55'	115.1'
17	55'	115.1'
18	60'	115.1'
19	55'	142.5'
20	55'	142.6'

TYPICAL SECTION
ACACIA AVE
N.T.S.

TYPICAL SECTION
E VODDEN ST/S PINE AVE/S ENCINA AVE
N.T.S.

LEGEND

BOUNDARY
CENTERLINE
RIGHT-OF-WAY
SEWER (EXIST) — EX SWR
SEWER (PROP) — SWR
STORM DRAIN (PROP) — SD
WATER (EXIST) — EX WTR
WATER (PROP) — WTR

UTILITY INFO

WATER:	VEOLIA WATER	(909) 820-0449
SEWER:	VEOLIA WATER	(909) 820-0449
ELECTRICAL:	SOUTHERN CALIFORNIA EDISON	(800) 684-8123
GAS:	SOUTHERN CALIFORNIA GAS CO	(800) 427-2000
TELEPHONE:	AT&T	(800) 288-2020
SOLID WASTE:	EDCO DISPOSAL	(909) 877-1596
RIALTO UNIFIED SCHOOL DISTRICT		(909) 820-7700

Underground Service Alert
DIAL BEFORE YOU DIG — TWO WORKING DAYS YOU DIG
TOLL FREE 1-800-227-2600
A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT

EXHIBIT AMENDMENTS

DATE	BY	DESCRIPTION

SEAL
REGISTERED PROFESSIONAL ENGINEER — THOMAS S. LOVE — No. C 50993 Exp. 9-30-19 — CIVIL — STATE OF CALIFORNIA

LOVE ENGINEERING
PLANNING ♦ ENGINEERING ♦ SURVEYING
31915 RANCHO CALIFORNIA ROAD/SUITE 200-166
TEMECULA, CA 92591
TEL (951) 440 - 8149 / FAX (951) 303 - 6701

PREPARED UNDER THE SUPERVISION OF: R.C.E. NO. 50993
EXP. DATE: 9-30-19
THOMAS S. LOVE — DATE

BENCHMARK:
SEE ABOVE

SCALE: 1"=20'
DATE: JANUARY 4, 2016

IN THE CITY OF RIALTO, CALIFORNIA
ASIAN PACIFIC RIALTO PROJECT
APNS 0131-131-13 & 14
TENTATIVE MAP 20087

SHEET NO. 1 OF 1 SHTS.

Client: ASIAN PACIFIC | ID: 17-001 | COUNTY FILE No.

SECTION 1
INTRODUCTION

Independently reviewed, analyzed and exercised judgment in making the determination, by the Planning Commission on November 29, 2017, pursuant to Section 21082 of the California Environmental Quality Act (CEQA).

CEQA requires the preparation of an Initial Study when a proposal must obtain discretionary approval from a governmental agency and is not exempt from CEQA. The purpose of the Initial Study is to determine whether or not a proposal, not except from CEQA, qualifies for a Negative Declaration (ND) or whether or not an Environmental Impact Report (EIR) must be prepared.

1. Project Title: Acacia 21 Residential Subdivision (TTM 2017-0001, VAR 2017-0002 & EAR 2017-0022)

2. Lead Agency Name: City of Rialto
Planning Division
150 South Palm Avenue
Rialto, CA 92376

3. Contact Person: Daniel Casey, Associate Planner
Phone Number: (909) 820-2535

4. Project Location: East side of Acacia Avenue between Randall Avenue and Merrill Avenue in the City of Rialto

5. Geographic Coordinates of Project Site: 34° 05’ 17.67” N; 117° 21’ 38.45” W

6: USGS Topographic Map: San Bernardino South 7.5-minute USGS Topographic Quadrangle

7: Public Land Survey System: Township 1 South, Range 5 West, Section 13

8. Thomas Guide Location: Page 605, Grid J3, 2005, San Bernardino & Riverside Counties

9. Assessor Parcel Number: 0131-131-13 & 14

10. General Plan and Zoning Designations: Residential 6

11. Description of Project:
Asian Pacific (Project Applicant) is proposing to subdivide a 4.75 acre-site into 20 single-family residential lots and three (3) common lots for landscaping and a storm-water detention basin. A Variance is requested to allow a reduction in both the required lot size

and lot width. The Project Site is currently vacant and is located on the east side of Acacia Avenue between Randall Avenue and Merrill Avenue in the City of Rialto.

The site has been disturbed due to past human activities and currently supports non-native grasses and shrubs. Plant diversity is low with various invasive species typically associated with disturbed habitats including mustards, yellow-green matchweed, and Russian thistle. Other species scattered throughout the site included brome grass and Indian rice grass.

The site is bordered by a chain link fence on the north and south sides and a block wall on the east side. A stockpile occurs near the western central portion of the site, and construction debris (concrete and brick) also occurs on-site. Existing residential uses are located on adjacent properties to the north, east, and west. A chicken farm occurs on the adjacent property to the south.

Currently the site drains to the middle point of the southern boundary where it flows through a natural drainage channel. In the developed condition the site would drain via curb and gutter to four sump catch basins. Flows would then be conveyed by an underground storm drain to the detention basin located along the southern boundary of the site. An outlet structure and storm drain pipe would direct flows south from the detention basin to the natural drainage area.

This Initial Study addresses the potential impacts of the proposed residential subdivision project ("Proposed Project"), including all of the associated discretionary actions and approvals required to implement the Proposed Project, as well as all subsequent construction and operation activities.

12. Surrounding Land Uses and Setting:

	ZONING	**EXISTING**
PROJECT SITE	Residential 6	Vacant
NORTH	Residential 6	Single-Family Residential
EAST	Residential Suburban (City of San Bernardino)	Single-Family Residential
SOUTH	Residential 2 – Animal Overlay	Vacant land; single-family; animal overlay (chicken coops)
WEST	Residential 2 – Animal Overlay	Single-Family Residential

13. Other agencies whose approval is required (e.g., permits, finance approval, or participation agreement):

- California Regional Water Quality Control Board, Santa Ana Region (RWQCB – Santa Ana Region, General Construction Permit, Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES)

1.1 EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact

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

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

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

1.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☐ Aesthetics	☐ Agriculture & Forestry Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources/Tribal Resources	☒ Geology /Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use/ Planning	☐ Mineral Resources	☒ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance

1.3 ENVIRONMENTAL DETERMINATION

On the basis of this Initial Study, the City of Rialto Environmental Review Committee finds:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Proposed Project would have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

☐ I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

_____ _____

Signature Date

_____ _____

Printed Name For

SECTION 2
PROJECT DESCRIPTION

2.1 PURPOSE OF THIS DOCUMENT

The purpose of this Initial Study is to identify potential environmental impacts associated with the approval of a Tentative Tract Map for development of 21 lots as a residential subdivision on the east side of Acacia Avenue between Merrill Avenue and Randall Avenue in the City of Rialto. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Rialto is the Lead Agency in the preparation of this Initial Study. The City has primary responsibility for approval or denial of this project. The intended use of this Initial Study is to provide adequate environmental analysis related to project construction and operation activities of the Proposed Project.

2.2 PROJECT LOCATION

The Project Site is located in the eastern portion of the City of Rialto on the east side of Acacia Avenue between Merrill Avenue and Randall Avenue. Figure 1, Regional Location Map, depicts the location of the Project Site in context to its regional setting. Figure 2, shows the Project Site Vicinity Map, which consists of an approximately 4.75-acre vacant site. The Project Site is located in the NW ¼, of Section 13, Township 1 South, Range 5 West on the San Bernardino South USGS 7.5-minute Quadrangle Map. The Project Site consists of two San Bernardino County Assessor Parcels: 0131-131-13 and 0131-131-14.

2.3 PROJECT DESCRIPTION

Asian Pacific, Inc. (Project Applicant) is proposing the subdivision and development of an approximately 4.75 gross acre site. Discretionary actions on the part of the City to approve the Project include approval of the Project's Precise Plan of Design to ensure compatibility with the City's General Plan and Development Code, and approving a Tentative Tract Map (TTM) to subdivide the 4.75-acre site into 21 parcels (Figure 3 Site Plan).

The site has been previously disturbed and currently supports non-native grasses and shrubs. Plant diversity is low with various invasive species typically associated with disturbed habitats including mustards, yellow-green matchweed, and Russian thistle. Other species scattered throughout the site included brome grass and Indian rice grass.

The site is bordered by a chain link fence on the north and south sides and a block wall on the east side. Single-family residential uses occur to the west, north, and east. A stockpile occurs near the west central portion of the site, and construction debris (concrete and brick) also occur on-site. A chicken farm occurs on the adjacent property to the south.

Currently, the site drains to the middle point of the southern boundary where it flows through a natural drainage channel. In the developed condition the site would drain via curb and gutter to four sump catch basins. Flows would then be conveyed by an underground storm drain to the proposed detention basin located along the southern boundary of the site. An outlet structure and storm drain pipe would direct flows south from the detention basin to the natural drainage area.

2.4 EXISTING CONDITIONS AND SURROUNDING LAND USES

The Project Site is located within the eastern portion of the City. The City of San Bernardino borders the eastern boundary of the Project Site. The Project Site occurs within the General Plan Land Use designation of Residential 6 (R6) which allows for a density of 2.1 to 6 dwelling units per acre and a population density of 8 to 23 persons per acre. Within this designation, development may consist of detached units in suburban-style subdivisions, with one unit per lot. Additional permitted uses, consistent with zoning regulations, may include group homes, public facilities, and utility support systems.

The site is bordered by a chain link fence on the north and south sides and a block wall on the east side. A stockpile occurs near the west central portion of the site, and minor scattered debris (construction brick) also occur on-site. Existing houses are located on adjacent properties to the north and east and a chicken farm occurs on the adjacent property to the south. Scattered single-family homes occur to the west.

2.5 INTENDED USE OF THIS DOCUMENT

This Initial Study addresses the potential impacts of the Proposed Project, as well as those of the associated discretionary actions and approvals required to implement the Proposed Project, and those of subsequent construction and operational activities.

Figure 1

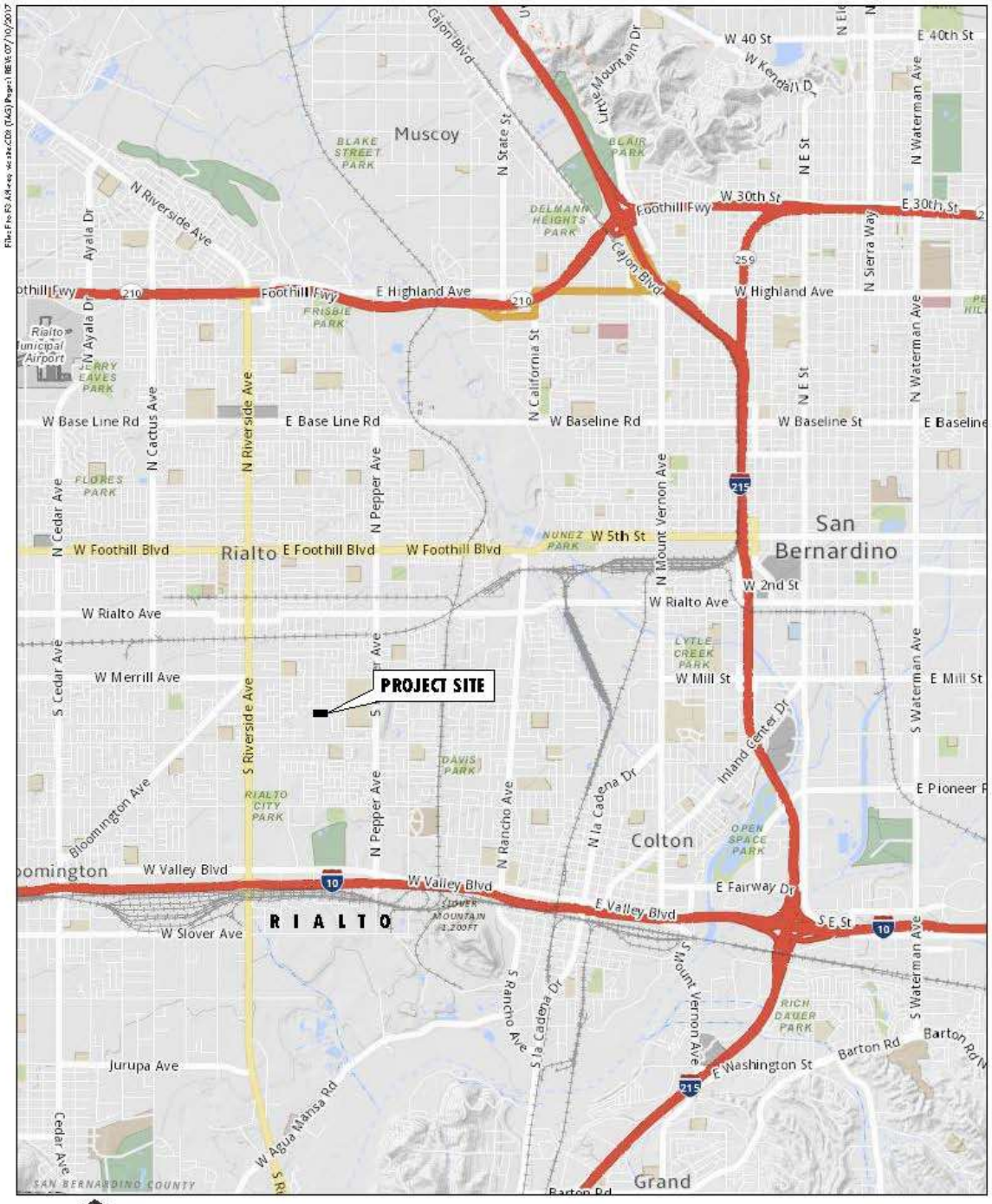
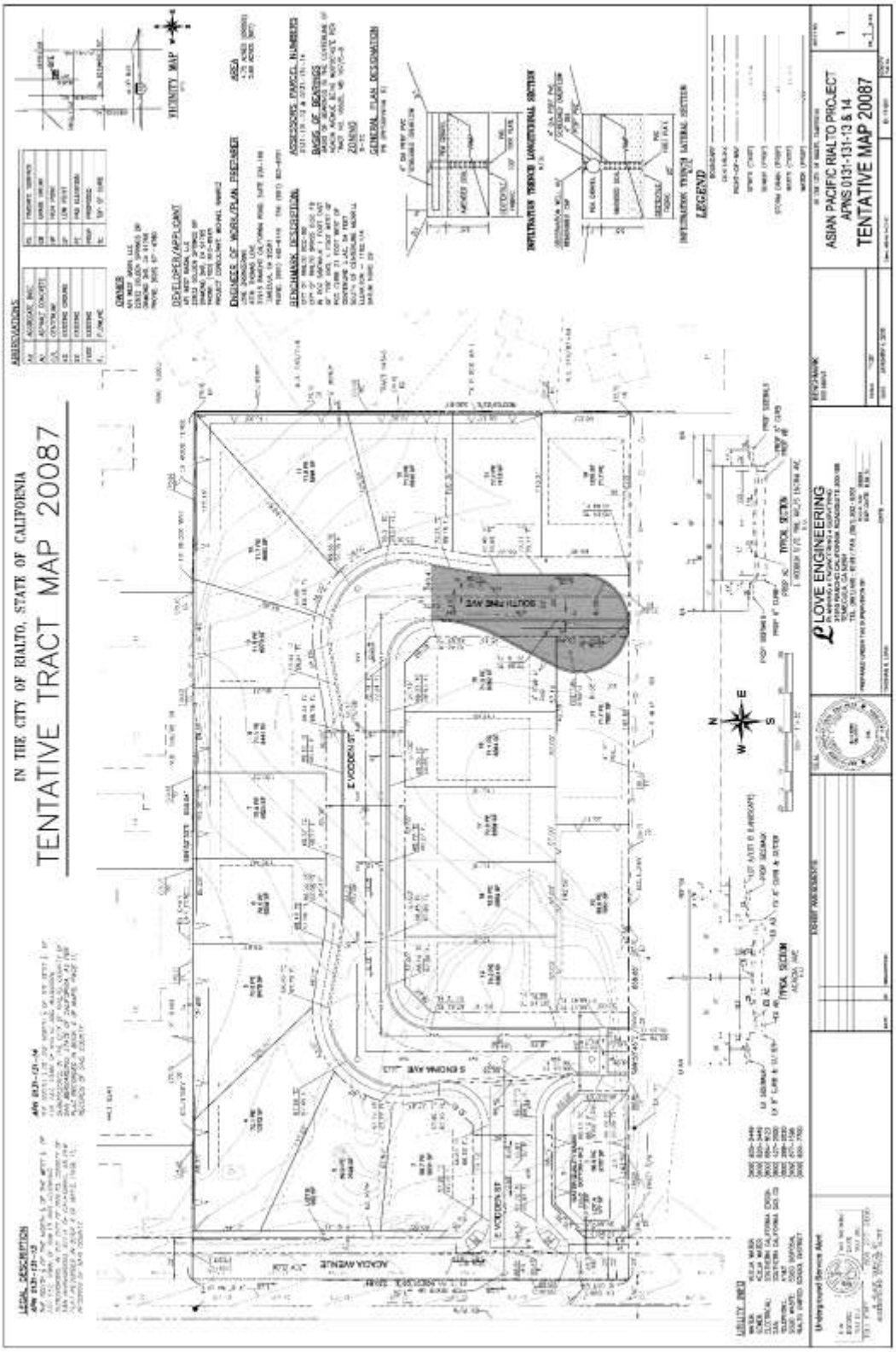

PROJECT SITE
Muscoy
Rialto
San Bernardino
Colton
RIALTO
Grand
W 40 St
E 40th St
W Kendall Dr
Little Mountain Dr
N Waterman Ave
N State St
BLAKE STREET PARK
BLAIR PARK
DELMANN HEIGHTS PARK
Foothill Fwy
W 30th St
E 30th St
N E St
N Sierra Way
Cajon Blvd
W Highland Ave
E Highland Ave
FRISBIE PARK
Rialto Municipal Airport
JERRY EAVES PARK
N Ayala Dr
N Riverside Ave
N California St
W Base Line Rd
E Base Line Rd
W Baseline Rd
W Baseline St
E Baseline
N Cactus Ave
FLORES PARK
N Cedar Ave
N Pepper Ave
W Foothill Blvd
E Foothill Blvd
NUNEZ PARK
W 5th St
N Mount Vernon Ave
W 2nd St
W Rialto Ave
S Cedar Ave
W Merrill Ave
S Riverside Ave
S Pepper Ave
LYTLE CREEK PARK
W Mill St
E Mill St
S Waterman Ave
Inland Center Dr
DAVIS PARK
RIALTO CITY PARK
Bloomington Ave
N Rancho Ave
N la Cadena Dr
OPEN SPACE PARK
E Pioneer P
W Valley Blvd
E Valley Blvd
E Fairway Dr
S E St
W Slover Ave
SLOVER MOUNTAIN 1,200 FT
S Rancho Ave
S la Cadena Dr
S Mount Vernon Ave
RICH DAUER PARK
E Washington St
Barton Rd
Jurupa Ave
W Agua Mansa Rd
Cedar Ave
SAN BERNARDINO COUNTY
Barton Rd
0
1 MILE
Source: Lilburn Corp., July, 2017.
LILBURN CORPORATION
REGIONAL LOCATION
Asian Pacific Rialto Project
City of Rialto, California
FIGURE 1

Figure 2


PROJECT SITE
RIALTO
E Bonnie View Dr
W Atchison St
E Wilson St
W Birch St
E South St
E Glen Oak St
Poplar St
E Ceres St
E Merrill Ave
W Mill St
E Huff St
E Carter St
E Orchard St
Park Vista Dr
Jefferson Ave
E Vodden St
W Cherry St
W Santolinas St
E Grant St
E Fromer St
Cardamon St
E Randall Ave
W Randall Ave
E Montrose St
W Greenbriar St
W Westwind St
W Quartermaster St
W Buttonwood St
W Admiralty St
W Padilla Dr
W Golden Spike Dr
W Date Tree Rd
W Sosa Ln
W Fig Tree Rd
W de Carmen Dr
W Orquesta Ct
Julian Ct
S Sycamore Ave
S Joyce Ave
S Acacia Ave
S Encina Ave
S Eucalyptus Ave
S Pepper Ave
S Date Ave
S Magnolia Ave
S Sage Ave
S Primrose Ave
S Pampas Ave
S Pine Ave
S Tamarisk Ave
S Rexford St
N Pepper Ave
N Sycamore Ave
N Coral Tree Rd
N Christobal Ln
N Lugo Ln
N Martinez Ln
N Iron Horse Dr
N Joshua Tree St
N Runaway Cir
Oakhurst Dr
N Altissimo Ln
0
700
FEET
Source: Lilburn Corp., July, 2017.
LILBURN
CORPORATION
PROJECT VICINITY
Asian Pacific Rialto Project
City of Rialto, California
FIGURE 2

Figure 3


IN THE CITY OF RIALTO, STATE OF CALIFORNIA
TENTATIVE TRACT MAP 20087
ASIAN PACIFIC RIALTO PROJECT
APNS 0131-131-13 & 14
TENTATIVE MAP 20087
LOVE ENGINEERING
ACACIA AVENUE
E VOGEDA ST
S SONOMA AVE
SOUTH PINE AVE

SECTION 3
ENVIRONMENTAL CHECKLIST FORM

I. AESTHETICS – Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

a) **Less than Significant.** The City of Rialto General Plan identifies the views of the San Gabriel and San Bernardino Mountains as backdrops for creating scenic vistas throughout the City. General Plan policy states that views of the mountains should be protected by ensuring that building heights are consistent with the scale of surrounding, existing development (Policy 2-14.1), and by ensuring that building materials do not produce glare, such as polished metals or reflective windows (Policy 2-14.3). The San Bernardino Mountains are located to the northeast of the Project Site and the San Gabriel Mountains are located to the northwest. The Proposed Project includes a Tentative Tract Map for the future development of 20 single-family homes. The proposed future development of homes single-story and two-story single-family homes would be comparable to the height of nearby single-family residences located north, east and west of the site. The Proposed Project is consistent with the General Plan and will have less than significant impacts on scenic vistas of the San Gabriel and San Bernardino Mountains. No mitigation measures are required.

b) **No Impact.** There are no significant scenic resources known to exist in the immediate vicinity of the Project Site. Acacia borders the Project Site on the west, and is not considered a scenic highway by either the City, the County of San Bernardino, or the State of California. The Project Site is not adjacent to or in the vicinity of a state scenic highway; therefore, there are no impacts related to state scenic highways.

As discussed in Section V of this Initial Study, the cultural resource records search performed for the Project identified no previously recorded sites within the current Project Site. However, there were a total of 22 cultural resource studies that have been conducted within a one-mile radius of the Project Site. A total of 11 cultural resources have been recorded within a one-mile radius of the Project Site. Of the resources within the one-mile

radius of the Project Site, a total of eight were historic. The nearest resource is approximately 0.5-miles away and consists of a historic-period, utilitarian-style building. Given the distance of this resource, 0.5 miles from the Project Site, the proposed development would not impact a historic building or other scenic resources located on or adjacent to a state scenic highway and no mitigation measures are required.

c) **No Impact.** The Project Site is currently vacant. The Proposed Project will subdivide the property into 21 lots for the future construction of 20 single-family homes, which would be consistent with the City's General Plan and existing surrounding land uses (i.e., single-family residential to the north, east and west). The Purposed Project would not degrade visual character or quality of the Site or its surroundings. No significant impacts are anticipated and no mitigation measures are required.

d) **Less than Significant.** Although the Project Site is vacant, the future development of 20 single-family homes would not generate a significant amount of light and glare when compared to the surrounding area which includes existing lighting from urban development including streetlights, residential, animal overlay uses (i.e, chicken coops), and vehicles. The design and placement of light fixtures within the future new development would be reviewed for consistency with City standards and subject to City-approval. Standards require shielding, diffusing, or indirect lighting to avoid glare. Lighting would be selected and located to confine the area of illumination to on-site streets. Since lighting would be consistent with adjacent residential development to the north, east and west, a less than significant impact would result and no mitigation measures are required.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	☐	☐	☐	☒
d) Result in loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a) **No Impact**. The Department of Conservation Division of Land Resources Protection Farmland Mapping and Monitoring Program, identifies the Project Site as "Urban and Built-Up Land" in its San Bernardino County Important Farmland 2014 Sheet 2 of 2 maps. As stated on the map legend, urban and built-up land is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a ten-acre parcel. Examples include residential, industrial, commercial, institutional, airports, golf courses and water control structures. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or in its immediate vicinity. Development of the Project Site would not convert farmland to a non-agricultural use and therefore no impact is identified and no mitigation measures are required.

b) **No Impact.** The Project Site is not under a Williamson Act Contract as identified in the latest map prepared by the California Department of Conservation, Division of Land Resource Protection. With the exception of the animal overlay to the north and west, the City of Rialto General Plan does not designate any of the land within the Project Site or in its immediate vicinity for agricultural use. No impacts would occur and no mitigation measures are required.

c) **No Impact.** The Project Site does not support existing agricultural uses and no agricultural uses, with the exception of the animal overlay to the north and west, occur in the vicinity of the Project Site. The Proposed Project would not result in changes that could result in the conversion of farmland to non-farmland use. No impacts would occur and no mitigation measures are required.

d) **No impact.** The Project Site does not support forest land. Implementation of the Proposed Project would not convert forest land to non-forest use. No impacts would occur and no mitigation measures are required.

e) **No impact.** The Project Site does not support agricultural or forest land uses that would be lost as a result of the Proposed Project implementation. No impacts would occur and no mitigation measures are required.

III. AIR QUALITY

	Potentially Significant Impact	Less than Significant with Mitigation.	Less than Significant	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

a) **Less than Significant.** An Air Quality and Global Climate Change Impact Analysis was completed on the Project Site by Kunzman Associates, Inc. on April 30, 2017 and is summarized herein. The Project Site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP was adopted by the SCAQMD on March 23, 2017. The 2016 AQMP incorporates the latest

scientific and technological information and planning assumptions, including the current Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories.

The Project Site is currently designated as Residential 6 in the General Plan. Residential 6 is a residential land use classification and the Proposed Project will provide for residential uses. The Proposed Project is consistent with the current land use designation and would not require a General Plan Amendment. Therefore, the Proposed Project would not result in an inconsistency with the current land use designation. The Proposed Project is not anticipated to exceed the AQMP assumptions for the Project Site and is found to be consistent with the AQMP. Less than significant impact is anticipated and no mitigation measures are required.

b) **Less than Significant.** The Proposed Project Site development and construction of residential homes was screened using the CalEEMod version 2016.3.1 prepared by the SCAQMD. This model is used to generate emissions estimates for land use development projects. The criteria pollutants screened for included: reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), and particulates (PM_{10} and $PM_{2.5}$). Two of these, ROG and NO_x, are ozone precursors. Winter season levels, which are normally higher due to atmospheric conditions (marine layer) were estimated. The general construction phases for most projects include site grading and development.

Construction Emissions

Construction grading and building emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site grading (mass and fine grading) and building construction. Once construction is complete and the dwelling units are in use, emissions would be predominately generated by space heating and cooling and vehicular traffic. The resulting emissions generated by construction of the Proposed Project are shown in Table 1.

Table 1
Building Emissions Summary
(Pounds Per Day)

Source/Phase	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Grading	2.9	30.7	17.4	0.0	4.3	2.8
Building Construction	3.0	25	19.8	0.0	2.0	1.6
Paving	1.8	12.8	13.3	0.0	0.9	0.7
Architectural Coating	11.3	1.9	2.2	0.0	0.2	0.2
Total (lbs/day)	**19**	**70.4**	**52.7**	**0.0**	**7.4**	**5.3**
SCAQMD Threshold	75	100	550	150	150	55
Significant	**No**	**No**	**No**	**No**	**No**	**No**

Source: CalEEMod 2016, On-Site and Off-Site Emissions

As shown in Table 1, construction emissions would not exceed SCAQMD thresholds. Impacts would be less than significant and no mitigation measures are required.

Compliance with SCAQMD Rules 402, and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Applicant would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM_{10}).

Compliance with SCAQMD Rule 402, and 403

The Project would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but not be limited to the following:

1. The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

    (a) The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly (2x daily) to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.

    (b) The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.

    (c) The Project Proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.

    (d) The Project Proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_X and PM_{10} levels in the area. Although the Proposed Project does not exceed SCAQMD thresholds during construction, the Applicant/Contractor would be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

3. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.

4. The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.

5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.

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

7. The operator shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Operational Emissions

The operational mobile source emissions were calculated using the trip generation data used in the Traffic Exemption Letter prepared by Kunzman Associates in April 2017. The Exemption Letter determined that the Project would generate approximately 190 daily trips or a daily trip rate of 9.52 trips per dwelling unit. Emissions associated with the Project's estimated vehicle trips were modeled and are listed in Table 2. As shown, operational emissions are below SCAQMD thresholds and impacts are anticipated to be less than significant and no mitigation measures are required.

Table 2
Operational Emissions Summary
(Pounds Per Day)

Source	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Area	0.9	0.3	1.8	0.0	0.0
Energy	0.0	0.2	0.0	0.0	0.0
Mobile	0.5	3.2	6.2	1.4	0.4
Totals	**1.4**	**3.7**	**8.1**	**1.5**	**0.4**
SCAQMD Threshold	55	55	550	150	55
Significance	**No**	**No**	**No**	**No**	**No**

Source: CalEEMod 2016

c) **Less than Significant.** The Proposed Project would not exceed any of the SCAQMD thresholds of significance (See Tables 1 and 2), violate any air quality standard, or contribute substantially to an existing or projected air quality violation during construction and operation of the Proposed Project. Therefore, there would be no significant

cumulatively considerable net increase of any criteria pollutant and no mitigation measures are required.

d) **Less than Significant.** Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. Nearby existing sensitive receptors in the Proposed Project vicinity include residential structures approximately 26 feet from the Project Site. Localized significance thresholds (LST) are assessed with the SCAQMD screening thresholds. LSTs represent the maximum emissions from a Project Site that is not anticipated to result in an exceedance of the national or state standards. LSTs are based on the ambient concentrations of that pollutant within the Proposed SRA and the distance to the nearest sensitive receptor. The thresholds for a 2-acre site with sensitive receptors located within 25 meters of the property line were used.

The Project Site is located within the Central San Bernardino Valley-Source Receptor Area (SRA No. 34). In the case of CO and NO_2, if ambient levels are below the standards, a project is considered to have a significant impact if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a State or federal standard, then project emissions are considered significant if they increase ambient concentrations by a measureable amount. This would apply to PM_{10} and $PM_{2.5}$, both of which are nonattainment pollutants. For these two pollutants, the significance criteria are the pollutant concentration thresholds present in SCAQMD Rules 403 and 1301. The Rule 403 threshold of 10.4 micrograms per cubic meter applies to construction emissions.

Table 3 show the calculated emissions for the proposed construction and operational activities compared with appropriate LSTs. Per operational activities, The LST analysis only includes on-site sources; however, the CalEEMod software outputs do not separate on-site and off-site emissions for mobile sources. The data provided in Table 3 shows that none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors. Therefore, a less than significant local air quality impact would occur from construction of the proposed project. No mitigation is required.

Table 3
Local Construction Emission at Nearest Sensitive Receptors[1]
On-Site Pollutant Emissions (Lbs/per day)

LST Pollutants	NO_x	CO	PM_{10}	$PM_{2.5}$
Grading	30.7	16.6	4.1	2.7
Building Construction	23.4	17.6	1.5	1.4
Paving	12.7	12.3	0.7	0.7
Architectural Coating	1.8	1.8	0.1	0.1
SCAQMD Threshold	170	972	7	4
Significance	**No**	**No**	**No**	**No**

Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for two acres in SRA 34 Central San Bernardino Valley.
[1]The nearest existing sensitive receptors are located adjacent to the north, east, and south of the project site; however, according to LST methodology any receptor located closer than 25 meters should be based on the 25 meter threshold.

e) **Less than Significant.** The Proposed Project does not contain land uses typically associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities; and the temporary storage of domestic solid waste (refuse) associated with the Projects' (long-term operational) uses. Standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City of Rialto's solid waste regulations. The Project would be also required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Proposed Project construction and operations would be less than significant and no mitigation is required.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc…) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

a) **Less than Significant with Mitigation.** A general biological assessment of the Project Site was completed by RCA Associates, Inc. (RCA Associates, Inc., April 25, 2017). As part of the biological assessment RCA Associates, Inc. conducted a background data search for information on plant and wildlife species known occurrences within the vicinity of the project. The data review included biological text on general and specific biological resources, and resources considered to be sensitive by various wildlife agencies, local government agencies and interest groups. A biological survey of the Project Site was conducted on April 24, 2017. The field survey included an evaluation of the surrounding habitats and focused habitat assessment for species identified in the background data search.

The Project Site has been heavily disturbed by human activity and supports a low diversity of plants and wildlife. Disturbed grass and shrub communities such as Sahara mustard (*Brassica tournefortii*), yellow-green matchweed (*Gutierrezia sarothrae*), and Russian thistle (*salsola tragus*) make up a majority of the species found on Site. A search of the California Natural Diversity Data Base (CNDDB) was completed by RCA Associates Inc. and found two (2) special plants the smooth arplant (*Centromadia pungens* ssp. *Laevis*) and Santa Ana River woollystar (*Eriastrum densifolium* ssp. *sanctorum*) have occurred in the Project vicinity; however none of the sensitive plant species are expected to occur on the Project Site.

RCA Associates Inc. found eighteen (18) special status wildlife species have been documented in the region. The property has habitat that could potentially support four (4) on the Site as resident species or infrequent visitors. These species include, coast horn lizard (*Phrynosoma blainvillii*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*) and Stephens's Kangaroo Rat (*Dipodomys stephensi*). No suitable habitat occurs on Site for Stephens's Kangaroo Rat (SKR) or burrowing owl. Swainson's hawk has very low population in the area of the Project Site and the coast horned lizard, has a sustainable food source of ants, located on-site. Both species were not observed during the site survey and determined to have low probabilities of occurring on the Project Site. However, according to Exhibit 4.4.2 of the Rialto General Plan Environmental Impact Report, the project site also lies within potential Delhi Sands Flower-Loving Fly habitat (DSF). The DSF is designated as an endangered species by the U.S. Fish and Wildlife Service. Therefore, the site may have the potential to provide habitat to the DSF. In an effort to avoid any unlawful take of DSF habitat the following mitigation measure shall be implemented to ensure no impact to any DSF:

BIO-1: The applicant shall coordinate with the U.S. Fish and Wildlife Service and demonstrate/document clearance to construct on the site prior to the commencement of any ground disturbance activities.

With the implementation of BIO-1, no substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service are expected to occur and a less than significant impact is anticipated.

b) **No impact.** According to RCA Associates Inc. the Project Site does not support riparian habitat or a sensitive natural community. The Project Site is not identified in local plans, policies, and regulations of the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. Development of the Project Site as proposed would not result in impacts to riparian vegetation or to a sensitive natural community because these resources do not occur on the Project Site. No impact is identified and no mitigation measures are required.

c) **No Impact.** No wetlands occur in the Project Site. No impact is anticipated and no mitigation measures are required.

d) **No Impact.** The Project Site is in an area fragmented by existing development including paved roads and residential development. No wildlife corridors are present on-site and the Proposed Project is not expected to impede regional wildlife movement or impact wildlife corridors. Development of the Proposed Project would not result in additional significant fragmentation to habitat. No impact is anticipated and no mitigation measures are required.

e) **No Impact.** As identified in the City of Rialto General Plan, the City is mostly developed and the majority of local biological resources are associated with Lytle Creek Wash, located northeast of the Project Site. Additionally, some pockets of open space exists east of the former Rialto Municipal Airport. The General Plan does not identify any policy for the protection of trees. Removal of ruderal vegetation on-site would not conflict with any local policies or ordinances protecting biological resources, and no impacts are anticipated. No mitigation measures are required.

f) **No Impact.** The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan as identified in the CDFW California Regional Conservation Plans Map (August 2015) or in the City of Rialto General Plan. Therefore, no impact is identified and no mitigation measures are required.

V. CULTURAL RECOURES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact

Would the project

a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
e)	Cause a substantial change in the significance of a Tribal Cultural Resource as defined in §21074?	☐	☐	☒	☐

a,b) **Less than Significant with Mitigation.** In June 2017, Rincon Consultants performed a Phase I Cultural Resources Study for the Project Site. Research for the study included a cultural resources records search, Sacred Lands File Search and Native American Contacts program, a pedestrian survey of the Project Site, and preparation of a report in accordance with the Archaeological Resources Management Report (ARMR) guidelines and in compliance with the requirements of CEQA. The cultural resource records search identified no previously recorded sites within the current Project Site. However, there were a total of 22 cultural resource studies that have been conducted within a one-mile radius of the Project Site. None of the studies included the Project Site. A total of 11 cultural resources have been recorded within a one-mile radius of the Project Site, none of which are located within the Project Site. Of the resources within the one-mile radius of the Project Site, three are prehistoric and the remaining eight are historic. The nearest resource is approximately 0.5-miles away and consists of a historic-period, utilitarian-style building.

Based on the recent historical research, field investigations, and documentation, the cultural resources investigation concluded that the Project Site is not culturally significant and the proposed development would not result in any adverse environmental impacts. However, in the event of an unanticipated find, the following mitigation shall be implemented to avoid potential impacts to archeological resources:

CR-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted.

c) **Less Than Significant Impact with Mitigation**. The City of Rialto, due to the proximity of the San Gabriel Mountains and Lytle Creek drainage, is within an area dominated by alluvium. Surficial deposits of younger alluvium is not considered to be fossil bearing. The older alluvium, in contrast, is fossil bearing and, therefore, excavations that exceed the relative depths of the younger alluvium may yield evidence of these non-renewable natural resources. In addition, erosion of the mountains and the excessive debris flows from the creek may carry fossil remains into the general area and, therefore, there is a slight possibility for fossils to be present. The nearest fossils have been identified in the Jurupa Valley area, near Norco and Mira Loma, suggesting the potential in Rialto is very low.

Excavations that exceed the relative depth of the younger alluvium and impact the older Quaternary alluvium may yield evidence of fossil specimens. To ensure unanticipated finds are not impacted, the following mitigation measure shall be implemented:

CR-2: In the event fossil specimens are unearthed, the project proponent shall have a paleontological consultant assess the specimens report to the City of Rialto. If the consultant and City concur, a paleontological monitoring program shall be implemented for the remainder of earth moving activities.

d) **Less than Significant.** Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during grading and excavation activities associated with project construction. In the event that human remains are discovered during grading or other ground disturbing activities, the Project Proponent would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097, et. seq., which requires that if the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission whom will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated and ensure that potential impacts are less than significant. No mitigation measures are required

e) **Less than Significant.** In accordance with AB 52, a records search at California State University Fullerton was initiated to obtain potential tribal cultural resources that may occur at the Project Site. Results of the records search indicated that a total of 22 cultural resources studies have been conducted within a one-mile radius of the Project Site. None of these studies included the Project Site. A total of 11 cultural resources have been recorded within a one-mile radius of the Project Site, none of which are located within the Project Site. Of the resources within the one-mile radius, three are prehistoric and the remaining eight are historic. The nearest resource is approximately 0.5-miles away and consists of a historic-period, utilitarian-style building.

The City of Rialto received notices from six (6) tribes requesting notification for all non-exempt projects. The City submitted the results of the Cultural Records Search on July 13,

2017 to tribes that have requested project consultation for AB 52 compliance. Results of the records search and any correspondence received from the tribes will be presented to the Planning Commission at the time of the public hearing. In the event, tribes request additional project information, coordination, or consultation with the Lead Agency, and/or Native American monitoring, appropriate Conditions of Approval shall be made a part of the Project. Implementation of a requesting tribe's conditions and/or consultation with the City would ensure potential impacts to tribal resources are less than significant; no additional mitigation is warranted.

VI. GEOLOGY AND SOILS

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	☐	☒	☐	☐

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

a) **Less than Significant**

i) The Project Site is not located within an Alquist-Priolo Earthquake Fault Zone as identified in Exhibit 5.1 of the City of Rialto General Plan. The Project Site is within close proximity to the Rialto-Colton Fault line which is also defined as a hydrologic boundary. According to USGS, the precise location and extent of the fault is unknown but is related to groundwater levels in the area. According to a Preliminary Soil Investigation Report, prepared by Soil Exploration Company, Inc. on September 21, 2016, the Site is located 1.2 miles from the San Jacinto-San Bernardino fault line which is a right-lateral strike-slip, minor right-reverse fault that runs through San Bernardino, Riverside, San Diego and Imperial Counties in Southern California. The San Jacinto Fault is 130 miles long and has been significantly more active than the San Andreas Fault in the Rialto area. The most recent, damaging earthquake on this fault near Rialto occurred in 1923. The 6.3 Mw earthquake was centered approximately nine miles southeast of the site. No evidence of fault rupture from this quake has been documented in the vicinity of the site. The last major earthquake on the San Jacinto was on April 9, 1968 when a 6.5 M_w occurred on the Coyote Creek segment. A possible earthquake occurring on the San Jacinto Fault could be 7.5 M_w. A less than significant impact is anticipated and no mitigation measures are required.

ii) The Project Site is located in a seismically active region with the San Jacinto Fault located approximately 1.8 miles north of the Project Site, Fontana seismic trend located approximately 6.3 miles west, and the Rialto-Colton Fault ¼ of a mile to the south. The San Jacinto Fault is considered to be the most important fault to the hazard of seismic shaking and ground rupture. The Project Site is located in an area of high seismicity and during the Projects design life, the Site can expect moderate to strong ground seismic shaking. Construction of the Purposed two-story residential development in accordance with applicable requirements listed within the Uniform Building Code would ensure that potential impacts are reduced to the maximum extent possible. Therefore, impacts are anticipated to be less than significant and no mitigation measures are required.

iii) Liquefaction is a phenomenon in which cohesion-less, saturated, fine-grained sand and silt soils loose shear strength due to ground shaking. Six (6) exploratory trenches were excavated on September 16, 2016. Trenches were excavated to a maximum depth of 15 feet and locations of each trench were chosen at random in areas that were readily accessible on-site. Excavation of the trenches determined that surface soils primarily consisted of silty sand, silty sand with gravel deposits, and sand with silt. Fill material

was found in trenches T-1, T-2, and T-6 to depths 0.5 to 2± feet. Identified in the Geologic Map of the San Bernardino South Quadrangle, the Project Site is underlain with dune deposits. Ground water was not encountered during excavation and according to Soil Exploration Company, Inc. groundwater is found between 200 and 300 feet on-site. Analysis from the Site found that there is a two (2) percent probability in 50 years that peak ground acceleration at the Site would exceed 0.795g. Seismic settlement of sandy soils during moderate seismic events could not be precluded. The Project Site is not identified in a liquefaction zone according to Exhibit 5.1 of the City of Rialto General Plan and in Soil Exploration Company, Inc. report. To reduce the impact of seismic settling to less than significant, the following mitigation measure shall be implemented:

GEO-1: All recommendations contained within the Preliminary Soil Investigation Report prepared by Soil Exploration Company, Inc., as approved by the City as part of the plan review process shall be implemented prior to issuance of a grading permit.

iv) The Project Site is not located within a designated area as having landslide susceptibility as shown in the City of Rialto General Plan Exhibit 5.1- Seismic and Geologic Hazards. The Project Site and immediate vicinity are generally flat with no prominent geologic features. No impact is identified and no mitigation measures are recommended.

b) **Less than Significant.** During the development of the Project Site, which would include disturbance of approximately 4.76 acres, project-related dust may be generated due to the operation of machinery on-site or due to high winds. Additionally, erosion of soils could occur due to a storm event. Development of the Proposed Project would disturb more than one acre of soil; therefore, the Proposed Project is subject to the requirements of the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Therefore, a less than significant impact is anticipated.

c) **Less than significant with Mitigation.** The Preliminary Soil Investigation (Soil Exploration Company, Inc., April 2016) of the Project Site included recommendations to adhere to during project design and construction to lessen anticipated impact. Earthwork preparation of the Project Site consistent with the recommendations of the report would ensure that impacts related to unstable soil conditions are less than significant. Implementation of mitigation measure GEO-1 will insure potential impacts associated with geology and soils will be reduced to a less than significant level. No additional mitigation measures are recommended.

d) **Less than Significant with Mitigation.** As reported in the Preliminary Soil Investigation Report, existing sandy soils have a very low expansion potential (EI<20). The geologic situation at the Site is satisfactory for the purposed use, provided that recommendations in

the Preliminary Soil Investigation Report are properly carried out and complied with. Implementation of mitigation measure GEO-1 will insure potential impacts associated with geology and soils will be reduced to a less than significant level. No additional mitigation measures are recommended.

e) **No Impact.** The Project Site is served by existing sewer services by Veolia Water. No sewer, septic tank or alternative waste water disposal system will be required for the Proposed Project, therefore no impact is identified and no mitigation measures are required.

VII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.	☐	☐	☒	☐

Substation: The following section is based on an Air Quality and Global Climate Change Impact Analysis prepared by Kunzman Associates on April 30, 2017.

a) **Less than Significant.** An Air Quality and Global Climate Change Impact Analysis was completed on the Project Site by Kunzman Associates, Inc. on April 30, 2107 in which emissions were estimated using the California Emissions Estimator Model Version 2016.3.1 (CalEEMod), which was released November 2016. The analysis prepared for the Proposed Project assumed the construction of 20 single family dwelling units. Construction was anticipated to be completed within 14 months. Other parameters which are used to estimate construction emissions such as the worker and vendor trips and trip lengths utilized the CalEEMod defaults.

Many gases make up the group of pollutants that are believed to contribute to global climate change. However three gases are currently evaluated and represent the highest concertation of GHG: Carbon dioxide (CO_2), Methane (CH_4), and Nitrous oxide (N_2O). SCAQMD provides guidance methods and/or Emission Factors that are used for evaluating a project's emissions in relation to the thresholds. A threshold of 3,000 $MTCO_2E$ per year has been adopted by SCAQMD for non-industrial type projects as potentially significant or global warming (Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD, October 2008). The modeled emissions anticipated from the Proposed Project compared to the SCAQMD threshold is shown in Table 4.

As shown in Table 4, Proposed Project's emissions would not exceed the SCAQMD's 3,000 $MTCO_2e$ threshold of significance and therefore would have less than significant impact for greenhouse gas emissions and no mitigation measures are required.

Table 4
Project Related Greenhouse Gas Emissions
Metric Tons per Year

Source[1]	**Bio-CO_2**	**NonBio-CO_2**	**CO_2**	**CH_4**	**N_20**
Area Source	0.0	4.7	4.7	0.0	0.0
Energy Usage	0.0	99.3	99.3	0.0	0.0
Mobile Source	0.0	317.8	317.8	0.0	0.0
Waste	4.7	0.0	4.7	0.3	0.0
Water	0.4	8.3	8.7	0.0	0.0
Construction[2]	0.0	11.0	11.0	0.0	0.0
Total MTCO2e	**455.6**				
SCAQMD Threshold	3,000				
Significant	**NO**				

[1]CalEEMod 2016, Opening Year 2019
[2] Construction GHG emissions CO2e based on a 30 year amortization rate.

b) **Less than Significant.** The proposed project would have the potential to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The applicable plan for the proposed project is the San Bernardino Associated Governments (SANBAG) San Bernardino County Regional GHG Reduction Plan. The City of Rialto forms the Rialto Chapter of the San Bernardino County Regional GHG Reduction Plan, released March 5, 2014. The Plan has been prepared to assist the City in conforming to the GHG emissions reductions as mandated under AB 32.

As stated previously, the SCAQMD's thresholds used Executive Order S-3-05 goal as the basis for deriving the screening level. The California Governor issued Executive Order S-3-05, GHG Emission, in June 2005, which established the following reduction targets:

- 2010: Reduce greenhouse gas emissions to 2000 levels
- 2020: Reduce greenhouse gas emissions to 1990 levels
- 2050: Reduce greenhouse gas emissions to 80 percent below 1990 levels.

In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires CARB, to adopt rules and regulations that would achieve GHG emissions equivalent to statewide levels in 1990 to 2020 through an enforceable statewide emissions cap which was phased in starting in 2012.

As the project's emissions fall below the SCAQMD and GHG Reduction Plan screening threshold of 3,000 metric tons per year of CO2e for all land uses, the project will comply with applicable Green Building Standards and City of Rialto's policies regarding sustainability (as dictated by the City's General Plan).

SB-32

SB-32 requires the state board to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030. SCAQMD's thresholds used Executive Order S-3-05 goal as the basis for deriving the screening level. The California Governor issued Executive Order S-3-05, GHG Emission, in June 2005, which established the following reduction targets:

- 2010: Reduce greenhouse gas emissions to 2000 levels
- 2020: Reduce greenhouse gas emissions to 1990 levels
- 2050: Reduce greenhouse gas emissions to 80 percent below 1990 levels.

As the SCAQMD uses EO S-3-05 as the basis for their GHG emissions screening level, and EO S-3-05 includes the long-term goal to reduce greenhouse gas emissions to 80 percent below 1990 levels by 2050, the project would also be consistent with the goal of SB 32 (to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030). Therefore, projects that meet the current interim emissions targets/thresholds established by SCAQMD (as 63 described in Section V, Air Quality Standards) would also be on track to meet the reduction targets for 2030. Furthermore, all of the post 2020 reductions in GHG emissions are addressed via regulatory requirements at the State level and the project will be required to comply with these regulations as they come into effect.

Therefore, as the project's emissions do not exceed the SCAQMD and SANBAG San Bernardino County GHG Reduction Plan screening threshold of 3,000 metric tons per year of CO2e for all land uses and meet the threshold for compliance with Executive Order S-3-05, the project's emissions also comply with the goals of AB 32 and SB 32. Furthermore, the project will comply with applicable Green Building Standards and City of Rialto's policies regarding climate change (as dictated by the City of Rialto General Plan), further analysis is not warranted. Impacts are determine to be less than significant and no mitigation is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

a) **No Impact.** Post construction activities of the proposed residential development would not require the routine transport or use of hazardous materials. No impacts are anticipated and no mitigation measures are required.

b) **Less than Significant.** Hazardous or toxic materials transported in association with construction of the Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials is considered less than significant and no mitigation measures are required.

c) **Less than Significant**. Although the residential development occurs within ¼-mile of a school, no hazardous materials would be emitted as a result of the construction of the

residential units. The storage and use of hazardous materials is not associated with single-family homes; therefore no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within ¼-mile of a school are anticipated. No mitigation measures are required

d) **Less than Significant.** The Project Site is not a known hazardous material site as identified in Exhibit 5.4 of the City of Rialto General Plan. The Project Site is not included on a list of hazardous material sites as compiled pursuant to Government Code Section 65962.5 as reported in the Department of Toxic Substances Control EnviroStor database (July 7, 2017). In the event that hazardous materials are identified on the Project Site during construction, standard reporting and remediation regulations would apply. Therefore, the Proposed Project's impacts would be less than significant.

The review of historical information indicates that the site was a former orchard. Use of the site as an orchard existed in the 1930's as shown on the 1938 aerial photograph for the area. Operation of the orchard ceased sometime between 1953 and 1968, as shown on the 1968 aerial photograph. In August 2006, Calvada Environmental Services, Inc. (CES) prepared a Phase I Environmental Site Assessment for the site. A discussion of report findings is presented below.

No use of hazardous materials was observed on-site at the time of the assessment. Similarly, no evidence of any former or existing aboveground storage tanks (ASTs) or underground storage tanks (USTs) was identified on-site. No significant hazard to the public or the environment is anticipated and no mitigation measures are required.

e) **No Impact.** The Project Site is located approximately 0.4-mile west of the former Rialto Municipal Airport runway. The airport was officially closed in September 2014. At the time of this writing some of the airport infrastructure, including portions of the runway remain on the ground; however, airport operations are no longer supported. Therefore, implementation of the Proposed Project would not result in a safety hazard related to airport land uses for people residing or working in the area; no impacts would occur and no mitigation measures are required.

f) **No Impact.** There are no private airfields or airstrips in the vicinity of the Project Site; no impacts would occur and no mitigation measures are required.

g) **No Impact.** The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the City. Post construction activities at the site would not interfere with an adopted emergency response or evacuation plan. Access provided via Acacia Avenue would be maintained for ingress/egress at all times. No impacts would occur and no mitigation measures are required.

h) **No Impact.** As shown in Exhibit 5.3 of the City of Rialto General Plan, the Project Site is not identified in an area of wildland fire risks. The Project Site is located in a largely

developed area and no wildlands are located on or adjacent to the Project Site. The Proposed Project would not expose people or structures to significant risk or loss, injury, or death involving wildland fires. No impact would occur and no mitigation measures are required.

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

a) **Less than significant.** The Proposed Project would disturb approximately 4.76 acres and is therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES.

Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activities that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of the SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct, and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

The NPDES also requires a Water Quality Management Plan (WQMP). A WQMP for the Proposed Project will be required by the City of Rialto and the NPDES Area Wide Stormwater Program requiring the preparation of a WQMP.

Mandatory compliance with the Proposed Project's WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, implementation of the Proposed Project would not violate any water quality standards or waste discharge requirements, and impacts would be less than significant upon the City's approval of a WQMP; no mitigation measures are required.

b) **No Impact.** The Proposed Project is not anticipated to substantially impact groundwater supplies or to substantially interfere with groundwater recharge. The Project Site is located within the service area of Veolia Water contracted by the City if Rialto Water Services (RWS). The Project Site is currently served by an existing 8-inch pipeline on Acacia Avenue. The Proposed Project does not include groundwater wells that would impact the production rate of any nearby pre-existing wells. Additionally, the proposed project includes a water detention/water quality basin that will allow for continued groundwater recharge. A less than significant impact is identified, and no mitigation measures are recommended.

c) **Less than Significant**. A Hydrology/Hydraulics Study and Preliminary Water Quality Management Plan for the Proposed Project were completed by Love Engineering; the findings from these reports are summarized herein (May 2017). As described in the Drainage Study, under existing conditions the Site surface drains to the middle point of the southern boundary where it flows through a natural drainage channel.

Under purposed conditions, post-development flows would drain via curb and gutter to our sump catch basins. Flows would then be conveyed by an underground storm drain to the detention basin located along the southern boundary of the site. An outlet structure and storm drain pipe would direct flows south from the detention basin to the natural drainage area. The study shows that flows exiting the site during the proposed condition are less than the existing condition. The reduction of flow off-site in the developed state is due to the decrease in length traveled and altered site-conditions from existing soil. Storm water volumes will also be lessened due to purposed design. Therefore, a less than significant impact is anticipated.

d) **Less than Significant.** See response to c) above.

e) **No Impact.** The Purposed Project of a tentative tract map for the purpose of a subdivision includes a detention/water quality basin that would retain most drainage on-site. According to the Hydrologic Study with the implementation of the detention basin on-site water runoff and volume from the Site will be equal to or less than existing conditions, no impact is identified.

f) **No Impact.** The Proposed Project does not present any other conditions that could result in the substantial degradation of water quality. Thus, no impact is anticipated.

g) **Less than Significant.** The Purposed Project Site is identified to be outside of the 100 and 500-year floodplain in Exhibit 5.2 of the General Plan. The Federal Emergency Management Agency Flood Insurance Rate Map Panel (Map Number 06071C8678J) identifies the Project Site within food zone Zone X (shaded). Zone X is defined as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. According to the hydrology report, through existing and proposed improvements) on storm drain facilities (i.e. detention basin) there will be no offsite run-on to neighboring properties and the Purposed Project will be protected from a 100 year flood. A less than significant impact is identified

h) **No Impact.** See response to IX(g) above.

i) **No Impact.** According to the City's General Plan Exhibit 5.2, the Project Site is located outside of the 500-year floodplain area and is not located within a potential dam inundation area. No impact related to flooding resulting from the failure of a levee or dam is anticipated.

j) **No Impact.** Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiches are not potential hazards; therefore, impacts from seiche and tsunami are not anticipated.

X. LAND USE AND PLANNING

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

a,b) **No Impact.** The Proposed Project is the development of Tentative Tract Map 20087 and in the City of Rialto to allow for the construction of 20 detached single family residences on approximately 4.76 acres of land. Surrounding land uses include residential development to the north and east, Acacia Avenue and residential development to the west, and residential and a chicken farm to the south. The Project Site occurs in the Residential 6 (low density, detached units, 8-23 persons per acre) land use district. The Proposed Project would be consistent with the General Plan, would not divide an existing community, would not conflict with local land use policies or regulations, or with existing zoning. No impacts would occur.

c) **No Impact.** The Project Site is not located within the planning area of a habitat conservation plan or natural community conservation plan. No conflicts related to this type of land use plan would occur.

XI. MINERAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

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

a,b) **Less than Significant Impact.** As identified in Exhibit 2.7 of the City of Rialto General Plan, the Project Site is located in an area designated as MRZ-3 by the State Geologist. MRZ-3 designations apply to areas with areas containing known or inferred mineral occurrences of undetermined mineral resource significance. The Project Site is not located in an area designated for Aggregate resources in Exhibit 2.6 of the General Plan

According to the City of Rialto General Plan, majority of designated aggregate resources occur in the northern part of the City. Two significant aggregate mining operations located within Lytle Creek and north of SR-210 along Alder Avenue have a land use designation of Open Space to protect aggregate resources as long as mining activity is feasible. The Project Site is located in MRZ-3 mineral resource area and is designated single family residential. The proposed use for the Site coincides with the general plan and under the existing land use designation, would not be permitted for mining. Therefore, a less than significant impact is identified and no mitigation measures are proposed.

XII. NOISE

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) **Less than Significant.** Noise can be measured in the form of a decibel (dB), which is a unit for describing the amplitude of sound. The predominant rating scales for noise in the State of California are the Equivalent-Continuous Sound Level (L_{eq}), and the Community Noise Equivalent Level (CNEL), which are both based on the A-weighted decibel (dBA). The L_{eq} is defined as the total sound energy of time-varying noise over a sample period. The CNEL is defined as time-varying noise over a 24-hour period with a weighted factor of 5 dBA applied to the hourly L_{eq} for noise occurring form 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA applied to events occurring between (10:00 p.m. and 7:00 a.m. defined as sleeping hours). The State of California's Office of Noise Control has established standards and guidelines for acceptable community noise levels based on the CNEL and L_{dn} rating scales. The purpose of these standards and guidelines is to provide a framework for setting local standards for human exposure to noise.

In Rialto, street and freeway traffic represent the primary source of noise. Other significant sources of noise include the Union Pacific Railroad lines running adjacent to Interstate 10 and Metrolink, which runs directly through the City's downtown. Exhibit 5.5: Rialto Noise Guidelines for Land Use Planning list acceptable noise ranges by land use category. Normally acceptable noise ranges at Business Park and Light Industrial land uses range from 55 dBA CNEL to 70 dBA CNEL. Conditionally acceptable noise levels, for new development and only after detailed analysis of noise reduction requirements are made, may be as high as 75 dBA CNEL. Noise control associated with the Proposed Project is required to comply with Chapter 9.50 of the Rialto Municipal Code.

The dominant noise source within the Project area is from vehicles traveling along Acacia Avenue. The Project Site is located and surrounded by an area zoned single family residence (R-1C). Construction activities would generate noise associated with the transport of workers and movement of construction materials to and from the area, from ground clearing/excavation, grading, and building activities. Sensitive receptors surrounded the Site, single family residents 70 feet north, east, and west of the site, and a residence approximately 100 feet south of the site. Construction activities would be short-term and would occur within the daytime hours permitted by the City per Chapter 9.50 of the Municipal Code. Permitted construction hours in the City are identified in Subsection 9.50.070(B) of the Municipal Code and summarized below:

Permitted Construction Hours

October 1st through April 30th	
Monday – Friday	7:00 a.m. to 5:30 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	No permissible hours
State Holidays	No permissible hours
May 1st through September 30th	
Monday – Friday	6:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	No permissible hours
State Holidays	No permissible hours

Limiting project construction to the hours in which construction activities are exempt from the Municipal Code will minimize construction noise impacts at nearby sensitive receptors.

Post-construction noise associated with the Proposed Project would be project-generated traffic. As depicted on the City's General Plan, Exhibit 5.6 – Baseline Noise Contours, noise contours at the Project Site boundary are 65 CNEL. Exhibit 5.7 – Future Noise Contours (2040) shows no change in the noise contour at the Project Site is anticipated. Existing and future traffic noise along the Proposed Project streets is not considered significant. Implementation of the following mitigation measures will reduce the impact to less than significant:

N-1: During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

N-2: The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

N-3: Equipment shall be shut off and not left to idle when not in use.

N-4: The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and sensitive receptors nearest the project site during all project construction.

N-5: The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors along the project boundaries to the greatest degree possible.

b) **Less than Significant.** Construction of the Proposed Project is not anticipated to require the use of equipment that would generate excessive ground borne vibration of bound-borne noise levels. It is likely that minor vibration would result from construction and grading activities. Construction will comply with the City of Rialto Municipal Code for purposes

of general grading and compaction for construction of the subdivision. Section VI Geology and Soils of this Initial Study does not require the need for more than standard measures for the Project Site earthwork, and therefore adhering to the Municipal Code would ensure impacts from construction would be less than significant and no mitigation measures are required.

c,d) **Less than Significant**. The Proposed Project is anticipated to generate short-term construction noise. The City of Rialto land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed project would be "normally acceptable" in areas with noise levels up to 60 CNEL and "conditionally acceptable" in areas with noise levels up to 65 CNEL. Future vehicle traffic associated with Acacia Avenue and the Purposed Project will generate noise levels that will exceed 65 CNEL ten feet from the road right-of-way within proposed backyards, but will not exceed 65 CNEL twenty feet from the road right-of-way at possible future single-family detached residential dwelling unit lots. The City's rear yard setback for single-family detached residential lots is 20 feet per Section 18.10.030 of the City of Rialto Code. The purposed use is consistent with the General Plan and existing surrounding land uses (i.e. existing residential development to the north, south, east, and west). The project proponent would be required to comply with the City noise ordinance during construction and following mitigation measure:

N-6: A solid barrier shall be constructed along the western property lines of the proposed single-family detached residential lots that abut Acacia Avenue. The barrier must be constructed with a top elevation that is six feet higher than the adjacent elevation of Acacia Avenue. The barrier shall be solid with no holes or openings.

With implementation of the above mitigation measure, potential impacts to noise would be reduced to less than significant level.

e) **No Impact.** The Project Site is not located within an airport land use plan. The nearby Rialto Municipal Airport closed in September 2014. No impacts related to excessive noise levels from airport operations are anticipated and no mitigation measures are required.

f) **No Impact.** The Project Site is not located near a private airfield and there are no private airfields or airstrips in the vicinity of the Project Site. Therefore, the Proposed Project would not expose people to excessive noise levels associated with operations at a private airstrip and no impacts would occur and no mitigation measures are required.

XIII. POPULATION AND HOUSING

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new	☐	☐	☐	☒

homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

a) **No Impact.** Construction activities at the site would be short-term and would not attract new employees to the area since there is an existing pool of construction labor in the region. The Proposed Project is the subdivision of 4.76 acres for future development of 20 single-family residences. The development is anticipated to generate a ratio of 3.69 persons per unit or approximately 74 additional residents. The Proposed Project would be developed in accordance with the City's General Plan and Development Code and the associated population growth has been planned for in the City of Rialto General Plan. No adverse impact is anticipated and no mitigation measures are required.

b) **No Impact.** The Project Site is currently vacant. The Proposed Project would provide for residential development and would not reduce the number of existing housing units, displace people, or necessitate the construction of replacement housing elsewhere. No impact would result and no mitigation measures are required.

c) **Less Than Significant Impact.** See response to XII(b) above.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	☐	☐	☒	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒

Parks?	☐	☐	☐	☒
Other Public Facilities?	☐	☐	☒	☐

a) **Less than Significant**

Fire Protection

Fire emergency response at the Proposed Project would be provided by the Rialto Fire Department. The Rialto Fire Department is an all-risk fire agency; services include: fire suppression, emergency medical, technical rescue, hazardous material, and other related emergency services. Firefighting resources in Rialto include four fire stations; emergency response personnel, firefighters/paramedics, and a Hazardous Materials Response Team. The closest station to the Project Site is Fire Station 201 located on 131 South Willow Avenue approximately one mile northwest of the Project Site. The Proposed Project is required to provide a minimum of fire safety and support fire suppression activities, including type and building construction, fire sprinklers, and paved fire access. The Proposed Project is in an urbanized area that occurs within the existing fire service area. Therefore, implementation of the Proposed Project would not have a significant impact on fire service response times. Developer impact fees are collected at the time of building permit issuance to provide funding for necessary service increases associated with growth and development. Impacts would be less than significant and no mitigation measures are required.

Police Protection

Police protection emergency response at the Proposed Project would be provided by the Rialto Police Department. The closest station to the Project Site is located on 128 North Willow Avenue approximately one mile northwest of the Project Site. The Rialto Police Department provides a full range of law enforcement and community programs.

Proposed development would generate an incremental increase in the need for police protection in the project area. The Proposed Project would accommodate approximately 73 residents (3.69 people per household). To determine a crime rate directly associated with a development proposal would be speculative; the City of Rialto Police Department reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the City. Developer Impact fees are collected at the time of building permit issuance. Impacts to law enforcement are anticipated to be less than significant and no mitigation measures are required.

Schools

Project Site is located within the boundary of the Rialto Unified School District (RUSD). The proposed project is anticipated to generate approximately 13-14 students; based on the RUSD student generation factors the project would generate approximately 6 elementary

school students, 3 middle school students, and 5 high school students. The following schools provide educational services to the project area: Boyd Elementary School (310 East Merrill Avenue), Jehue Middle School (1500 North Eucalyptus Avenue), and Rialto High School (595 South Eucalyptus Avenue).

The proposed development would not generate a significant number of students requiring new school facilities; K-12 students would attend RUSD schools, a local charter school, or be home schooled. According to the National Center for Education Statistics website, in 2014 approximately 5-9.9 percent of total public school students in California enrolled in charter schools. Nationally, according to the website, approximately five (5) percent of public school students were homeschooled in 2014. With the collection of development impact fees, impacts related to school facilities are expected to be less than significant and no mitigation measures are required.

Parks

The City of Rialto has a total of 12 developed parks and four (4) undeveloped planned parks. Rialto Unified School district has 28 locations that are designated open space due to their recreational uses for the public (tennis courts, playgrounds, recreational amenities) within the City. These facilities are included in park inventory due to the joint-use agreement between the City and Rialto Unified School District. The City has a total of 289.9 acres of parks and recreational areas and seven (7) acres of planned parks. The City's General Plan adopted the park standard of three acres per 1,000 residents; build-out of the City would result in a need for approximately 310 acres of parkland. Therefore, future build-out would result in a shortfall of 20.1 acres.
The Purposed Project would increase the City of Rialto's population by 74 residents and need for park space by .006 acres. The City of Rialto General Plan mitigates shortage of park space by allowing access to recreational areas such as community centers, fitness centers, the community playhouse and senior centers throughout the City. Due to the City of Rialto being largely built out, limited opportunities are available to develop new parks or similar open space. The City instead focuses on making improvements to established parks, enhance safety, maintenance efficiency, aesthetics, and conservation; completing programming and construction on undeveloped portions of established parks, and developing additional acres of planned parks and open spaces with Specific Plan areas. Implementation of policies listed in the Open Space and Recreation Section under goals and policies in the General Plan, and collection of developer impact fees would also ensure impacts to parks are less than significant.

Other Public Facilities

The Proposed Project is not expected to have a significant impact on public facilities/services, such as libraries, community recreation centers, and/or animal shelter. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities, thus less than significant impacts are anticipated.

XV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) **Less than Significant.** The Proposed Project is anticipated to accommodate approximately 20 single family homes and 74 residents. According to the City of Rialto General Plan (Exhibit 2.5 Parks and Open Space Resources), Rialto High School is located 0.25 miles east of the site and a Rialto City Park is located 0.75 miles southwest of the Project Site. Implementation of policies listed in Open Space and Recreation Section under goals and policies in the General Plan, and collection of developer impact fees would ensure impacts to recreational facilities are less than significant and no mitigation measures are required.

b) **No impact.** The Proposed Project is the development of 20 single family homes and does not include recreational facilities or require the construction or expansion of recreational facilities. No impacts are anticipated and no mitigation measures are required.

XVI. TRANSPORATION/TRAFFIC

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

a,b) **Less than Significant.** A Traffic Exemption Letter was prepared by Kunzman Associates, Inc. (2017) to dismiss the need for a traffic analysis report. According to the City of Rialto Traffic Impact Analysis Report Guidelines and Requirements, December2013 the requirement for a traffic impact analysis exemption can be based upon any proposed use which can demonstrate, based on the most current Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), or other approved trip generation data, that there will be less than 50 vehicles trips during peak hours. The proposed project is projected to generate approximately 190 daily vehicle trips, 15 of which will occur during the morning peak hour and 20 of which will occur during the evening peak hour. The proposed project does not meet the City of Rialto traffic impact analysis requirements, as the proposed project is projected to generate less than 50 peak hour trips during both the morning peak hour and the evening peak hour. The Purposed Project coincides with the zoning designation single family residential (R-1C) of the Project Site and therefore will not generate any additional traffic that wasn't accounted for when designating the property. The Purposed Project does not conflict with any applicable plan, ordinance, policy, or congestion management program. Therefore, a less than significant impact is anticipated.

c) **No Impact.** The Project Site is located approximately 4.3-miles east of the former Rialto Municipal Airport. The airport was officially closed in September 2014. Development of the Proposed Project would not affect air traffic patterns of other regional airports, thus no impacts will occur.

d) **Less than Significant.** The Proposed Project would not create substantial hazards due to a site design feature or incompatible uses. The site plan includes one entrance to the Site

via Acacia Avenue on the west side of the property. Acacia Avenue is considered to be a collector street between local streets and higher-speed arterial highways. The nearest stop sign to the Projects Site entrance if 300 feet to the north of the Site onto East James Street which functions as an arterial road servicing less than 20 homes. The Purposed Project would not impede the intersection or create a hazard; therefore a less than significant impact is identified.

e) **No Impact.** The Purposed Project is borders Acacia Avenue on the west side of the property and provides access to the Site via the driveway, East Vodden Street. The access street to the tentative subdivision will be 37 feet wide and incorporate a fire turnaround area on the property for emergency access on-site. Rialto Fire Department will review Project plans to ensure adequate access onto Project Site. Therefore, no impact is identified and mitigation is required.

f) **No impact.** The Project Site is located on Acacia Ave with the nearest bus stop 0.28 miles north of the Site. Sidewalks will be constructed as a condition of approval of the according to City of Rialtos Municipal Code. No bicycle paths occur on Acacia Avenue and no impediment on public facilities would occur. Therefore, no impact is identified and no mitigation is required.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider, which serves or may serve the	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

a) **No Impact.** The Project Site would be served by the sewer line nearest to the site. The City of Rialto Water Resources Division manages the wastewater collection system. All of the wastewater flows from the City are collected by the City's local sewer mains and delivered to the Rialto Wastewater Treatment Plant (WWTP) located on South Rancho Avenue for wastewater treatment. The WWTP has a design capacity of approximately 12 MGD. The WWTP is permitted by the State of California under NPDES Permit CA0105295 which allows up to 11.7 MGD discharge of tertiary treated and disinfected water to the Santa Ana River at three points. Therefore implementation of the Proposed Project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region and no impacts are anticipated.

b/e) **No Impact.** Wastewater treatment requirements associated with build-out of the City were analyzed in a 2006 update to the Waste Water Collection System Analysis prepared by TRC. According to the TRC analysis sufficient capacity is available at the Rialto Wastewater Treatment Plant to service the planning area. In 2013 the City of Rialto entered into a 30-year concession agreement with Veolia Water North America for the management of the City's water and waste water system. The agreement includes $41 million in needed city wide capital improvements to the water and wastewater treatment system including repairs and renovations at the City's Wastewater Treatment Plant. The WWTP has a design capacity of approximately 12 MGD. The treatment facility treats less than 7 MGD of its 11.7 MGD capacity. Development of the Proposed Project would not require construction of new water or waste water facilities; no impact is anticipated and no mitigation measures are proposed.

c) **No Impact.** The Proposed Project includes the construction of a detention basin on-site. The basin was designed to contain storm water flows for a 100-year storm event. With adequate capacity to contain on-site flows, the Proposed Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. No impacts are anticipated.

d) **Less than Significant.** The Proposed Project would be served by the Rialto Public Works Department Water Division. The City's primary source of water is City-owned water wells. These wells draw water from four basins: Lytle Creek Surface Water Basin, Rialto Ground Water Basin, Bunkerhill Ground Water Basin, and Chino Hill Ground Water Basin.

Additionally, the City is contractually entitled to receive 2,500 acre-feet per year of imported water from the San Bernardino Bally Municipal Water District (SBVMWD) through the baseline feeder and an additional 1.5 MGD from the West Valley Water District's (WVWD) Water Filtration Plant.

The City of Rialto will supply the majority of its potable water via its local groundwater production. The remainder of its supply will be provided by surface water treatment at the WWTP and from interconnections with SBVMWD. Future projects to implement wellhead treatment on wells with perchlorate contamination and new well installations will augment potable water supplies.

As the City's population continues to grow and as water conservation measures continue to be implemented, the City should experience moderate increases in its water consumption due to population increases. As concluded in the City of Rialto Urban Water Management Plan 2010, the projected water use for single-family residences in 2020 is 7,964 acre-feet per year. Total water demand on the system is projected to be 10,964 AFY in 2020 (total population served is 53,900).

The Proposed Project is consistent with the City's General Plan, which was determined to have sufficient water supply to meet the City's nearly build-out needs. In addition, adequate regional supply has been determined to exist during multiple dry year conditions for the years 2020 - 2040 in the 2015 San Bernardino Valley Regional Urban Water Management Plan – page 4-4 (Water Systems Consulting, Inc., June 2016). Less than significant impacts related to water supply are anticipated.

f) **Less than Significant.** Solid waste from the City of Rialto is transported to and disposed of at the Mid-Valley Sanitary Landfill. The landfill has a maximum permitted daily capacity of 7,500 tons per day and has an expected operational life through 2030. According to the California Integrated Waste Management Board's estimated solid waste generation rates a total of approximately 12.23 pounds per household per day is estimated for residential development. The Proposed Project would therefore generated an estimated 245 pounds per day or 0.1225 tons per day. This would not be considered a significant amount of additional solid waste into the County's waste stream as it represents an estimated 0.000017 percent of the total permitted tons day. Impacts to the solid waste collection system would be less than significant.

g) **Less than Significant.** The City of Rialto's Waste Management Office oversees the City's trash and recycling service contract provided by Burrtec Waste Industries. Residents within the City are provided with three bins include one for trash, yard waste and recycling. Use of the appropriate bins aids in the reduction of the amount of solid waste disposed, which in turn will aid in the extension of the life of affected disposal sites. The Proposed Project would comply with all applicable solid waste statues and regulations; as such, impacts would be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) **Less than Significant**. A general biological assessment of the Project Site was completed by RCA Associates Inc., (April 25, 2017). As a part of the biological assessment RCA Associates Inc. conducted a background data search for information on plant and wildlife species known occurrences within the vicinity of the project, as well as information on jurisdictional waters. RCA Associates Inc., determined that the implementation of the Purposed Project would not degrade habitat and cause the reduction of habitat of fish or wildlife species or have population levels drop below self-sustaining levels. The Project Site is located in an area that could potentially support four (4) protected species. These species include, coast horn lizard (Phrynosoma blainvillii), burrowing owl (Athene cunicularia), Swainson's hawk (Buteo swainsoni) and Stephens's Kangaroo Rat (Dipodomys stephensi). No suitable habitat occurs on Site for Stephens's Kangaroo Rat (SKR) or burrowing owl. The coast horn lizard and Swainson's hawk have low populations in the area and were not observed on-site. Therefore, no substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species is anticipated to occur.

In June 2017, Rincon Consultants performed a Phase I Cultural Resources Study for the Project Site. Research for the study included a cultural resources records search, Sacred Lands File Search and Native American Contacts program, a pedestrian survey of the Project Site, and preparation of a report in accordance with the Archaeological Resources Management Report (ARMR) guidelines and in compliance with the requirements of

CEQA. The cultural resource records search identified no previously recorded sites within the current Project Site. However, there were a total of 22 cultural resource studies that have been conducted within a one-mile radius of the Project Site. None of the studies included the Project Site. A total of 11 cultural resources have been recorded within a one-mile radius of the Project Site, none of which are located within the Project Site. Of the resources within the one-mile radius of the Project Site, three are prehistoric and the remaining eight are historic. The nearest resource is approximately 0.5-miles away and consists of a historic-period, utilitarian-style building.

Based on the recent historical research, field investigations, and documentation, the cultural resources investigation concluded that the Project Site is not culturally significant and the proposed development would not result in any adverse impacts on artifacts that represent California history. However, in the event of an unanticipated find, mitigation CR-1 shall be implemented to reduce impacts to less than significant.

b) **Less than Significant.** Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

(a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Impacts associated with the Proposed Project would not be considered individually adverse or unfavorable. A less than significant impact is identified.

c) **Less the Significant**. The incorporation of design measures, City of Rialto policies, standards, and guidelines and proposed mitigation measures would ensure that the Proposed Project would have no substantial adverse effects on human beings, either directly or indirectly on an individual or cumulative basis.

SECTION 4
REFERENCES

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Traffic Impact Analysis Exemption Letter, Kunzman Associates, Inc., April 7, 2017.

Mitigation Monitoring and Reporting Program
Environmental Assessment No. 2017-0022
Asian Pacific, Inc.
Twenty (20) single-family residences

		Verification of Compliance					
Measure No.	**Mitigation Measures**	**Timing**	**Monitoring Milestone**	**Responsible Party for Monitoring**	**Initials**	**Date**	**Remarks**
Biological Resources							
BIO-1	The applicant shall coordinate with the U.S. Fish and Wildlife Service and demonstrate/document clearance to construct on the site prior to the commencement of any ground disturbance activities	Prior to Construction	Prior to issuance of Grading Permits	Development Services, Planning			
Cultural Resources							
CR-1	If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted.	During Construction	Grading and ground disturbance phase	Development Services, Planning			
CR-2	In the event fossil specimens are unearthed, the project proponent shall have a paleontological consultant assess the specimens report to the City of Rialto. If the consultant and City concur, a paleontological monitoring program shall be implemented for the remainder of earth moving activities.	During Construction	Grading and ground disturbance phase	Development Services, Planning			
Geology and Soils							
GEO-1	All recommendations contained within the Preliminary Soil Investigation Report prepared by Soil Exploration Company, Inc., as approved by the City as part of the plan review process shall be implemented prior to issuance of a grading permit.	Prior to Construction	Prior to issuance of Grading Permits	Public Works, Engineering			
Noise							
N-1	During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.	During Construction	Prior to Grading Final	Public Works, Engineering			
N-2	The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.	During Construction	Prior to Grading Final	Public Works, Engineering			
N-3	Equipment shall be shut off and not left to idle when not in use.	During Construction	Prior to Grading Final	Public Works, Engineering			

		Verification of Compliance					
Measure No.	**Mitigation Measures**	**Timing**	**Monitoring Milestone**	**Responsible Party for Monitoring**	**Initials**	**Date**	**Remarks**
N-4	The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and sensitive receptors nearest the project site during all project construction.	During Construction	Prior to Grading Final	Public Works, Engineering			
N-5	The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors along the project boundaries to the greatest degree possible.	During Construction	Prior to Grading Final	Public Works, Engineering			
N-6	A solid barrier shall be constructed along the western property lines of the proposed single-family detached residential lots that abut Acacia Avenue. The barrier must be constructed with a top elevation that is six feet higher than the adjacent elevation of Acacia Avenue. The barrier shall be solid with no holes or openings.	During Construction	Prior to Occupancy	Development Services, Planning			

ACACIA AND RANDALL AVENUES PROJECT SITE

(APN Numbers 0131-131-13 & 0131-131-14)

Focused Survey for the Delhi Sands Flower-loving Fly

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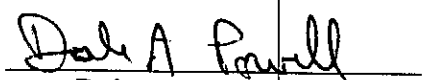

Dale A. Powell Ph.D.
TE-006559-6

September 23, 2015

ACACIA AND RANDALL AVENUES PROJECT SITE

Focused Survey for the Delhi Sands Flower-loving Fly

September 23, 2015

Introduction

This report presents the results of a focused survey for the Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) on a 5-acre site located in the City of Rialto, San Bernardino County. This property is under consideration for residential development in the future. The County of San Bernardino and the U.S. Fish and Wildlife Service require that focused surveys be conducted to determine whether this proposed development would impact this federally endangered insect. This survey, conducted by Powell Environmental Consulting, resulted in negative findings. A previous surveys were conducted by Powell Environmental Consultants upon the site in 2004, 2005, and 2014. Those surveys resulted in negative findings.

Site Description

The 5-acre site is located near the city of Rialto, on a portion of the northwest central area of Section 13, Township 1 South, Range 5 West; San Bernardino Baseline and Meridian; USGS 7.5' San Bernardino South Quad (See Maps 1 & 2). It is rectangular in outline. The site sits on the east side of Acacia Avenue, a few hundred feet north of Randall Avenue (APN Numbers 0131-131-13 & 0131-131-14). The site is relatively flat and its elevation is approximately 1,167 feet above sea level. Adjacent to the north and to the east of the site are houses. South of the southeastern area of the site is an abandoned poultry farm and houses lie south of the southeastern area of the site. Across Acacia Avenue to the west are houses.

According to a soil map (U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.), the site possesses Dehli Fine Sand (Db). The Delhi fine sands is a "nearly level to strongly sloping soil on alluvial fans that have been reworked by wind action."(U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.). A fairly large portion of the site contained recently exposed soil. Based upon my field examination I generally concur with the soil map.

There is very little vegetation growing upon the site – under 10% of the soil was covered by vegetation.

The three main plants observed growing upon the site are: Russian thistle (*Salsola tragus*), puncture vine (*Tribulus terrestris*), and Bermuda grass (*Cynodon dactylon*).. None of the three Delhi Sands Flower-loving Fly indicator plants, California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), and telegraph weed (*Heterotheca*

grandiflora), were found upon the site. Disturbances observed on the site include discing, bulldozing, the invasion of non-native plant and animal species and minor trash dumping.

Delhi Sands Flower-loving Fly Background Information

The Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) (family Mydidae) was listed as an endangered species under the Endangered Species Act, as amended on September 23, 1993. The California Natural Diversity Data Base lists the DSFLF rank as being: G1T1S1 - Federally listed as being extremely endangered (G1); found only in California (T1); and as being extremely endangered in California (S1).

The Delhi Sands Flower-loving Fly is considered to be endangered primarily because of the loss of its habitat, mainly due to the habitat's conversion to agricultural, residential, and industrial uses. Its historic range has been reduced by over approximately 97% (USFWS, 1993). The fly is known only to inhabit areas where Delhi series soils are located. These soils consist of fine, sandy soils, often forming wholly or partially consolidated dunes, located in an irregular 40 square mile area, in southwestern San Bernardino and northwestern Riverside Counties (Soil Conservation Service, 1980).

Fine unconsolidated soils are required for oviposition. The female fly inserts the end of her abdomen deep into the soil to lay her eggs (Rogers and Mattoni, 1993). The life history of the larval stages are unknown, however, it is presumed, that the larvae develop underground (Greg Ballmer, D. Hawks, pers. comm.). The Delhi Sands Flower-loving Fly's adult flight period lasts approximately six weeks from late July through mid-September. The adult is approximately 1 inch long, tan to orange-brown in color, with dark brown bands and spots upon its abdomen. Its wings are hyaline. It has large green eyes and a long slender proboscis, which it has been seen to use to feed upon nectar from California buckwheat and telegraph weed. The adults frequent open areas, usually near unconsolidated soil. The adult males patrol open areas looking for females to mate with. The females are more sedentary and perch upon plants or sit upon the ground for long periods. Adults are most often observed from 9 or 10 AM until 3 or 4 PM.

The DSFLF is frequently associated with certain plants: California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), and telegraph weed (*Heterotheca grandiflora*), sometimes called "indicator plants". Other native plant species also occur in DSFLF habitat: annual bursage (*Ambrosia acanthicarpa*), California evening primrose (*Oenothera californica*), deerweed (*Lotus scoparius*), lessinga (*Lessingia glandulifera*), rancher's fiddleneck (*Amsinckia menziesii*), sapphire woolly-star (*Eriastrum sapphirinum*), and Thurber's buckwheat (*Eriogonum thurberi*)

Delhi Sands Flower-loving Fly Recovery Plan

In 1997 the U.S. Fish and Wildlife Service issued the final recovery plan for the Delhi Sands Flower-loving Fly (USFWS, 1997). The plan establishes three recovery units: the Colton, Jurupa, and Ontario Recovery Units. The Colton Recovery Unit contains the most known habitat, followed by the Jurupa Recovery Unit. Of the three recovery units, the Ontario Recovery Unit contains the least suitable habitat. Most of the Ontario Recovery Unit's habitat has been degraded by long-term agricultural use and much of the remainder of "suitable" habitat is highly fragmented and is in very close proximity to residential, commercial, or industrial development. While the fly is known to occur in the Ontario Recovery Unit, the possibility of using the Ontario

Recovery Unit to protect the Delhi Sands Flower-loving Fly is limited because of its prior history and fragmented nature.

The Acacia and Randall Avenues Project site is located within the Colton Recovery Unit.

Methods

Prior to the initiation of the focused survey, the Carlsbad Field Office of the USFWS was notified on June 26, 2015 of Powell Environmental Consultant's intent to perform the survey. This focused survey was initiated on July 1, 2015 and continued with biweekly site surveys until September 17, 2015. All field surveys and activities associated with this study were conducted in accordance with the Interim General Guidelines for the Delhi Sands Flower-loving Fly and conditions set forth in the surveyors 10(a)(1)(A) permits. Surveys were conducted by entomologist Dale Powell PhD (authorized under permit TE-006559-6). Survey dates and times, ambient air temperatures, wind speed, general weather conditions, insect families/species detected, and other pertinent field data were recorded on field survey forms and are included in Table 1 and in the Appendices.

Results and Discussion

No Delhi Sands Flower-loving Flies were observed on the project site during the focused survey. The closest known observation of the fly in Rialto was approximately 0.5 miles south of this site. Other species of insect fauna which are relatively closely related to the fly and which are associated with Delhi sands were seen on the site. Members of the closely related family Asilidae were noted as well. These insects are frequently associated with the Delhi Sands Flower-loving Fly and can be considered indicators that the site may have potential as suitable fly habitat, even though the site has been altered by various disturbances. It is possible that the reason that the Delhi Sands Flower-loving Fly was not observed on the site during the focused survey was that low rainfall in the region during the past four years would not permit their development. The flies could be in a stage of diapause, as has been observed in other insect species influenced by adverse weather conditions. They may only emerge when favorable weather conditions either directly or indirectly influence them. The total numbers of all insect fauna observed upon the site was much lower than during the 2004, 2005, or 2014 survey seasons.

Delhi Sands Flower-loving Fly Survey Results

Date	Time	Minutes	Weather	Temp (°F)	Wind (mph) aver*/max
7/1/15	13:20-13:45	25	90% Clouds	94°	2/5
7/3/15	13:20-13:45	25	25% Clouds	95°	3/5
7/6/15	13:55-14:20	25	Clear	89°	1/3
7/8/15	13:55-14:20	25	Clear	85°	4/6
7/13/15	13:55-14:20	25	Clear	93°	4/6
7/15/15	13:55-14:25	30	Clear	91°	3/5
7/21/15	13:50-14:20	30	54% Clouds	92°	2/4
7/23/15	13:50-14:10	30	Clear	88°	4/6
7/27/15	13:55-14:20	25	Clear	90°	3/5
7/29/15	13:50-14:15	25	30% Clouds	92°	4/6
8/3/15	13:55-14:25	30	30% Clouds	97°	3/5
8/5/15	13:50-14:15	25	Clear	98°	2/4
8/10/15	13:50-14:15	25	Clear	89°	1/3
8/12/15	13:45-14:15	30	Clear	100°	5/7
8/17/15	13:50-14:15	25	Clear	97°	5/7
8/19/15	13:50-14:15	25	Clear	92°	4/6
8/24/15	13:50-14:15	25	Clear	103°	3/5
8/26/15	13:50-14:15	25	Clear	102°	2/4
8/31/15	13:50-14:15	25	Clear	92°	3/5
9/2/15	13:50-14:15	25	Clear	90°	5/7
9/7/15	13:50-14:15	25	Clear	97°	3/5
9/9/15	13:45-14:10	25	80% Clouds	103°	5/7
9/14/15	13:45-14:10	25	25% Clouds	89°	5/8
9/17/15	13:55-14:20	25	Clear	84°	1/3

* Over a 20 second period.

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Scott. S. (editor). 1999. Field Guide to the Birds of North America. Third Edition. National Geographic Society, Washington D.C. 480 pp.

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APPENDIX

SUBCONTRACTOR CONCURRENCE

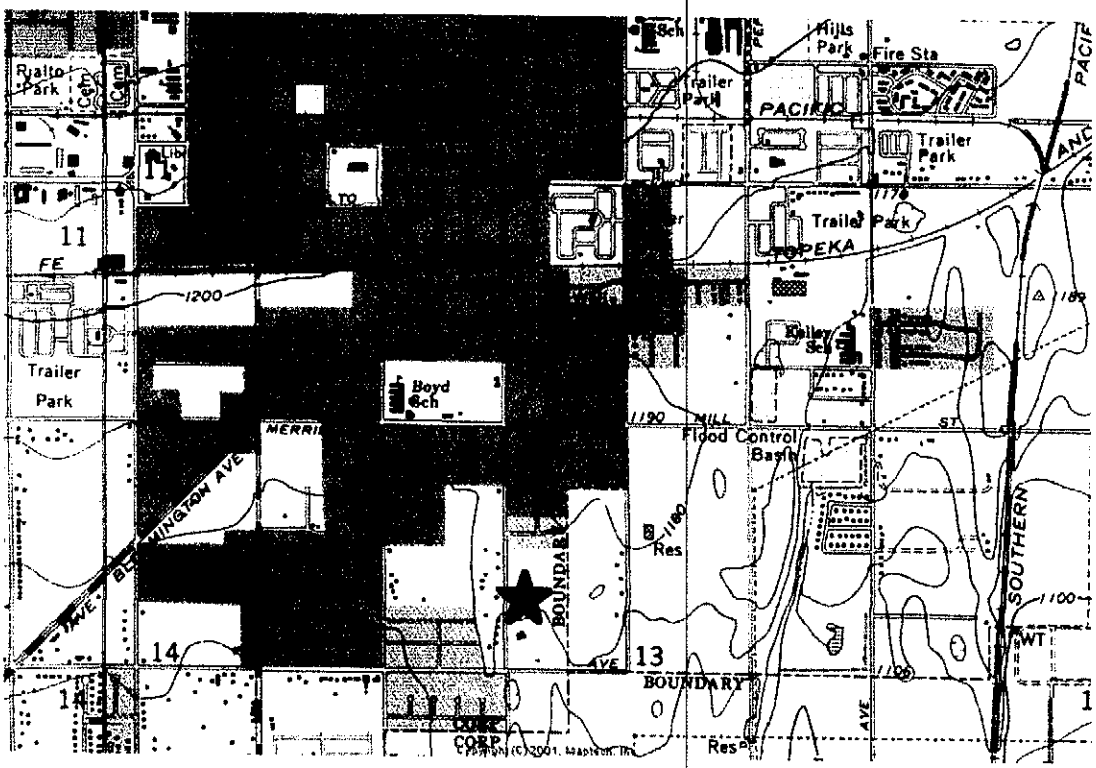
I, Dale A. Powell, having performed focused surveys for the Delhi Sands Flower-loving Fly for the Acacia and Randall Avenues Project site, Rialto, have entirely read and reviewed the final report for the project and concur with the statements and conclusions made.

Dale A Powell
SIGNATURE

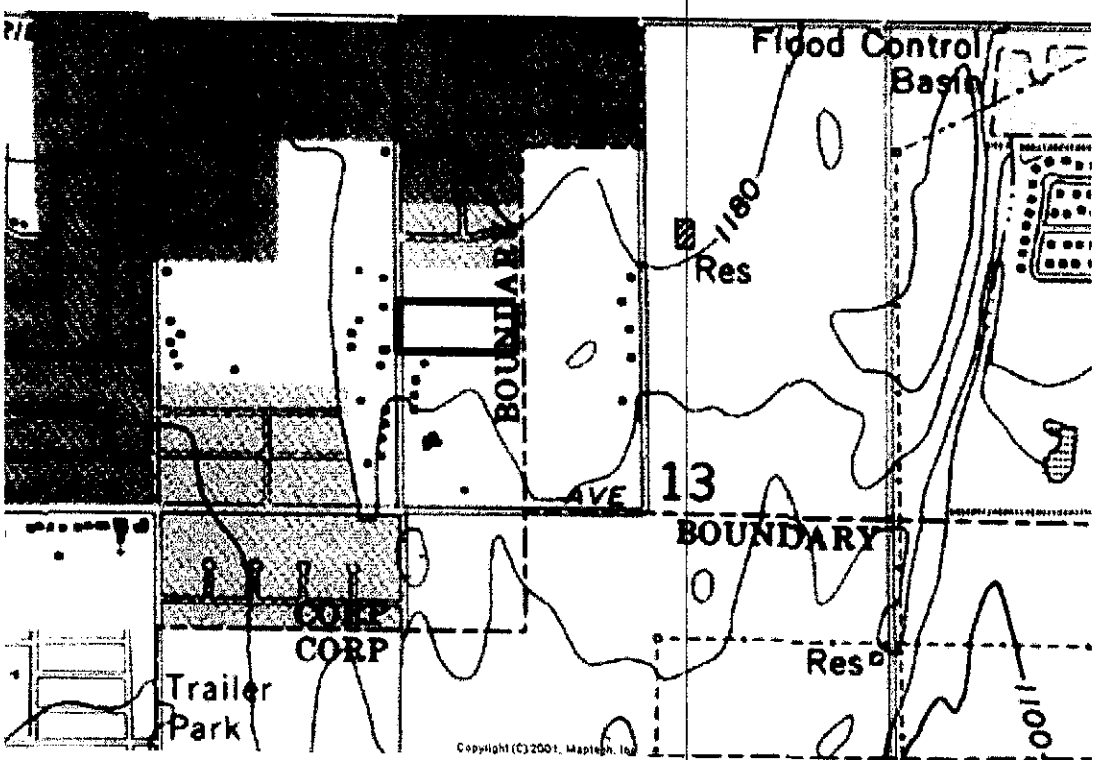
9/24/2015
DATE

APPENDIX

Map 1. General location of the National Realtors, Acacia and Randall Avenues Project.

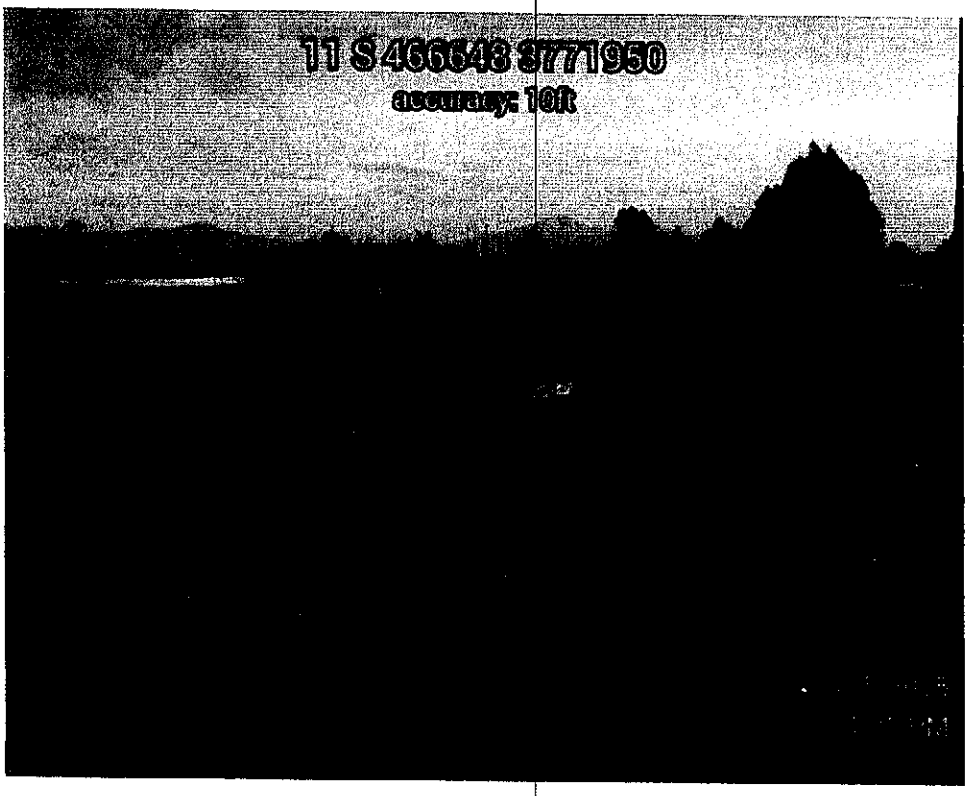


Map 2. Location of the National Realtors, Acacia and Randall Avenues Project site.

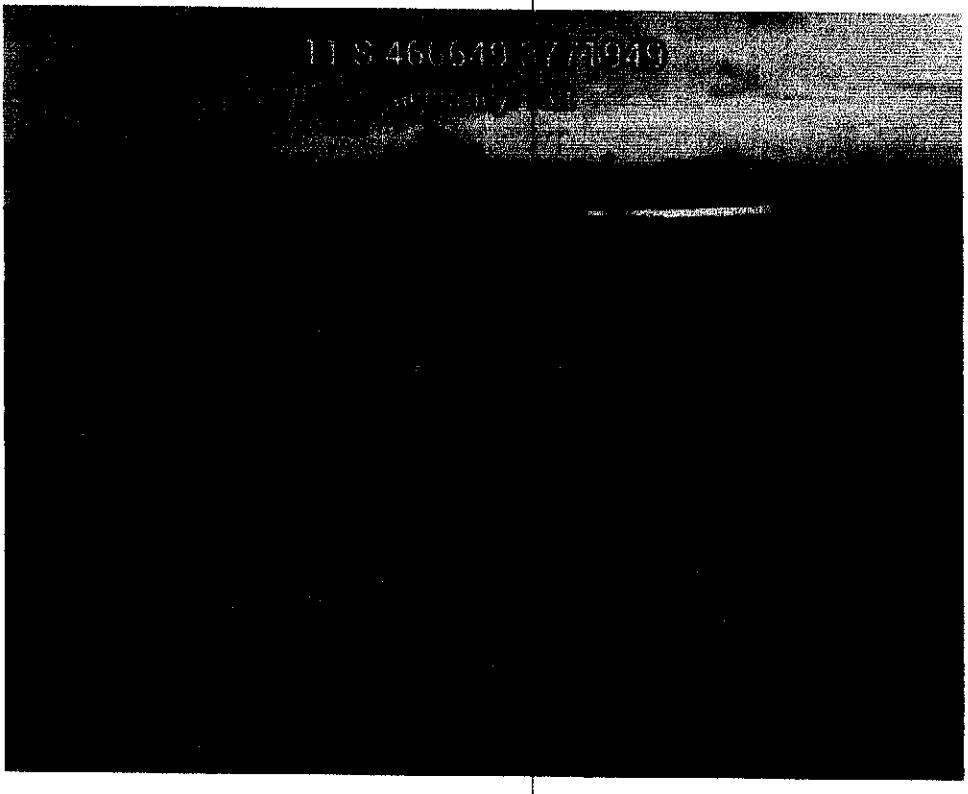


ACACIA AND RANDALL AVENUES PROJECT SITE

Picture 1. Overview of the site facing east from the southwestern corner.

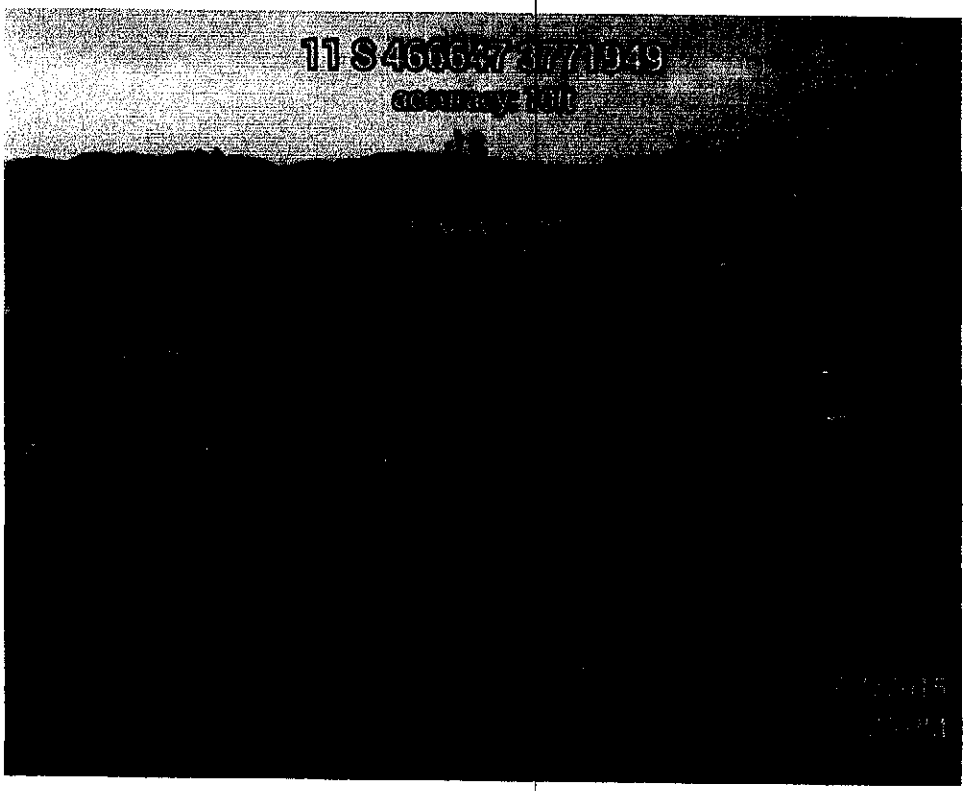


Picture 2. Overview of the site facing northeast from the southwestern corner.

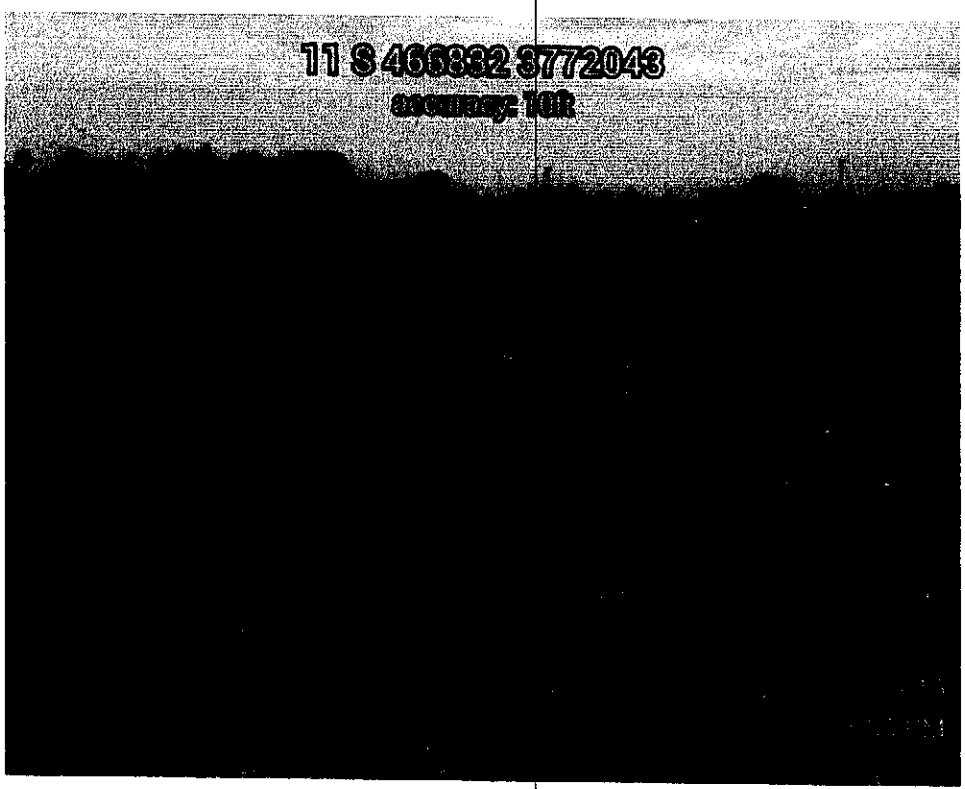


ACACIA AND RANDALL AVENUES PROJECT SITE

Picture 3. Overview of the site facing north from the southwestern corner.



Picture 4. Overview of the site facing southwest from the northeastern corner.



FIELD NOTES

[redacted]

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Site: Acacia

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
7/1/2015	Temp					94°		
Week	Wind					2/5		
1	Weath					90% Sunny		
7/3/2015	Temp					95°		
Week	Wind					3/5		
1	Weath					25% clouds		
7/6/15	Temp					89°		
Week	Wind					1/3		
2	Weath					clear		
7/8/15	Temp					85°		
Week	Wind					4/6		
2	Weath					clear		
7/13/15	Temp					93°		
Week	Wind					4/6		
3	Weath					clear		
7/15/15	Temp					91°		
Week	Wind					3/5		
3	Weath					clear		
7/21/15	Temp					92°		
Week	Wind					2/4		
4	Weath					40% clouds		
7/23/15	Temp					88°		
Week	Wind					4/6		
4	Weath					clear		
7/27/15	Temp					90°		
Week	Wind					3/5		
5	Weath					clear		
7/29/15	Temp					92°		
Week	Wind					4/6		
5	Weath					30% cloud		
8/3/15	Temp					97°		
Week	Wind					3/5		
6	Weath					30% clouds		
8/5/15	Temp					98°		
Week	Wind					2/4		
6	Weath					clear		
8/10/15	Temp					88°		
Week	Wind					1/3		
7	Weath					clear		
8/12/15	Temp					100°		
Week	Wind					5/7		
7	Weath					clear		

Wind: First number is average (20 seconds) / second number is maximum.

[redacted]

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Site: Acacia

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
8/17/2015	Temp					98°		
Week	Wind					5/7		
8	Weath					clear		
8/19	Temp					92		
Week	Wind					4/6		
8	Weath					clear		
8/24	Temp					1030		
Week	Wind					3/5		
9	Weath					clear		
8/26	Temp					102°		
Week	Wind					2/4		
9	Weath					clear		
8/31	Temp					92°		
Week	Wind					3/5		
10	Weath					clear		
9/2	Temp					90°		
Week	Wind					5/7		
10	Weath					clear		
9/7	Temp					97°		
Week	Wind					3/5		
11	Weath					clear		
9/9	Temp					1030		
Week	Wind					5/7		
11	Weath					20% cloud		
9/14	Temp					89°		
Week	Wind					5/8		
12	Weath					25% cloud		
9/17	Temp					84°		
Week	Wind					1/3		
1	Weath					clear		
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							

Wind: First number is average (20 seconds) / second number is maximum.

[redacted]

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia	7/1/15	7/3	7/6	7/8	7/13	7/15	7/21	7/23	7/27	7/29	8/3	8/5	8/10	8/12	8/17	8/19
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae								✓		✓	✓					
Curculionidae																
Rhipiphoridae																
Scarabaeidae		✓			✓	~		✓	~	✓	~	✓	✓	✓		
Tenebrionidae	✓		✓													
Dermaptera																
Diptera																
Apioceridae																
Asilidae				✓	✓			✓								
Bombyliidae																✓
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓	✓	~	✓	✓	✓	✓	✓		✓
Mydidae																
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Hemiptera																
Anthocoridae																
Lygaeidae	✓	✓	✓	✓	✓	✓	✓	✓	~	~		✓	✓	~	✓	
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae			~													
Membracidae																

[redacted]

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia	8/21/17	8/26	8/31	9/29	9/7	9/8	9/14	9/17								
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae																
Curculionidae		✓				✓										
Rhipiphoridae																
Scarabaeidae																
Tenebrionidae																
Dermaptera																
Diptera																
Apioceridae																
Asilidae								✓								
Bombyliidae																
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓	✓								
Mydidae																
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Hemiptera																
Anthocoridae																
Lygaeidae		✓			✓	✓										
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae																
Membracidae																
							?									

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia	7/1/15	7/3	7/6	7/8	7/13	7/15	7/21	7/23	7/27	7/27	8/3	8/5	8/10	8/12	8/17	8/19
Hymenoptera																
Anthophoridae																
Apidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Braconidae																
Chrysididae																
Formicidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	–
Halicitidae						✓										
Ichneumonidae																
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓
Vespidae	✓			✓			✓		✓				✓			✓
Lepidoptera																
Danaidae																
Hesperiidae				✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lycaenidae					✓									✓		
Noctuidae														✓		✓
Nymphalidae																
Papilionidae																
Pieridae		✓					✓			✓						
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae																
Odonata																
Aeshnidae																
Coenagrionidae																
Libellulidae																
Orthoptera																
Acrididae	✓	✓	✓	✓		✓										
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

[redacted]

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia	8/24	8/26	8/31	9/2	9/7	9/9	9/14	9/17								
Hymenoptera																
Anthophoridae																
Apidae	✓	✓	✓	✓	✓	✓	✓	✓								
Braconidae																
Chrysididae																
Formicidae																
Halicitidae																
Ichneumonidae																
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae						✓	✓	✓								
Vespidae				✓			✓									
Lepidoptera																
Danaidae																
Hesperiidae	✓	✓	✓	✓	✓	✓	✓	✓								
Lycaenidae	✓	✓	✓	✓	✓			✓								
Noctuidae																
Nymphalidae		✓					✓	✓								
Papilionidae		✓														
Pieridae								✓								
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae				✓												
Odonata																
Aeshnidae																
Coenagrionidae	✓	✓		✓												
Libellulidae							✓	✓								
Orthoptera																
Acrididae					✓	✓		✓								
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

ACACIA AND RANDALL AVENUES PROJECT SITE

(APN Numbers 0131-131-13 & 0131-131-14)

Focused Survey for the Delhi Sands Flower-loving Fly

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Dale A. Powell Ph.D.
TE-006559-6

September 23, 2016

ACACIA AND RANDALL AVENUES PROJECT SITE

Focused Survey for the Delhi Sands Flower-loving Fly

September 23, 2016

Introduction

This report presents the results of a focused survey for the Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) on a 5-acre site located in the City of Rialto, San Bernardino County. This property is under consideration for residential development in the future. The County of San Bernardino and the U.S. Fish and Wildlife Service require that focused surveys be conducted to determine whether this proposed development would impact this federally endangered insect. This survey, conducted by Powell Environmental Consulting, resulted in negative findings. Previous surveys were conducted by Powell Environmental Consultants upon the site in 2004, 2005, 2014, and 2016. Those surveys resulted in negative findings.

Site Description

The 5-acre site is located near the city of Rialto, on a portion of the northwest central area of Section 13, Township 1 South, Range 5 West; San Bernardino Baseline and Meridian; USGS 7.5' San Bernardino South Quad (See Maps 1 & 2). It is rectangular in outline. The site sits on the east side of Acacia Avenue, a few hundred feet north of Randall Avenue (APN Numbers 0131-131-13 & 0131-131-14). The site is relatively flat and its elevation is approximately 1,167 feet above sea level. Adjacent to the north and to the east of the site are houses. South of the southeastern area of the site is a poultry farm and houses lie south of the southeastern area of the site. Across Acacia Avenue to the west are houses.

According to a soil map (U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.), the site possesses Dehli Fine Sand (Db). The Delhi fine sands is a "nearly level to strongly sloping soil on alluvial fans that have been reworked by wind action."(U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.). A fairly large portion of the site contained recently exposed soil. Based upon my field examination I generally concur with the soil map.

There is very little vegetation growing upon the site – under 5% of the soil was covered by vegetation.

The three main plants observed growing upon the site are: Russian thistle (*Salsola tragus*), puncture vine (*Tribulus terrestris*), and Bermuda grass (*Cynodon dactylon*). Three of the Delhi

Sands Flower-loving Fly indicator plants, Annual Bur-sage (*Ambrosia acanthicarpa*), California croton (*Croton californicus*), and telegraph weed (*Heterotheca grandiflora*), were found upon the site. Disturbances observed on the site include discing, the invasion of non-native plant and animal species and minor trash dumping.

Delhi Sands Flower-loving Fly Background Information

The Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) (family Mydidae) was listed as an endangered species under the Endangered Species Act, as amended on September 23, 1993. The California Natural Diversity Data Base lists the DSFLF rank as being: G1T1S1 - Federally listed as being extremely endangered (G1); found only in California (T1); and as being extremely endangered in California (S1).

The Delhi Sands Flower-loving Fly is considered to be endangered primarily because of the loss of its habitat, mainly due to the habitat's conversion to agricultural, residential, and industrial uses. Its historic range has been reduced by over approximately 97% (USFWS, 1993). The fly is known only to inhabit areas where Delhi series soils are located. These soils consist of fine, sandy soils, often forming wholly or partially consolidated dunes, located in an irregular 40 square mile area, in southwestern San Bernardino and northwestern Riverside Counties (Soil Conservation Service, 1980).

Fine unconsolidated soils are required for oviposition. The female fly inserts the end of her abdomen deep into the soil to lay her eggs (Rogers and Mattoni, 1993). The life history of the larval stages are unknown, however, it is presumed, that the larvae develop underground (Greg Ballmer, D. Hawks, pers. comm.). The Delhi Sands Flower-loving Fly's adult flight period lasts approximately six weeks from late July through mid-September. The adult is approximately 1 inch long, tan to orange-brown in color, with dark brown bands and spots upon its abdomen. Its wings are hyaline. It has large green eyes and a long slender proboscis, which it has been seen to use to feed upon nectar from California buckwheat and telegraph weed. The adults frequent open areas, usually near unconsolidated soil. The adult males patrol open areas looking for females to mate with. The females are more sedentary and perch upon plants or sit upon the ground for long periods. Adults are most often observed from 9 or 10 AM until 3 or 4 PM.

The DSFLF is frequently associated with certain plants: California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), Annual Bur-sage (*Ambrosia acanthicarpa*), and telegraph weed (*Heterotheca grandiflora*), sometimes called "indicator plants". Other native plant species also occur in DSFLF habitat: California evening primrose (*Oenothera californica*), deerweed (*Lotus scoparius*), lessinga (*Lessingia glandulifera*), rancher's fiddleneck (*Amsinckia menziesii*), sapphire woolly-star (*Eriastrum sapphirinum*), and Thurber's buckwheat (*Eriogonum thurberi*)

Delhi Sands Flower-loving Fly Recovery Plan

In 1997 the U.S. Fish and Wildlife Service issued the final recovery plan for the Delhi Sands Flower-loving Fly (USFWS, 1997). The plan establishes three recovery units: the Colton, Jurupa, and Ontario Recovery Units. The Colton Recovery Unit contains the most known habitat,

followed by the Jurupa Recovery Unit. Of the three recovery units, the Ontario Recovery Unit contains the least suitable habitat. Most of the Ontario Recovery Unit's habitat has been degraded by long-term agricultural use and much of the remainder of "suitable" habitat is highly fragmented and is in very close proximity to residential, commercial, or industrial development. While the fly is known to occur in the Ontario Recovery Unit, the possibility of using the Ontario Recovery Unit to protect the Delhi Sands Flower-loving Fly is limited because of its prior history and fragmented nature.

The Acacia and Randall Avenues Project site is located within the Colton Recovery Unit.

Methods

Prior to the initiation of the focused survey, the Carlsbad Field Office of the USFWS was notified on June 30, 2016 of Powell Environmental Consultant's intent to perform the survey. This focused survey was initiated on July 1, 2016 and continued with biweekly site surveys until September 19, 2016. All field surveys and activities associated with this study were conducted in accordance with the Interim General Guidelines for the Delhi Sands Flower-loving Fly and conditions set forth in the surveyors 10(a)(1)(A) permits. Surveys were conducted by entomologist Dale Powell PhD and Jun Powell (authorized under permit TE-006559-6). Survey dates and times, ambient air temperatures, wind speed, general weather conditions, insect families/species detected, and other pertinent field data were recorded on field survey forms and are included in Table 1 and in the Appendices.

Results and Discussion

No Delhi Sands Flower-loving Flies were observed on the project site during the focused survey. The closest known observation of the fly in Rialto was approximately 0.5 miles south of this site. Other species of insect fauna which are relatively closely related to the fly and which are associated with Delhi sands were seen on the site. Members of the closely related families Asilidae and Apioceridae were noted as well. These insects are frequently associated with the Delhi Sands Flower-loving Fly and can be considered indicators that the site may have potential as suitable fly habitat, even though the site has been altered by various disturbances. It is possible that the reason that the Delhi Sands Flower-loving Fly was not observed on the site during the focused survey was that low rainfall in the region during the past five years would not permit their development. The flies could be in a stage of diapause, as has been observed in other insect species influenced by adverse weather conditions. They may only emerge when favorable weather conditions either directly or indirectly influence them. The total numbers of all insect fauna observed upon the site was lower than during the 2004, 2005, 2014, or 2015 survey seasons.

Delhi Sands Flower-loving Fly Survey Results

Date	Time	Minutes Surveyed	Weather (at start)	Temp (°F)	Wind (mph) aver*/max
7/1/16[3]	11:20-11:55	70	Clear - Haze	86°	3/5
7/4/16[1]	11:30-11:55	25	Clear	84°	1/3
7/8/16[1]	11:40-12:10	30	Clear	88°	2/4
7/11/16[2]	12:30-13:00	30	Clear	90°	2/4
7/15/16[1]	12:25-13:00	35	Clear	91°	2/4
7/18/16[1]	11:50-12:20	30	Clear	93°	2/4
7/22/16[1]	10:35-11:05	30	Clear	96°	1/3
7/24/16[1]	11:40-12:15	35	10% Clouds	96°	1/3
7/29/16[2]	10:35-11:00	35	Clear	91°	1/3
8/1/16[1]	11:25-11:55	30	Clear	89°	1/3
8/5/16[1]	11:45-12:15	30	Clear	91°	1/3
8/8/16[2]	10:40-11:10	30	Clear	79°	1/3
8/12/16[1]	11:15-12:45	30	Clear	86°	2/4
8/15/16[2]	11:25-11:55	30	Clear	99°	1/3
8/20/16[2]	11:30-12:05	35	5% Clouds - Haze	82°	1/3
8/22/16[2]	11:50-12:30	30	Clear	83°	1/3
8/26/16[2]	12:15-12:45	30	Clear	76°	2/4
8/29/16[2]	11:50-12:20	30	Clear	93°	1/3
9/2/16[1]	11:35-12:05	30	Clear	79°	2/4
9/6/16[1]	11:25-11:55	30	Clear	77°	3/5
9/9/16[1]	11:35-12:10	35	Clear	82°	3/5
9/12/16[1]	11:35-12:05	30	Clear	74°	3/5
9/16/16[1]	10:45-11:15	30	Clear	78°	1/3
9/19/16[1]	11:55-12:25	30	25% Clouds	96°	2/4

[1] Dale Powell
[2] Jun Powell
[3] Dale and Jun Powell
* Over a 20 second period.

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APPENDIX

SUBCONTRACTOR CONCURRENCE

I, Dale A. Powell, having performed focused surveys for the Delhi Sands Flower-loving Fly for the Acacia and Randall Avenues Project site, Rialto, have entirely read and reviewed the final report for the project and concur with the statements and conclusions made.

_____ _____

SIGNATURE **DATE**

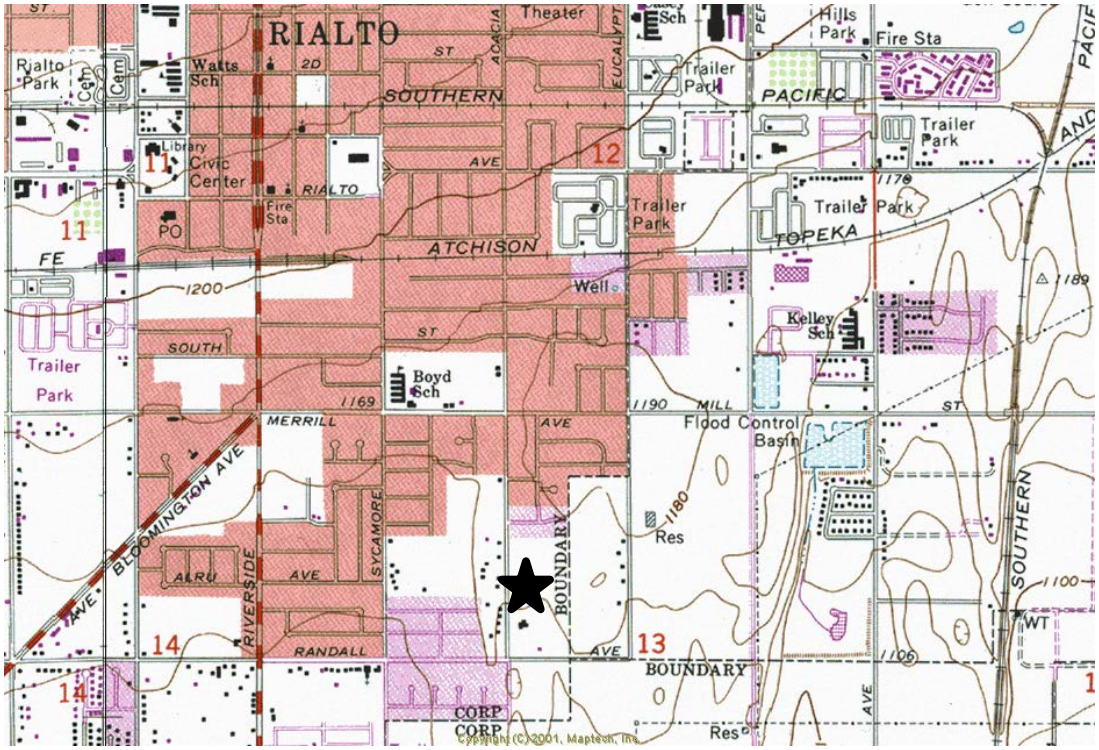
I, Jun R. Powell, having performed focused surveys for the Delhi Sands Flower-loving Fly for the Acacia and Randall Avenues Project site, Rialto, have entirely read and reviewed the final report for the project and concur with the statements and conclusions made.

_____ _____

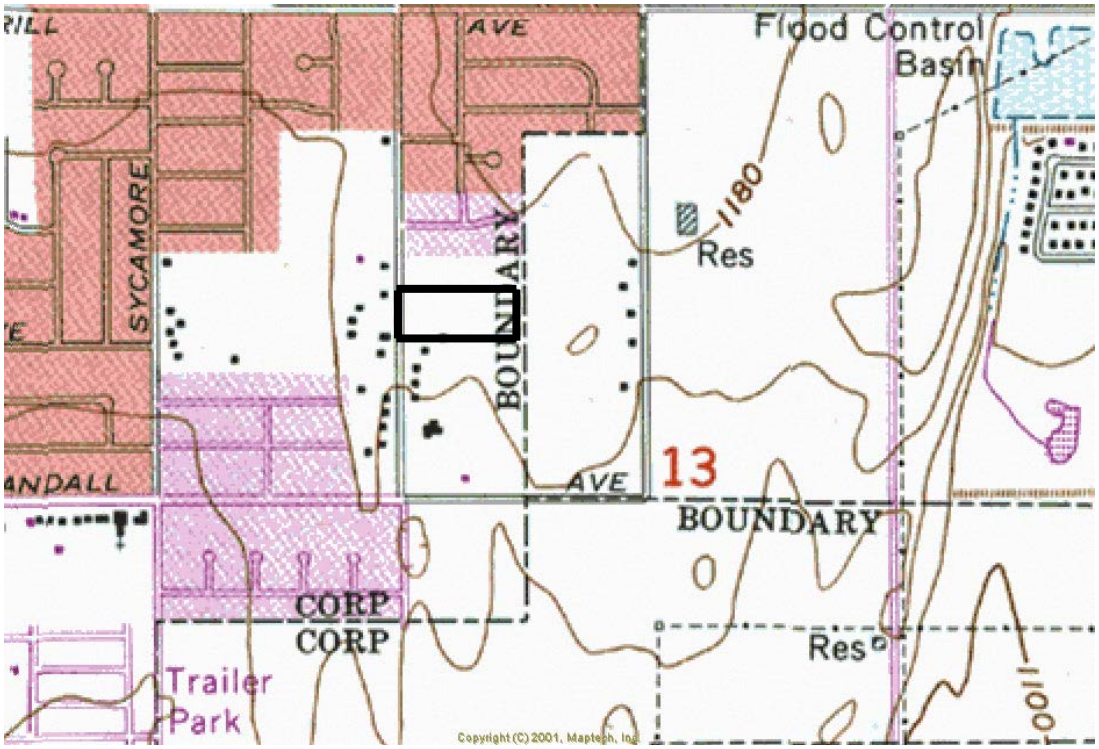
SIGNATURE **DATE**

APPENDIX

Map 1. General location of the National Realtors, Acacia and Randall Avenues Project.



Map 2. Location of the National Realtors, Acacia and Randall Avenues Project site.



ACACIA AND RANDALL AVENUES PROJECT SITE

Picture 1. Overview of the site facing northeast from the southwestern corner.

Picture 2. Overview of the site facing east from the southwestern corner.

ACACIA AND RANDALL AVENUES PROJECT SITE

Picture 3. Overview of the site facing east from the northwestern corner.

Picture 4. Overview of the site facing southeast from the northwestern corner.

FIELD NOTES

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Site: Acacia

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
7/1/16	Temp			86°	92°			
Week	Wind			3/5	3/5			
1	Weath			clear Haze	clear Haze			
7/4	Temp			84°				
Week	Wind			1/3				
1	Weath			clear				
7/8	Temp				88°			
Week	Wind				2/4			
2	Weath				clear			
7/11	Temp				90°			
Week	Wind				3/4			
2	Weath				clear			
7/15	Temp				94°	94°		
Week	Wind				2/4	2/4		
3	Weath				clear	clear		
7/18	Temp				93°			
Week	Wind				2/4			
3	Weath				clear			
7/22	Temp			96°				
Week	Wind			1/3				
4	Weath			clear				
7/24	Temp				96°			
Week	Wind				1/3			
4	Weath				10% clouds			
7/29	Temp		91°					
Week	Wind		1/3					
5	Weath		clear					
8/1	Temp			99°				
Week	Wind			1/3				
5	Weath			clear				
8/5	Temp			91°				
Week	Wind			1/3				
6	Weath			clear				
8/8	Temp			79°				
Week	Wind			1/3				
6	Weath			clear				
8/12	Temp			86°				
Week	Wind			2/4				
7	Weath			clear				
8/15	Temp			99°				
Week	Wind			1/3				
7	Weath			clear				

Wind: First number is average (20 seconds) / second number is maximum.

Delhi Sands Flower-loving Fly **Dale and Jun Roig Fowell**

Site: Acacia

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
8/20/16	Temp			82°				
Week	Wind			1/3				
8	Weath			5% clouds thick				
8/22/16	Temp				83°			
Week	Wind				1 3			
8	Weath				clear			
8/26/16	Temp				76°			
Week	Wind				2/4			
9	Weath				clear			
8/29/16	Temp				93°			
Week	Wind				1/3			
9	Weath				clear			
9/2/16	Temp			79°				
Week	Wind			2/4				
10	Weath			clear				
9/6/16	Temp			77°				
Week	Wind			3/5				
10	Weath			clear				
9/9/16	Temp			82°				
Week	Wind			3/5				
11	Weath			clear				
9/12/16	Temp				74°			
Week	Wind				3/5			
11	Weath				clear			
9/16/16	Temp			78°				
Week	Wind			1/3				
12	Weath			clear				
9/19/16	Temp				96°			
Week	Wind				2/4			
12	Weath				25% cloud			
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							

Wind: First number is average (20 seconds) / second number is maximum.

Delhi Sands Flower-loving Fly — **Dale and Jun Rong Powell**

Acacia	7/1/16	7/4	7/8	7/11	7/15	7/18	7/22	7/24	7/29	8/1	8/5	8/8	8/12	8/15	8/20	8/22
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae	✓															
Curculionidae																
Rhipiphoridae																
Scarabaeidae									✓	✓	✓	✓		✓	✓	✓
Tenebrionidae						✓										
Dermaptera																
Diptera																
Apioceridae											✓	✓			✓	✓
Asilidae		✓			✓						✓					
Bombyliidae						✓	✓									
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mydidae					✓											
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Therevidae						✓										
Hemiptera																
Anthocoridae																
Lygaeidae																
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae																
Membracidae																

Delhi Sands Flower-loving Fly — **Dale and Jun Rong Powell**

Acacia	7/1	7/4	7/8	7/11	7/15	7/18	7/22	7/26	7/29	8/1	8/5	8/9	8/12	8/15	8/20	8/22
Hymenoptera																
Anthophoridae	✓✓						✓									
Apidae	✓✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Braconidae																
Chrysididae																
Formicidae	✓✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Halicitidae																
Ichneumonidae																
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae	✓✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vespidae		✓			✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Lepidoptera																
Danaidae																
Hesperiidae	✓✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
Lycaenidae	✓					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Noctuidae																
Nymphalidae																
Papilionidae														✓	✓	
Pieridae																
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae																
Odonata																
Aeshnidae		✓		✓												
Coenagrionidae										✓		✓			✓	✓
Libellulidae			✓	✓						✓	✓	✓	✓	✓		
Orthoptera																
Acrididae	✓		✓	✓	✓							✓				
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia	JRP 8/26/16	JRP 8/29/16	DAP 9/2	DAP 9/6	DAP 9/9	DAP 9/12	DAP 9/16	DAP 9/19								
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae																
Curculionidae																
Rhipiphoridae																
Scarabaeidae	✓	✓			✓		✓									
Tenebrionidae																
Dermaptera																
Diptera																
Apioceridae																
Asilidae		✓														
Bombyliidae							✓									
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓	✓								
Mydidae	✓															
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Hemiptera																
Anthocoridae																
Lygaeidae																
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae																
Membracidae																
Pseudococcidae				✓	✓	✓	✓	✓	✓							

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

JRP JRP DAP DAP DAP DAP DAP DAP

Acacia	8/24/16	8/29/16	9/2	9/6	9/9	9/12	9/16	9/19								
Hymenoptera																
Anthophoridae																
Apidae	✓	✓	✓	✓	✓	✓	✓	✓								
Braconidae																
Chrysididae			✓		✓											
Formicidae	✓	✓	✓	✓	✓	✓	✓	✓								
Halicitidae																
Ichneumonidae																✓
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae	✓	✓		✓	✓			✓								
Vespidae	✓															
Lepidoptera																
Danaidae																
Hesperiidae	✓	✓	✓	✓	✓	✓	✓	✓								
Lycaenidae			✓	✓	✓	✓	✓	✓								
Noctuidae																
Nymphalidae																
Papilionidae								✓								
Pieridae							✓	✓								
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae			✓	✓	✓		✓									
Odonata																
Aeshnidae				✓												
Coenagrionidae			✓		✓	✓	✓	✓								
Libellulidae						✓	✓									
Orthoptera																
Acrididae					✓											
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

ACACIA AND RANDALL AVENUES NORTH PROJECT SITE
(APN Numbers 0131-131-13 & 0131-131-14)

Focused Survey for the Delhi Sands Flower-loving Fly

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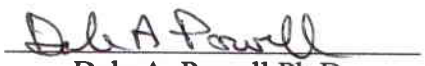

Dale A. Powell Ph.D.
TE-006559-6

September 28, 2017

ACACIA AND RANDALL AVENUES NORTH PROJECT SITE

Focused Survey for the Delhi Sands Flower-loving Fly

September 28, 2017

Introduction

This report presents the results of a focused survey for the Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) on a 5-acre site located in the City of Rialto, San Bernardino County. This property is under consideration for residential development in the future. The County of San Bernardino and the U.S. Fish and Wildlife Service require that focused surveys be conducted to determine whether this proposed development would impact this federally endangered insect. This survey, conducted by Powell Environmental Consulting, resulted in negative findings. Previous surveys were conducted by Powell Environmental Consultants upon the site in 2004, 2005, 2014, 2015, and 2016. Those surveys resulted in negative findings.

Site Description

The 5-acre site is located near the city of Rialto, on a portion of the northwest central area of Section 13, Township 1 South, Range 5 West; San Bernardino Baseline and Meridian; USGS 7.5' San Bernardino South Quad (See Maps 1 & 2). It is rectangular in outline. The site sits on the east side of Acacia Avenue, a few hundred feet north of Randall Avenue (APN Numbers 0131-131-13 & 0131-131-14). The site is relatively flat and its elevation is approximately 1,165 feet above sea level. Adjacent to the north and to the east of the site are houses. South of the southeastern area of the site is a poultry farm and houses lie south of the southeastern area of the site. Across Acacia Avenue to the west are houses.

According to a soil map (U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.), the site possesses Dehli Fine Sand (Db). The Delhi fine sands is a "nearly level to strongly sloping soil on alluvial fans that have been reworked by wind action."(U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of San Bernardino County Southwestern Part, California, 1980.). Based upon my field examination I generally concur with the soil map.

Most of the site is covered by exposed Delhi sands. There is very little vegetation growing upon the site – under 5% of the soil was covered by vegetation.

The most abundant plant observed growing upon the site was Bermuda grass (*Cynodon dactylon*). Of the Delhi Sands Flower-loving Fly "indicator" plants only a small number of California croton (*Croton californicus*) and telegraph weeds (*Heterotheca grandiflora*) were

observed growing along the western edge of the site. Disturbances observed on the site include discing, the invasion of non-native plant and animal species, and minor trash dumping.

Delhi Sands Flower-loving Fly Background Information

The Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) (family Mydidae) was listed as an endangered species under the Endangered Species Act, as amended on September 23, 1993. The California Natural Diversity Data Base lists the DSFLF rank as being: G1T1S1 - Federally listed as being extremely endangered (G1); found only in California (T1); and as being extremely endangered in California (S1).

The Delhi Sands Flower-loving Fly is considered to be endangered primarily because of the loss of its habitat, mainly due to the habitat's conversion to agricultural, residential, and industrial uses. Its historic range has been reduced by over approximately 97% (USFWS, 1993). The fly is known only to inhabit areas where Delhi series soils are located. These soils consist of fine, sandy soils, often forming wholly or partially consolidated dunes, located in an irregular 40 square mile area, in southwestern San Bernardino and northwestern Riverside Counties (Soil Conservation Service, 1980).

Fine unconsolidated soils are required for oviposition. The female fly inserts the end of her abdomen deep into the soil to lay her eggs (Rogers and Mattoni, 1993). The life history of the larval stages are unknown, however, it is presumed, that the larvae develop underground (Greg Ballmer, D. Hawks, pers. comm.). The Delhi Sands Flower-loving Fly's adult flight period lasts approximately six weeks from late July through mid-September. The adult is approximately 1 inch long, tan to orange-brown in color, with dark brown bands and spots upon its abdomen. Its wings are hyaline. It has large green eyes and a long slender proboscis, which it has been seen to use to feed upon nectar from California buckwheat and telegraph weed. The adults frequent open areas, usually near unconsolidated soil. The adult males patrol open areas looking for females to mate with. The females are more sedentary and perch upon plants or sit upon the ground for long periods. Adults are most often observed from 9 or 10 AM until 3 or 4 PM.

The DSFLF is frequently associated with certain plants: California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), Annual Bur-sage (*Ambrosia acanthicarpa*), and telegraph weed (*Heterotheca grandiflora*), sometimes called "indicator plants". Other native plant species also occur in DSFLF habitat: California evening primrose (*Oenothera californica*), deerweed (*Lotus scoparius*), lessinga (*Lessingia glandulifera*), rancher's fiddleneck (*Amsinckia menziesii*), sapphire woolly-star (*Eriastrum sapphirinum*), and Thurber's buckwheat (*Eriogonum thurberi*)

Delhi Sands Flower-loving Fly Recovery Plan

In 1997 the U.S. Fish and Wildlife Service issued the final recovery plan for the Delhi Sands Flower-loving Fly (USFWS, 1997). The plan establishes three recovery units: the Colton, Jurupa, and Ontario Recovery Units. The Colton Recovery Unit contains the most known habitat, followed by the Jurupa Recovery Unit. Of the three recovery units, the Ontario Recovery Unit contains the least suitable habitat. Most of the Ontario Recovery Unit's habitat has been

degraded by long-term agricultural use and much of the remainder of "suitable" habitat is highly fragmented and is in very close proximity to residential, commercial, or industrial development. While the fly is known to occur in the Ontario Recovery Unit, the possibility of using the Ontario Recovery Unit to protect the Delhi Sands Flower-loving Fly is limited because of its prior history and fragmented nature.

The Acacia and Randall Avenues Project site is located within the Colton Recovery Unit.

Methods

Prior to the initiation of the focused survey, the Carlsbad Field Office of the USFWS was notified on June 16, 2017 of Powell Environmental Consultant's intent to perform the survey. This focused survey was initiated on July 2, 2017 and continued with biweekly site surveys until September 19, 2017. All field surveys and activities associated with this study were conducted in accordance with the Interim General Guidelines for the Delhi Sands Flower-loving Fly and conditions set forth in the surveyors 10(a)(1)(A) permits. Surveys were conducted by entomologist Dale Powell PhD and Jun Powell (authorized under permit TE-006559-6). Survey dates and times, ambient air temperatures, wind speed, general weather conditions, insect families/species detected, and other pertinent field data were recorded on field survey forms and are included in Table 1 and in the Appendices.

Results and Discussion

No Delhi Sands Flower-loving Flies were observed on the project site during the focused survey. The closest known observation of the fly in Rialto was approximately 0.1 miles west of this site. One other member of the family Mydidae was observed on the project site. Other species of the closely related families Asilidae and Apioceridae, which are associated with Delhi sands, were observed upon the site as well. These insects are frequently associated with the Delhi Sands Flower-loving Fly and can be considered indicators that the site may have potential as suitable fly habitat, even though the site has been altered by various disturbances. The total numbers of all insect fauna observed upon the site was lower than during the 2004, 2005, 2014, 2015, or 2016 survey seasons. The site had been cleared of vegetation earlier in the year, before the survey season began, and very few plants were observed growing upon the site. A small number of the Delhi Sands Flower-loving Fly "indicator" plants California croton (*Croton californicus*) and telegraph weed (*Heterotheca grandiflora*) were observed growing along the western edge of the site.

Delhi Sands Flower-loving Fly Survey Results

Date	Time	Minutes Surveyed	Weather (at start)	Temp (°F)	Wind (mph) aver*/max
7/2/17[1]	11:35-12:05	30	Clear	90°	0/0
7/5/17[2]	11:45-12:15	30	5% Clouds	97°	1/2
7/10/17[2]	10:40-11:10	30	5% Clouds	95°	0/1
7/13/17[2]	12:15-12:45	30	5% Clouds	94°	2/4
7/17/17[2]	11:35-12:05	30	Clear	94°	1/2
7/20/17[2]	10:30-11:00	30	Clear	87°	0/1
7/24/17[2]	11:40-12:10	30	95% Clouds	80°	2/4
7/27/17[2]	11:00-11:30	30	5% Clouds	89°	2/4
7/31/17[2]	11:45-12:15	30	10% Clouds	93°	2/4
8/3/17[2]	13:10-13:40	30	30% Clouds	96°	3/5
8/7/17[2]	11:30-12:00	30	Clear	89°	2/4
8/10/17[2]	10:40-11:10	30	Clear	90°	1/2
8/14/17[1]	12:15-12:45	30	Clear	90°	3/5
8/16/17[2]	10:50-11:20	30	Clear	78°	0/1
8/21/17[2]	10:00-10:30	30	Clear	72°	0/1
8/24/17[2]	11:15-11:45	30	20% Clouds	81°	1/2
8/28/17[1]	11:55-12:25	30	20% Clouds	104°	2/4
8/30/17[1]	11:45-12:15	30	Clear	103°	2/4
9/4/17[2]	11:05-11:35	30	50% Clouds	86°	2/4
9/6/17[1]	11:30-11:55	25	5% Clouds	89°	2/4
9/11/17[1]	10:30-10:55	25	20% Clouds	86°	0/0
9/13/17[1]	10:25-10:55	30	Clear	77°	1/3
9/19/17[1]	12:55-13:20	25	40% Clouds	73°	1/3

[1] Dale Powell
[2] Jun Powell
[3] Dale and Jun Powell
* Over a 20 second period.

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APPENDIX

SUBCONTRACTOR CONCURRENCE

I, Dale A. Powell, having performed focused surveys for the Delhi Sands Flower-loving Fly for the Acacia and Randall Avenues North Project site, Rialto, have entirely read and reviewed the final report for the project and concur with the statements and conclusions made.

Dale A Powell
SIGNATURE

9/28/2017
DATE

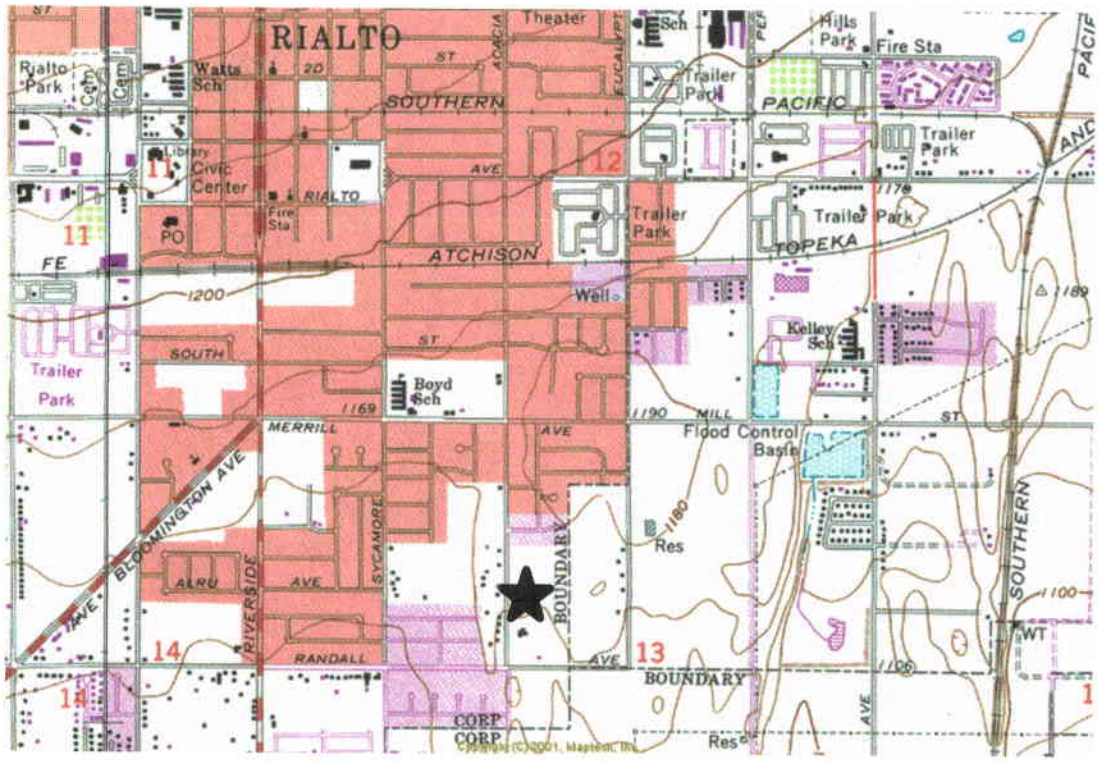
I, Jun R. Powell, having performed focused surveys for the Delhi Sands Flower-loving Fly for the Acacia and Randall Avenues North Project site, Rialto, have entirely read and reviewed the final report for the project and concur with the statements and conclusions made.

Jun R. Powell
SIGNATURE

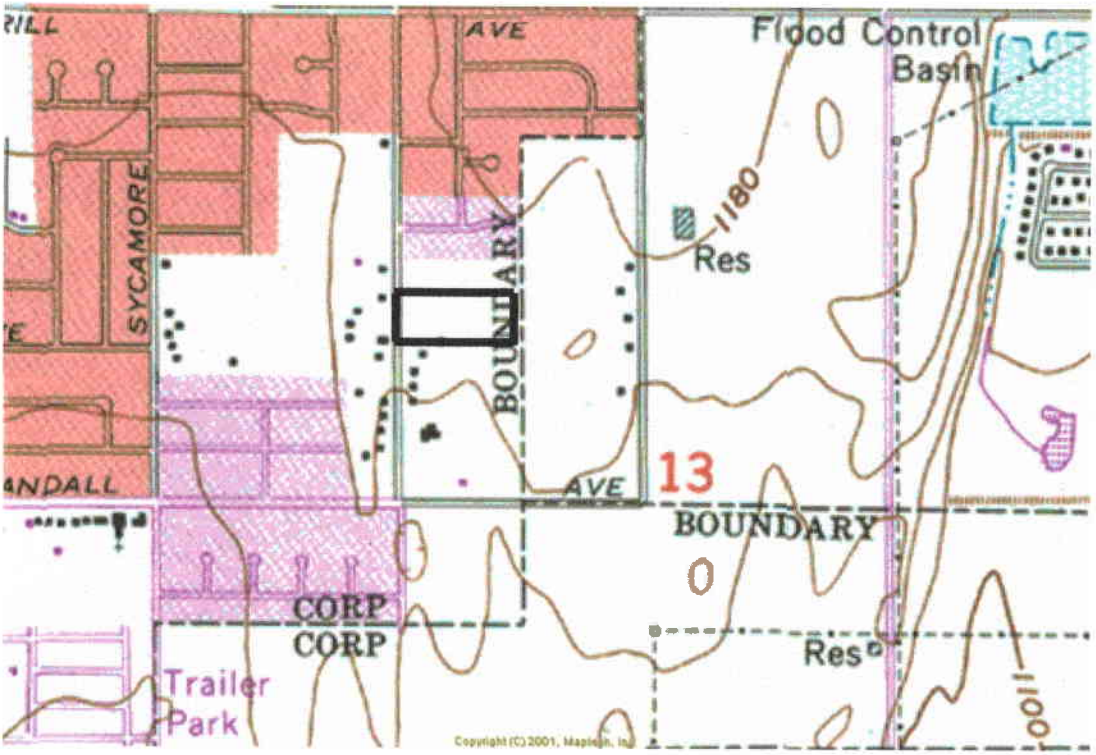
9/28/2017
DATE

APPENDIX

Map 1. General location of the Acacia and Randall Avenues North Project.



Map 2. Location of the Acacia and Randall Avenues North Project site.



ACACIA AND RANDALL AVENUES NORTH PROJECT SITE

Picture 1. Overview of the site facing north from the southwestern corner.

Picture 2. Overview of the site facing northeast from the southwestern corner.

ACACIA AND RANDALL AVENUES NORTH PROJECT SITE

Picture 3. Overview of the site facing east from the southwestern corner.

Picture 4. Overview of the site facing east from the northwestern corner.

FIELD NOTES

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Site: Acacia North

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
7/21 17	Temp			90°				
Week	Wind			0/0				
1	Weath			clear				
715	Temp				97°			
Week	Wind				1/2			
1	Weath				5% cloud			
7/10	Temp			95°				
Week	Wind			0/1				
2	Weath			5% cloudy				
7/13	Temp				98°			
Week	Wind				2/4			
2	Weath				5% cloudy			
7/17	Temp			94°				
Week	Wind			1/2				
3	Weath			clear				
7/20	Temp		87°					
Week	Wind		0/1					
3	Weath		clear					
7/24	Temp			80°				
Week	Wind			2/4				
4	Weath			90% cloud				
7/27	Temp			89°				
Week	Wind			2/4				
4	Weath			30% cloud				
731	Temp				93°			
Week	Wind				2/4			
5	Weath				10% cloud			
8/3	Temp					96°		
Week	Wind					3/5		
5	Weath					30% cloud		
8/7	Temp			89°				
Week	Wind			2/4				
6	Weath			clear				
8/10	Temp			90°				
Week	Wind			1/2				
6	Weath			clear				
8/14	Temp				90°			
Week	Wind				3/5			
7	Weath				clear			

Wind: First number is average (20 seconds) / second number is maximum.

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Site: Acacia North

Date		9:00	10:00	11:00	NOON	1:00	2:00	3:00
8/16/17	Temp			78°				
Week	Wind			0/1				
7	Weath			clear				
8/21/17	Temp		72°					
Week	Wind		0/1					
8	Weath		clear					
8/24/17	Temp			81°				
Week	Wind			1/2				
8	Weath			20% cloud				
8/29/17	Temp			104°				
Week	Wind			2/4				
9	Weath			20% cloud				
9/30/17	Temp			10:20				
Week	Wind			2/4				
9	Weath			clear				
9/4/17	Temp			86°				
Week	Wind			2/4				
10	Weath			5% cloud				
9/6/17	Temp			89°				
Week	Wind			2/4				
10	Weath			5% cloud				
9/11/17	Temp		86°					
Week	Wind		0/0					
11	Weath		20% cloud					
9/13/17	Temp		79°					
Week	Wind		1/3					
11	Weath		clear					
9/19/17	Temp				73°			
Week	Wind				1/3			
12	Weath				45% cloud			
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							
	Temp							
Week	Wind							
	Weath							

Wind: First number is average (20 seconds) / second number is maximum.

Delhi Sands Flower-loving Fly — **Dale and Jun Rong Powell**

Acacia North	7/2	7/5	7/10	7/13	7/17	7/20	7/24	7/27	7/31	8/3	8/7	8/10	8/14	8/16	8/21	8/24
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae																
Curculionidae																
Rhipiphoridae																
Scarabaeidae			✓	✓	✓	✓		✓	–	✓	✓	✓	✓	✓		✓
Tenebrionidae																
Dermaptera																
Diptera																
Apioceridae												✓		✓		✓
Asilidae	✓		✓	✓	✓	✓	✓	✓	✓		✓					
Bombyliidae												✓	✓	✓	✓	✓
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mydidae							✓									
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Hemiptera																
Anthocoridae																
Lygaeidae																
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae																
Membracidae																

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia North	7/1	7/5	7/10	7/13	7/17	7/20	7/24	7/27	7/31	8/3	8/7	8/10	8/14	8/16	8/21	8/24
Hymenoptera																
Anthophoridae																
Apidae	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
Braconidae																
Chrysididae																
Formicidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Halicitidae																
Ichneumonidae																
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vespidae	✓						✓	✓	✓	✓	✓		✓	✓		
Lepidoptera																
Danaidae																
Hesperiidae																
Lycaenidae	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Noctuidae																
Nymphalidae																
Papilionidae													✓			
Pieridae	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae																
Odonata																
Aeshnidae																
Coenagrionidae																
Libellulidae				✓					✓	✓	✓	✓	✓	✓	✓	✓
Orthoptera																
Acrididae																
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia N	9/2	9/5	9/4	9/6	9/11	9/13	9/19									
Coleoptera																
Carabidae																
Chrysomelidae																
Coccinellidae																
Curculionidae																
Rhipiphoridae																
Scarabaeidae	✓		✓													
Tenebrionidae																
Dermaptera																
Diptera																
Apioceridae																
Asilidae				✓												
Bombyliidae	✓															
Calliphoridae																
Chironomidae																
Conopidae																
Muscidae	✓	✓	✓	✓	✓	✓	✓									
Mydidae																
Sarcophagidae																
Stratiomyidae																
Syrphidae																
Tabanidae																
Tachinidae																
Tweedia					✓											
Hemiptera																
Anthocoridae																
Lygaeidae																
Miridae																
Nabidae																
Pentatomidae																
Reduviidae																
Scutelleridae																
Homoptera																
Aphididae																
Cercopidae																
Cicadellidae																
Cicadidae																
Membracidae																

Delhi Sands Flower-loving Fly **Dale and Jun Rong Powell**

Acacia #1	8/26	8/28	9/4	9/6	9/11	9/13	9/19									
Hymenoptera																
Anthophoridae																
Apidae				✓	✓	✓	✓									
Braconidae																
Chrysididae																
Formicidae	✓	✓	✓	✓	✓	✓	✓									
Halicitidae																
Ichneumonidae																
Mutillidae																
Pompilidae																
Scoliidae																
Sphecidae			✓	✓												
Vespidae			✓		✓		✓									
Lepidoptera																
Danaidae																
Hesperiidae		✓		✓	✓		✓									
Lycaenidae	✓	✓	✓	✓	✓		✓									
Noctuidae																
Nymphalidae				✓	✓	✓	✓									
Papilionidae		✓	✓		✓											
Pieridae																
Pyralidae																
Sphingidae																
Neuroptera																
Ascalaphidae																
Chrysopidae																
Hemerobiidae																
Myrmeleontidae																
Odonata																
Aeshnidae				✓	✓											
Coenagrionidae					✓											
Libellulidae			✓			✓	✓									
Orthoptera																
Acrididae																
Gryllacrididae																
Gryllidae																
Mantidae																
Tettigoniidae																
OTHER																

RESOLUTION NO. 17-_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT REVIEW NO. 2017-0022) FOR A PROJECT CONSISTING OF THE SUBDIVISION OF 4.75 GROSS ACRES OF LAND LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 950 FEET NORTH OF RANDALL AVENUE INTO TWENTY (20) SINGLE-FAMILY LOTS AND THREE (3) COMMON LOTS; AND THE DEVELOPMENT OF TWENTY (20) SINGLE-FAMILY RESIDENCES THEREON.

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 gross acres of land (APNs: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone ("Site") into twenty (20) single-family lots and three (3) common lots ("Project"); and to construct twenty (20) single-family residences thereon; and

WHEREAS, the Project within the R-1C zone requires the approval of a tentative tract map, and the Applicant has agreed to apply for a Tentative Tract Map No. 2017-0001, also referred to as Tentative Tract Map No. 20087, ("TTM No. 20087"), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, as part of the Project, the applicant has also submitted Variance No. 2017-0002 to reduce the minimum required lot area from 7,700 square feet to 6,273 square feet, to reduce the minimum required lot width from seventy (70) feet to fifty-five (55) feet, and to reduce the minimum required lot depth from one-hundred (100) feet to ninety-five and nine-tenths (95.9) feet, as it relates to TTM No. 20087 ("VAR No. 2017-0002"); and

WHEREAS, as part of the Project, the applicant will submit a Precise Plan of Design application to allow the construction of twenty (20) single-family residences on the Site; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. (" CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., and Government Code Section

65962.5(f) (Hazardous Waste and Substances Statement), the City prepared an Initial Study (Environmental Assessment Review No. 2017-0022) and determined that there is no substantial evidence that the approval of the Project would result in a significant adverse effect on the environment, provided appropriate mitigation measures are imposed on the Project; thus, a Mitigated Negative Declaration was prepared and notice thereof was given in the manner required by law; and

WHEREAS, a Notice of Intent to adopt the Mitigated Negative Declaration for the Project was published in the San Bernardino Sun newspaper, and mailed to all property owners within 300 feet of the Project Site, and a twenty (20) day public comment period was held from October 13, 2017 to November 1, 2017; and

WHEREAS, no comment letters were received during the public comment period; and

WHEREAS, the City mailed public hearing notices for the proposed Project to all property owners within 300 feet of the project site, and published the public hearing notice in the San Bernardino Sun newspaper as required by State law; and

WHEREAS, on November 29, 2017, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on the Mitigated Negative Declaration, TTM No. 20087, and VAR No. 2017-0002, took testimony, at which time it received input from staff, the city attorney, and the Applicant; heard public testimony; discussed the proposed TTM No. 20087, and VAR No. 2017-0002; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

SECTION 1: The Planning Commission hereby finds all of the above recitals to be true and correct.

SECTION 2: The Planning Commission has independently reviewed and considered the proposed Mitigated Negative Declaration, the public comments upon it, and other evidence and finds that the Mitigated Negative Declaration was prepared in the manner required by law, and

there is no substantial evidence, provided appropriate mitigation measures are imposed, that the Project would result in a significant adverse effect upon the environment.

SECTION 3: The Initial Study (Environmental Assessment Review No. 2017-0022) prepared for the project identified that the Site did have suitable habitat for the endangered Delhi Sands Flower-Loving Fly (DSF), however, supplemental surveys of the Site conducted in 2015, 2016, and 2017 determined that that the DSF is not present on the Site, and therefore the proposed Project will have no individual or cumulative adverse impacts upon resources, as defined in Section 711. 2 of the State Fish and Game Code. The Initial Study prepared for the Project also includes a mitigation measure requiring documentation of clearance from the United States Fish & Wildlife Service with respect to the DSF. Implementation of this mitigation measure will reduce any potential impacts on biological resources to a less than significant level.

SECTION 4: The attached proposed Mitigated Negative Declaration, Exhibit "A" hereto, finds that there are no impacts or less than significant impacts to aesthetics, agriculture and forestry resources, air quality, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, utilities and service systems, and mandatory findings of significance.

SECTION 5: With the imposition of mitigation measures that address potential impacts upon biological resources and cultural resources in the community and as set forth in the Mitigation Monitoring & Reporting Program, Exhibit "B" hereto, which is attached hereto and incorporated herein by this reference, the proposed project's potential significant impacts will be reduced below a level of significance.

SECTION 3: For the foregoing reasons and based on the information and findings included in the Initial Study and Staff Report, the Planning Commission has determined that the Project, as conditioned and mitigated, will not have a significant adverse impact on the environment and also finds that the preparation of the Mitigated Negative Declaration attached hereto complies with CEQA. Therefore, the Planning Commission hereby certifies the Mitigated Negative Declaration,

which is attached hereto as Exhibit "A" and incorporated herein by this reference, making certain environmental findings to allow the Project.

SECTION 4: The Chairman of the Planning Commission 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 29th day of November, 2017.

_____

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ___th day of ____, 2017.

Upon motion of Planning Commissioner_____., seconded by Planning Commissioner ____, the foregoing Resolution No. ____was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this __th day of ___, 2017.

_____
SHEREE LEWIS, ADMINISTRATIVE ASSISTANT

RESOLUTION NO. 17-_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 2017-0001 TO ALLOW THE SUBDIVISION OF 4.75 GROSS ACRES OF LAND (APN: 0131-131-13 & -14) LOCATED ON THE EAST SIDE OF ACACIA AVENUE APPROXIMATELY 950 FEET NORTH OF RANDALL AVENUE INTO TWENTY (20) SINGLE-FAMILY LOTS AND THREE (3) COMMON LOTS FOR LANDSCAPING AND A STORM-WATER DETENTION BASIN.

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 gross acres of land (APN: 0131-131-13 & -14) into twenty (20) single-family lots and three (3) common lots for landscaping and a storm-water detention basin ("Project"); and

WHEREAS, the Project location comprises 4.75 gross acres of land (APN: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone ("Site"); and

WHEREAS, the Project within the R-1C zone requires the approval of a tentative tract map, and the applicant has agreed to apply for a Tentative Tract Map No. 2017-0001, also referred to as Tentative Tract Map No. 20087, ("TTM No. 20087"), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, in conjunction with the Project, the applicant will also develop one (1) detached single-family residence on each of the twenty (20) single-family lots of TTM No. 20087 on the Site; and

WHEREAS, concurrently with TTM No. 20087, Variance No. 2017-0002 is being considered for the Site to reduce the minimum lot area required for the Project from 7,700 square feet to 6,273 square feet, to reduce the minimum lot width required for the Project from seventy (70) feet to fifty-five (55) feet, and to reduce the minimum lot depth required for the Project from one-hundred (100) feet to ninety-five and nine-tenths (95.9) feet ("VAR No. 2017-0002); and.

WHEREAS, on November 29, 2017, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on TTM No. 20087 and VAR 2017-

0002, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed TTM No. 20087 and VAR No. 2017-0002; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above of this Resolution are true and correct and incorporated herein.

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to TTM No. 20087, including written staff reports, verbal testimony, project plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that TTM No. 20087 satisfies the requirements of Government Code Sections 66473.5 and 66474 and Section 17.16.070 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a tentative map. The findings are as follows:

1. That the proposed tentative tract map is consistent with the General Plan of the City of Rialto and the Single-Family Residential (R-1C) zone; and

This finding is supported by the following facts:

The Site has a General Plan designation of Residential 6. This designation permits subdivisions not to exceed six (6) dwelling units per acre. The Project has a proposed density of 5.26 dwelling units per acre, which is consistent with the Residential 6 General Plan designation. Additionally, the applicant has or will be granted Variance No. 2017-0002 to address all of the inconsistencies with the lot criteria established in the R-1C zone.

2. That the design and improvements of the proposed tentative tract map are consistent with the Subdivision Ordinance, the General Plan of the City of Rialto, and the Single-Family Residential (R-1C) zone; and

This finding is supported by the following facts:

The Project will comply with all technical standards required by Subdivision Map Act, the General Plan of the City of Rialto, and the R-1C zone. All street improvements shown on the proposed tentative map have been designed to the standards established within the Circulation Element of the General Plan.

Included in the proposal are four (4) new full-width local street sections, including one (1) that will connect directly to Acacia Avenue and provide access into and out of the tract. Two (2) of the new local street sections will terminate at the south side of the project site upon development of the project in order to allow for a future extension/connection to the properties to the south. At the request of the Fire Department, the applicant will install a temporary asphalt turnaround at the terminus of the easterly stub street upon initial development of the project. This temporary turnaround, located on Lots 14 and 20, will allow fire trucks to safely turnaround and exit the site should fire service ever be needed in the area.

3. That the site is physically suitable for the type of proposed development; and

This finding is supported by the following facts:

The Site is a relatively flat, rectangular-shaped piece of land, and development of the land should be easily accommodated. The applicant will be required to submit a geotechnical/soils report to the Public Works Department for review and approval prior to issuance of any building permits.

4. That the site is physically suitable for the proposed density of the development; and

This finding is supported by the following facts:

The Site is 3.80 net acres (4.75 gross acres) in size, and the General Plan designation of the Site allows for a maximum density of 6.0 dwelling units per acre. The acreage of the Site is suitable to accommodate the proposed density of 5.26 dwelling units per acre.

5. That the design of the land division is not likely to cause substantial environmental damage or substantially injure fish, wildlife, or their habitat; and

This finding is supported by the following facts:

The Site is vacant and covered by naturally occurring grasses and shrubs. According to Section 4.4.2 of the General Plan Environmental Impact Report, the Site is designated as a habitat for the endangered Delhi Sands Flower-Loving Fly (DSF). However, the applicant hired Powell Environmental Consultants to conduct survey of the Site in 2015, 2016, and 2017 to determine if the DSF was present on the Site. Each survey determined that the DSF was not present on the Site. A condition of approval contained herein requires the applicant to provide the Planning Division with documentation of clearance from the United States Fish & Wildlife Services prior to the commencement of any ground disturbance activities on the Site. Additionally, the initial study prepared for the Project determined that the Site did not contain suitable habitat for any other known threatened or endangered species, including the Burrowing Owl and the Kangaroo Rat.

6. That the design of the land division is not likely to cause serious public health problems; and

This finding is supported by the following facts:

The Site is bound on the west by Acacia Avenue. To the north of the project site is a single-family residential subdivision built in 1970, and to the east is another single-family residential subdivision built from 1990 to 1992. To the south is a poultry farm that sits on 3.92 acres of land, and to the west, across Acacia Avenue are several single-family residences that each sit on 1.0 acre lots. The zoning of the project site and the properties to the north is Single-Family Residential (R-1C), and the zoning of the properties to the south and west is Agricultural (A-1). The properties to the east are located within the jurisdiction of the City of San Bernardino. The proposed detached single-family development pertaining to the land division is consistent with all nearby land uses. Construction impacts will be limited through the strict enforcement of the allowable construction hours listed in Section 9.50.070 of the Rialto Municipal Code, as well as enforcement of regular watering of the Site to limit airborne dust and other particulate matter. Operationally, generally speaking, detached single-family residences have little to no impact on the environment and on surrounding properties. The Project is not likely to cause any public health problems.

7. That the design of the land division or proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed land division.

This finding is supported by the following facts:

No easements exist on the Site, and none are proposed as a part of the Project.

SECTION 3. Asian Pacific, Inc. is hereby granted TTM No. 20087 to allow the subdivision of 4.75 gross acres of land (APN: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the R-1C zone into twenty (20) single-family lots and three (3) common lots landscaping and a storm-water detention basin.

SECTION 4. An Initial Study (Environmental Assessment Review No. 2017-0022) has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance and a Mitigated Negative Declaration has been prepared in accordance with CEQA. The Planning Commission directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 5. TTM No. 20087 is granted to Asian Pacific, Inc. in accordance with the plan and application on file with the Planning Division, subject to the following conditions:

1. TTM No. 20087 is approved allowing the subdivision of 4.75 gross acres of land (APN: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue into twenty (20) single-family lots and three (3) common lots for landscaping and a storm-water detention basin, as shown on the tentative map submitted to the Planning Division on November 21, 2017, and as approved by the Planning Commission. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the Project shall be subject to revocation.

2. Prior to the issuance of building or grading permits for the proposed development, a Precise Plan of Design shall be approved by the City's Development Review Committee (DRC).

3. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.

4. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning TTM No. 20087. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and applicant will cooperate fully in the defense.

5. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

6. The City shall prepare a Fiscal Impact Analysis report at the applicant’s cost. The report shall analyze the Project’s impact to the City’s General Fund. The applicant shall be required to mitigate any negative fiscal impacts identified in the report through the formation of a Community Facilities District, payment of a Municipal Services Fee, or other acceptable mitigation method.

7. The applicant shall install a temporary asphalt turnaround through Lot 14 and Lot 20, as required by the Rialto Fire Department, prior to the issuance of a certificate of occupancy. The temporary asphalt turnaround will facilitate adequate movement of fire service vehicles.

8. The temporary asphalt turnaround shall remain in place, and no development shall occur on Lot 20, until such time that Pine Avenue is extended by a future development to the satisfaction of the Rialto Fire Department.

9. The side and rear fencing on Lot 14 shall not encroach into the area of the temporary asphalt turnaround, until such time that Pine Avenue is extended by a future development to the satisfaction of the Rialto Fire Department.

10. All mitigation measures listed in Environmental Assessment Review No. 2017-0022 shall be met prior to issuance of any Certificate of Occupancy.

11. The Applicant shall coordinate with the Gabrieleño Band of Mission Indians-Kizh Nation, prior to the issuance of a grading permit, to allow for a Native American Monitor to be located on-site during all ground disturbances, or as required by the Gabrieleño Band of Mission Indians-Kizh Nation.

12. The Applicant shall provide documentation indicating clearance from the United States Fish & Wildlife Service in regards to the Delhi Sands Flower-Loving Fly (DSF) prior to the commencement of any ground disturbance activities and prior to the issuance of a rough or precise grading permit.

13. The applicant shall construct a minimum six (6) foot high solid decorative masonry block around the perimeter of the Site, the north side of Lot A, the south side of Lot 1, the east side of Lot 14, and the west side of Lot 18 as approved by the Planning Division. Decorative masonry block means double-sided tan slumpstone block, double-sided tan split-face block, or precision block with a stucco, plaster, or cultured stone finish. All decorative masonry block walls shall include a decorative cap. Pilasters shall be incorporated within the block walls along the west sides of Lot 1, Lot 2, Lot 3, Lot 4, and Lot 18, and the east side of Lot 14. The pilasters shall be spaced a maximum of fifty (50) feet and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum of one (1) course above and at least six (6) inches to the side of the wall. All pilasters shall include a decorative cap.

14. The applicant shall pay all applicable development impact fees in accordance with the current City of Rialto fee ordinance.

15. The applicant shall apply for annexation of the underlying property into City of Rialto Landscape and Lighting Maintenance District No. 2 ("LLMD 2"). An application fee of $5,000 shall be paid at the time of application. Annexation into LLMD 2 is a condition of acceptance of any new median and/or parkway landscaping, or any new public street lighting improvements, to be maintained by the City of Rialto.

16. The parkway landscaping along the frontage of Acacia Avenue, the landscaping within Lot B, the landscaping within Lot C, the parkway landscaping on the north side of Lot A, the parkway landscaping on the south side of Lot 1, the parkway landscaping on the

east side of Lot 14, and the parkway landscaping on the west side of Lot 18 shall be annexed into LLMD 2.

17. All new street lights shall be installed on an independently metered, City-owned underground electrical system. The developer shall be responsible for applying with Southern California Edison ("SCE") for all appropriate service points and electrical meters. New meter pedestals shall be installed, and electrical service paid by the developer, until such time as the underlying property is annexed into LLMD 2.

18. The applicant shall submit street improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the approval of Tract Map No. 20087.

19. The applicant shall submit street light improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the approval of Tract Map No. 20087.

20. The applicant shall submit sewer improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the approval of Tract Map No. 20087.

21. The applicant shall submit traffic and signage improvement plans by a registered California civil engineer to the Public Works Engineering Division for review. The plans shall be approved by the City Engineer prior to the approval of Tract Map No. 20087.

22. The applicant shall submit copies of approved water improvement plans prepared by a registered California civil engineer to the Public Works Engineering Division for record purposes. The plans shall be approved by Rialto Water Services, the City's water purveyor, prior to the approval of Tract Map No. 20087.

23. The applicant shall construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.

24. The public street improvements outlined in these conditions of approval are intended to convey to the developer an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be

determined in the course of the review and approval of street improvement plans required by these conditions.

25. The applicant shall dedicate additional right-of-way along the entire frontage of Acacia Avenue, as necessary, to provide the ultimate half-width of 32 feet, as required by the City Engineer.

26. The applicant shall dedicate a property line corner cutback at the northeast and southeast corners of the intersection of Acacia Avenue and Stanton Way, in accordance with City Standard SC-235, as required by the City Engineer.

27. The applicant shall construct an 8 inch curb and gutter, located at 20 feet east of centerline along the entire frontage of Acacia Avenue, with a 32 foot radius curb return and spandrel at the northeast and southeast corners of the intersection of Acacia Avenue and Stanton Way, in accordance with City of Rialto Standard Drawings.

28. The applicant shall construct a 5 foot wide sidewalk 7 feet east of the edge of the curb along the entire frontage of Acacia Avenue, in accordance with City of Rialto Standard Drawings.

29. The applicant shall construct a curb ramp meeting current California State Accessibility standards at both the northeast and southeast corners of the intersection of Acacia Avenue and Stanton Way, in accordance with the City of Rialto Standard Drawings.

30. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Acacia Avenue, as determined necessary by the City Engineer. New marbelite street light poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

31. The applicant shall remove existing pavement and construct new pavement with a minimum pavement section of 4 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Acacia Avenue in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 6. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from clean sawcut edge of pavement at centerline.

32. The applicant shall dedicate right-of-way along the entire frontage of Stanton Way to provide the ultimate full-width of 60 feet, as required by the City Engineer.

33. The applicant shall construct a 6 inch curb and gutter on both sides of the entire frontage of Stanton Way. The curb and gutter shall be located 18 feet from the centerline along the entire frontage of Stanton Way, with 32 foot radius curb returns and spandrels at the

northwest and southwest corners of the intersection of Stanton Way and Encina Avenue, in accordance with City of Rialto Standard Drawings.

34. The applicant shall construct a 5 foot wide sidewalk adjacent to the curb along both sides of the entire frontage of Stanton Way, in accordance with City of Rialto Standard Drawings.

35. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Stanton Way, as determined necessary by the City Engineer. New marbelite street light poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

36. The applicant shall construct new pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Stanton Way in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 6. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from curb and gutter to curb and gutter along the entire project length of Stanton Way.

37. The applicant shall dedicate right-of-way along the entire project frontage of Encina Avenue to provide the ultimate full-width of 60 feet, as required by the City Engineer.

38. The applicant shall construct a 6 inch curb and gutter on both sides of the entire frontage of Encina Avenue. The curb and gutter shall be located 18 feet from the centerline along the entire frontage of Encina Way, with a 32 foot radius curb return and spandrel at the southeast corner of the intersection of Encina Avenue and Vodden Street, and a 50 foot radius curb return and spandrel at the northwest corner of the intersection of Encina Avenue and Vodden Street, in accordance with City of Rialto Standard Drawing S-102.

39. The applicant shall construct a 5 foot wide sidewalk adjacent to the curb along both sides of the entire frontage of Encina Avenue, in accordance with City of Rialto Standard Drawings.

40. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Encina Avenue, as determined necessary by the City Engineer. New marbelite street light poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

41. The applicant shall construct new pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Encina Avenue in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 6. The pavement section

shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from curb and gutter to curb and gutter along the entire project length of Encina Avenue.

42. The applicant shall dedicate right-of-way along the entire project frontage of Vodden Street to provide the ultimate full-width of 60 feet, as required by the City Engineer.

43. The applicant shall construct a 6 inch curb and gutter on both sides of the entire frontage of Vodden Street. The curb and gutter shall be located 18 feet from the centerline along the entire frontage of Vodden Street, with 32 foot radius curb return and spandrel at the southwest corner of the intersection of Vodden Street and Pine Avenue, and a 50 foot radius curb return and spandrel at the northeast corner of the intersection of Vodden Street and Pine Avenue, in accordance with City of Rialto Standard Drawing S-102.

44. The applicant shall construct a 5 foot wide sidewalk adjacent to the curb along both sides of the entire frontage of Vodden Street, in accordance with City of Rialto Standard Drawings.

45. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Vodden Street, as determined necessary by the City Engineer. New marbelite street light poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

46. The applicant shall construct new pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Vodden Street in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 6. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from curb and gutter to curb and gutter along the entire project length of Vodden Street.

47. The applicant shall dedicate right-of-way along the entire project frontage of Pine Avenue to provide the ultimate full-width of 60 feet, as required by the City Engineer.

48. The applicant shall construct a 6 inch curb and gutter on both sides of the entire frontage of Pine Avenue. The curb and gutter shall be located 18 feet from the centerline along the entire frontage of Pine Avenue, with 32 foot radius curb return and spandrel at the southwest corner of the intersection of Pine Avenue and Vodden Street, and a 50 foot radius curb return and spandrel at the northeast corner of the intersection of Pine Avenue and Vodden Street, in accordance with City of Rialto Standard Drawing S-102.

49. The applicant shall construct a 5 foot wide sidewalk adjacent to the curb along both sides of the entire frontage of Pine Avenue, in accordance with City of Rialto Standard Drawings.

50. The applicant shall construct a new underground electrical system for public street lighting improvements along the project frontage of Pine Avenue, as determined necessary by the City Engineer. New marbelite street light poles with LED light fixtures shall be installed in accordance with City of Rialto Standard Drawings.

51. The applicant shall construct new pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, along the entire frontage of Pine Avenue in accordance with City of Rialto Standard Drawings. The pavement section shall be determined using a Traffic Index ("TI") of 6. The pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval. Pavement shall extend from curb and gutter to curb and gutter along the entire project length of Pine Avenue.

52. The applicant shall construct one (1) residential drive-approach within each single-family lot, in accordance with City of Rialto Standard Drawings.

53. The applicant shall construct an 8 inch V.C.P. sewer main within the entire project length of Stanton Way, Encina Avenue, Vodden Street, and Pine Avenue, with a connection to the existing sewer main within Acacia Avenue, as necessary to provide sewer services to the new residential development. All sewer shall be installed in accordance with City of Rialto Standard Drawings, and as required by the City Engineer.

54. The applicant shall construct a 4 inch V.C.P. sewer lateral to each lot with a connection to the sewer main within the street adjacent to the front of the lot, in accordance with City of Rialto Standard Drawings, and as required by the City Engineer.

55. All sewer mains constructed by the applicant are to become part of the public sewer. The sewer system shall be pressure tested and digitally video recorded by the applicant, subject to the City's wastewater system operator (Veolia) review and approval, prior to acceptance of the sewer system for maintenance by the City. The developer shall be responsible for all costs associated with testing and inspection services. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

56. Domestic water service to the underlying property is provided by Rialto Water Services. New domestic water service shall be installed in accordance with Rialto Water Services requirements. Contact Rialto Water Services at (909) 820-2546 to coordinate domestic water service requirements.

57. The applicant shall install a new domestic water line along the entire project length of Stanton Way, Encina Avenue, Vodden Street, and Pine Avenue, with a connection to the existing water main line within Acacia Avenue, pursuant to the Rialto Water Services requirements. A water line plan shall be approved by Rialto Water Services prior to approval of Tract Map No. 20087.

58. The applicant shall submit a Grading Plan prepared by a California registered civil engineer to the Public Works Engineering Division for review and approval. The Grading Plan shall be approved by the City Engineer prior to approval of Tract Map No. 20087.

59. The applicant shall submit a Water Quality Management Plan identifying site specific Best Management Practices ("BMPs") in accordance with the Model Water Quality Management Plan ("WQMP") approved for use for the Santa Ana River Watershed. The site specific WQMP shall be submitted to the City Engineer for review and approval with the Grading Plan. A WQMP Maintenance Agreement shall be required, obligating the property owner(s) to appropriate operation and maintenance obligations of on-site BMPs constructed pursuant to the approved WQMP. The WQMP and Maintenance Agreement shall be approved prior to approval of Tract Map No. 20087.

60. The applicant shall prepare a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit. The applicant's contractor shall prepare and maintain a Storm Water Pollution Prevention Plan ("SWPPP") as required by the General Construction Permit. All appropriate measures to prevent erosion and water pollution during construction shall be implemented as required by the SWPPP.

61. The applicant shall submit a Geotechnical/Soils Report, prepared by a California registered Geotechnical Engineer, for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Public Works Engineering Division with the first submittal of the Precise Grading Plan.

62. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved Grading Plan.

63. Prior to the issuance of a certificate of occupancy or final City approvals, the applicant shall demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications, and as identified in the approved WQMP.

64. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling

on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. The volume of increased stormwater runoff to retain on-site shall be determined by comparing the existing "pre-developed" condition and proposed "developed" condition, using the 100-year frequency storm.

65. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Rialto Standard Drawings. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Rialto Water Services, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

66. In accordance with Chapter 15.32 of the City of Rialto Municipal Code, all existing electrical distribution lines of sixteen thousand volts or less and overhead service drop conductors, and all telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground. The existing overhead utilities extending along the west side of Spruce Avenue meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the City Engineer prior to approval of the Grading Plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the City Engineer identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to approval of Tract Map No. 20087.

67. Upon approval of any improvement plan by the City Engineer, the applicant shall provide the improvement plan to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF

(Adobe Acrobat) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

68. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

69. Nothing shall be constructed or planted in the corner cut-off area of any driveway which exceeds or will exceed 30 inches in height, in order to maintain an appropriate sight distance, as required by the City Engineer.

70. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed, as required by the City Engineer.

71. The applicant shall submit a final map (Tract Map No. 20087), be prepared by a California registered Land Surveyor or qualified Civil Engineer, to the Public Works Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with Tract Map No. 20087 to the Public Works Engineering Division as part of the review of the Map. Tract Map No. 20087 shall be approved by the City Council prior to issuance of any building permits.

72. In accordance with Government Code 66462, all required public improvements shall be completed prior to the approval of a final map (Tract Map No. 20087). Alternatively, the applicant may enter into a Subdivision Improvement Agreement to secure the cost of all required public improvements at the time of requesting the City Engineer's approval of Tract Map No. 20087. If a Subdivision Improvement Agreement is requested by the applicant, a fee of $2,000 shall be paid for preparation and processing of the Subdivision Improvement Agreement. The applicant will be required to secure the Subdivision Improvement Agreement pursuant to Government Code 66499 in amounts determined by the City Engineer.

73. A minimum of 48 inches of clearance for disabled access shall be provided on all public sidewalks.

74. The applicant shall install a stop sign, stop bar, and "STOP" legend on Stanton Way at the intersection of Acacia Avenue, in accordance with City of Rialto Standard Drawings, and in conformance with the 2014 California Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time of construction.

75. The applicant shall provide construction signage, lighting and barricading during all phases of construction as required by City Standards or as directed by the City Engineer.

As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the 2014 California Manual on Uniform Traffic Control Devices, or subsequent editions in force at the time of construction.

76. The use of dust and erosion control measures to prevent excessive adverse impacts on adjoining properties during construction will be required by the Engineering Division of the Public Works Department.

77. The applicant shall comply with all other applicable State and local ordinances.

78. Pursuant to Section 17.16.050A of the Rialto Municipal Code, approval of TTM No. 20087 is granted for a period of twenty-four (24) months from the effective date of this resolution. Pursuant to Section 17.16.050C of the Rialto Municipal Code, an extension of time for TTM No. 20087 may be granted by the Planning Commission for a period or periods not to exceed a total of thirty-six (36) months. The period or periods of extension shall be in addition to the original twenty-four (24) months. An application shall be filed with the Planning Division for each extension together with the required fee prior to the expiration date of TTM No. 20087.

SECTION 6. The Chairman of the Planning Commission 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 29th day of November, 2017.

_____
JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ___th day of ____, 2017.

Upon motion of Planning Commissioner_____., seconded by Planning Commissioner ____, the foregoing Resolution No. ____was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this __th day of ___, 2017.

_____
SHEREE LEWIS, ADMINISTRATIVE ASSISTANT

RESOLUTION NO. 17-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA, APPROVING VARIANCE NO. 2017-0002 TO REDUCE THE MINIMUM LOT AREA WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-1C) ZONE FROM 7,700 SQUARE FEET TO 6,273 SQUARE FEET, TO REDUCE THE MINIMUM LOT WIDTH WITHIN THE R-1C ZONE FROM SEVENTY (70) FEET TO FIFTY-FIVE (55) FEET, AND TO REDUCE THE MINIMUM LOT DEPTH WITHIN THE R-1C ZONE FROM ONE-HUNDRED (100) FEET TO NINETY-FIVE AND NINE-TENTHS (95.9).

WHEREAS, the applicant, Asian Pacific, Inc., proposes to subdivide 4.75 gross acres of land (APN: 0131-131-13 & -14) into twenty (20) single-family lots and three (3) common lots for landscaping and a storm-water detention basin ("Subdivision");

WHEREAS, the Subdivision location comprises 4.75 gross acres of land (APN: 0131-131-13 & -14) located on the east side of Acacia Avenue approximately 950 feet north of Randall Avenue within the Single-Family Residential (R-1C) zone ("Site"); and

WHEREAS, the Subdivision within the R-1C zone requires the approval of a tentative tract map, and the applicant has agreed to apply for a Tentative Tract Map No. 2017-0001, also referred to as Tentative Tract Map No. 20087, ("TTM No. 20087"), in accordance with the Subdivision Map Act (Government Code §§ 66410 et seq.); and

WHEREAS, in conjunction with TTM No. 20087, the applicant will also develop one (1) detached single-family residence on each of the twenty (20) single-family lots of TTM No. 20087 on the Site; and

WHEREAS, pursuant to Section 18.16.030A of the Rialto Municipal Code, the minimum lot area within the R-1C zone shall be 7,700 square feet; and

WHEREAS, the smallest proposed lot area within TTM No. 20087 is 6,273 square feet; and

WHEREAS, pursuant to Section 18.16.030B of the Rialto Municipal Code, the minimum lot width within the R-1C zone shall be seventy (70) feet; and

WHEREAS, the smallest proposed lot width within TTM No. 20087 is fifty-five (55) feet; and

WHEREAS, pursuant to Section 18.16.030C of the Rialto Municipal Code, the minimum lot depth within the R-1C zone shall be one-hundred (100) feet; and

WHEREAS, the smallest proposed lot depth within TTM No. 20087 is ninety-five and nine-tenths (95.9) feet; and

WHEREAS, the lot dimensions of eighteen (18) of the twenty (20) single-family lots of TTM No. 20087 do not comply with Section 18.16.030A, Section 18.16.030B, and Section 18.16.030C of the Rialto Municipal Code, thus requiring a reduction in the minimum lot area, minimum lot width, and minimum lot depth of the R-1C zone in order to facilitate TTM No. 20087 ("Project"); and

WHEREAS, pursuant to Section 18.64.030 of the Rialto Municipal Code, the Project requires the approval of a Variance, and the applicant has agreed to apply for Variance No. 2017-0002 ("VAR No. 2017-0002"); and

WHEREAS, on November 29, 2017, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on VAR No. 2017-0002 and TTM No. 20087, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the VAR No. 2017-0002 and TTM No. 20087; and closed the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above of this Resolution are true and correct and incorporated herein.

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to VAR No. 2017-0002, including written staff reports, verbal testimony, site plan, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that VAR No. 2017-0002 satisfies the requirements of the

Section 18.64.020 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a variance. The findings are as follows:

1. There are exceptional circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same vicinity or district.

This finding is supported by the following facts:

Strict enforcement of the lot area, lot width, and lot depth requirements will prevent the applicant from providing the highest quality design for the site. The applicant's original proposal contained twenty (20) single-family lots fronting onto one (1) local street that extended directly from Acacia Avenue. Each of the twenty (20) single-family lots complied with the lot criteria required by the R-1C zone within the original proposal. However, in an effort to achieve the highest quality design and to prevent the property to the south from being unable to develop to its full potential, the Planning Division required the applicant to provide street stubs at the south end of the site to allow for a future connection/extension to the adjacent property to the south. This created an exceptional circumstance where the project site cannot maintain twenty (20) single-family lots and have each lot meet the minimum required lot area, lot width, and lot depth.

2. This variance is necessary for the preservation and enjoyment of a substantial property right of the applicant as possessed by other property owners in the same vicinity and district.

This finding is supported by the following facts:

Strict enforcement of the lot area, lot width, and lot depth requirements will prevent the applicant from providing the highest quality design for the site. The majority of the lots within the single-family residential subdivision to the north of the project site (Tract 8241) do not comply with the minimum lot area of the R-1C zone, with the smallest lot size being 7,195 square feet. The smallest lot size within Tract 8241 is smaller than the average lot size of the applicant's proposal. The Planning Commission granted Variance No. 703 to Rapido Investments, Inc. in 2014 reducing the minimum lot width for a similar R-1C project from 70 feet to 58 feet. Furthermore, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot widths as low as 55 feet, including 571 S. Acacia Avenue, 581 S. Acacia Avenue, and 590 S. Encina Avenue. Additionally, while there is no record of a variance, there are several other R-1C zoned lots in the vicinity with lot depths below 95 feet, and as low as 86 feet, including 535 W Merrill Avenue, 510 S Encina Avenue, 522 S. Encina Avenue, 534 S. Encina Avenue, and 546 S. Encina Avenue.

3. The granting of this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

This finding is supported by the following facts:

Granting the variance will not be detrimental to the public welfare or injurious to other property or improvements in that the project site will be used for a single-family residential development in keeping with the character of the area and the density limits established within the area.

4. The proposed use and development are consistent with the General Plan and objectives of the zoning ordinance.

This finding is supported by the following facts:

Granting the variance will facilitate the development of a high-quality single-family residential subdivision in keeping with General Plan Land Use Element Goal 2-21, which requires the City to "Ensure high-quality planned developments within Rialto". Additionally, precedent has previously been set to allow lot dimensions below the criteria required by the R-1C zone, as established by Tract 8241, Variance No. 703 for Rapido Investments, Inc., and the lot depths of 535 W Merrill Avenue, 510 S Encina Avenue, 522 S. Encina Avenue, 534 S. Encina Avenue, and 546 S. Encina Avenue.

SECTION 3. An Initial Study (Environmental Assessment Review No. 2017-0002) has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and it has been determined that any impacts will be reduced to a level of insignificance and a Mitigated Negative Declaration has been prepared in accordance with CEQA. The Planning Commission directs the Planning Division to file the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

SECTION 4. That VAR No. 2017-0002 is granted to Asian Pacific, Inc., in accordance with the plans and application on file with the Planning Division, subject to the following conditions:

1. Variance No. 2017-0002 is approved to reduce the minimum lot area within TTM No. 20087 from 7,700 square feet to 6,273 square feet, reduce the minimum lot width within TTM No. 20087 from seventy (70) feet to fifty-five (55) feet, and reduce the minimum lot depth from one-hundred (100) feet to ninety-five and nine-tenths (95.9) feet, as shown on the tentative map submitted to the Planning Division on November 21, 2017, and as approved by the Planning Commission.

2. City inspectors shall have access to the Site to reasonably inspect the Site during normal working hours to assure compliance with these conditions and other codes.

3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning VAR No. 2017-0002. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and applicant will cooperate fully in the defense.

4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.

5. The Applicant shall complete and abide by all mitigation measures contained within the Mitigation Monitoring and Reporting Program associated with Environmental Assessment Review No. 2017-0022 prior to issuance of any Certificate of Occupancy.

6. Applicant shall comply with all conditions of approval contained in TTM No. 20087, to the extent they are not in conflict with any condition of approval herein.

SECTION 5. The Chairman of the Planning Commission 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 29th day of November, 2017.

_____

JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Sheree Lewis, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ___th day of ____, 2017.

Upon motion of Planning Commissioner_____., seconded by Planning Commissioner ____, the foregoing Resolution No. ____was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this __th day of ___, 2017.

_____

SHEREE LEWIS, ADMINISTRATIVE ASSISTANT