

**FINAL INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION FOR THE PRECISE
PLAN OF DESIGN NO. 2018-0041
RIALTO, CALIFORNIA**

Prepared for:

CITY OF RIALTO
150 South Palm Avenue
Rialto, California 92376

Prepared by:

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November 2018

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SECTION 1.0 – PROJECT DESCRIPTION

1.1 PROJECT LOCATION

The proposed Project is located in the City of Rialto in San Bernardino County on approximately 2.9 acres of vacant land. The Project site is located at the southwest corner of the intersection of Ayala Drive and West Casmalia Street and is bounded on the north by West Casmalia Street, on the south by the San Bernardino County Flood Control District's Cactus Channel and State Route (SR) 210, on the west by vacant land, and on the east by Ayala Drive.

1.2 PROJECT SETTING

The Project site is within the boundaries of the Renaissance Specific Plan area. The proposed Project is located within a strip of vacant land between West Casmalia Street and SR 210 designated as "Freeway Incubator" in the Renaissance Specific Plan. Business uses allowed within the Freeway Incubator land use categories are larger regional retail and business uses. North of West Casmalia Street, the land uses are predominantly existing single-family residential homes. South of SR 210, the land uses are predominantly vacant or industrial / warehousing. Much of the vacant land south of SR 210 is the site of the former Rialto general aviation airport. Regional access to the Project site is provided by the Ayala Drive interchange along SR 210.

1.2.1 Renaissance Specific Plan

The proposed Project is located within the Renaissance Specific Plan of the City of Rialto. A Subsequent Environmental Impact Report was prepared to the approved 2010 Renaissance Specific Plan (Plan) and was circulated in 2016 to evaluate potential environmental impacts associated with the implementation of the Renaissance Specific Plan Amendment.

The Renaissance Specific Plan Amendment retains the previously approved Town Center zoning designation. The amendment to the Plan will maintain the Town Center zoning and includes a modification of the square footage for the alignment of the Renaissance Parkway. The amendment to the Plan includes relocation of businesses and industrial uses, land uses, public parks, and inclusion of the Renaissance Marketplace retail development and Planning Area 108 industrial/warehouse development. Despite the amendment to the Plan, the proposed Project site remains under the land use category of Freeway Incubator (FI).

1.3 PROJECT COMPONENTS

The Project site is currently vacant. The proposed facilities on the site consist of:

- A service station with 12 fueling stations and a self-service drive-through car wash;
- A 3,500 square-foot convenience market with an attached 1,000 square-foot Quick Serve Restaurant without a drive through window
- A 3,000 square-foot fast food restaurant with a drive through window;
- A separate building that includes 5,500 square feet of a fast casual restaurant space without a drive through window and 3,000 square feet of retail.
- 137 parking spaces including handicap parking and a minimum of 6 bicycle parking spaces

Additional components of the proposed Project include:

- Concrete sidewalks
- Trash enclosures
- Wrought iron fence along the rear and side of the property line
- Electric charging station
- Two 20,000-gallon underground storage tanks under reinforced concrete
- 3,000-gallon clarifier for the car wash
- 750-gallon grease interceptor
- Fueling canopy
- Signage

The proposed Project includes improvements to West Casmalia Street consistent with the requirements of the Renaissance Specific Plan comprised of dedication of right-of-way and construction of the ultimate four lane cross-section of West Casmalia Street along the projects frontage including sidewalks, a raised median, Class II bike lanes, and turn lanes on the eastbound approach of the West Casmalia Street/Ayala Drive intersection. Site access is proposed to be provided via two driveways on West Casmalia Street with the westernmost full-access driveway being aligned with existing North Vine Avenue and the easternmost driveway restricted to right turn in / right turn out only.

1.4 CONSTRUCTION

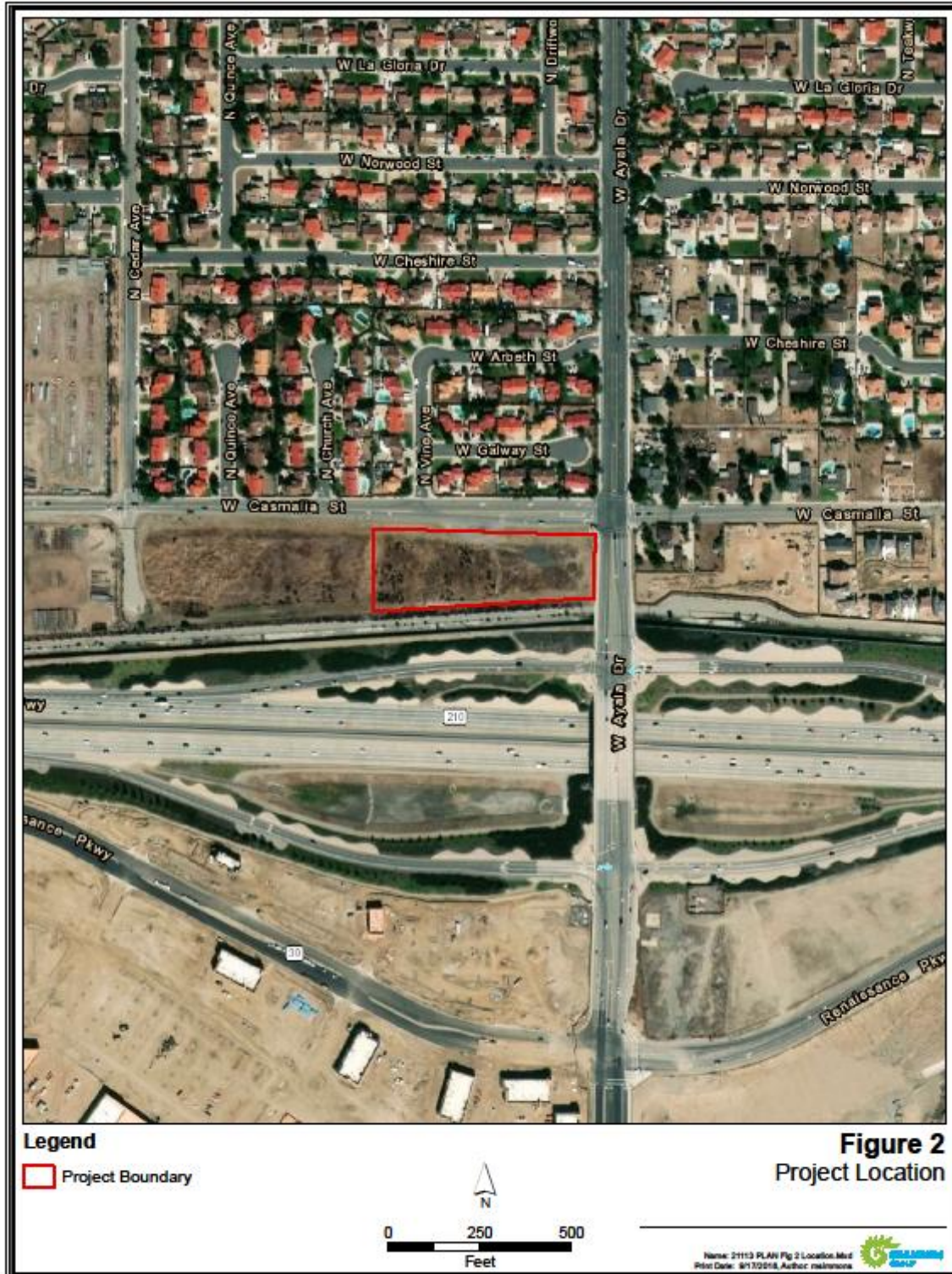
Approximately 3,320 cubic yards of earthwork will be exported from the Project site. It will take an estimated 4 weeks for the Project site to be graded. The proposed Project will take approximately 12 months to construct after grading and will occur in one phase with construction estimated to begin in January 2019. The hours of construction will vary depending on the time of the year but will be from 6:00 AM to 4:00 PM Monday through Friday, and Saturday if required. The proposed Project construction will occur during permitted hours as identified in the City of Rialto Municipal Code Section 9.50.070.

Throughout the construction process, different types of equipment will be delivered and used on the proposed Project site. The different types of equipment will include but are not limited to Gradall forklifts, tractors, graders, excavators, backhoes, boomlifts, cranes, and trucks. Most pieces of large equipment will be delivered and remain on-site during construction. Grading equipment will be brought on-site and removed as soon as the rough grading is complete.

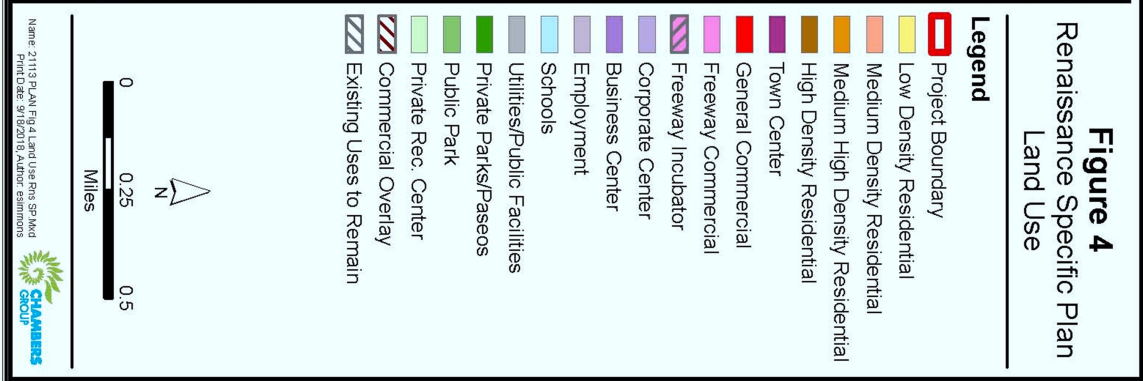
1.4.1 Construction Phasing

Construction of the proposed Project will occur in one phase. The entire site, including buildings, will be constructed simultaneously. After completion of site construction, individual business tenants will open and operate under their own business hours depending on the type of business. Tenants may perform internal tenant improvements prior to opening. Tenant occupation may occur all at once or over time.

Figure 2: Location



[illegible]



SECTION 2.0 – CIRCULATION

On October 29, 2018, the City of Rialto circulated the Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to the following:

After the 20-day comment period, the following comments were received from the following agencies on the Draft Initial Study/Mitigated Negative Declaration:

Comment Letter No.	Commenting Agency	Date of Comment
1	West Valley Water District	November 7, 2018
2	South Coast Air Quality Management District	November 14, 2018

SECTION 3.0 – RESPONSES TO COMMENTS

CEQA REQUIREMENTS REGARDING COMMENT AND RESPONSES

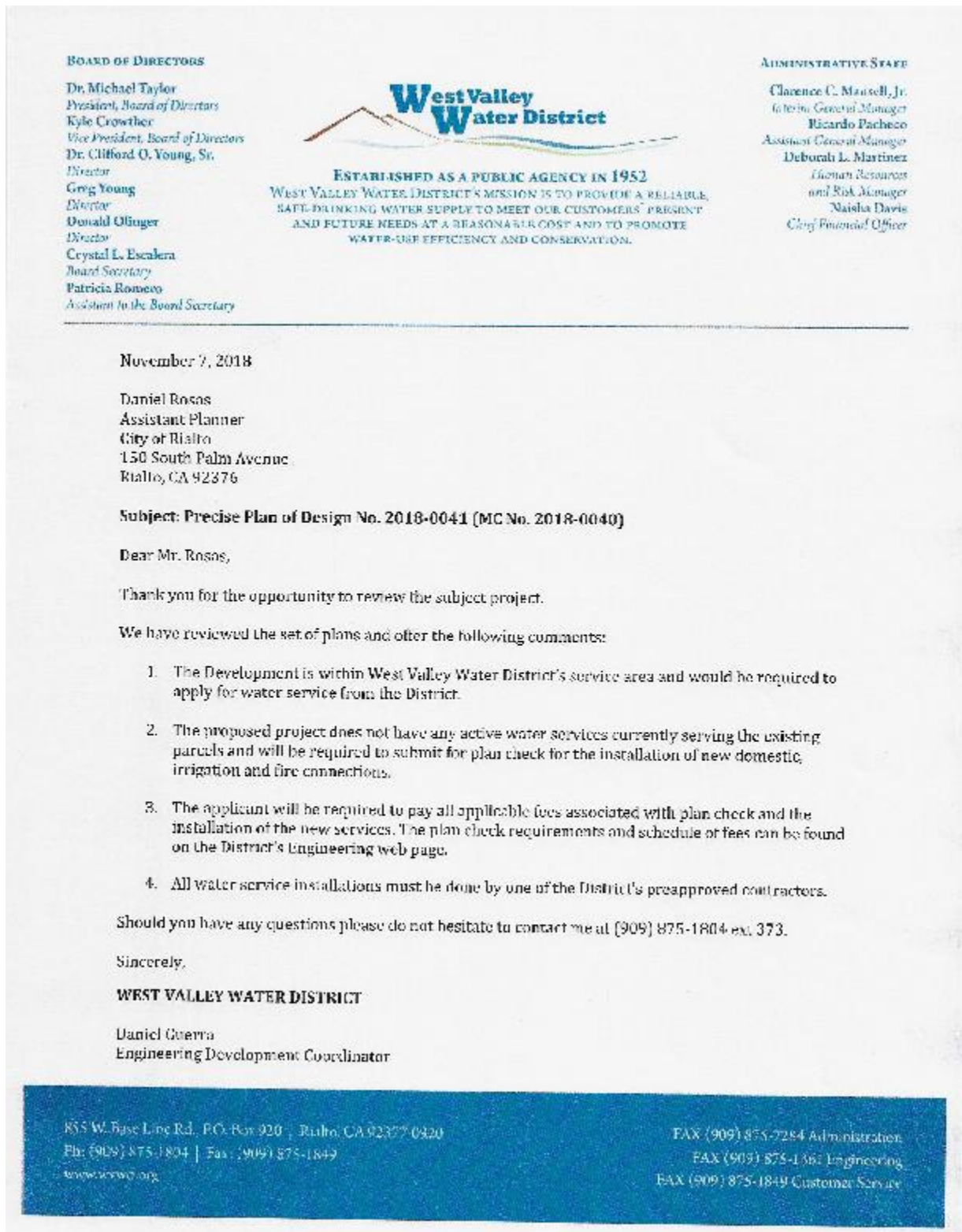
CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with Public Resources Code 21092.5 (b) of the *CEQA Guidelines*, the lead agency shall notify any public agency which comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

3.1 COMMENT LETTERS RECEIVED AND RESPONSE TO COMMENT LETTERS

Comment Letter #1 – West Valley Water District



Responses to Comment Letter #1 – West Valley Water District

Thank you for your comment. Responses to individual comments within comment letter are provided below.

- 1) Comment is noted. The Applicant will submit an application to receive water service from West Valley Water District.
- 2) Comment noted. The Applicant will submit plans for the installation of domestic, irrigation, and fire connections for plan check.
- 3) The Applicant will pay all development impact fees associated with the proposed Project. Language has been added to Section 4.3.19 (Impact b) to clarify payment of development fees associated with the proposed Project.
- 4) Comment is noted. Installation of water infrastructure will be done by one of the District's preapproved contractors.

Comment Letter #2 - South Coast Air Quality Management District



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

November 14, 2018

drosas@rialtoca.gov

Attn: Daniel Rosas, Assistant Planner

City of Rialto

150 South Palm Avenue

Rialto, CA 92376

Mitigated Negative Declaration (MND) for the Proposed Casmalia - Ayala Gas Station Project

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the final CEQA document.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a gas station with 12 fuel dispensers, a 3,000-square-foot drive thru restaurant, a 3,500-square-foot convenience store, and an 8,500-square-foot retail building on 2.98 acres. The project is located on the southwest corner of Casmalia Street and Ayala Drive in the City of Rialto.

SCAQMD Staff's Comments

The Lead Agency determined the proposed project would have less than significant impacts to regional and localized air quality during construction and operation.¹ However, it does not appear that operational air quality impacts were adequately analyzed. Additionally, the proposed project will need to obtain a SCAQMD permit for operation.

Operational Impacts

Upon review of the MND, it does not appear that the air quality analysis included operational ROG emissions generated from storage tanks or from the fueling process. This may have likely led to an under-estimation of the proposed project's operational air quality impacts. Therefore, it is recommended that the Lead Agency quantify and disclose operational emissions from the fueling process in the final CEQA document.

SCAQMD Permits and Rules

Pursuant to SCAQMD's Rule 461 – Gasoline Transfer and Dispensing, a permit from SCAQMD would be required, and SCAQMD should be identified as a responsible agency under CEQA for the proposed project in the final CEQA document. Additionally, any assumptions used in the air quality and HRA analysis in the final CEQA document will be used as the basis for permit conditions and limits.² The final CEQA document should also demonstrate compliance with applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate.

Should there be any questions on permits, please contact the SCAQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD's webpage at <http://www.aqmd.gov/home/permits>.

¹ MND, Pages 52-55.

² The Lead Agency assumed a throughput of 1.5 million gallons per year to determine the proposed project's cancer risk of 6.2 in one million.

Responses to Comment Letter #2 – South Coast Air Quality Management District

Thank you for your comments regarding the Mitigated Negative Declaration for the Proposed Casmalia-Ayala Gas Station Project. The comments from SCAQMD has been noted. Information on gasoline storage and dispensing emissions have been updated and included in the Air Quality and Greenhouse Gas Emissions Impact Analysis with revisions identified below in Section 4.0. Based on the project information, the addition of the VOC from the fuel pumps is a negligible amount and will not change the findings of the Air Quality and Greenhouse Gas Emissions Impact Analysis.

SECTION 4.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION

4.1 INTRODUCTION

The following clarifications and revisions are intended to update the Draft MND in response to the comments received during the public review period. These modifications clarify, amplify, or make insignificant changes to the MND. Revisions to the MND have not resulted in new significant impacts or increased the severity of an impact. New mitigation measure proposed; however, the measures are the result of written comments from the San Manuel Band of Mission Indians. The inclusion of mitigation measures in the Final IS/MND do not require recirculation of the environmental document.

The changes to the Draft MND are listed by section and page number. Text which has been removed is shown in this section with a strikethrough line, while text that has been added is shown with underlined text. All of the changes shown in this section have also been made in the corresponding Final MND sections.

4.2 REVISIONS TO DRAFT MND

Section 2.4.1, Page 4

4.3 CONSTRUCTION

Approximately 3,320 cubic yards of earthwork will be exported from the Project site. It will take an estimated 4 weeks for the Project site to be graded. The proposed Project will take approximately 12 months to construct after grading, and will occur in one phase with construction estimated to begin in January 2019. The hours of construction will vary depending on the time of the year but will be from 6:00 AM to 4:00 PM Monday through Friday, and Saturday if required. The proposed Project construction will occur during permitted hours as identified in the City of Rialto Municipal Code Section 9.50.070.

Throughout the construction process, different types of equipment will be delivered to and used on the proposed Project site. The different types of equipment will include but are not limited to Gradall forklifts, tractors, graders, excavators, backhoes, boomlifts, cranes, and trucks. Most pieces of large equipment will be delivered and left on-site during construction. Grading equipment will be brought on-site and removed as soon as the rough grading is complete.

As part of the construction activities, the proposed Project will include a condition of approval to implement pre-construction and construction rodent control measures to lessen the migration or nuisance of rodents during the development of the site.

Section 4.3.3, Page 20 (Impact b)

Operations-Related Criteria Pollutant Analysis

The operations-related criteria air quality impacts created by the proposed Project have been analyzed through use of the CalEEMod model and the input parameters utilized in this analysis have been detailed in Section 7.1 of the Air Quality Analysis (Appendix A). The VOC emissions created from the proposed gas station's storage and dispensing of gasoline have been analyzed through use of the CAPCOA Gas Station Guidelines, that have been detailed in Section 7.2 of the Air Quality

Analysis (Appendix A). The worst-case summer or winter VOC, NOx, CO, SO₂, PM₁₀, and PM_{2.5} daily emissions created from the proposed Project's long-term operations have been calculated and are summarized in Table M and the CalEEMod daily emissions printouts are shown in Appendix A of the Air Quality Analysis (Appendix A).

Section 4.3.5, Pages 27 and 28 (Impact a)

- a) **Less than Significant.** An Archaeological and Paleontological Resources Report was prepared by Chambers Group in 2018 for the proposed Project site (Chambers Group 2018b, Appendix C) to determine if the proposed Project would impact cultural resources. No historic, prehistoric resources, or paleontological resources were identified during the field survey. The Project site has been impacted by surrounding development. Since the Project site is in a disturbed context, the likelihood of encountering previously unrecorded resources is low. Impacts will be less than significant.

Following the conclusion of the tribal consultation period, the following applicant proposed measures (APM) have been requested to be included in the proposed Project as a result of conducting consultation with tribal representatives in accordance with Assembly Bill 52. The level of impact for these resource areas remain consistent as less than significant prior to implementing the follow measures.

Per the CEQA Guidelines Section 15073.5, the addition of these measures will not require recirculation. The conclusion of the consultation period did not identify a new and significant effect that would require mitigation or project revision to be included to reduce the effect to insignificance. Recirculation is also not required based on the following circumstances:

- (c1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (c2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (c3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- (c4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration

Because the following APM was developed in response to comments and requests made during consultation under AB 52 neither creates a new significant impact nor are necessary to mitigate an avoidable, significant impact, the addition of APM CR-1 does not require recirculation of the MND.

APM CR-1 In the event that any post-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to

assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within MM TCR-1, if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

Section 4.3.5, Page 28 (Impact b)

- b) **No Impact.** The proposed Project will not cause a substantial adverse change in significant archaeological resources. The results of the Archaeological and Paleontological Resources Report determined that no cultural resources or paleontological resources were identified within the project area as a result of the record search or the pedestrian survey, and no impacts are expected to occur as part of the proposed project. No impacts will occur.

However, there is potential for activities associated with the proposed Project to uncover unknown archaeological resources. As previously identified in impact (a), the requested measures were received during the conclusion of the tribal consultation. The level of impact for these resource areas remain consistent as no impact prior to implementing APM CR-1.

Section 4.3.5, Pages 28 and 29 (Impact c)

- a) **Less than Significant.** As previously identified in section (b), it has been determined that no cultural resources or paleontological resources were identified within the project area as a result of the record search or the pedestrian survey. Based on this information, it is not indicated that any human remains may be found within the Project site.

~~If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Impacts will be less than significant.~~

Following the conclusion of the tribal consultation period, the following APMs have been requested to be included in the proposed Project as a result of conducting consultation with tribal representatives in accordance with Assembly Bill 52. The level of impact for these resource areas remain consistent as less than significant prior to implementing the following measures.

Per the CEQA Guidelines Section 15073.5, the addition of these measures will not require recirculation. The conclusion of the consultation period did not identify a new and significant effect that would require mitigation or project revision to be included to reduce the effect to insignificance. Recirculation is also not required based on the following circumstances:

- (c1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (c2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (c3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- (c4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration

However, there is potential for activities associated with the proposed Project to uncover unknown tribal cultural resources or human remains. The level of impact for these resource areas remain consistent as less than significant impact prior to implementing **APM CR-2 and APM CR-3**. Because the following APM was developed in response to comments and requests made during consultation under AB 52 neither creates a new significant impact nor are necessary to mitigate an unavoidable, significant impact, the addition of APM CR-2 and APM CR-3 does not require recirculation of the MND.

APM CR-2 If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

APM CR-3 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Section 4.3.18, Pages 60 and 61 (Impact a and b)

- a) and b) **Less Than Significant.** A cultural resource is considered “historically significant” under CEQA if the resource meets one or more of the criteria for listing on the CRHR. The CRHR was designed to be used by state and local agencies, private groups, and citizens to identify existing cultural resources within the state and to indicate which of those resources should be protected, to the extent prudent and feasible, from substantial adverse change. The following criteria have been established for the CRHR. A resource is considered significant if it:
- is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - is associated with the lives of persons important in our past;

- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the above criteria, historical resources eligible for listing in the California Register must retain enough of their historic character or appearance to be able to convey the reasons for their significance. Such integrity is evaluated in regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

As described in Appendix C of this Initial Study (Archaeological and Paleontological Assessment Report), no eligible historical resources would be impacted due to implementation of the proposed Project (Chambers 2018).

Additionally, as part of Assembly Bill 52 tribal consultation, the City of Rialto has contacted the Gabrieleno/Tongva San Gabriel Band of Mission Indians in order to initiate tribal consultation. The tribe was informed of the record search results that found 32 studies have been conducted and seven cultural resources have been recorded within the surrounding one-mile radius of the Project site. Additionally, the tribe was informed of a previous study has occurred within the Project area that yielded no cultural resources. Finally, they were informed of the prehistoric site (bedrock milling feature) within a one-mile radius of the Project site (Chambers 2018). ~~Although the Archaeological and Paleontological Assessment Report determined that tribal cultural resources occurring in the Project site, the tribal consultation period has yet to be completed. Tribes participating in consultation will have had the opportunity to consult with the City. to recommend mitigation measures to reduce impacts to a level below significant. Mitigation measure MM TRC 1 and MM TRC 2 are included below, and implementation of these measures would reduce any potential impacts to tribal cultural resources to less than significant.~~

Following the conclusion of the tribal consultation period, the following APM's have been requested to be included in the proposed Project as a result of conducting consultation with tribal representatives in accordance with Assembly Bill 52. The level of impact for these resource areas remain consistent as less than significant prior to implementing the following measures.

Per the CEQA Guidelines Section 15073.5, the addition of these measures will not require recirculation. The conclusion of the consultation period did not identify a new and significant effect that would require mitigation or project revision to be included to reduce the effect to insignificance. Recirculation is also not required based on the following circumstances:

- (c1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (c2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(c3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(c4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration

Because the following APMs were developed in response to comments and requests made during consultation under AB 52 neither creates a new significant impact nor are necessary to mitigate an avoidable, significant impact, the addition of APM TCR-1 and APM TCR-2 does not require recirculation of the MND.

APM TCR-1 The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any post-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

APM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Section 4.3.19, Page 62 (Impact a)

Any impacts associated with the relocation of utilities on-site is analyzed within each resource section of this Initial Study (2.3.1 through 2.3.20). As discussed throughout this Initial Study, the proposed Project would not result in Potentially significant impacts associated with the construction of new utilities or relocation of existing utilities on site. Additionally, the Applicant will pay all development impact fees associated with providing water to the Project site. Therefore, this impact is considered less than significant.

Section 4.3.19, Page 63 (Impact b)

WVWD has shown capability to sufficiently supply the proposed Project. Additionally, the Applicant will pay all development impact fees associated with providing water to the Project site. ~~and~~ This impact is considered less than significant.

Section 4.3.21, Pages 66 and 67 (Impact a)

- a) **Less than Significant.** The proposed Project occurs within vacant land with low quality habitat for any potential species to inhabit. Due to the condition of the Project site, and lack of adequate habitat, the proposed Project will not result in the reduction of wildlife population to non-sustaining levels or eliminate any major plant or animal communities. While the likelihood for any

native resident or migratory wildlife species is low due to the poor quality of the habitat in the Project site, implementation of **MM BIO-1** will reduce any potential impacts to native resident or migratory species.

Based on archival records search, background studies, and an intensive pedestrian survey, there were no cultural resources or paleontological resources identified within the Project site. The Project site is vacant, with no existing structures that could be identified as examples of major periods of California history or prehistory. However, the proposed Project could potentially eliminate important examples of the major periods of California history or prehistory that are currently unknown. As stated in Implementation of APM CR-1, APM CR-2, APM CR-3, APM TRC-1, and APM TRC-2 would reduce any potential impacts to these resources. These measures were requested to be included in the proposed Project to conclude the tribal consultation period. The level of impact of these resources remain consistent prior to the implementation of the requested measures. Therefore, Impacts will be less than significant.

Per the CEQA Guidelines Section 15073.5, the addition of these measures will not require recirculation. The conclusion of the consultation period did not identify a new and significant effect that would require mitigation or project revision to be included to reduce the effect to insignificance. Recirculation is also not required based on the following circumstances:

- (c1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (c2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (c3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- (c4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration

Because the APMs were developed in response to comments and requests made during consultation under AB 52 neither creates a new significant impact nor are necessary to mitigate an avoidable, significant impact, the addition of APM CR-1, APM CR-2, APM CR-3, APM TCR-1 and APM TCR-2 does not require recirculation of the MND.

SECTION 5.0 – MITIGATED NEGATIVE DECLARATION

This document, along with the Draft Mitigated Negative Declaration and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Precise Plan of Design No. 2018-0041 for the City of Rialto (City).

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City has independently reviewed and analyzed the Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of the City.

Signature

Date

Printed Name

Title