



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: February 17, 2022**

**AGENDA ITEM #4**

Project Description

Vicinity Map

**APN:** 0257-211-01, 02 ,03 and 0257-221-01  
**Applicant:** David Wiener  
**Community/Supervisory District:** Bloomington  
**District:** 5<sup>TH</sup> Supervisorial District  
**Location:** Southeast corner of Slover Avenue and Cedar Avenue  
**Project No.:** PROJ-2020-00166  
**Staff:** Aron Liang, Senior Planner  
**Rep:** Ed Bonadiman  
**Proposal:** Conditional Use Permit to construct a commercial retail center, consisting of a gas station with a 3,372-square foot convenience store with a car wash, and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, in five (5) phases, and Tentative Parcel Map 20356 to subdivide 3.62 acres into five (5) parcels, in the Commercial Land Use Category, and General Commercial (CG-SCp) Zoning District.



**69 Hearing Notices Sent On: February 3, 2022**  
**Report Prepared By: Aron Liang**

**SITE INFORMATION**

**Parcel Size:** 3.62-acres  
**Terrain:** The site is currently vacant and relatively flat  
**Vegetation:** Vacant/non-native vegetation

**Table 1 - SURROUNDING LAND DESCRIPTION:**

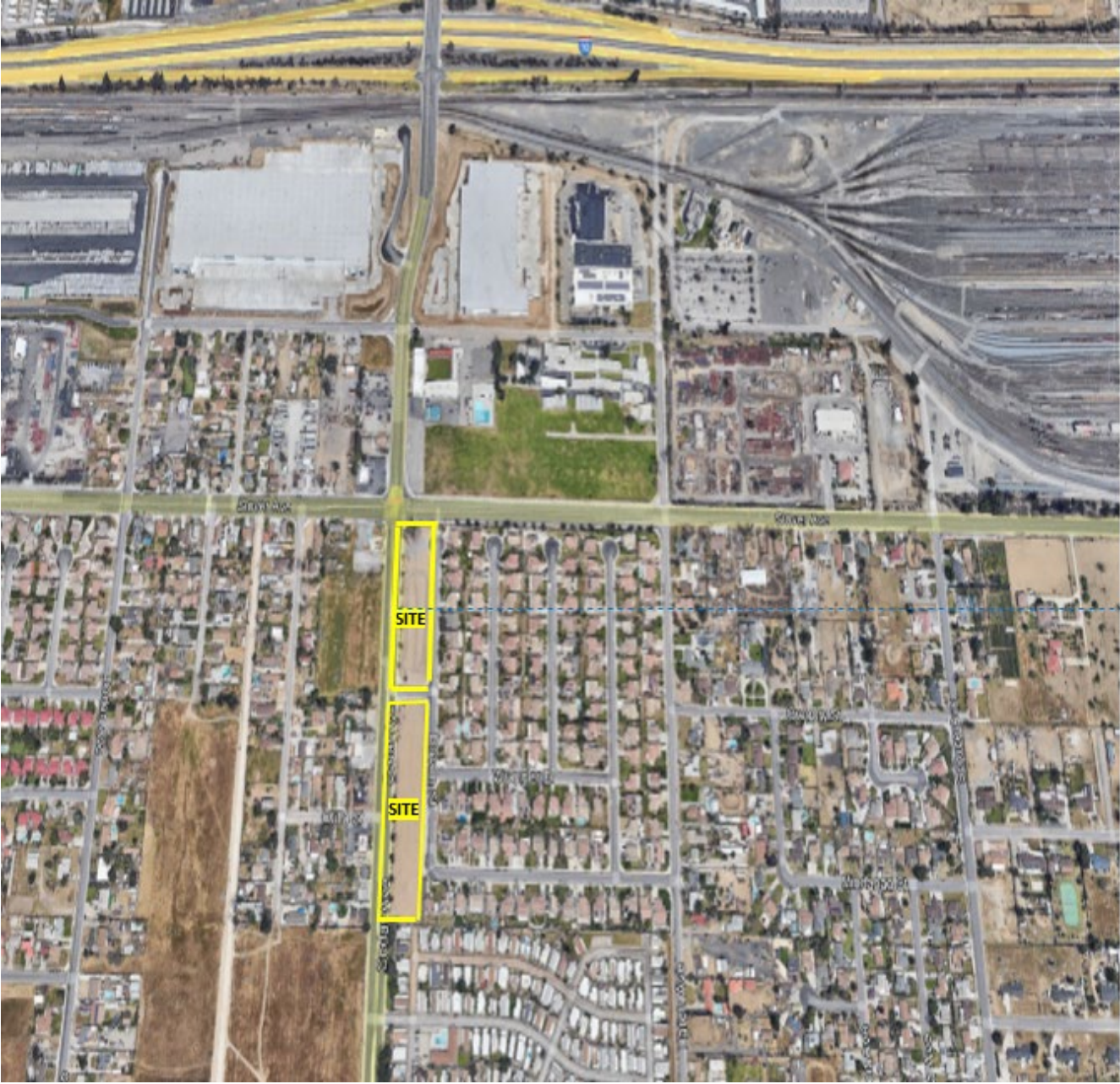
AREA	EXISTING LAND USE	LAND USE CATEGORY/ZONING DISTRICT
Site	Vacant	Commercial (C) / General Commercial (CG-SCp)
North	Bloomington School District	Public Facility (PF) / Institutional (IN)
South	Manufactured Home Park	Medium Density Residential (MDR) / Multi Residential (RM)
East	Single-family structures	Low Density Residential (LDR)/ Single Residential (RS)
West	Vacant land and commercial uses	Commercial (C) / General Commercial (CG-SCp)

	<b>AGENCY</b>	<b>COMMENT</b>
City Sphere of Influence:	City of Rialto	No comments received
Water Service:	West Valley Water District	Will Serve Letter Submitted
Sewer Service:	City of Rialto	Will Serve Letter Submitted

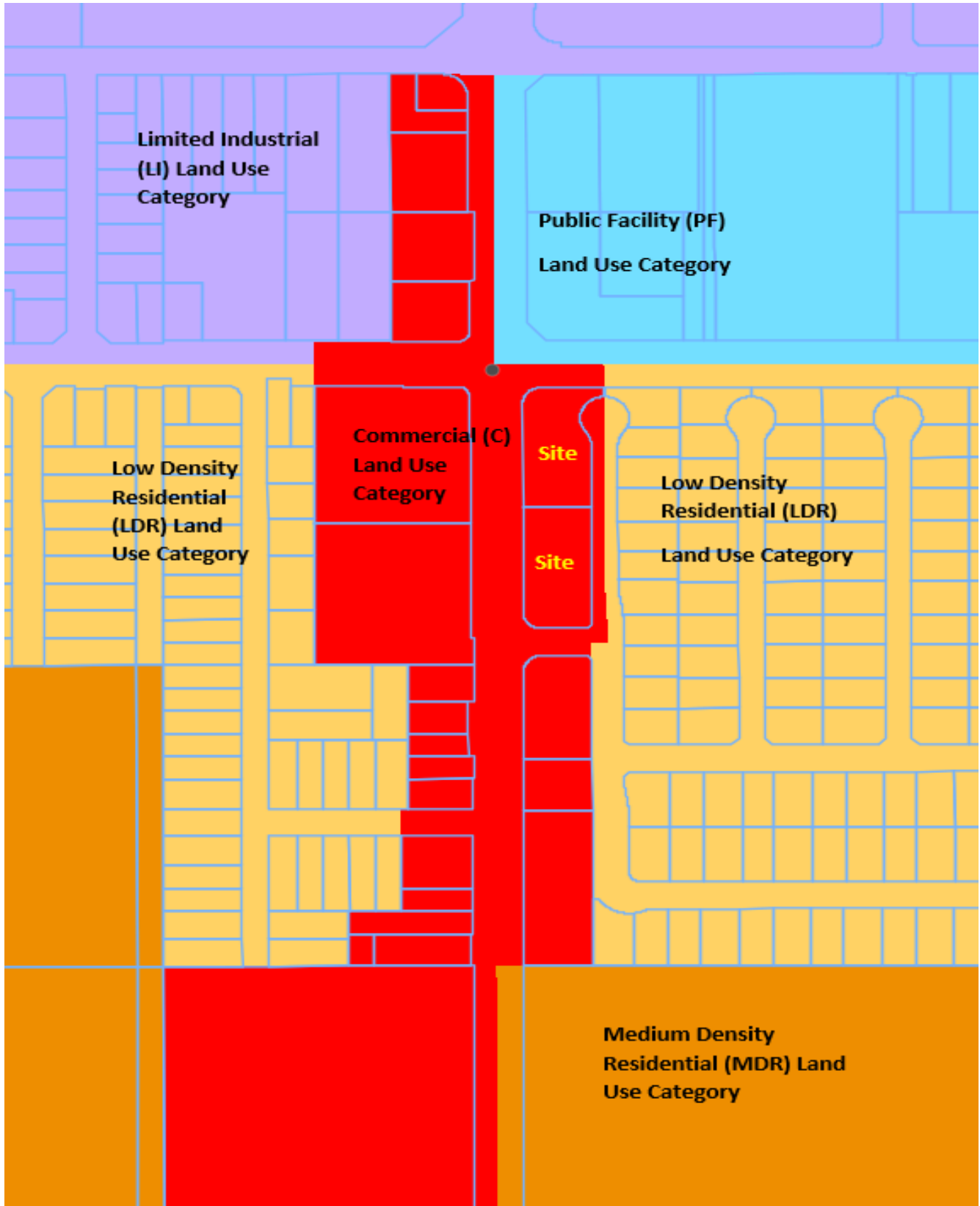
**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the Mitigated Negative Declaration; **ADOPT** the findings as contained in the staff report; **APPROVE** the Conditional Use Permit and Tentative Parcel Map No. 20356, subject to the Conditions of Approval; and **DIRECT** staff to file a Notice of Determination<sup>1</sup>.

1. In accordance with Section 86.12.040 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

Figure 1 – VICINITY MAP



**Figure 2 – COUNTYWIDE PLAN/POLICY PLAN LAND USE DESIGNATIONS**





**Figure 3 – ZONING MAP DESIGNATIONS**

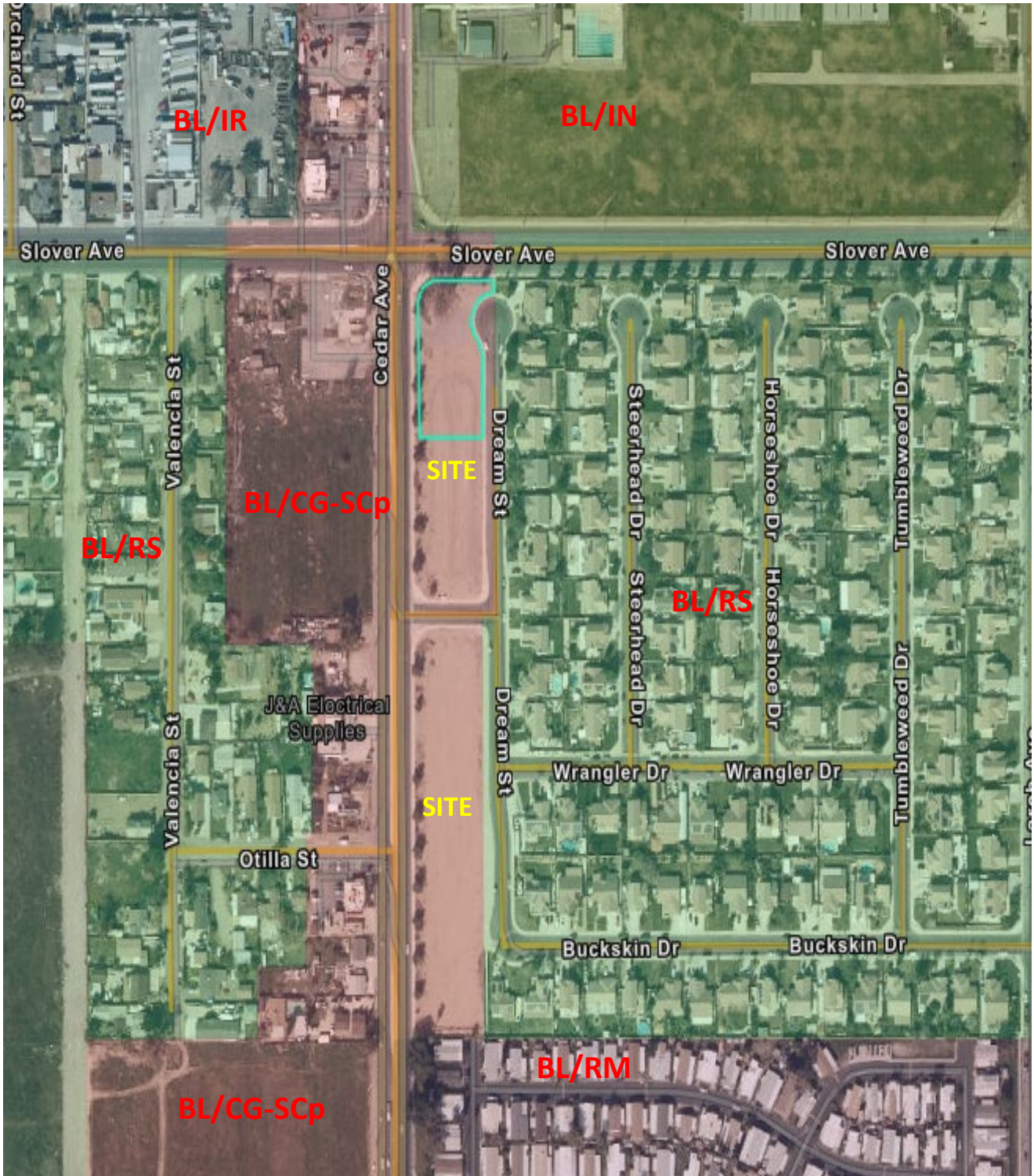


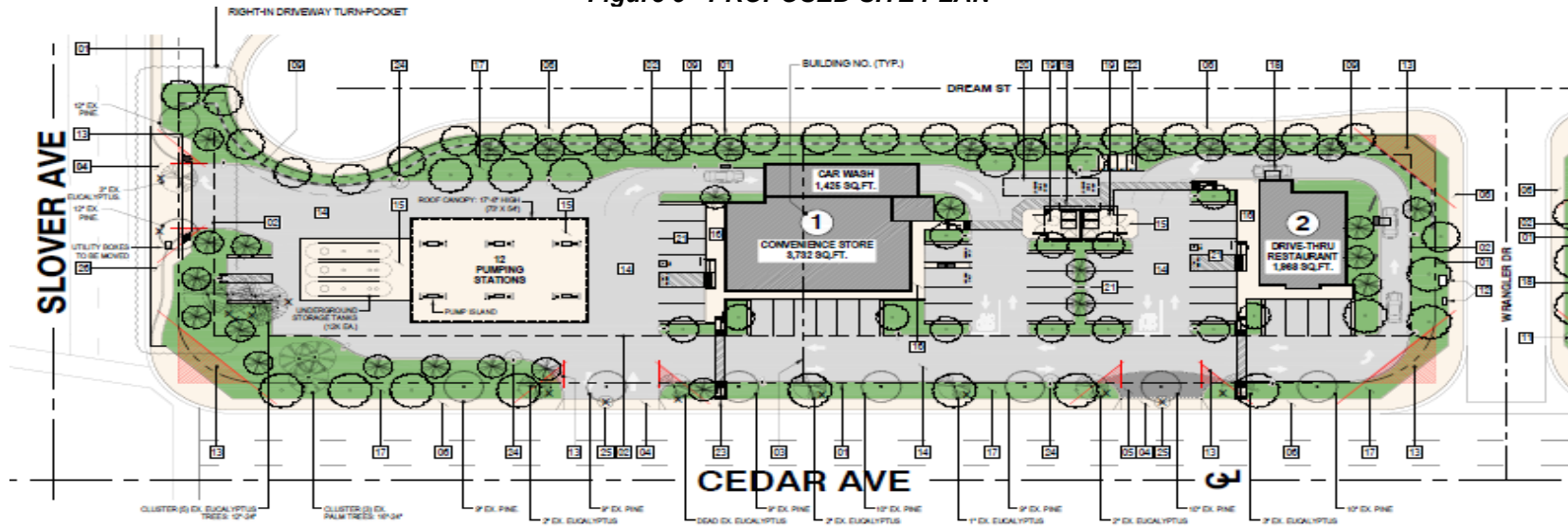


Figure 4 - AERIAL MAP

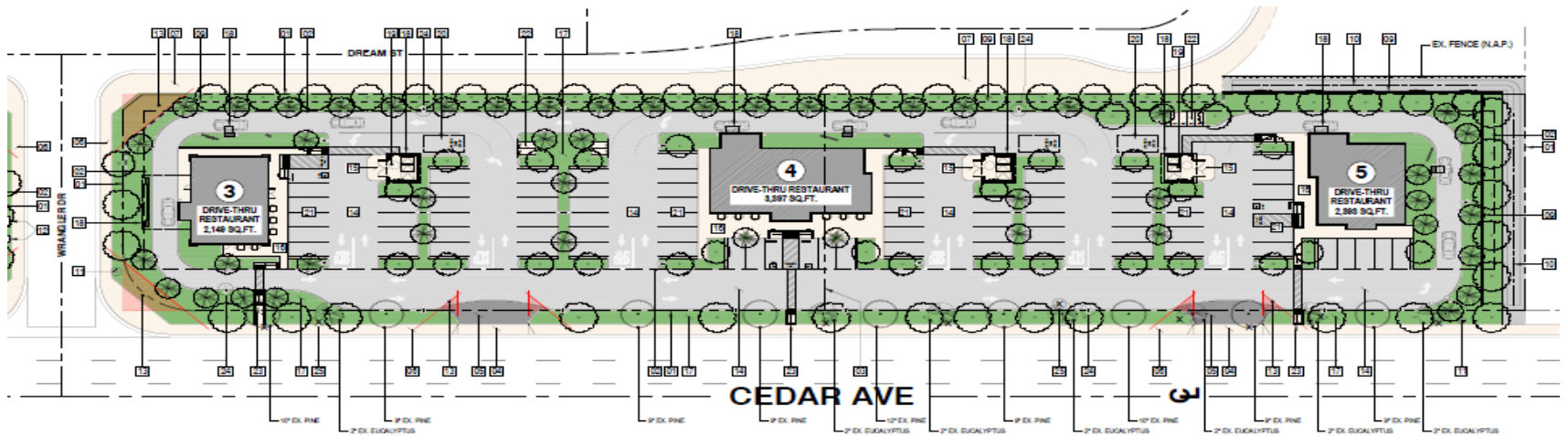




Figure 5 - PROPOSED SITE PLAN



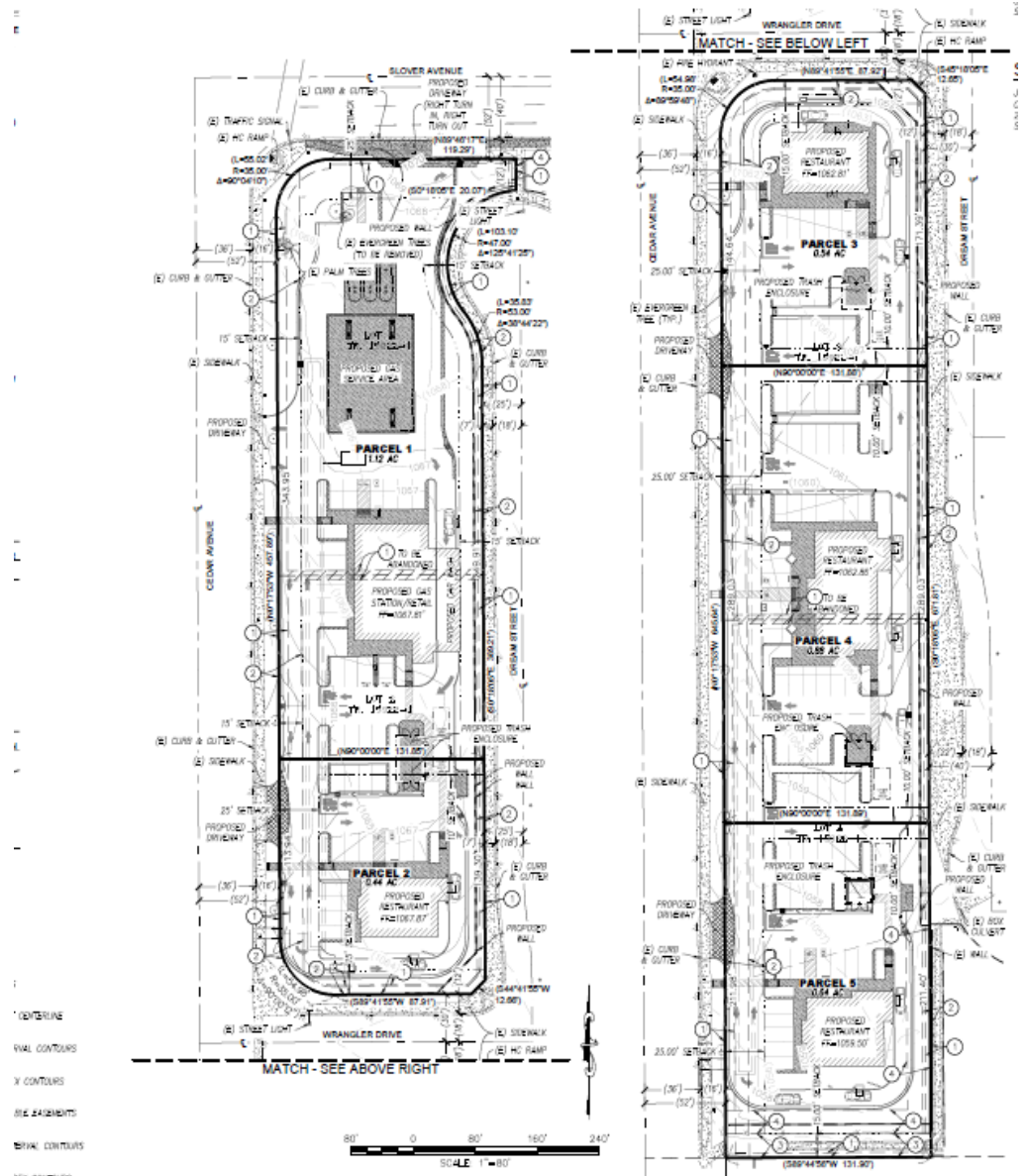
North Property



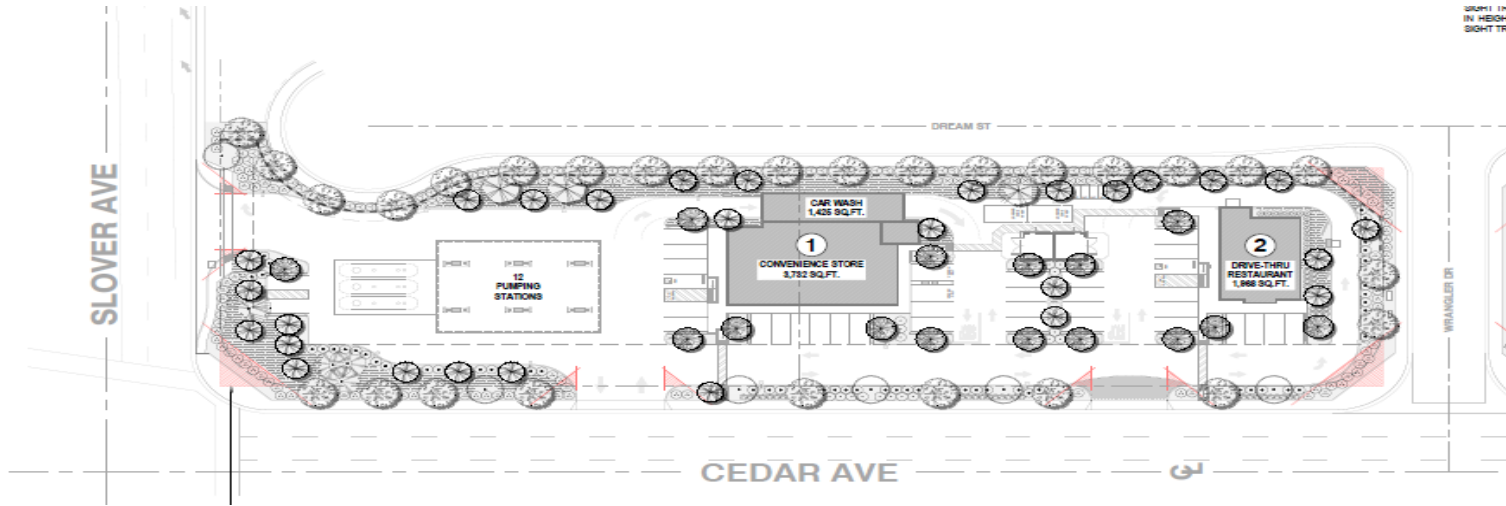
South Property



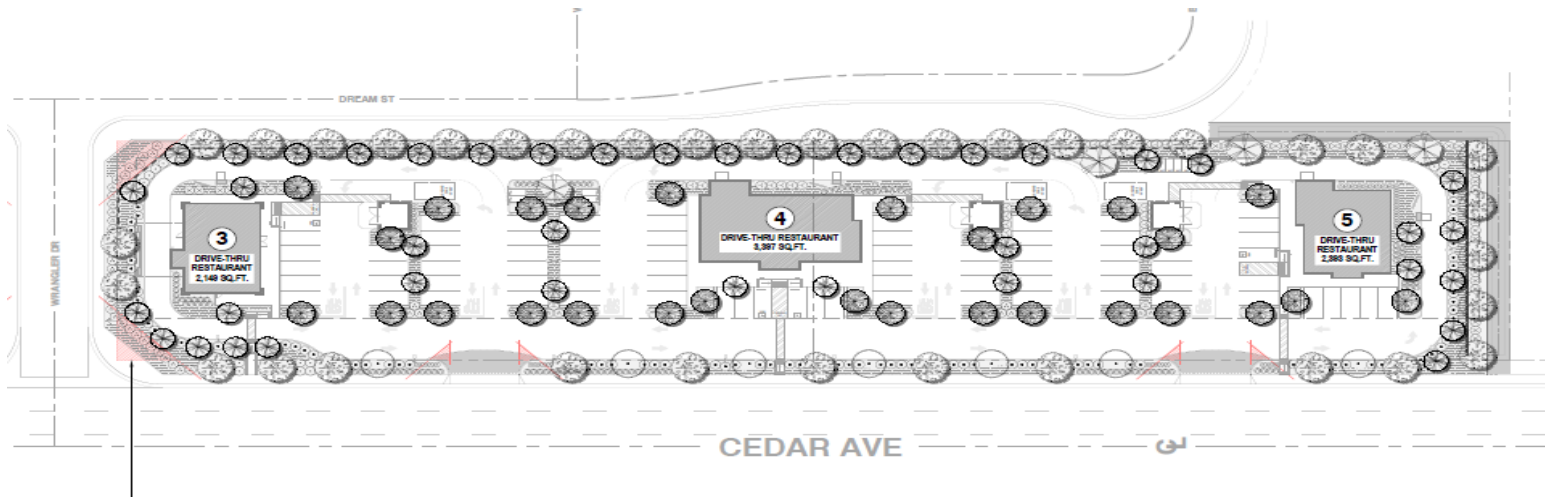
Figure 6 - PROPOSED TENTATIVE PARCEL MAP 20356



**Figure 7 - CONCEPTUAL LANDSCAPE PLAN**



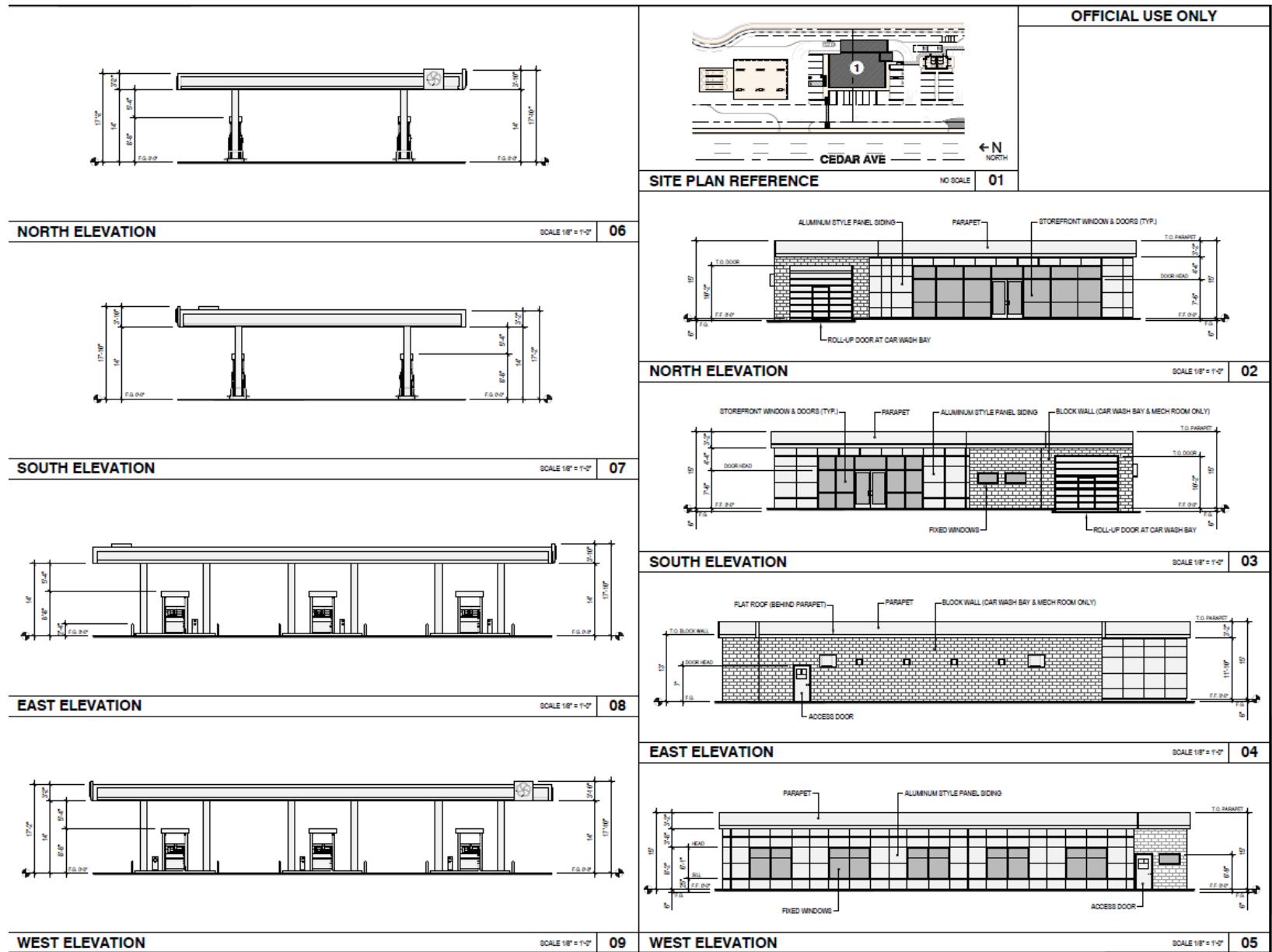
**North Property**



**South Property**



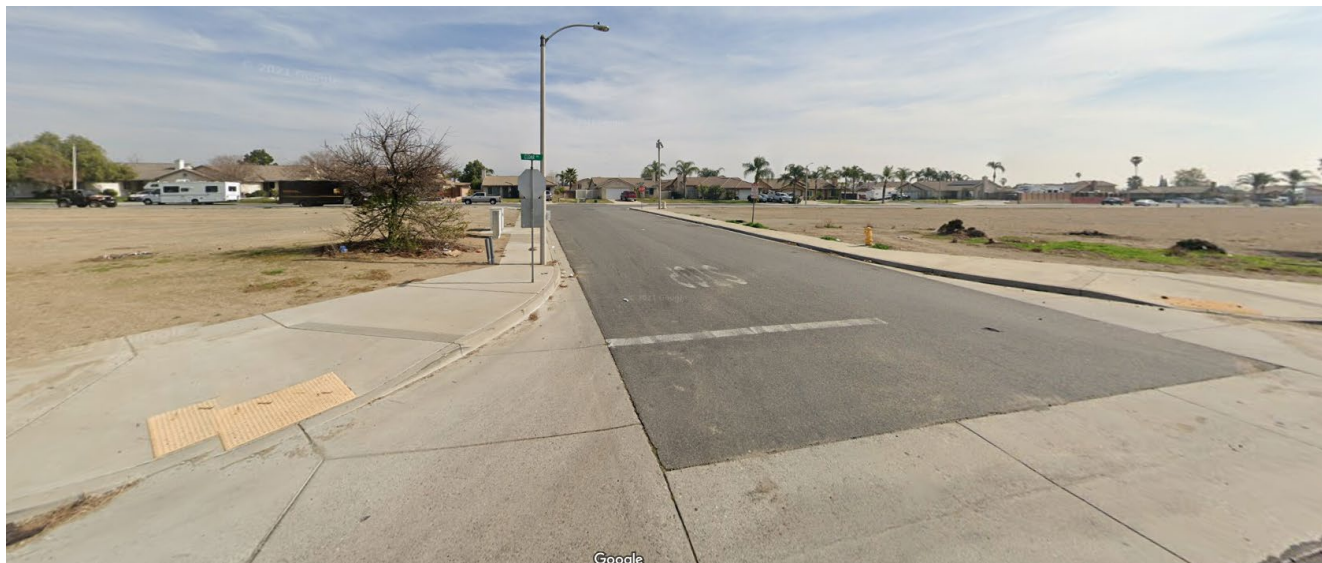
Figure 8 - CONCEPTUAL BUILDING ELEVATIONS – Phase I



## **Site Photos**

### **Photo 1**

**View of Site looking east from the corner of Cedar Avenue and Wrangler Drive**



### **Photo 2**

**View of Site looking south from Wrangler Drive**





**Photo 3**

**View of Site looking north from Wrangler Drive**



**Photo 4**

**View of Site looking north along Cedar Avenue**





**Photo 5**

**View of Site looking south from corner of Cedar Avenue and Slover Avenue**



**Photo 6**

**View of Site looking south from Slover Avenue**





## Photo 7

**View of Site looking north along Dream Street**



## Photo 8

**View of Site looking south on Dream Street**





### **Photo 9**

**View of Site looking west from Dream Street (southern portion)**



### **Photo 10**

**View of Site looking west from Dream Street (northern portion)**





## **Photo 11**

***View of Site looking southwest from Dream Street Cul-de-sac***



## **Photo 12**

**View of Site looking north along Dream Street**



## **PROJECT DESCRIPTION AND BACKGROUND:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct a commercial retail center, consisting of a gas station with a 3,732-square foot convenience store with a car wash, a 3,942-square foot canopy to accommodate 12 motor vehicle fuel-sale pumps, and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, in five phases, and a Tentative Parcel Map (TPM) to subdivide approximately 3.62 acres into five parcels (Project), in an area located within the Commercial (C) Land Use Category and General Commercial (BL/CG-SCp) Zoning District.

The Project site is currently vacant and physically divided into two properties by Wrangler Drive. The portion of the Project site north of Wrangler Drive (north property) would be developed with the gas station/convenience store with a car wash and a restaurant with a drive-thru, located at the southeast corner of Slover Avenue and Cedar Avenue and the portion of the Project site south of Wrangler Drive (south property) would be developed with three restaurants with a drive-thru, located at the southeast of Cedar Avenue and Wrangler Drive, in the unincorporated community of Bloomington. (Refer to Figure 5.)

The Project also includes Tentative Parcel Map 20356 to subdivide 3.62 acres into five parcels, as follows:

- Parcel 1: 1.12-acres consisting of a 3,732-square foot convenience store with a car wash and 12-pump auto fueling canopy.
- Parcel 2: 0.44-acre parcel, consisting of a 1,968-square foot restaurant with drive-thru.
- Parcel 3: 0.54-acre parcel, consisting of a 2,149-square foot restaurant with drive-thru.
- Parcel 4: 0.88-acre parcel, consisting of a 3,397-square foot restaurant with drive-thru.
- Parcel 5: 0.64-acre parcel, consisting of a 2,393-square foot restaurant with drive-thru.

The Project site currently consists of four separate parcels and is relatively flat, with slopes of less than two percent. (Refer to Photos 1 through 11.) The surrounding area is urbanized; developed with commercial, residential, and institutional uses to the north, south, east, and west. The scope of the proposed development will consist of site clearing, site preparation, appurtenant improvements, and construction of the proposed commercial retail center. The Project will also include on-site parking and loading areas. The site has access to a public water supply, public sewer, electricity, and natural gas. Off-site street improvements (Refer to Condition 74) and on-site drainage improvements (Refer to Condition 56) will also be required. The Project will include drought-tolerant landscaping around the Project perimeter, parking stalls and five commercial driveways. Access to the site for vehicles will be provided by five standard commercial driveways with four on Cedar Avenue, and one on Slover Avenue (right-in/right-out only). (Refer to Figure 5.)

## **PROJECT ANALYSIS:**

Site Planning: The Project is proposed on a speculative basis, with no tenant(s) pre-identified. The gas station and commercial buildings have been designed to front Cedar Avenue. The loading and parking areas on the north and south side of the commercial buildings would be screened from public view from Dream Street with the combination of a drought-tolerant landscape setback area and a 6-foot-high solid material screen walls. The walls will incorporate reveal and other architectural details. (Refer to Figures 5 and 7.) The proposed commercial center will be constructed in five phases, in accordance with development standards required pursuant to Section 82.05.060, Table 82-13B, (General Commercial Land Use Zoning District Development Standards) of the Development Code. The Project site plan provides adequate area to accommodate all parking, loading areas, access and circulation requirements needed to comply with County requirements (Refer to Table 2).

Landscaping. The conceptual landscape plan provides 27% (8,200 square feet) of landscaping, exceeding the 20% on-site landscaping requirements of the Development Code. (Refer to Figure 7.) Landscaping will be designed to match the surrounding shopping center.

Parking. The Development Code requires one space per each 100 s.f. of Gross Floor Area. Based on the proposal, a total of 80 stalls are required of the Project, and the site plan provides 85 parking stalls.

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the



Development Code for development in the CG Land Use District, as illustrated in Table 2:

**Table 2: PROJECT CODE COMPLIANCE**

Project Component	Development Code Standard/ General Commercial Zone		Project Plans
Commercial Retail Center	CUP/TPM		CUP/TPM
Parking	80		85
Landscaping	Trees	8 trees in parking lot	37 trees in parking lot with 219 trees in center
	Minimum Landscaping	North site: 20% (13,590 sq. ft) South site: 20% (17,946 sq. ft.)	North site: 26% (17,687 sq. ft.) South site: 24% (21,053 sq. ft.)
Building Setbacks	Front	25'	50'
	Street Side	15'	15'
	Rear	25'	59'
Building Height	60 feet maximum		30 feet
Drive Aisles	24'		24'
Lot Coverage	80%		80%
Floor Area Ratio	.5:1		.5:1

Proposed Operation. The business hours for the gas station and restaurants with a drive-thru would be seven days a week, consistent with the commercial operating hours of the surrounding businesses.

Fencing: A 6-foot-high solid screen walls are required along the easterly property boundary and will incorporate reveal and other architectural details.

**COMMUNITY OUTREACH:**

A detailed summary of the community outreach for this Project includes the following:

- On September 7, 2021, the applicant held a public meeting to present the Project and engage with residents, business, property owners, and key community stakeholders, to obtain community input on the project proposal. The residents of the area expressed concerns and comments that the Project would have potential adverse impacts related to the following: 1) the Project would depreciate property valuation in this area, 2) the Project would attract homeless encampments, 3) the Project would generate trash in the area, 4) the Project would attract field mice to the area, 5) the Project would increase crime in the neighborhood, 6) Wrangler Drive would become a “speedway” through the neighborhood, and 7) the Project would attract graffiti

in the area. All comments by the residents at the public meeting were in opposition of the proposed Project (Refer to Exhibit E – Community Meeting Notes).

- On December 1, 2021, the applicant held a community meeting with the Bloomington Municipal Advisory Council (MAC) to obtain input on the project proposal. No concern comments were expressed by the Bloomington MAC for the Project.

### **PUBLIC COMMENTS:**

On February 5, 2021, the Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. Eight e-mails, all in opposition to the Project, were received in response to the Project notice (Refer to Exhibit F).

### **ENVIRONMENTAL REVIEW:**

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA) (Refer to Exhibit C). The IS concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval (Refer to Exhibit A). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised and distributed to initiate a 20-day public comment period, which concluded on October 4, 2021. No comments were received on the NOA/NOI. The MND concluded that any resulting impacts to the environment or the public can be mitigated to a level of less than significant.

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

Air Quality: The Project air quality analysis shows that the Project will not exceed any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use would not exceed thresholds of concern as established by the South Coast Air Quality Management District (SCAQMD). A dust control plan will be required as a standard condition to regulate short-term construction activities that could create windblown dust. Painting activities will be restricted as needed to comply with SCAQMD standards.

Noise Analysis: A Noise Impact Analysis, dated February 10, 2021, was prepared for the Project by Urban Crossroads, Inc. to determine the noise impacts associated with the development of the Project.

- Operational Noise: The Project is expected to generate daytime and nighttime operational noise level, ranging from 0.0 to 1.6 dBA Leg, and therefore would not exceed noise standards, pursuant to Development Code, Section 83.01.080 (c) - Noise Standards for Stationary Noise Sources.
- Temporary Construction Noise: The construction noise analysis shows that the construction noise level, ranging from 71.4 to 74.8 dBA Leg, would not exceed the construction-related daytime noise level threshold of 80 dBA Leg. The temporary construction noise would not cause a temporary construction noise increase for residential uses to the west and south of the Project.

Water Quality: A Preliminary Water Quality Management Plan (WQMP) has been approved by the Land Development Division of Land Use Services to comply with the requirements of the San Bernardino County National Pollutant Discharge Elimination System (NPDES) Area-wide Stormwater Program. The Project drainage system will collect storm water runoff in two on-site underground infiltration/retention chambers system, designed and sized to accept storm water flows for on-site percolation within the prescribed period of time to avoid the nuisance of standing water. Requirements for approval of the final WQMP have been incorporated in the conditions of approval.

Traffic: The Project trip generation was evaluated using trip rates from the Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017. The Project is estimated to generate 471 Passenger Car Equivalent (PCE) trips on a daily basis, with 73 PCE trips (21 inbound and 20 outbound) in the AM



peak hour and 33 PCE trips (17 inbound and 16 outbound) in the PM peak hour for the fast food restaurants with a drive-thru and 231 PCE trips on a daily basis, with 28 PCE trips (14 inbound and 14 outbound) in the AM peak hour and 23 PCE trips (12 inbound and 12 outbound) in the PM peak hour for the gas station with a convenience store.

The County of San Bernardino Transportation Impact Study Guidelines indicate that projects that generate 100 or more trips during any peak hour have the potential to create a traffic impact and would be required to prepare a Transportation Impact Study (TIS). Since the trip generation of the Project is less than 100 trips during any peak hour, a TIS was not required.

Vehicle Miles Traveled: A Vehicle Miles Traveled (VMT) analysis was prepared and evaluated for the Project, consistent with the San Bernardino County Guidelines, which state that a project should be considered to have a significant impact if the project VMT per person/employee is greater than 4% below the existing VMT per person/employee for the unincorporated County. Based on the County threshold, the Project will have a significant impact if the VMT/Employee is greater than 19.74 Vehicle Miles Traveled per Employee. As proposed, the Project VMT/Employee is 11.9 Vehicle Miles Traveled per Employee, which is less than the 19.74 Vehicle Miles Traveled per Employee, and; therefore not considered to be significant.

**RECOMENDATION: That the Planning Commission:**

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EXHIBIT B);
2. **ADOPT** the recommended Findings as contained in the staff report (EXHIBIT C);
3. **APPROVE** the Conditional Use Permit for a commercial retail center, consisting of a gas station with a 3,732-square foot convenience store with a car wash, a 3,942-square foot canopy with 12 motor vehicle fuel-sale pumps and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, subject to the recommended Conditions of Approval (Exhibit A);
4. **APPROVE** Tentative Parcel Map 20356 to subdivide 3.62 acres into five parcels, subject to the Conditions of Approval; and
5. **DIRECT** the Clerk to file the Notice of Determination.

**ATTACHMENTS:**

- EXHIBIT A:** Conditions of Approval  
**EXHIBIT B:** Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program  
**EXHIBIT C:** Findings  
**EXHIBIT D:** Site Plan  
**EXHIBIT E:** Community Meeting Notes  
**EXHIBIT F:** Project Notice Comments

# EXHIBIT A

## Conditions of Approval



# Conditions of Approval



**Record:** PROJ-2020-00166  
**APN:** 0257-211-01, 02, 03 and 0257-221-01

**Planning Commission Date:** February 17, 2022  
**Application Name:** Conditional Use Permit  
**Effective Date:** February 28, 2022  
**Expiration date:** February 28, 2025

## On-GOING AND OPERATIONAL CONDITIONS

### LAND USE SERVICES – Planning Division

1. **Project Description.** This Conditional Use Permit approval is for the construction of a 3,732-square foot convenience store with 12 motor vehicle fuel-sale pumps and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, on 3.62 acres, in the Commercial Land Use Category, and General Commercial (CG-SCp) Zoning District, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
2. **Project Location.** The Project site is located at the southeast corner of Cedar Avenue and Slover Avenue, Bloomington, in the CG-SCp zoning district.
3. **Conditions of Approval:** The developer shall provide a copy of the approved conditions and the site plan to every current and future commercial tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0257-211-01, 02, 03 and 0257-221-01. Project Number: PROJ-2020-00166.
4. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.  
  
Any Condition of Approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees may be required by a court to pay as a result of such action.  
  
The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code §2782.
5. **Development Impact Fees:** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
6. **Clear Sight Triangle:** Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
7. **Continuous Effect/Revocation:** All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

# Conditions of Approval



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8. **Revisions:** Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
9. **Construction Hours:** Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
10. **Expiration.** This project permit approval shall expire and become void if it is not “exercised” within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
  - The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
  - The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC §86.06.060]

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

**PLEASE NOTE:** This will be the **ONLY** notice given of the expiration date. The developer is responsible for initiation of any **Extension of Time application**

11. **Extension of Time:** Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
12. **Lighting:** Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
13. **Underground Utilities:** No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
14. **Performance Standards :** The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
15. **Additional Permits:** The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: none. b. STATE: Regional Water Quality Control Board (RWQCB- Santa Ana Region, c. COUNTY: Land Use Services – Planning/Building and Safety/Code



# Conditions of Approval



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Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works. d. REGIONAL: South Coast Air Quality Management District. e. LOCAL: City of Rialto.

16. **GHG - Operational Standards:** The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric powered.
17. **Construction Noise:** The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer’s specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
18. **Project Account:** The Project account number is PROJ-2020-00166. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
19. **Continuous Maintenance:** The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but not limited to:
  - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated, it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.

# Conditions of Approval



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- i) **Signage:** The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
- j) **Lighting:** The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- k) **Parking and on-site circulation:** The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
- l) **Fire Lanes:** The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

## **LAND USE SERVICES - Land Development - Drainage**

- 20. **Tributary Drainage:** Adequate provisions should be made to intercept and conduct the tributary off site on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
- 21. **Additional Drainage Requirements:** In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
- 22. **Erosion Control Installation:** Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 23. **Continuous BMP Maintenance:** The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
- 24. **BMP Enforcement:** In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

## **PUBLIC HEALTH- Environmental Health Services**

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

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## DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division

27. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste Industries)
28. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill 2176.
29. Mandatory Commercial Recycling – Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more are required to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
30. Mandatory Trash Service. This property falls within a Uniform Handling Service area. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
31. Mandatory Commercial Organics Recycling As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

## COUNTY FIRE DEPARTMENT – Community Safety Division

32. Standard A-1 Fire Apparatus Access Road Design, Construction and Maintenance. This standard shall apply to the design, construction and maintenance of all new fire apparatus access roads within the jurisdiction, as well as fire apparatus access roads at existing facilities when applied at the discretion of the fire code official.
33. Standard F-1 FIRE Sprinkler Systems in Commercial and Industrial Buildings. This standard, in conjunction with the latest edition of NFPA 13, shall apply to the design and installation of, and the modification to, all fire sprinkler systems in commercial and industrial occupancies. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 13 or the California Fire Code.
34. Standard F-4 Post Indicator Valves and Fire Department Connection. This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and its interpretation shall take NOT precedent where there is any conflict with NFPA standards.
35. Standard F-5 Design, Installation and Maintenance of Fire Alarm Systems. This standard applies to all new installations and modifications of existing fire alarm systems, within new construction as well as building additions and tenant improvements within existing buildings. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 72 or the California Fire Code.



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36. Standard W-2 Onsite Fire Protection Water Systems. This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.

## **DEPARTMENT OF PUBLIC WORKS – Traffic Division**

37. Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

### **Prior to Grading/Land Disturbance**

## **LAND USE SERVICES – Planning Division**

38. AQ – Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
- County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
  - On-site electrical power connections shall be provided.
  - All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.
39. AQ – Coating Restriction Plan. The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a condition that the contractors adhere to the requirements of the CRP. The CRP measures shall be following implemented to the satisfaction of County Building and Safety:
- Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
  - Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
  - High-Volume, Low Pressure (HVLP) spray guns shall be used to apply coatings.
  - Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
  - Comply with SCAQMD Rule 1113 on the use or architectural coatings
40. AQ – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
- Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
  - Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.
  - Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
  - All gasoline-powered equipment shall have catalytic converters.
  - Provide onsite electrical power to encourage use of electric tools.
  - Minimize concurrent use of equipment through equipment phasing.
  - Provide traffic control during construction to reduce wait times.
  - Provide on-site food service for construction workers to reduce offsite trips.
  - Implement the County approved Dust Control Plan (DCP)

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41. AQ – Dust Control Plan. The developer shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following requirements:
- Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
  - During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
  - Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
  - Storm water control systems shall be installed to prevent off-site mud deposition.
  - All trucks hauling dirt away from the site shall be covered.
  - Construction vehicle tires shall be washed, prior to leaving the project site.
  - Rumble plates shall be installed at construction exits from dirt driveways.
  - Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
  - Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday and after street sweeping.
42. Grading. The Project Applicant will be limited to 2 rubber-tired dozers and 2 tractor/loaders/backhoes operating at any given time during the grading phase.
- Biological Resources
43. BIO-1: Nesting bird surveys should be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15<sup>th</sup> to September 15<sup>th</sup>), and conducting a worker awareness training program. However, if all work cannot be conducted outside of the nesting season, preconstruction surveys shall be conducted that focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. A project-specific Nesting Bird Management Plan should be prepared to determine suitable buffers.
44. Cultural Resource:
- CUL-1: A professional archaeologist shall be contacted if buried prehistoric resources are uncovered during site preparation activities. If prehistoric resources are identified, an archaeological monitoring program should be initiated and conducted until the consulting archaeologist determines monitoring is no longer required.
45. CUL-2: A professional archaeologist shall be contacted if buried historic resources are uncovered during site preparation activities. If historic resources are identified, the consulting archaeologist must be permitted to assess the resource(s) and determined whether or not a monitoring program should be incorporated into the site preparation activities. If so, the monitoring should be conducted until the consulting archaeologist determines monitoring is no longer required.
46. CUL-3: If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.

If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

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If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The coroner's activities will not involve any costs to the project proponent/property owner.

## Geology and Soils

47. GEO-1: Any excavations that exceed the relative depth of the younger alluvium and impacting older alluvial deposits should be monitored by a qualified paleontologist to detect and professionally collect any fossils uncovered.

## Tribal Cultural Resources:

48. TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:

A. The project applicant/developer shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

49. E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.

50. F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

51. TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods:



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A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.

B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)

D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary).

F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.

G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

## 52. TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods:

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

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D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.

F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.

G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

## **LAND USE SERVICES – Building and Safety Division**

53. Geotechnical (Soil) Report Required Before Grading. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
54. Wall Plans. Submit plans and obtain separate building permits for any required retaining walls.

## **LAND USE SERVICES - Land Development - Drainage**

55. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule
56. FEMA Flood Zone. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8659H and 06071C8667H dated 08/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
57. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
58. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

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59. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
60. On-site Flows: On-site flows need to be directed to the nearest drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
61. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx> )
62. WQMP Inspection. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

## **COUNTY FIRE DEPARTMENT – Community Safety Division**

63. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
64. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
  1. Deferred submittal will be required for Sprinklers and Alarms for Building #1, it exceeds 5,000sq ft. and will need to be sprinkler.
  2. Hydrants will need to be in compliance to Standard W-2
65. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 5157 sq.ft. structure.
66. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.

## **PUBLIC HEALTH – Environmental Health Services**

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



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## PRIOR TO ISSUANCE OF BUILDING PERMIT

### LAND USE SERVICES – Planning Division

68. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code, as well as the Blooming Community Plan requirements. The developer shall submit a landscape and irrigation plan to County Planning via the EZOP system, link: [EZ Online Permitting \(sbcounty.gov\)](https://www.sbcounty.gov/e-z-op)
69. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
70. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

### Greenhouse Gas Emissions Monitoring:

71. GHG-1 - Prior to issuance of building permits, the Project applicant shall provide documentation to the County of San Bernardino Building and Safety Division demonstrating that the following measures or any other combination thereof are incorporated from the County's 2015 Development Review Processes Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points. Documentation may include measures incorporated into construction plans and specifications, development agreements, and/or other mechanisms, as indicated below:

#### Building Envelope:

- Insulation - Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38) (11 points)
- Windows - Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC) (5 points)
- Cool Roofs – Enhanced cool roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance) (7 points)
- Air Infiltration – Blower door HERS verified envelope leakage or equivalent (6 points)
- Thermal Storage of Building – Modes thermal mass (10%) of floor or 10% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials). (2 points)

#### Indoor Space Efficiencies:

- Heating/Cooling Distribution System – Enhanced duct insulation (R-8) (5 points)
- Space Heating/Cooling Equipment – Very high efficiency HVAC (SEER 16/82% AFUE or 9 HSPF (7 points)
- Water Heaters – Very high efficiency water heater (0.92 energy factor (11 points)
- Artificial Lighting – Very high efficiency lights (100% of in-unit fixtures are high efficiency (8 points)

#### Miscellaneous Commercial Building Efficiencies:

- Shading – At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21<sup>st</sup> (6 points)

#### Commercial/Industrial Renewable Energy Generation:

- Photovoltaic – 40% of the power needs of the project (12 points)

# Conditions of Approval



**Record:** PROJ-2020-00166  
**APN:** 0257-211-01, 02, 03 and 0257-221-01

**Planning Commission Date:** February 17, 2022  
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## Commercial Irrigation and Landscaping:

- Water Efficient Landscaping – Only low water using plants (3 points).
- Water Efficient irrigation Systems – Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water use) (3 point).

## Commercial Potable Water:

- Toilets – Water efficient toilets/Urinals (1.5gpm) (3 points)
- Faucets – Water efficient faucets (1.28gpm) (2 points).

## Preferential Parking:

- Parking – Provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles (1 point)

## Bike Routes around the County:

- Sidewalks – Provide pedestrian linkage between commercial and residential land uses within 1 mile (1 point)

## Reduce Waste to Landfills:

- Recycling – Recycle construction waste (5 points)

72. The proposed four restaurants with a drive-thru shall submit a GHG Reduction Plan Screening Table, as needed to achieve the required 100 points, and incorporate into the project design, to ensure that the operational emissions for the restaurants would comply with the County's GHG Plan.

## **LAND USE SERVICES – Building and Safety Division**

73. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

74. Temporary Use Permit A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

## **LAND USE SERVICES - Land Development - Roads**

75. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Cedar Avenue (Major Highway – 104')

- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

Slover Avenue (Major Highway – 104')

- Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

76. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Mountain Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

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77. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
78. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
79. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
80. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
81. Slope Easements. Slope rights shall be dedicated, where necessary.
82. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
83. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
84. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
85. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Department of Public Works confirming the adequacy of the grade.
86. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$17.02 per square foot for Commercial Use, which includes the 10,250 square foot building .

Therefore, the estimated Regional Transportation Fees for the Project is \$174,455.00 The current Regional Transportation Development Mitigation Plan can be found at the following:  
website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

## **PUBLIC HEALTH– Environmental Health Services**

87. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.



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88. Food Establishment Plan Check Required. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
89. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
90. Sewage Disposal. Method of sewage disposal shall be City of Rialto Muni Agency, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
91. Sewer Service Verification Letter. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
92. Water and Sewer Service Verification. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either: (1) Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, (2) Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
93. Water Purveyor. Water purveyor shall be West Valley WD or EHS approved.
94. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.

## **DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division**

95. Construction Waste Management Plan (CWMP) Part 1. The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects.

## **COUNTY FIRE DEPARTMENT – Community Safety Division**

96. Building Plans. Building plans shall be submitted to the Fire Department for review and approval.
97. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.

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## COUNTY FIRE DEPARTMENT – Hazardous Materials

98. Prior to issuance of building permits. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

“**Hazardous Material**” means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

## DEPARTMENT OF PUBLIC WORKS – Traffic Division

99. Improvements: The applicant shall design their street improvement plans to include the following:

- Driveways.
  - All driveways located on Cedar Avenue shall be a right in/right out only.
  - Driveway on Slover Avenue shall be a no truck access, and shall be a right-in/right-out for passenger vehicles only with raised median. Final design of the driveway and porkchop shall be completed during the Street Improvement Plan process. The Applicant’s Engineer is highly encouraged to contact the County Traffic Division prior to establishing profiles to address this driveway.
  - The project shall install the proper signage to reflect these restrictions.

100. Fair Share. The total fair share contribution for this project is required based on the traffic report dated 09/9/2021 from Urban Crossroads INC. The fair share breakdown for these improvements is shown below:

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
<b>Cedar Avenue and I-10 Westbound Ramps.</b> Add 2 <sup>nd</sup> northbound left-turn lane			
<b>Intersection Total</b>	<b>\$858,000</b>	<b>3.25%</b>	<b>\$27,992</b>

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<b>Cedar Avenue and I-10 Eastbound Ramps.</b> Add 2nd southbound left-turn lane. Add eastbound right turn lane.	<b>\$858,000</b>		<b>\$36,845</b>
	<b>\$350,000</b>		<b>\$15,030</b>
<b>Intersection Total</b>	<b>\$1,208,000</b>	<b>4.3%</b>	<b>\$51,875</b>
<b>Cedar Avenue and I-10 Westbound Ramps.</b> Add 2 <sup>nd</sup> northbound left-turn lane			
<b>Intersection Total</b>	<b>\$858,000</b>	<b>3.25%</b>	<b>\$27,992</b>
<b>Cedar Avenue and I-10 Eastbound Ramps.</b> Add 2nd southbound left-turn lane. Add eastbound right turn lane.	<b>\$858,000</b>		<b>\$36,845</b>
	<b>\$350,000</b>		<b>\$15,030</b>
<b>Intersection Total</b>	<b>\$1,208,000</b>	<b>4.3%</b>	<b>\$51,875</b>
<b>Linden Avenue &amp; Slover Avenue</b> Install Traffic Signal			
<b>Intersection Total</b>	<b>\$600,000</b>	<b>7.7%</b>	<b>\$46,389</b>
<b>Linden Avenue &amp; Santa Ana Avenue</b> Install Traffic Signal	<b>\$600,000</b>		
Add northbound left turn lane	<b>\$78,400</b>		
Add southbound left turn lane	<b>\$78,400</b>		
Add eastbound left turn lane	<b>\$78,400</b>		
Add westbound left turn lane	<b>\$78,400</b>		
<b>Intersection Total</b>	<b>\$913,600</b>	<b>12.1%</b>	<b>\$110,150</b>
<b>Cedar Avenue &amp; Slover Avenue</b> Signal re-timing	<b>\$54,000</b>		
<b>Intersection Total</b>	<b>\$54,600</b>	<b>12.8%</b>	<b>\$6,926</b>
<b>Cedar Avenue and Santa Ana Avenue</b> Add eastbound left-turn lane.	<b>\$78,400</b>		<b>\$10,606</b>
Add westbound left turn lane.	<b>\$78,400</b>		<b>\$10,606</b>
<b>Intersection Total</b>	<b>\$156,800</b>	<b>13.5%</b>	<b>\$21,212</b>
<b>Fair Share to be paid to San Bernardino County</b>		<b>Total Fair Share</b>	<b>\$344,412</b>



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The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works - Traffic Division. At the present time, the estimated cost is \$344,412. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

## **PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANCY**

### **LAND USE SERVICES – Planning**

101. Fencing. Prior to occupancy of Phase I, the applicant/developer shall construct a 6-foot block wall along the easterly property boundary and the block wall shall incorporate reveal and other architectural details.
102. Reciprocal Access Easements. The applicant/developer shall record reciprocal access easements for the Project and submit recordation proof to the Planning Division, prior to occupancy.
103. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
104. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
105. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
106. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2020-00166.

#### Convenience Store:

107. The convenience store windows must remain un-obstructed and free from any window signs or writing. This is to allow for clear visibility of the store's interior from the patrol vehicles outside.
108. Internal security cameras must be installed throughout the proposed convenience store and fast-food restaurant to provide a comprehensive view of the buildings' interior and exterior. Cameras will be monitored by the cashiers.
109. A silent alarm system that will be monitored at a central station must be installed.
110. Doorway access to the restrooms must be visible to the cashiers or security cameras monitored by the cashiers.
111. Appropriate signage must be posted indicating that loitering and/or the drinking of alcoholic beverages on-site are prohibited.
112. No long-term parking (more than one hour), other than that required by employees, will be permitted. This provision will be monitored by employees with appropriate signage posted within the parking area.
113. The site must be properly illuminated, and the carwash tunnel must be secured when not in use.

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## **LAND USE SERVICES - Land Development – Drainage**

114. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
115. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.
116. **LAND USE SERVICES - Land Development – Roads**
117. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
118. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
119. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
120. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.

## **DEPARTMENT OF PUBLIC WORKS - Solid Waste Management Division**

121. Construction Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

## **COUNTY FIRE DEPARTMENT – Community Safety Division**

122. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA 13 and the Fire Department standards is required. The applicant shall hire a fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
123. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
124. Fire Alarm – Automatic. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
125. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

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### **COUNTY FIRE DEPARTMENT – Hazardous Materials**

126. Prior to Occupancy. A business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
127. Prior to Occupancy. An application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

### **DEPARTMENT OF PUBLIC WORKS – Traffic Division**

128. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

**END OF CONDITIONS**



## Tentative Parcel Map 20356

### PROJECT DESCRIPTION

1. Project Approval Description. This Tentative Parcel Map 20356 approval is for consolidating four parcels to create five (5) parcels of approximately 3.62 acres and may be recorded in compliance with the conditions of approval, the approved stamped tentative map. The project site is located at the southwest corner of Slover Avenue and Cedar Avenue and Cedar Avenue and Wrangler Drive, in the General Commercial (BCG-SCp) Zoning District. APN: 0290-041-42, 43, 47 and 48, Project Number PROJ-2020-00166.

### NOTICES

2. Expirations/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation within 36 months following the effective approval date, unless an extension of time is granted.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible for initiation of any extension request.

3. Extension of Time/TPM. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Land Use Services may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.
4. Revisions/TPM. Any proposed change to the approved Tentative Parcel Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
5. Condition Compliance. Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.
6. Project Account. The Project account number is PROJ-2020-00166. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation.

7. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

#### **COUNTY FIRE DEPARTMENT – Community Safety Division**

8. Fire Condition Letter Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

#### **LAND USE SERVICES DEPARTMENT – Planning Division**

9. Concurrent Filing. A Conditional Use Permit (CUP) is also approved for the construction of a 3,732-square foot convenience store with 12 motor vehicle fuel-sale pumps and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, on 3.62 acres, in the Commercial Land Use Category, and General Commercial (CG-SCp) Zoning District, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays. Conditions of approval for CUP are required to be met prior to any development.
10. Additional Permits. The property owner, developer and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These may include:

FEDERAL: U.S. Fish & Wildlife

STATE: Santa Ana Regional Water Quality Control Board, South Coast Air Quality Management District, Fish and Wildlife, State Fire Marshall, LAFCO

COUNTY: Land Use Services Department – Land Development Division & Building and Safety Division, Department of Public Works – Survey Division & Traffic Division, Department of Public Health – Environmental Health Services Division, County Fire Department – Community Safety Division

LOCAL: City of Rialto

## CONDITIONS OF APPROVAL

11. Indemnification. In compliance with SBCC §81.01.070, the “developer” shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

## PRIOR TO RECORDATION OF THE PARCEL MAP

### The Following Shall Be Completed

#### DEPARTMENT OF PUBLIC WORKS – Surveyor

12. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
13. Easements within the remainder portion of the map are to be dedicated by separate document.
14. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor’s Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.



15. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
16. Fees. Review of the Parcel Map by our office is based on actual cost, and requires an initial deposit of \$3,000. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
17. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

### **PUBLIC HEALTH – Environmental Health Services**

18. Water Purveyor. Water purveyor shall be West Valley WD or EHS approved.
19. Sewer Purveyor. Method of sewage disposal shall be the City of Rialto.
20. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
  1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

### **LAND USE SERVICES DEPARTMENT – Land Development - Drainage**

21. Drainage Easements. On-site flows shall be directed towards the drainage easement. Adequate private drainage easement(s) shall be recorded under separate instrument(s).
22. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
23. On-site Drainage Easement. On-site flows shall be directed within a drainage easement.
24. FEMA Flood Zone. The project is located within Flood Zone X-unshaded according to FEMA Panel Number 06071C8659H dated 08/28/2008. No elevation required.

25. Grading Plans. Grading and erosion control plans shall be submitted for review and approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final Drainage study and WQMP report. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
26. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
27. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
28. On-site Flows. On-site flows need to be directed to the nearest County-maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
29. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at:  
<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>

#### **LAND USE SERVICES DEPARTMENT – Land Development – Road Section**

30. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California:  
  
**Cedar Avenue (Major Highway – 104')**
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130. (for commercial driveways with curb returns)
31. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley and East Valley Area Plan Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
32. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

33. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
34. Maintenance Bond. Once all required public and private road, drainage, WQMP, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
35. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
36. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
37. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
38. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
39. Slope Easements and Tests. Slope rights shall be dedicated where necessary. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer.
40. Access Rights. Vehicular access rights shall be restricted on Dream Street along the rear of double frontage lots.
41. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
42. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.



43. Caltrans Approval. Obtain comments and approvals from Caltrans for access requirements and working within their right-of-way.
44. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
45. Physical Access. Physical access shall be required to all newly created parcels. Physical access is defined as a route which is traversable in a standard (two-wheel drive) sedan. The Developer's Engineer or Surveyor shall submit a signed and sealed letter to Land Development Division certifying that physical access has been completed.
46. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by County Department of Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
47. Structural Section Testing. Prior to map recordation, a thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

**END OF CONDITIONS**

# **EXHIBIT B**

## **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program**

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

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

**PROJECT LABEL:**

<b>APNs:</b>	0257-211-01, -02, -03, and 0257-221-01	<b>USGS Quad:</b>	Fontana 7.5
<b>Applicant:</b>	David Wiener	<b>T, R, Section:</b>	T1S R5W Sec. 27
<b>Location</b>	18720 Wrangler Dr., Bloomington CA	<b>Thomas Bros</b>	Page 605, Grid E7, San Bernardino and Riverside Counties (2013)
<b>Project No:</b>	PROJ-2020-00166	<b>Community</b>	Community of Bloomington
<b>Rep</b>	Ed Bonadiman, Joseph E. Bonadiman & Associates	<b>LUC: Zone:</b>	Commercial (C) General Commercial (BL/CG-SCp)
<b>Proposal:</b>	Approval of a Conditional Use Permit to allow for the development of a gas station/convenience store and restaurants on 3.62 acres, and approval of a Tentative Parcel Map to subdivide four existing lots into 5 proposed parcels.	<b>Overlays:</b>	None

**PROJECT CONTACT INFORMATION:**

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

**Contact person:** Aron Liang, Senior Planner  
**Phone No:** (909) 387-0235     **Fax No:** (909) 387-3223  
**E-mail:** aron.liang@lus.sbcounty.gov

**PROJECT DESCRIPTION:**

**Summary**

David Wiener (“Project Applicant”) is proposing the development of four drive-thru restaurants, and a gas station/convenience store with an attached drive thru car wash on four vacant parcels in the Community of Bloomington, County of San Bernardino. The Project Site is located on the southeast corner of Cedar Avenue and Slover Avenue (see Figure 1 - Regional Location and Figure 2 - Project Vicinity). The existing vacant parcels are described as Assessor’s Parcel No. (APN) 0257-211-01, -02, -03, and 0257-221-01.

The approximately 3.62-acre Project Site is currently vacant and physically divided into two properties by Wrangler Drive. The portion of the Project Site north of Wrangler Drive

(north property) includes APN 0257-211-01 and -02 and would be developed with the gas station/convenience store with car wash and one drive-thru restaurant. The gasoline station would have 6 fueling islands to include 12 fueling positions (dispensers). The fueling islands would be located under a 3,942 square-foot canopy with a height of 17'6". The portion of the Project Site to the south of Wrangler Drive (south property) includes APN 0257-211-03 and 0257-221-01 and would be developed with three drive-thru restaurants (see Figure 3).

The development would include 38,740 square feet of landscaping and a total of 118 passenger car parking spaces to include 6 handicap accessible spaces, 11 clean air vehicle (CV) spaces and 7 electric vehicle (EV) spaces. The Proposed Project includes a Tentative Parcel Map to subdivide the four existing parcels into five. The table below provides a breakdown of the proposed uses, building footprint and required parking per County Development Code. The building numbers are shown on Figure 3.

Building Number	Land Use	Building Area (Sq. Ft.) [SF]	Standard Parking Stalls Provided/ Required	Accessible Parking Stalls Provided/ Required
1	gas station with 12 pumping stations, convenience store with drive-thru car wash	5,157	16/15	1/1
2	Drive-thru restaurant	1,968	20/20	1/1
3	Drive-thru restaurant	2,149	23/22	1/1
4	Drive-thru restaurant	3,397	35/34	2/2
5	Drive-thru restaurant	2,393	24/24	1/1

The site design also includes three (3) 12,000 -gallon underground storage tanks (USTs) and one Healy Tank(s) (clean air separator). Two underground infiltration basins with a combined storage volume of 59,677 cubic feet are proposed for peak attenuation of storm flows.

The Proposed Project requires the approval of a Conditional Use Permit (CUP). It also requires approval of a Tentative Parcel Map to subdivide four existing lots into 5 proposed parcels. The Proposed Project is consistent with the Countywide Plan and Zoning. Access to the north property would be provided by a 35-foot right-in, right-out only driveway on Slover Avenue, and 40-foot and 34-foot driveways along Cedar Avenue. Access to the south property would be provided by two 34-foot driveways along Cedar Avenue. Landscaping will cover 17,687 SF of the north property and 21,053 SF of the south property. Shrubs and trees would be planted along the perimeter of the Project Site. In



addition, six-foot high solid masonry walls would be constructed along the eastern boundaries of the property. Structure heights will be a maximum of 30 feet. The estimated number of employees for all five buildings is 60.

**Surrounding Land Uses and Setting**

The Project Site is within the boundaries of the unincorporated Community of Bloomington, County of San Bernardino. The community of Bloomington is an environmental justice community and is considered a sensitive environment as identified in the Countywide Plan. As shown on the County of San Bernardino Land Use Map, the Project Site is within a Commercial land use category. The following table lists the existing adjacent land uses and zoning.

Existing Land Use and Land Use Category			
Location	Existing Land Use	Land Use Category	Zoning
Project Site	Undeveloped and Vacant	Commercial	General Commercial (BL/CG-SCp)
North	Slover Mountain High School	Public Facility	Bloomington Institutional (IN)
South	Residential (Mobile Home Park)	Medium Density Residential	Multiple Residential (RM)
East	Single-Family Residential	Low Density Residential	Bloomington/Single Residential (RS)
West	Vacant  Commercial (J&A Electrical, Pottery, Barber shop, Restaurant)  Single-Family Residential	Commercial	General Commercial (BL/CG-SCp)

The nearest sensitive receptors to the proposed Project are single-family residences located to the east, west, and south. To the north is Slover Mountain High School, at 18829 Orange Street.

**Project Site Location, Existing Site Land Uses and Conditions**

The Project Site is located approximately 0.31 miles south of Interstate 10 (I-10) in the unincorporated Community of Bloomington in the County of San Bernardino. It is on the southeast corner of the intersection of Cedar Avenue and Slover Avenue. The 3.62-acre site is currently

*Initial Study* PROJ-2020-00166  
*Cedar Slover Gas Retail*  
APN: 0257-211-01, -02, -03, and 0257-221-01  
*September 2021*

vacant, relatively flat and consists primarily of bare ground with little vegetation. The Project Site occurs in the Land Use Category of Commercial and zoning of General Commercial (BL/CG-SCp). Surrounding land uses are single-family residences to the east; school to the north; vacant, commercial uses, and residential development to the west, and a mobile home park to the south.

**ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

Federal: None.

State of California: None.

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

Regional: South Coast Air Quality Management District.

Local: None

Figure 1 Regional Map

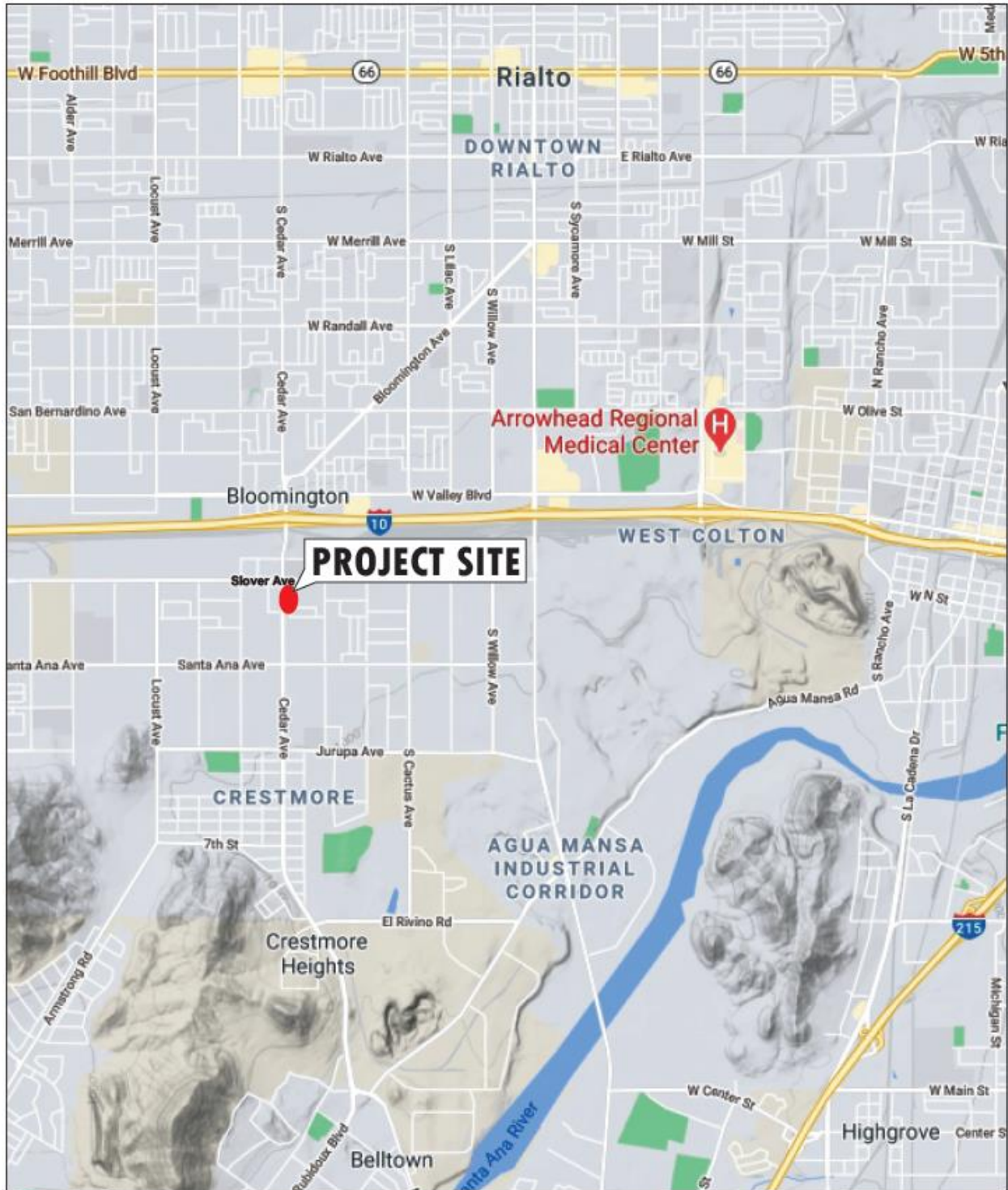


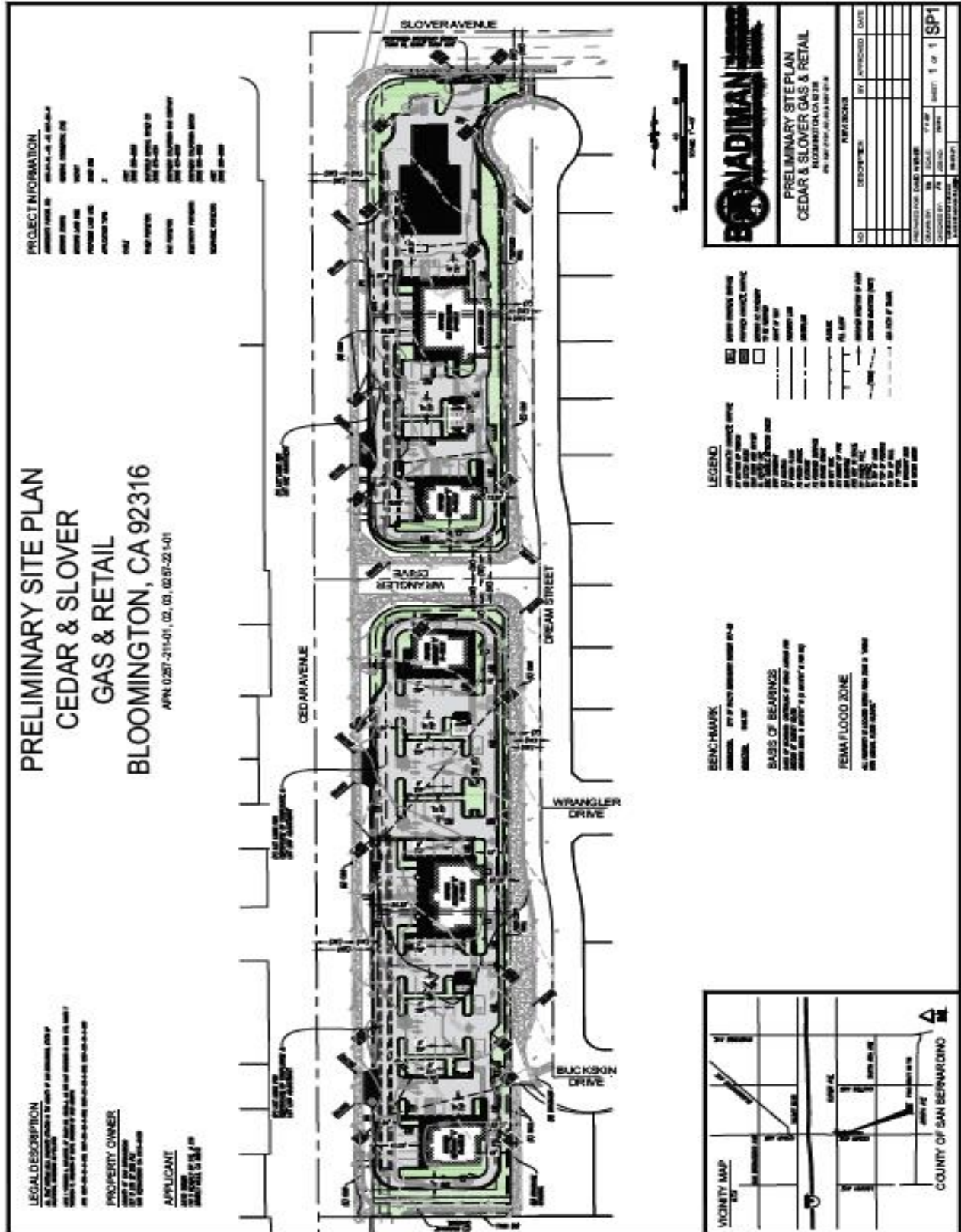


Figure 2 Vicinity Map





Figure 3 Site Plan



**CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

On December 23, 2020, the County of San Bernardino mailed notification pursuant to AB-52 to the following tribes: Colorado River Indian Tribes, Fort Mojave Indian Tribe, Gabrieleno Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians, San Gabriel Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians. The table below shows a summary of comments and responses provided for the Project.

**AB 52 Consultation**

<b>Tribe</b>	<b>Comment Letter Received</b>	<b>Summary of Response</b>	<b>Conclusion</b>
Colorado River Indian Tribes	None	None	Concluded
Fort Mojave Indian Tribe	None	None	Concluded
Gabrieleno Band of Mission Indians - Kizh Nation		Retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation. See Mitigations TCR-1 through TCR-3	Concluded
Morongo Band of Mission Indians	None	None	Concluded
San Gabriel Band of Mission Indians	None	None	Concluded
San Manuel Band of Mission Indians	None	None	Concluded
Soboba Band of Luiseno Indians	None	None	Concluded

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is

presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:** Based on this initial evaluation, the following finding is made:

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

Aron Liang  
 Signature: (Aron Liang, Planner)

09.09.2021  
 Date

David Prusch  
 Signature: (David Prusch, Supervising Planner)

09.09.2021  
 Date



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

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

**San Bernardino Countywide Plan, approved October 27, 2020, adopted November 27; San Bernardino Countywide Plan Draft EIR; San Bernardino County Development Code**

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

The Project Site is located within the City of Rialto Sphere of Influence, in the unincorporated Community of Bloomington, San Bernardino County. It is surrounded by single-family residences to the east; a school to the north; commercial, vacant land and single-family residences to the west, and a mobile home park to the south. The Countywide Plan (adopted November 27, 2020) does not identify a scenic vista within the vicinity of the Project Site.<sup>1</sup> The Project Site has a land use category of Commercial and is zoned General Commercial (BL/CG-SCp). With approval of the CUP, the Proposed Project would be an allowable use. The Proposed Project would be required to maintain the maximum height limit of 60 feet, as is allowed within the BL/CG-SCp

<sup>1</sup> San Bernardino Countywide Plan. Adopted November 27, 2020. [http://countywideplan.com/wp-content/uploads/2020/08/CWP\\_PolicyPlan\\_PubHrngDraft\\_HardCopy\\_2020\\_July.pdf](http://countywideplan.com/wp-content/uploads/2020/08/CWP_PolicyPlan_PubHrngDraft_HardCopy_2020_July.pdf). Accessed December 17, 2020.

Zone.<sup>2</sup> Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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### Less Than Significant Impact

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

The Project Site is located on the southeast corner of Cedar Avenue and Slover Avenue. These roads are neither designated State scenic routes nor County Scenic Routes.<sup>3</sup> The closest Scenic Highway is Route 38, located approximately 12 miles east of the Project Site. The Proposed Project would be required to maintain the maximum height limit of 60 feet, as is allowed within the BL/CG-SCp Zone. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### Less Than Significant Impact

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

Under the BL/CG-SCp Zone, structures of the Proposed Project cannot exceed 60 feet. Compliance with this height limit will minimize potential obstruction of views of the surrounding mountains and other public views. Moreover, the Project Site is currently vacant and consists of bare ground with almost no vegetation. The Project Applicant will be required to provide a minimum landscape area of 20% of the lot area<sup>4</sup>, which will make the Project Site more aesthetically pleasing. Landscaping will cover 17,687 SF of the north property and 21,053 SF of the south property. Shrubs and trees would be planted along the perimeter of the Project Site. Development of the Proposed Project would remain consistent with the BL/CG-SCp zoning development standards. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### Less Than Significant Impact

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

The nearest sensitive receptors to the Project Site are the single-family residences to the east and mobile home park to the south. According to the San Bernardino County Development Code, Section 83.07.030(a) Glare and Outdoor Lighting, outdoor lighting must be fully shielded to preclude light pollution or light trespass on an abutting residential land use zoning district, a residential parcel or public right-of-way. The Proposed Project will be designed to adhere to these lighting standards, and

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<sup>2</sup>San Bernardino County. Development Code.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>. Accessed December 17, 2020.

<sup>3</sup> San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.1-1. Accessed December 17, 2020.

<sup>4</sup> San Bernardino County Development Code. Page 3-102.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf#PAGE=97>

demonstration of compliance will be required prior to issuance of a building permit. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

**No significant adverse impacts are identified or anticipated, and no mitigation measures are required**

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

**Countywide Plan; California Department of Conservation Farmland Mapping and Monitoring Program; San Bernardino County Agricultural Resources GIS Map; Submitted Project Materials**

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

The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Built-Up Land" in its California Important Farmland Finder.<sup>5</sup> "Urban and Built-Up Land" is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity.<sup>6</sup> The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

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

The Project Site is not under or adjacent to any lands under a Williamson Act Contract.<sup>7</sup> The parcel has a current zoning of General Commercial (BL/CG-SCp). With the approval of the CUP, the Proposed Project would be consistent with the Countywide Plan. There are no properties in the vicinity zoned for agricultural uses and there are no Williamson Contracts. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

The Project Site is currently zoned General Commercial (BL/CG-SCp). Implementation

<sup>5</sup> <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed December 17, 2020

<sup>6</sup> San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.2-1 "Agricultural Resources." Accessed December 17, 2020.

<sup>7</sup> San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.2-1 "Agricultural Resources." Accessed December 17, 2020.

<sup>8</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=fcb9bc427d2a4c5a981f97547a0e3688>. Accessed March 24, 2020.



of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

The Project Site is currently vacant and does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

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

The Project Site is currently zoned BL/CG-SCp. Implementation of the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

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

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

- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

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

**Countywide Plan; Submitted Project Materials; CalEEMod Output**

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

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 (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

A project is inconsistent with the AQMP if: (1) it does not comply with the approved general plan; or (2) it uses a disproportionately large portion of the forecast growth increment (change population or employment levels). The County of San Bernardino currently designates the Project Site as General Commercial (BL/CG-SCp). With approval of the Conditional Use Permit, the Proposed Project would be an acceptable use within the BL/CG-SCp land use zone. Therefore, emissions associated with the Proposed Project would not conflict with the AQMP. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

Construction and operational emissions were screened using CalEEMod version 2020.4. The emissions incorporate Rule 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO2), and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Two of the analyzed pollutants, ROG and NOx, are ozone precursors. Both summer and winter season emission levels were estimated.

Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site preparation, grading (fine and mass grading), building construction, paving, and architectural coating. Construction is

anticipated to begin in 2022 and be completed in late 2023. Therefore, impacts from construction activities are anticipated to be short-term. Refer to Table 1, Summer Emissions and Table 2, Winter Emissions for construction emissions generated. However, in order for emissions to be below Local Significance Thresholds, the applicant will be limited to two rubber-tired dozers operating up to 7 hours a day and 2 tractor/loaders/backhoes operating up to 7 hours a day during the site preparation phase as to limit PM<sub>2.5</sub> exposure to sensitive receptors.

**Table 1**  
**Summer Construction Emissions Summary**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	1.8	18.3	10.5	0.0	6.4	3.5
Grading	2.0	20.9	15.9	0.0	4.3	2.4
Building Construction	2.0	16.9	19.4	0.0	1.7	1.0
Paving	1.3	8.8	12.2	0.0	0.6	0.5
Architectural Coating	9.2	1.3	2.3	0.0	0.2	0.1
<b>Highest Value (lbs./day)</b>	<b>9.2</b>	<b>20.9</b>	<b>19.4</b>	<b>0.0</b>	<b>6.4</b>	<b>3.5</b>
SCAQMD Threshold	75	100	550	150	150	55
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2020.4 Summer Emissions  
 Phases do not overlap and represent the highest concentration.

**Table 2**  
**Winter Construction Emissions Summary**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	1.8	18.3	10.5	0.0	6.4	3.5
Grading	2.0	20.9	15.8	0.0	4.3	2.4
Building Construction	2.0	16.9	19.4	0.0	1.7	1.0
Paving	1.3	8.8	12.3	0.0	0.6	0.5
Architectural Coating	9.2	1.3	2.3	0.0	0.2	0.1
<b>Highest Value (lbs./day)</b>	<b>9.2</b>	<b>20.9</b>	<b>19.4</b>	<b>0.0</b>	<b>6.4</b>	<b>3.5</b>
SCAQMD Threshold	75	100	550	150	150	55
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2020.4 Winter Emissions.  
 Phases do not overlap and represent the highest concentration.

Compliance with SCAQMD Rules 402 and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent 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<sub>10</sub> and PM<sub>2.5</sub>).

The Project Proponent 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 NOX and PM10 levels in the area. Therefore, 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 California Air Resources Board (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 Traffic Analysis (TA) prepared by Urban Crossroads, in September 2021. The TA determined that the Proposed Project would generate approximately 3,428 two-way trips per day. Emissions associated with the Proposed Project's estimated total daily trips were modeled. Operational emissions are listed in Table 3 and Table 4, which represent summer and winter operational emissions, respectively.

**Table 3**  
**Summer Operational Emissions Summary**  
**(Pounds per Day)**

Source	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.40	0.00	0.02	0.00	0.00	0.00
Energy	0.08	0.74	0.62	0.00	0.06	0.06
Mobile	6.35	35.21	73.96	0.31	23.27	6.44
<b>Totals (lbs./day)</b>	<b>6.83</b>	<b>35.95</b>	<b>74.60</b>	<b>0.31</b>	<b>23.33</b>	<b>6.50</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2020.4 Summer Emissions.

**Table 4**  
**Winter Operational Emissions Summary**  
**(Pounds per Day)**

Source	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.40	0.00	0.02	0.00	0.00	0.00
Energy	0.08	0.74	0.62	0.00	0.06	0.06
Mobile	5.50	35.19	64.75	0.28	23.27	6.34
<b>Totals (lbs./day)</b>	<b>5.98</b>	<b>35.93</b>	<b>65.39</b>	<b>0.28</b>	<b>23.33</b>	<b>6.40</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2020.4 Winter Emissions.

As shown, both summer and winter season operational emissions are below SCAQMD thresholds.

The Proposed Project would not exceed applicable SCAQMD regional thresholds either during construction or operational activities with implementation of Mitigation Measure AQ-1.

Construction emissions would exceed Local Significance Thresholds for sensitive receptor exposure to particulate matter without mitigating construction activities. Therefore, impacts would be less than significant with implementation of Mitigation Measure AQ-1.

#### **Mitigation Measure AQ-1:**

The Project Applicant will be limited to 2 rubber-tired dozers operating up to 7 hours per day and 2 tractor/loaders/backhoes operating up to 7 hours a day during the site preparation phase.

#### **Less than Significant with Mitigation**

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

SCAQMD has developed a methodology to assess the localized impacts of emissions from a proposed project as outlined within the Final Localized Significance Threshold (LST) Methodology report; completed in June 2003 and revised in July 2008. The use of LSTs is voluntary, to be implemented at the discretion of local public agencies acting as a lead agency pursuant to CEQA. LSTs apply to projects that must undergo CEQA or the National Environmental Policy Act (NEPA) and are five acres or less. LST methodology is incorporated to represent worst-case scenario emissions thresholds. CalEEMod version 2020.4 was used to estimate the on-site and off-site construction emissions. The LSTs were developed to analyze the significance of potential air quality impacts of Proposed Projects to sensitive receptors (i.e. schools, single family residences, etc.) and provide screening tables for small projects (one, two, or five acres). Projects are evaluated based on geographic location and distance from the sensitive receptor (25, 50, 100, 200, or 500 meters from the site).

For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as a residence, hospital, convalescent facility or anywhere that it is possible for an individual to remain for 24 hours. Additionally, schools, playgrounds, childcare centers, and athletic facilities can also be considered as sensitive receptors. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain on-site for a full 24 hours, but are usually present for shorter periods of time, such as eight hours.

The Project Site is approximately 3.62 acres and therefore the “two-acre” LSTs were utilized for the analysis and represents a worst-case scenario as the larger the site the larger the screening threshold. The nearest sensitive receptor is the residential development located adjacent to the Project Site; therefore, LSTs are based on a 25-meter distance. The Proposed Project’s construction and operational emissions with the appropriate LST are presented in Table 5.

**Table 5  
 Localized Significance Thresholds  
 (Pounds Per Day)**

<b>Source</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>		<b>PM<sub>2.5</sub></b>	
Construction Emissions (Max. from Table 1 and Table 2)	20.9	19.4	6.4		3.5	
Operational Emissions (Max. Total from Table 3 and Table 4)	16.1	109.8	1.2 <sup>†</sup>		0.3 <sup>†</sup>	
<b>Highest Value (lbs/day)</b>	<b>20.9</b>	<b>109.8</b>	<b>6.4</b>	<b>1.2</b>	<b>3.5</b>	<b>0.3</b>
LST	170	1,174	7 <sup>*</sup>	2 <sup>†</sup>	5 <sup>*</sup>	2 <sup>†</sup>
<b>Greater Than Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Sources: CalEEMod.2020.4 Summer and Winter Emissions; SCAQMD Final Localized Significance Threshold Methodology; SCAQMD Mass Rate Look-up Tables for a two-acre site in SRA No. 35, distance of 25 meters. Note: PM10 and PM2.5 emissions are separated into construction and operational thresholds in accordance with the SCAQMD Mass Rate LST Look-up Tables.

\* Construction emissions LST

† Operational emissions LST

<sup>1</sup> Anticipate 5% of operational trips on-site (this represents a worst-case scenario as the total project length is 0.24 miles and CalEEMod analyzed 16.60 miles as a default value. LSTs focus on onsite emissions impacts to adjacent uses).

As shown in Table 5, the Proposed Project’s emissions are not anticipated to exceed the LSTs.

*Toxic Air Contaminant Impacts*

Emissions resulting from gasoline service station operations may include toxic air contaminants (TACs) (e.g., benzene, hexane, MTBE, toluene, xylene) and have the potential to contribute to health risk in the Project vicinity. Standard regulatory controls such as the SCAQMD’s Rule 461 (Gasoline Transfer and Dispensing) would apply to the Project in addition to any permits required that demonstrate appropriate operational controls. Gasoline dispensing facilities are required to use Phase I/II EVR (enhanced vapor recovery) systems. Phase I EVR have an average efficiency of 98 percent and Phase II EVR have an average efficiency of 95.1 percent. Therefore, the potential for fugitive VOC or TAC emissions from the gasoline pumps is negligible. Prior to issuance of a Permit to Operate, each individual gasoline dispensing station would be required to obtain the required permits from SCAQMD which would identify the maximum annual throughput allowed based on specific fuel storage and dispensing equipment that is proposed by the operator.

The analysis reflects a maximum annual throughput on approximately 1,000,000 gallons as the actual value is unknown. However, ultimate fuel throughput allowances/requirements would be established by SCAQMD through the fueling station permitting processes. For purposes of this evaluation, cancer risk estimates have been made consistent with the methodology presented in SCAQMD’s Risk Assessment Procedures for Rules 1401 & 212 which provide screening-level risk estimates for gasoline dispensing operations. The Project site is located within Source Receptor Area (SRA) 35.

The nearest residential receptor and worker receptor is located immediately adjacent to the proposed gasoline canopy.

Based on the established SCAQMD procedure outlined in the SCAQMD Permit Application Package “N” it is estimated that the maximum risk attributable to the gasoline dispensing would be 3.30 in one million for the nearest sensitive receptor and the maximum risk to workers would be 0.27 in one million both of which are below the threshold of 10 in one million. SCAQMD Permit Application Package “N” identifies the potential risk per one million gallons of gasoline dispensed at the defined downwind distances and Gasoline Dispensing Service Station. The further the distance from the source the lower the risk. Refer to Table 6 for a linear regression risk estimate.

**Table 6  
 Linear Regression Risk Estimate**

<b>Residential</b>	
<b>Distance</b>	<b>Risk</b>
25	<b>5.46</b>
50	<b>2.17</b>

Worker	
25	<b>0.45</b>
50	<b>0.17</b>

Source: Risk Tool V1.103

As shown, no sensitive receptors in the Project vicinity would be exposed to a cancer risk of greater than 10 in one million. The maximum risk estimate at any sensitive land use in the vicinity of the Project would be 3.30 in one million. The Project gas station operations would therefore not generate emissions that would cause or result in an exceedance of the applicable SCAQMD cancer threshold of 10 in one million. As such, the Project would not have a significant impact with respect to health risks from the gasoline dispensing stations.

Therefore, the Proposed Project is not anticipated to expose sensitive receptors to substantial pollutant concentrations. No mitigation measures are required.

**Less Than Significant Impact**

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

The Proposed Project is a retail development to includes a gas station/convenience store and restaurants. 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. 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 County of San Bernardino solid waste regulations. The Proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. There will also be odors due to cooking food at the restaurants. Compliance with SCAQMD Rule 1138 would ensure that these odors are minimized to the extent feasible. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species

identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

**Countywide Plan; Submitted Project Materials; Biological Resources Assessment**

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

A Biological Resources Assessment (BRA) was prepared for the Proposed Project by Jennings Environmental, LLC in January 2021. The most recent records of the California Natural Diversity Database (CNDDDB) managed by CDFW (CDFW 2020), the USFWS Critical Habitat Mapper (USFWS 2020) and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California



(CNPS 2020) were reviewed. A general reconnaissance survey was conducted within the Project Site to identify the potential for the occurrence of special status species, vegetation communities, or habitats that could support special status wildlife species. The survey consisted of walking transects spaced to provide 100% visual coverage of the Project Site.

According to the CNDDDB, CNPSEI, and other relevant literature and databases, 60 sensitive species and 3 sensitive habitats, have been documented in the *Fontana* and *San Bernardino South* quads. This list of sensitive species and habitats includes any State and/or federally listed threatened or endangered species, CDFW designated Species of Special Concern (SSC) and otherwise Special Animals. According to the databases, no sensitive habitats, including USFWS designated critical habitat, occurs within or adjacent to the Project Site. From the field survey, it was concluded that there is some habitat within the Project Site, as well as the immediate surrounding area, that is marginally-suitable for some sensitive species identified in the CNDDDB search. The Project Site is not located within or adjacent any USFWS designated Critical Habitat.

#### Wildlife

Species observed or otherwise detected on or in the vicinity of the Project Site during the surveys included house sparrow (*Passer domesticus*) and red-tailed hawk. The Project Site and immediate surrounding area does contain habitat suitable for nesting birds (i.e., large trees). Therefore, Mitigation Measure BIO-1 should be implemented to ensure no significant impacts to nesting birds occur.

#### Special Status Species

The Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) is federally listed as endangered. The closest documented occurrences to the Project Site are 0.83-mile southwest and 0.96-mile northwest. No suitable habitat for the Delhi sands flower-loving fly exists within the Project Site or surrounding area. The soils on site are not the appropriate soils for this species. Because this species spends the majority of its life underground, a site must contain the appropriate soils in order for it to be deemed suitable.

The burrowing owl (BUOW) is a state and federal SSC. The Project Site does not contain suitable habitat for this species. The site is compact with imported materials with no signs of burrow surrogate species, like California ground squirrels (*Otospermophilus beecheyi*). The assessment survey was structured, in part, to detect BUOW, which has been observed in the near vicinity of the Project Site (within 2 miles). The result of the survey was that no evidence of BUOW was found in the survey area. No burrows of appropriate size, aspect, or shape were located and no BUOW pellets, feathers, or whitewash were found. No burrowing owl individuals were observed.

The Proposed Project may have potential significant impacts on nesting birds. Therefore, Mitigation Measure BIO-1 should be implemented.

#### **Mitigation Measure BIO-1:**

Nesting bird surveys should be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting

work outside of the nesting season (generally March 15<sup>th</sup> to September 15<sup>th</sup>), and conducting a worker awareness training program. However, if all work cannot be conducted outside of the nesting season, preconstruction surveys shall be conducted that focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. A project-specific Nesting Bird Management Plan should be prepared to determine suitable buffers.

With implementation of Mitigation Measure BIO-1, the Proposed Project would not have a substantial adverse effect on any species identified as a candidate, sensitive or special status species.

### **Less than Significant with Mitigation**

- b, c) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means*

A general assessment of jurisdictional waters regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW was conducted for the Project Site. Aerial imagery of the site was examined and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated from topographic changes, blue-line features, or visible drainage patterns. No obvious signs of jurisdictional features were observed during the literature review.

The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. under Section 404 CWA. No drainage features were observed during the field survey. As such, the Project Site does not contain any wetlands, waters of the U.S., or Waters of the State. The CDFW asserts jurisdiction over any drainage feature that contains a definable bed and bank or associated riparian vegetation. No definable bed or bank features exist on the Project Site. As such, the Project Site does not contain any areas under CDFW jurisdiction. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. Habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to

disperse or migrate between areas. The Project Site is surrounded by single-family residences to the east; a school to the north; commercial, vacant land and single-family residences to the west, and a mobile home park to the south. It does not contain nor is it adjacent to any wildlife corridors.<sup>9</sup>

The foothill areas of the San Gabriel and San Bernardino Mountains and associated washes are considered habitat linkage and wildlife corridors in the Valley Region of the County.<sup>10</sup> The Project Site is located within a relatively developed area at least 10 miles away from the foothills. Therefore, the Project Site would not be suitable as a native resident or migratory wildlife corridor or for facilitating the movement of any native resident or migratory wildlife species. No significant impacts are identified or anticipated, and no mitigation measures are required.

### Less Than Significant Impact

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

The Project Site is currently vacant and undeveloped. The habitat on-site consists of bare ground with almost no vegetation. There is a line of trees along the western border of both properties, which consist of a mix of scrub oak (*Quercus berberidifolia*) and Jeffrey Pine trees (*Pinus jeffreyi*). The site has been subject to historic human disturbances with evidence of the importation of material, such as road base, and the evidence of foot traffic and vehicle traffic.

There are no prominent geologic features occurring on or near the Project Site. The Project Site is primarily bare ground with almost no vegetation. It does not contain biological resources protected under local policies or ordinances. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### Less Than Significant Impact

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

The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map (April 2019).<sup>11</sup> No impacts are identified or are anticipated, and no mitigation measures are required.

### No Impact

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<sup>9</sup> San Bernardino County. Zoning Overlays Maps: Open Space. <http://cms.sbcounty.gov/Portals/5/Planning/ZoningOverlaymaps/OpenSpaceCountywide.pdf>. Accessed January 18, 2020.

<sup>10</sup> San Bernardino Countywide Plan Draft EIR. Biological Resources. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed January 18, 2021.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measure BIO-1.**

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

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

***Phase I Cultural Resources Investigation, McKenna et al., December 15, 2020***

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

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

A Phase I Cultural Resources Investigation, dated December 15, 2020, was prepared for the Proposed Project by McKenna et al. The purpose of the assessment was to identify and document any cultural resources that may potentially occur within the Project Site. The investigation was completed for compliance with the California Environmental Quality Act (CEQA), as amended, the San Bernardino County policies and guidelines, and the City of Rialto policies and guidelines. Historic land use data was compiled by McKenna et al. through research conducted at the Bureau of Land Management General Land Office records (on-line); the San Bernardino County Archives, the San Bernardino County Assessor's Office and Recorder's offices, the San Bernardino County Surveyor's Office, and local historic data from the McKenna et al. in-house library.

An archaeological records search was completed for this investigation at the California State University, Fullerton, South Central Coastal Information Center (January 14, 2020). Although this research was completed for an adjacent property, the research covered the Project Site. The research confirmed 37 resources investigations within a

one-mile radius of the Project Site. The majority of the resources consisted of historic residential structures reported in the small neighborhood located south of Slover Avenue and west of Cedar Avenue, illustrating developments between the 1910s and 1950s. None of these resources were identified within the Project Site.

McKenna et al. reviewed historic maps and aerial photographs. McKenna et al. confirmed the Project Site was dominated during the historic period by citrus orchard development, culminating in the incorporation of the Project Site into a larger area dominated by citrus – possibly as leased land, as no pre-1958 ownership was identified other than that of the Semi-Tropic Land & Water Co./Fontana Land Company. Research also confirmed no federally listed historical resources are identified in the immediate area.

The Project Site, as well as some surrounding properties, were dominated by citrus groves until ca. 1958. By 1959, the trees had been removed. Data from the Archives identified the owners in 1958-59 as Saul A. and Selma M. Hager. No information was found to provide additional data on the Hager's. They sold the lots to Oral Roberts University in 1973. The University did not do anything with the land, but simply held title. In 1979, the University sold the land to Demos D. and Rose Shakarian of Downey, Los Angeles County.

McKenna et al. conducted a field survey of the Project Site on December 13, 2020. The field survey involved paralleling north/south transects at average intervals of 15 meters (45-50 feet) and traversing the property from east to west. All areas of the property were accessible and subjected to visual examination. McKenna et al. confirmed the Project Site was vacant.

There is no evidence of any structural remains (i.e. from a fruit or vegetable stand) and no other evidence of use of the Project Site. Recent maintenance has kept the site clean of debris. Given these findings, McKenna et al. has concluded there are no historic cultural resources within the Project Site and, therefore, the Proposed Project will have no adverse impacts on any known resources. The potential for buried cultural resources is extremely low. No evidence of prehistoric archaeological resources, historic archaeological resources, or standing structures have been identified within the Project Site. Any evidence of a potentially significant historic landscape (citrus grove) was destroyed prior to 1959.

No significant historical events or persons have been associated with the Project Site. Given the negative findings, McKenna et al. has concluded the Project Site is clear of any potentially significant cultural resources. Although such resources may be present in a buried context, the potential for buried cultural resources is considered very low (to non-existent). No archaeological monitoring can be justified. However, there is always a potential for buried prehistoric and historic resources. McKenna et al. recommends the following Mitigation Measures.

**Mitigation Measure CR-1:**

A professional archaeologist shall be contacted if buried prehistoric resources are uncovered during site preparation activities. If prehistoric resources are identified, an archaeological monitoring program should be initiated and conducted until the consulting archaeologist determines monitoring is no longer required.



**Mitigation Measure CR-2:**

A professional archaeologist shall be contacted if buried historic resources are uncovered during site preparation activities. If historic resources are identified, the consulting archaeologist must be permitted to assess the resource(s) and determine whether or not a monitoring program should be incorporated into the site preparation activities. If so, the monitoring should be conducted until the consulting archaeologist determines monitoring is no longer required.

Implementation of Mitigation Measures CR-1 and CR-2 would ensure that no significant impacts to historical and archaeological resources occur.

**Less than Significant with Mitigation**

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

Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. To ensure adequate and compliant management of any buried remains that may be identified during project development, the following mitigation measure is required as a condition of project approval to reduce any potential impacts to a less than significant level.

**Mitigation Measure CR-3:**

If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.

If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.

With implementation of Mitigation Measure CR-3, the Proposed Project would not have a significant impact on human remains.

**Less than Significant with Mitigation**

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of mitigation measures.**

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

***SUBSTANTIATION: California Energy Consumption Database; Title 24 Building Energy Efficiency Standards; Submitted Project Materials; CalEEMod Output***

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

Natural Gas: The Project Site would be serviced by Southern California Gas Company (SoCalGas). The Project Site is currently vacant and has no demand for natural gas. Therefore, the development of the Proposed Project will create a permanent increase demand for natural gas. According to the California Energy Commission, the natural gas consumption of the SoCalGas planning area commercial building sector was 974,982,675 therms in 2019.<sup>12</sup> The Proposed Project’s estimated annual natural gas demand is 27,645.36 therms. The Proposed Project’s estimated annual natural gas consumption compared to the 2019 annual natural gas consumption of the overall commercial building sector in the SoCalGas Planning Area would account for approximately 0.00284 percent of total natural gas consumption.

Electricity: The Proposed Project is a retail development to includes a gas station/convenience store, car wash and restaurants. Southern California Edison (SCE) would provide electricity to the Project Site. According to the California Energy Commission, the commercial building sector of the Southern California Edison planning area consumed 36,202.653241GWh of electricity in 2019.<sup>13</sup> The Project Site is currently vacant and does not use electricity. The implementation of the Proposed Project would result in an increase in electricity demand. The estimated electricity demand for the Proposed Project is 0.5687 GWh per year. The Proposed Project’s estimated annual

<sup>12</sup> <https://ecdms.energy.ca.gov/Default.aspx>. Accessed December 1, 2020.

<sup>13</sup> <https://ecdms.energy.ca.gov/Default.aspx>. Accessed December 1, 2020.

electricity consumption compared to the 2019 annual electricity consumption of the overall commercial building sector in the SCE Planning Area would account for approximately 0.0016 percent of total electricity consumption. The increase in electricity demand from the Proposed Project is insignificant compared to the projected electricity demand for SCE's entire service area.

The Proposed Project has been designed to comply with the 2019 Building Energy Efficiency Standards. The County of San Bernardino would review and verify that the Proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The Proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments and energy efficiency. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

The Proposed Project would be designed to comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the State Building Energy Efficiency Standards (Title 24). It would include 11 clean air vehicle and 7 electric vehicle (EV) parking spaces. Project development would not cause inefficient, wasteful or unnecessary energy consumption, and no adverse impacts would occur.

The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions with implementation of Mitigation Measure GHG-1 (discussed further in Section VIII); therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are recommended.

**Less Than Significant Impact**

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII.</b>	<b>GEOLOGY AND SOILS - Would the project:</b>				

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-

Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| ii. Strong seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

***SUBSTANTIATION:*** (Check  if project is located in the Geologic Hazards Overlay District):  
***Countywide Plan; Submitted Project Materials; Fault Activity Map of California, 2010; California Important Land Finder; Phase I Cultural Resources Investigation***

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42

The Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone<sup>14</sup> or County Fault Hazard Zone.<sup>15</sup> The nearest fault zone is the San Jacinto Fault Zone, which is approximately 4.8 miles northeast of the Project Site. The Proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with these codes and standards would address potential impacts resulting from an earthquake event. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

#### *ii) Strong seismic ground shaking?*

No active faults pass through Bloomington.<sup>16</sup> As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project Site. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the California Building Code (CBC) and local building regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance can ensure that the Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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### **Less Than Significant Impact**

#### *iii) Seismic-related ground failure, including liquefaction?*

Liquefaction is a process in which cohesion-less, saturated, fine-grained sand and silt soils lose shear strength due to ground shaking and behave as fluid. Areas overlying groundwater within 30 to 50 feet of the surface are considered susceptible to liquefaction hazards. Ground failure associated with liquefaction can result in severe damage to structures. The Project Site is not located in an area susceptible to liquefaction.<sup>17</sup> Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

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### **Less Than Significant Impact**

#### *iv) Landslides?*

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<sup>14</sup>Department of Conservation Fault Activity Map of California (2010). <http://maps.conservation.ca.gov/cgs/fam/>. Accessed December 21, 2020.

<sup>15</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-1 "Alquist-Priolo Fault Zones and County Fault Hazard Zones."

<sup>16</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-1 "Alquist-Priolo Fault Zones and County Fault Hazard Zones."

<sup>17</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-3 "Liquefaction and Landslide Susceptibility."



Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site is not located within an area susceptible to landslides.<sup>18</sup> Furthermore, the Project Site is near level with the surrounding area. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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### **No Impact**

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

Implementation of the Proposed Project would disturb more than one acre of soil. Therefore, the Proposed Project is subject to requirements of the State Water Resources Control Boards General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-2009-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Adherence to BMPs would ensure that the Proposed Project does not result in substantial soil erosion or the loss of topsoil. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

The Project Site is relatively flat with no prominent geologic features occurring on or within the vicinity of the Project Site. The Project Site is not within an area susceptible to liquefaction or landslides.<sup>19</sup> Seismically induced lateral spreading involves lateral movement of soils due to ground shaking. Because the Project Site is relatively level, the potential for seismically induced lateral ground spreading should be considered low. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Expansive soils (shrink-swell) are fine-grained clay silts subject to swelling and contracting in relation to the amount of moisture present in the soil. Structures built on expansive soils may incur damage due to differential settlement of the soil as expansion

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<sup>18</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-3 “Liquefaction and Landslide Susceptibility.”

<sup>19</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-3 “Liquefaction and Landslide Susceptibility.”

and contraction takes place. A high shrink-swell potential indicates a hazard to structures built on or with material having this rating. The Project Site consists of Hanford coarse sandy loam soils.<sup>20</sup> Sandy loam soils are usually very stable soil that shows little change with the amount of moisture. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

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

The Proposed Project does not include the installation of a new septic tank or any other alternative wastewater disposal system. The Proposed Project will connect to an existing sewer line in Dream Street that provides sewer service to the area. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

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

As part of the Phase I Cultural Resources Investigation, a paleontological overview was completed through the Natural History Museum of Los Angeles County. The Project Site is dominated by "... surficial sediments ... composed of younger and older alluvial Quaternary Alluvium, derived broadly as alluvial fan deposits from the San Gabriel Mountains to the north and possibly including wind deposited sands."<sup>21</sup> While fossil specimens are not associated with the younger Quaternary deposits, the older deposits have been known to yield specimens that include: elephants, bear, dog, horse, camel, and bison.

The following Mitigation Measure is recommended to ensure adequate and compliant management of any paleontological resources that may be identified within the Project Site during project development:

#### **Mitigation Measure GEO-1:**

Any excavations that exceed the relative depth of the younger alluvium and impacting older alluvial deposits should be monitored by a qualified paleontologist to detect and professionally collect any fossils uncovered.

Implementation of Mitigation Measure GEO-1 would ensure that no significant impacts to paleontological resources occur.

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<sup>20</sup> Natural Resources Conservation Service. Web Soil Survey. Accessed March 25, 2021.

<sup>21</sup> Per Samuel McLeod's letter addressing results of paleontological overview of the Project Site. December 27, 2019.

**Less than Significant with Mitigation**

**Therefore, potential impacts can be reduced to less than significant level with implementation of mitigation measures above.**

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

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials; CalEEMod Output***

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

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2</sub>e) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. The purpose of the Screening Tables is to provide guidance in measuring the reduction of greenhouse gas emissions attributable to certain design and construction measures incorporated into development projects.

Implementation of the County’s GHG Plan is achieved through the Development Review Process by applying appropriate reduction requirements to projects, which reduce GHG emissions. All new developments are required to quantify the project’s GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per year is used to identify and mitigate project emissions.

GHG emissions were screened using CalEEMod version 2020.4 Construction is anticipated to begin in late 2022 and completed in late 2023. Other parameters which are used to estimate construction emissions such as those associated with worker and vendor trips, and trip lengths were based on the CalEEMod defaults. The operational mobile source emissions were calculated using the Traffic Analysis prepared by Urban Crossroads, Inc., which determined that the Proposed Project would generate approximately 3,428 two-way trips per day.

**Table 7  
 Greenhouse Gas Construction Emissions  
 (Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Site Preparation	4.5	0.0	0.0	4.7
Grading	10.9	0.0	0.0	11.0
Building Construction (2021)	313.9	0.0	0.0	317.6
Building Construction (2022)	73.4	0.0	0.0	74.0
Paving	17.2	0.0	0.0	16.3
Architectural Coating	3.3	0.0	0.0	3.3
<b>Total MTCO<sub>2</sub>e</b>	<b>333.4</b>			
<b>Amortized over 30 years</b>	<b>11.1</b>			

Source: CalEEMod.2020.4 Annual Emissions.

**Table 8  
 Greenhouse Gas Operational Emissions  
 (Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Area	0.0	0.0	0.0	0.0
Energy	274.4	0.0	0.0	275.8
Mobile	3,718.4	0.2	0.0	3,781.2
Waste	24.3	1.4	0.0	60.1
Water	12.2	0.1	0.0	15.7
<b>Construction amortized</b>	<b>11.1</b>			
<b>Total MTCO<sub>2</sub>e</b>	<b>4,132.8</b>			
County Screening Threshold	3,000			

Source: CalEEMod.2020.4 Annual Emissions.

As shown in Tables 7 and 8 the Proposed Project would generate approximately 4,132.8 MTCO<sub>2</sub>e per year and would exceed the County screening threshold of 3,000 MTCO<sub>2</sub>e. Therefore, project operational activities were evaluated compared to the San Bernardino County GHG Reduction Plan Screening Tables. Mitigation Measure GHG-1 shall be implemented to ensure that operational emissions comply with the County's GHG Plan.

**Mitigation Measure GHG-1: The Project Applicant shall incorporate the following GHG reduction measures from the GHG Reduction Plan Screening Tables into project design (see Appendix A).**

With implementation of the GHG reduction Measures and design features, the Proposed Project would garner 108 points using the Screening Tables. Therefore, it would provide the fair share contribution of reductions and is considered consistent with the County's GHG reduction plan. Less than significant impact is anticipated.

**Less than Significant with Mitigation**

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

The Proposed Project would comply with applicable County GHG Plan strategies. Any project that does not exceed 3,000 MTCO<sub>2</sub>e per year will be considered to be consistent with the SCAQMD's AQMP and determined to have a less than significant individual and cumulative impact for GHG emissions. With implementation of Mitigation Measure GHG-1, the Proposed Project would garner 108 points using the Screening Tables. Therefore, it would provide the fair share contribution of reductions and would be in compliance with the County's GHG reduction plan. Less than significant impacts are identified or anticipated.

**Less Than Significant Impact**

**Therefore, with implementation of Mitigation Measure GHG-1, impacts would be less than significant.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



a result, would it create a significant hazard to the public or the environment?

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**SUBSTANTIATION:**

**Submitted Project Materials; EnviroStor Database; San Bernardino Countywide Plan Draft EIR: Hazards and Hazardous Materials**

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

The Proposed Project is a retail development that includes a gas station/convenience store, car wash and four restaurants. Construction and operation of the Proposed Project would require the routine transport, use, storage, and disposal of limited quantities of common hazardous materials such as gasoline, diesel fuel, oils, solvents, paint, fertilizers, pesticides, and other similar materials. Operations would include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public. All materials required during construction would be kept in compliance with State and local regulations and Best Management Practices.

Development of the Proposed Project would disturb more than one acre and would therefore be subject to the NPDES permit requirements. Requirements of the permit would include development and implementation of a SWPPP, which is subject to Santa Ana Regional Water Quality Control Board (RWQCB) review and approval. The purpose of an 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 SWPPP would include BMPs to control and abate pollutants. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- 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?*

Hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All construction materials would be kept in compliance with State and local regulations. Operational activities include standard maintenance that involve the use of commercially available products, which would not create significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Slover Mountain High School is the nearest school to the Project Site. It is located adjacent to the north of the Project Site at 18829 Orange Street. Hazardous materials for the proposed gas station would be handled in accordance to State and local regulations as to not create a hazard to the surrounding area. As discussed in Section III, no sensitive receptors in the vicinity would be exposed to a cancer risk of greater than 10 in one million. The maximum risk estimate at any sensitive land use in the vicinity of the Project Site would be 3.30 in one million. The Proposed Project's gas station operations would therefore not generate emissions that would cause or result in an exceedance of the applicable SCAQMD cancer threshold of 10 in one million. Construction of the Proposed Project would be temporary and short-term. All materials required during construction would be kept in compliance with State and local regulations and Best Management Practices.

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

### **Less Than Significant Impact**

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

The Proposed Project has received a Hazardous Waste Site Certification certifying that the Project Site is not located included on the Cortese list dated June 22, 2020. The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system.<sup>22</sup> EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the immediate vicinity of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

### **No Impact**

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<sup>22</sup>California Department of Toxic Substances Control. EnviroStor. Accessed December 21, 2020.

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

The Project Site is not within an airport safety review area or Airport Runway Protection Zone.<sup>23</sup> The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport to the Project Site is San Bernardino International Airport, approximately 5.8 miles northeast of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

#### **No Impact**

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

The Project Site does not contain any emergency facilities. The I-10 freeway is an evacuation route within the Valley Region of the County.<sup>24</sup> The Project Site is approximately 0.31 miles south of I-10. Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

#### **No Impact**

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

The Project Site is not located within a High or Very High Fire Hazard Severity Zone.<sup>25</sup> In addition, there are no intermixed wildland areas within the vicinity of the Project Site. The nearest wildland areas would be Jurupa Hills, located approximately 1.0 mile southwest of the Project Site. The Proposed Project is the development of a gas station/convenience store, car wash and restaurants. It would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The Proposed Project is subject to review and approval from the San Bernardino County Fire Marshal. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

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<sup>23</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-2 "Airport Safety Zones."

<sup>24</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Table 5.8-10 "Evacuation Routes in San Bernardino County."

<sup>25</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-4 "Fire Severity and Growth Areas in the Valley and Mountain Regions."

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

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

**SUBSTANTIATION:**

**Countywide Plan; Submitted Project Materials; Preliminary WQMP; Hydrology and Hydraulics Report, Joseph E. Bonadiman & Associates, Inc., February 2021**

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

The Proposed Project would disturb approximately 3.62 acres and would therefore be subject to the National Pollutant Discharge Elimination System (NPDES) permit. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include



the removal of vegetation, grading, excavating, or any other activity 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 SWPPP. The SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters.

The RWQCB has issued an area-wide NPDES Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District and the unincorporated areas of San Bernardino County. The implementation of NPDES permits ensures that the State and Federal mandatory standards for the maintenance of clean water are met.

In addition, the County requires the preparation of a Water Quality Management Plan (WQMP) for development projects that involve the creation of 10,000 ft<sup>2</sup> or more of impervious surface collectively over the entire site and parking lots of 5,000 ft<sup>2</sup> or more exposed to storm water. A preliminary WQMP, dated September 2, 2020, was prepared for the Proposed Project by Joseph E. Bonadiman & Associates, Inc. and submitted to the County for review. The WQMP is intended to comply with the requirements of the County of San Bernardino and the NPDES Area wide Stormwater Program requiring the preparation of a WQMP. All BMPs included as part of the project WQMP are required to be maintained through regularly scheduled inspection and maintenance. Review and approval of the WQMP would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

The San Bernardino Valley Municipal Water District (SBVMWD) covers about 325 square miles in southwestern San Bernardino County, including the Community of Bloomington. The water service provider for the Project Site is within the SBVMWD service area. The SBVMD has developed a cooperative recharge program that is being successfully implemented to help replenish groundwater, using the State Water Project and local runoff.

The Proposed Project is a retail development that includes a gas station/convenience store and restaurants. Subject to a CUP, the Proposed Project would be consistent with the Countywide Plan designation of General Commercial for the Project Site. Implementation of the project Best Management Practices (BMPs) would ensure that stormwater discharge does not substantially alter the existing drainage pattern and water quality, thereby allowing runoff from the Project Site to be utilized as a resource that can eventually be used for groundwater recharge. Therefore, the Proposed Project is not anticipated to have a substantial impact on groundwater supplies or interfere substantially with groundwater recharge. No significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i) *Result in substantial erosion or siltation on- or off-site;*

Erosion is the wearing away of the ground surface as a result of the movement of wind or water, and siltation is the process by which water becomes dirty due to fine mineral particles in the water. Soil erosion could occur due to a storm event. Thus, 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 and Prevention Plan (SWPPP). The SWPPP must list BMPs to avoid and minimize soil erosion. Adherence to BMPs would prevent substantial soil erosion or the loss of topsoil. Natural infiltration capacity would be maximized by incorporating a design that promotes water retention through placement of proposed landscape, soil development, grading techniques, and allowing natural drainage into the landscaped areas. Disturbed areas will be re-vegetated where possible. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

A Hydrology and Hydraulics Report was prepared for the Proposed Project by Joseph E. Bonadiman & Associates, Inc. in February 2021. The Project Site has two drainage areas, A and B. Increases in peak flows and runoff volumes are anticipated for Area "A" & "B", due to the proposed development and increased impervious area. Because there are no storm drain facilities adjacent to the Project Site and the elevation is not sufficient to accommodate an outlet for an onsite detention basin, the only option to mitigate storm water flow is an underground infiltration/retention system.

In order to meet mitigation requirements per "San Bernardino County Detention Basin Design Criteria," post-development peak flow rates generated by the site shall be less than or equal to 90% of the pre-development peak flow rate based on shifting the rainfall values for the 10-year, 25-year and 100-years storms, providing a least a 50% confidence level that the detention basin outflow will not adversely impact downstream properties. This will be achieved with the use of underground storm infiltration chambers as described in the Hydrology Report and summarized below.

For Drainage Area A, an underground storm infiltration chamber with the capacity of 0.59 acre-feet (25,700 cubic-feet [CF]), resulting in a peak discharge of 2.29 cubic feet per second (cfs) from the 100-year, 24-hour storm, will be needed to reduce developed peak flow rate to the maximum allowable peak flows. Due to site limitations, retention/infiltration of the 100-year, 24-hour (1 day storm) is proposed.

For Drainage Area B, an underground storm infiltration chamber with the capacity of 0.78 acre-feet (33,977 CF), resulting in a peak discharge of 2.20 cfs from the 100-year, 24-hour storm, will be needed to reduce developed peak flow rate to the maximum allowable peak flows. Due to site limitations, retention/infiltration of the 100-year, 24-hour (1 day storm) is proposed.

The Proposed Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite.

### **Less Than Significant Impact**

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

Because there are no storm drain facilities adjacent to the Project Site and no sufficient elevation to accommodate an outlet for an onsite detention basin, the only option to mitigate storm water flow is an underground infiltration system. Drainage Area A would drain to an underground storm infiltration chamber with the capacity of 25,700CF. Drainage Area B would drain to an underground storm infiltration chamber of 33,977 CF. The increase in runoff and flow rates shall be mitigated by implementing with incorporation of the underground storm infiltration chambers into site design. The Proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff and therefore, no mitigation measures are required.

### **Less Than Significant Impact**

- iv) *Impede or redirect flood flows?*

The Project Site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone, 100-year Department of Water Resources Awareness Zone, or a 500-year FEMA flood zone.<sup>26</sup> Under existing conditions, the site generally flows southwest towards Cedar Avenue. Under proposed conditions, stormwater would be conveyed along the western boundary of the Project Site and would eventually drain to the underground storm infiltration chambers. Development of the Proposed Project would not substantially impede or redirect flood flows. Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. The closest body of water to the Project Site is Lake Evans, located approximately 4.36 miles southeast of the site and approximately 200 feet lower in elevation. The Project Site is neither located within a Federal Emergency Management Agency (FEMA) 100-

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<sup>26</sup> San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 "Flood Hazard Zones in the Valley and Mountain Regions."

year floodplain nor a 500-year floodplain.<sup>27</sup> Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

The Proposed Project is subject to the NPDES permit. Requirements of the permit would include development and implementation of a SWPPP, which is subject to RWQCB review and approval. The purpose of an 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 SWPPP would include BMPs to control and abate pollutants, and treat runoff that can be used for groundwater recharge. The Proposed Project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection. Appropriate BMPs will be reviewed and approved by the County. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

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

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials***

- a) *Physically divide an established community?*

The Proposed Project is the development of a commercial retail center on a vacant 3.62-acre property. The Project Site is located on the east side of Cedar Avenue, south of Slover Avenue. It is surrounded by residential and institutional uses on all sides.

<sup>27</sup> San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 "Flood Hazard Zones in the Valley and Mountain Regions."

The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. The Proposed Project does not include the construction of a linear feature. Therefore, the Proposed Project would neither physically divide an established community nor cause a significant environmental impact due to conflict with any land use plans or policies. No significant impacts are identified or anticipated, and no mitigation measures are required.

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

The Project Site is located within the Community of Bloomington and has a zoning of General Commercial (BL/CG-SCp). The community of Bloomington is an environmental justice community and is considered a sensitive environment as identified in the Countywide Plan. The Proposed Project area includes single-family residential dwelling units located adjacent to the east, west, and south.

Although not required to meet Countywide Plan polices related to environmental justice, the Applicant has initiated a Community Outreach effort and intends to hold two meetings within the community to inform the residents and any other interested parties of the Proposed Project. Other issues related to environmental justice are associated with air quality, health risk, and noise; these issues are addressed in other sections of this Initial Study. No significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

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

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

**Countywide Plan; Submitted Project Materials; Mineral Land Classification**

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

The Project Site occurs within Mineral Resource Zone 3 (MRZ-3). An MRZ-3 zone is an area containing known or inferred mineral occurrences of undetermined mineral resource significance. An area with undetermined mineral significance would not be valuable to the region or residents of the state until its mineral significance is confirmed. Moreover, the Project Site is surrounded primarily by residential and commercial uses. The current surrounding uses are not compatible for mineral resource extraction. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

The Project Site has a current land use zoning of General Commercial. With the approval of the CUP, the Proposed Project would be consistent with the Countywide Plan. Although the Project Site is within an MRZ-3 zone, the size of the property and surrounding uses make the site unsuitable for mineral resources extraction. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XIII. NOISE - Would the project result in:**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



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

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

**Countywide Plan; Submitted Project Materials; Noise Impact Analysis, Urban Crossroads, February 10, 2021**

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

A Noise Impact Analysis, dated February 10, 2021, was prepared for the Proposed Project by Urban Crossroads, Inc. to determine the noise impacts associated with the development of the Proposed Project. The noise study provides information regarding noise fundamentals, sets out the local regulatory setting, presents the study methods and procedures for transportation related Community Noise Equivalent Level (CNEL) traffic noise analysis, and evaluates the future exterior noise environment. It also includes an analysis of the potential Project-related long-term stationary-source operational noise and short-term construction noise and vibration impacts

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum.

Existing Noise Level

The noise measurements presented below focus on the average or equivalent sound levels ( $L_{eq}$ ). The equivalent sound level ( $L_{eq}$ ) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 9 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location.

**Table 9  
 24-Hour Ambient Noise Level Measurements**

Location <sup>1</sup>	Description	Energy Average Noise Level (dBA $L_{eq}$ ) <sup>2</sup>		CNEL
		Daytime	Nighttime	
L1	Located north of the Project Site on Valencia Street near the existing single-family residential home at 10644 Valencia Street.	65.2	62.2	69.6

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L2	Located east of the Project Site across Cedar Avenue near the Cedar Village Mobile Home Park at 10701 Cedar Avenue.	62.9	61.3	68.2
L3	Located south of the Project Site near the Cedar House Life Change Center.	73.2	70.7	77.9

<sup>1</sup> See Exhibit 5-A of Noise Impact Analysis for the noise level measurement locations.

<sup>2</sup> Energy (logarithmic) average levels.

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

### Off-Site Traffic Noise Impacts

Noise contours were used to assess the Proposed Project's incremental traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

The Existing without Project exterior noise levels range from 62.0 to 74.2 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Existing with Project conditions range from 62.7 to 74.2 dBA CNEL. The Project off-site traffic noise level increases range from 0.0 to 0.7 dBA CNEL on the study area roadway segments.

The Opening Year Cumulative 2022 without Project exterior noise levels range from 62.2 to 74.8 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Opening Year Cumulative 2022 with Project conditions will range from 62.9 to 74.9 dBA CNEL. The Project off-site traffic noise level increases range from 0.0 to 0.7 dBA CNEL.

The Horizon Year 2040 without Project exterior noise levels range from 62.7 to 75.2 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Horizon Year 2040 with Project conditions range from 63.2 to 75.2 dBA CNEL. The Project off-site traffic noise level increases range from 0.0 to 0.6 dBA CNEL.

### Sensitive Receiver Locations

To assess the potential for long-term operational and short-term construction noise impacts, the following sensitive receiver locations below were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land.

- Location R1 represents the existing noise sensitive residence at 10565 Dream Street, approximately 82 feet east of the Project Site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R1 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.
- Location R2 represents the existing noise sensitive residence at 18735 Buckskin Drive, approximately 38 feet east of the Project Site. R2 is placed at the private outdoor living areas (backyards) facing the Project Site. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.
- Location R3 represents the existing noise sensitive residence at 10701 Cedar Avenue, approximately 21 feet south of the Project Site. Since there are no private outdoor living areas (backyards) facing the Project Site, receiver R3 is

placed at the building façade. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.

- Location R4 represents the existing noise sensitive residence at 10682 Cedar Ave, approximately 100 feet west of the Project Site. Since there are no private outdoor living areas (backyards) facing the Project Site, receiver R4 is placed at the building façade. A 24-hour noise measurement was taken near this location, L3, to describe the existing ambient noise environment.

### Operational Noise

The County of San Bernardino County Code, Title 8 Development Code, Section 83.01.080(c) establishes the noise level standards for stationary noise sources. Since the Proposed Project's land use will potentially impact adjacent noise-sensitive uses in the Project study area, the noise study relies on the more conservative residential noise level standards to describe potential operational noise impacts. For residential properties, the exterior noise level shall not exceed 55 dBA  $L_{eq}$  during the daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA  $L_{eq}$  during the nighttime hours (10:00 p.m. to 7:00 a.m.) for both the whole hour, and for not more than 30 minutes in any hour.

Using the reference noise levels to represent the Proposed Project operations, Urban Crossroads, Inc. calculated the operational source noise levels that are expected to be generated at the Project Site and the Project-related noise level increases that would be experienced at each of the sensitive receiver locations. The daytime hourly noise levels at the off-site receiver locations are expected to range from 46.3 to 61.6 dBA  $L_{eq}$ .

Table 10 shows the operational noise levels associated with Proposed Project will satisfy the County of San Bernardino exterior noise level standards adjusted to reflect the ambient noise levels at all nearby receiver locations with the proposed 6-foot-high screen wall on the eastern project boundary. Therefore, the operational noise impacts are considered less than significant at the nearest noise-sensitive receiver locations.

**Table 10**  
**Operational Noise Level Compliance**

Receiver Location <sup>1</sup>	Project Operational Noise Levels (dBA Leq) <sup>2</sup>		Noise Level Standards (dBA Leq) <sup>3</sup>		Noise Level Standards Exceeded? <sup>4</sup>	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	61.6	48.4	65.2	62.2	No	No
R2	51.2	46.8	62.9	61.3	No	No
R3	46.3	44.6	62.9	61.3	No	No
R4	54.8	53.4	73.2	70.7	No	No

<sup>1</sup> See Exhibit 8-A of Noise Impact Analysis for the receiver locations.

<sup>2</sup> Proposed Project operational noise levels as shown on Tables 9-3 and 9-4 of Noise Impact Analysis.

<sup>3</sup> Exterior noise level standards adjusted to reflect the ambient noise levels per the County of San Bernardino Development Code, Title 8, Section 83.01.080.

<sup>4</sup> Do the estimated Project operational noise source activities exceed the noise level standards?

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

The Proposed Project will generate daytime and nighttime operational noise level increases ranging from 0.0 to 1.6 dBA  $L_{eq}$  at the nearest receiver locations. Project-related operational noise level increases will satisfy the operational noise level increase significance criteria. Therefore, the incremental project operational noise level increase is considered less than significant at all receiver locations.

### Construction Noise

County Development Code Section 83.01.080(g)(3), states that construction activities are limited to the hours of 7:00 a.m. to 7:00 p.m. on any day and limited at any time on Sundays and federal holidays. However, neither County General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a substantial temporary or periodic noise increase. Therefore, a numerical construction threshold based on Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* is used for analysis of daytime construction impacts. The FTA considers a daytime exterior construction noise level of 80 dBA  $L_{eq}$  as a reasonable threshold for noise sensitive residential land use.

To evaluate whether the Proposed Project will generate potentially significant short-term noise levels at the nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA  $L_{eq}$  is used as a reasonable threshold to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations will satisfy the reasonable daytime 80 dBA  $L_{eq}$  significance threshold during Project construction activities, as shown on Table 11. Therefore, the noise impacts due to Project construction noise is considered less than significant at all receiver locations.

**Table 11**  
**Typical Construction Noise Level compliance**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA $L_{eq}$ )		
	Highest Construction Noise Levels <sup>2</sup>	Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	74.8	80	No
R2	71.4	80	No
R3	72.7	80	No
R4	73.7	80	No

<sup>1</sup> Noise receiver locations are shown on Exhibit 10-A of Noise Impact Analysis.

<sup>2</sup> Highest construction noise level operating at the Project site boundary to nearby receiver locations (Table 10-2 of Noise Impact Analysis).

<sup>3</sup> Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*.

<sup>4</sup> Do the estimated Project construction noise levels exceed the construction noise level threshold?

Less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Per the FTA *Transit Noise and Vibration Impact Assessment Manual* (7), vibration is the periodic oscillation of a medium or object. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. Decibel notation (VdB) serves to reduce the range of numbers used to describe human response to vibration.

Construction Vibration

The County of San Bernardino Development Code, Section 83.01.090(a) states that vibration shall be no greater than or equal to two-tenths inches per second measured at or beyond the lot line. Therefore, to determine if the vibration levels due to the operation and construction of the Proposed Project are significant, the PPV vibration level standard of 0.2 inches per second is used.

To evaluate whether the Proposed Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA  $L_{eq}$  is used as a reasonable threshold to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations will satisfy the reasonable daytime 80 dBA  $L_{eq}$  significance threshold during Project construction activities as shown on Table 12. Therefore, the noise impacts due to Project construction noise is considered *less than significant* at all receiver locations.

**Table 12  
 Typical Construction Noise Level Compliance**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA $L_{eq}$ )		
	Highest Construction Noise Levels <sup>2</sup>	Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	74.8	80	No
R2	71.4	80	No
R3	72.7	80	No
R4	73.7	80	No

<sup>1</sup> Noise receiver locations are shown on Exhibit 10-A of Noise Impact Analysis.

<sup>2</sup> Highest construction noise level operating at the Project Site boundary to nearby receiver locations.

<sup>3</sup> Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*.

<sup>4</sup> Do the estimated Project construction noise levels exceed the construction noise level threshold?

Moreover, vibration levels at the site of the closest sensitive receiver are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating simultaneously adjacent to the Project Site



perimeter. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

The Project Site is not within an airport safety review area or Airport Runway Protection Zone.<sup>28</sup> The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport is San Bernardino International Airport, which is approximately 5.8 miles east of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

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

<sup>28</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-2 "Airport Safety Zones."

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

The Proposed Project is the development of a gas station/convenience store, car wash and four restaurants. The Proposed Project would require a maximum of 60 employees; employees would come from the local labor pool. Construction activities would be temporary and would not attract new employees to the area. The Project Site has a current zoning of General Commercial. With approval of the CUP, the Proposed Project would be consistent with the Countywide Plan. The Proposed Project does not involve construction of new homes so it would not induce unplanned population growth. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

The Project Site is currently vacant and does not contain any residential housing. Implementation of the Proposed Project would not require construction of replacement housing elsewhere. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XV. PUBLIC SERVICES**

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

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

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**Countywide Plan, 2007; Submitted Project Materials**

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- 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?*

There are two fire stations located within the vicinity of the Project Site. San Bernardino County Fire Station 76, at 10174 Magnolia Street, is located approximately 0.42 miles north of the Project Site. Fire Station 77, at 17459 Slover Avenue, is located approximately 1.49 miles west of the Project Site. Services at Station 77 are paid for under contract with the City of Fontana. This station will need to be replaced in the future; if it were replaced to be more centralized in Fontana, Bloomington would lose level of service. In this event, a new station in southern Bloomington would be necessary. A replacement for Station #77, paid for under contract with Fontana, could potentially be relocated and/or a new station built in south Bloomington.<sup>29</sup>

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented into project design to minimize the potential for fires to occur during construction and operations. The Proposed Project would be required to comply with County fire suppression standards, provide adequate fire access and pay required development impact fees. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

*Police Protection?*

The San Bernardino County Sheriff's Department (SBCSD) serves the Community of Bloomington and other unincorporated portions of the County. The nearest police station to the Project Site is the SBCSD station located at 17780 Arrow Boulevard, approximately 2.82 miles northwest of the Project Site. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Additionally, development impact fees are collected at the time of building permit issuance to offset project impacts. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

*Schools?*

The Project Site is served by the Colton Joint Unified School District. Construction activities would be temporary and would not result in substantial population growth. Employees required for operations are expected to come from the local labor force. The

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<sup>29</sup> San Bernardino Countywide Plan Draft EIR: Public Services. Page 5.14-16.

Proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools or additional schools. With the collection of development impact fees, impacts related to school facilities are expected to be less than significant. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

*Parks?*

The Proposed Project would neither induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the Proposed Project would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of a permanent human population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

*Other Public Facilities?*

The Proposed Project would not result in an increased residential population or a significant increase in the work force. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

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

**SUBSTANTIATION:**  
**Submitted Project Materials**

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

The Proposed Project requires a maximum of 60 employees. Employees are expected to come from the local labor force. It does not include development of residential housing or other uses that would lead to substantial population growth. Therefore, the Proposed Project would not result in an increase in the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. The Project Applicant’s payment of required fees will serve to mitigate any potential impacts related to the use of existing parks and other recreational facilities from the Proposed Project. No impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

The Proposed Project does not include the construction or expansion of recreational facilities. The employees required for the operations of the Proposed Project would come from the local labor force. No recreational facilities would be removed, and the addition of employees would not create the need for additional facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***  
***Countywide Plan; Submitted Project Materials; Traffic Analysis, Urban Crossroads, Inc., January 28, 2021***

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

A Traffic Analysis (TA), dated September 9, 2021, was prepared for the Proposed Project by Urban Crossroads, Inc. The purpose of the TA is to evaluate the potential circulation system deficiencies that may result from the development of the Proposed Project, and where necessary, recommend improvements to achieve acceptable operations consistent with General Plan level of service goals and policies. The TA has been prepared in accordance with the San Bernardino County Congestion Management Program (CMP) Guidelines for CMP Traffic Impact Analysis Reports, the County of San Bernardino Transportation Impact Study Guidelines (dated July 9, 2019), the California Department of Transportation (Caltrans) Guide for the Preparation of Traffic Impact Studies (December 2002), and consultation with County staff during the TA scoping process.

Bicycle and Pedestrian Facilities

Pedestrian facilities are built out along the Project Site’s frontage on Cedar Avenue and Slover Avenue. No changes are proposed to these facilities. The County of San Bernardino General Plan does not include an exhibit showing bikeways and trails; however, no known bikeways are in the project vicinity along Slover or Cedar avenues. Therefore, no conflict with a program plan, ordinance or policy addressing the circulation system, including bicycle and pedestrian facilities, are anticipated.

Transit Service

The study area is currently served by Omnitrans, a public transit agency serving various jurisdictions within San Bernardino County, with bus service along Cedar Avenue, Slover Avenue, and Santa Ana Avenue via Route 329. Route 329 could serve the Proposed Project’s employees and customers in the future. Transit service is reviewed and updated by Omnitrans periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate.



### Countywide Plan Consistency

The Transportation and Mobility Element of the Countywide Plan:

- Establishes the location and operational conditions of the roadway network.
- Coordinates the transportation and mobility system with future land use patterns and projected growth.
- Provides guidance for the County's responsibility to satisfy the local and subregional mobility needs of residents, visitors and businesses in unincorporated areas.
- Addresses access and connectivity among the various communities, cities, towns, and regions, as well as the range and suitability of mobility options: vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

The Proposed Project includes the development of four drive-thru restaurants, and a gas station/convenience store with an attached drive thru car wash on four currently vacant parcels. The Proposed Project is anticipated to generate 3,428 two-way trips per day, with 288 AM peak hour trips and 279 PM peak hour trips. The following details how the Proposed Project would be consistent with the Countywide Plan goals and policies:

**Goal TM 1: Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists and emergency services.**

**Policy-1.7:** We require new developments to pay its fair share contribution towards off-site transportation improvements.

**Consistent:** Prior to the issuance of building permits, the Project Applicant shall pay the Project's fair share contribution, as detailed in the Traffic Study.

**Goal TM-2: Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.**

**Policy TM-2.2:** We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

**Consistent:** The Proposed Project would include landscaping within the Project Site and in the public right-of-way. The Project Site is currently surrounded by existing curbs, gutters, sidewalks and a few streetlights. The County of San Bernardino does not have any bikeways or regional trails within Bloomington.<sup>30</sup>

**Policy TM-2.3:** We require new development to mitigate project transportation impacts no later than prior to occupancy of the development to ensure transportation improvements are delivered concurrent with future development.

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<sup>30</sup> San Bernardino County. Countywide Plan Draft EIR. [http://countywideplan.com/wp-content/uploads/2019/06/Ch\\_05-16-T.pdf](http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-16-T.pdf)

**Consistent:** Fair-share contributions would be paid prior to the issuance of building permits.

**Policy TM-2.6:** We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.

**Consistent:** Buildings 1 and 2 would share the same access points. Buildings 3, 4 and 5 would share the same access points.

**Goal TM-3: A pattern of development and transportation system that minimizes vehicle miles traveled (VMT).**

**Policy TM-3.1:** We promote new development that will reduce household and employment VMT relative to existing conditions.

**Consistent:** The Proposed Project resides within a traffic analysis zone (TAZ) that generates VMT per employee 11.9% below the County existing VMT per employee threshold.

**Policy TM-3.2:** We support the implementation of transportation demand management techniques, mixed use strategies, and the placement of development in proximity to job and activity centers to reduce the number and length of vehicular trips.

**Consistent:** The Project Site is located within a developed area and surrounded by commercial services and residential development. The Proposed Project is anticipated to be local serving retail.

The Proposed Project would be consistent with the Transportation and Mobility Element of the Countywide Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Senate Bill 743 (SB 743), approved in 2013, endeavors to change the way transportation impacts will be determined according to the CEQA. In December 2018, the Natural Resources Agency finalized updates to CEQA Guidelines to incorporate SB 743 (i.e., Vehicle Miles Traveled [VMT]). A VMT Analysis, dated January 12, 2020, was prepared for the Proposed Project by Urban Crossroads, Inc. The VMT Analysis was done with the understanding that the County of San Bernardino utilizes the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool (Screening Tool).

The focus of the VMT Analysis is to more thoroughly evaluate each of the applicable screening thresholds to determine if the Proposed Project would be expected to cause a less-than-significant impact to VMT without requiring a more detailed VMT analysis.

The County Guidelines provides details on appropriate “screening thresholds” that can be used to identify when a proposed land use project is anticipated to result in a less-

than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into the following three types:

- Transit Priority Area (TPA) Screening
- Low VMT Area Screening
- Project Type Screening

A land use project needs to meet one of the above screening thresholds to result in a less-than-significant impact.

#### TPA Screening

Consistent with guidance identified in the Technical Advisory, County Guidelines note that projects located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing “major transit stop” or an existing stop along a “high-quality transit corridor”) may be presumed to have a less than significant impact absent substantial evidence to the contrary. Based on the Screening Tool results, the Project Site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor. The TPA screening threshold is not met.

#### Low VMT Area Screening

As noted in the Technical Advisory, “residential and office projects that are located in areas with low VMT and that incorporate similar features (density, mix of uses, and transit accessibility) will tend to exhibit similarly low VMT.” The Screening Tool uses the sub-regional San Bernardino Transportation Analysis Model (SBTAM) to measure VMT performance within individual traffic analysis zones (TAZ’s) within the region. The Project Site’s physical location, based on parcel number, is input into the Screening Tool to determine project generated VMT. The Proposed Project is located in TAZ 53749201 and APNs 025721101, 025721102, 025721103, and 025722101. The parcels containing the Proposed Project was selected and the Screening Tool was run for Production/Attraction (PA) Home-Based Work VMT per Worker measure of VMT.

County Guidelines indicate that projects with VMT per employee lower than 4% below the existing VMT per person for the unincorporated County are considered to have a less than significant impact. SBCTA has published VMT per employee values for the unincorporated County region for both the SBTAM Base Year (2016) model and the Horizon Year (2040) model. Based on the Screening Tool results, the VMT per Worker for TAZ 53749201 is 17.4. Using linear interpolation between the Base Year (2016) and Horizon Year (2040) VMT per employee values published by SBCTA for unincorporated County of San Bernardino, the unincorporated County existing (2020) VMT per employee is 19.74. Therefore, the Proposed Project resides within a TAZ that generates VMT per employee 11.9% below the County existing VMT per employee threshold.

In addition, a review of the socio-economic data contained within TAZ 53749201 was found to include retail employment type, which is consistent with the Proposed Project’s

land use. The Proposed Project is found to be located in a low VMT generating area and would be consistent with the underlying land use assumptions in the model.

### Project Type Screening

The County Guidelines identifies that local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition to local serving retail, other types of local serving uses (e.g., day care centers, non-destination hotels, affordable housing, places of worship, etc.) may also be presumed to have a less than significant impact as their uses are local serving in nature and would tend to shorten vehicle trips. The Proposed Project is anticipated to be local serving retail and would be presumed to have a less than significant impact. The Project Type screening threshold is met.

The Proposed Project meets the Low VMT Area and Project Type screening and would therefore be presumed to result in a less than significant VMT impact. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

The Project Site is not adjacent to windy roads. The intersection of Slover Avenue and Cedar Avenue currently consists of traffic lights, which decreases potential safety hazards resulting from implementation of the Proposed Project. The Proposed Project is the development of a gas station/convenience store, car wash and restaurants. It does not include a geometric design or incompatible uses that would substantially increase hazards. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

### **No Impact**

- d) *Result in inadequate emergency access?*

Access to the north property would be provided by a 35-foot right-out only driveway on Slover Avenue, and 40-foot and 34-foot driveways along Cedar Avenue. Access to the south property would be provided by two 34-foot driveways along Cedar Avenue. The driveways are wide enough to allow evacuation and emergency vehicles simultaneous access. The Proposed Project would require approval by the San Bernardino County Fire Department to maintain adequate emergency access. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

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

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

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

***SUBSTANTIATION:***

***Phase I Cultural Resources Investigation***

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

California Assembly Bill 52 (AB52) was approved by Governor Brown on September 25, 2014. AB52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill requires lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead agency, in writing, to be informed of proposed projects in that geographic area. The legislation further requires that the tribe-requested consultation be completed prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

On December 15, 2020, McKenna et al. completed a Phase I Cultural Resources Investigation for the Project Site (available at the County offices for review). The investigation has been completed for compliance with the CEQA, as amended, the San Bernardino County policies and guidelines, and the local City of Rialto policies and guidelines.

The Project Site is located in an area culturally associated with Native American identified as Serrano or Vanyume, populations that claim the San Gabriel and San Bernardino Mountain areas, associated foothill areas, and some of the adjacent valley floors (i.e. San Gabriel Valley, San Bernardino Valley, Apple Valley and Lucerne Valley) as traditional territory(ies) and, more recently, have made claims to areas as far south as Riverside County and north past Barstow (in the Mojave Desert). The area is also claimed by the Gabrielino – predominantly associated with Los Angeles County, western San Bernardino and Riverside Counties, and northern Orange County.

McKenna et al. initiated consultation with the Native American Heritage Commission (NAHC) for the nearby property to inquire about any recorded sacred or religious sites in Project Site. This consultation includes the Project Site. The NAHC completed a record search of their Sacred Lands File (SLF) and results were negative. This level of consultation is considered preliminary, leaving AB-52 consultation to the County, as they are responsible for government-to-government consultation.

On December 23, 2020, the County of San Bernardino mailed notification pursuant to AB-52 to the following tribes: Colorado River Indian Tribes, Fort Mojave Indian Tribe, Gabrieleno Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians, San Gabriel Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians.

#### **Mitigation Measures:**

##### **TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:**

- A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-



disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

- D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.
- E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.
- F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

**TCR2: Discovery of TCRs, Human Remans, and/or Grave Goods:**

- A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.
- B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

- C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.” (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)
- D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)
- F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.
- G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

**TCR3: Procedures for Burials, Funerary Remains, and Grave Goods:**

- A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

- B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.
- D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.
- F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.
- G. The Tribe will work closely with the project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Implementation of Mitigation Measures (MM) TCR-1 through MM TCR-3 would ensure the proper identification and subsequent treatment of any tribal cultural resources that may be encountered during ground-disturbing construction activities associated with the proposed project. With implementation of the required mitigation, the project’s potential impact to tribal cultural resources would be reduced to less-than-significant.

**Less than Significant with Mitigation**

**No significant adverse impacts are identified or anticipated, and no mitigation measures are required at this time.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**Countywide Plan; Submitted Project Materials; California Energy Commission Energy Report**

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

Water supply to the Project Site would be provided by the West Valley Water District (WVWD). The Applicant received an Adequate Service Certification from WVWD, dated August 18, 2020, related to providing the domestic water service and fire protection requirements of the Proposed Project. It is financially and physically feasible for the WVWD to install water service facilities that will provide adequate source, storage, and distribution line capacities for each proposed service connection. The Proposed Project would not require or result in the construction of new water facilities or expansion of existing facilities.

The Applicant has received an Adequate Service Certification from the City of Rialto, dated August 6, 2020, for sewer service. The City of Rialto has confirmed that there are currently existing sewer trunk lines that can provide sewer service for the Proposed Project without exceeding the design capacity of the lines. The nearest sewer connection point is on Dream Street, east of the Project Site. The Proposed Project would not require or result in the construction of wastewater treatment facilities or expansion of existing facilities.

Because there are no storm drain facilities adjacent to the Project Site and the elevation is not sufficient to accommodate an outlet for an onsite detention basin, the only option to mitigate storm water flow is an underground infiltration/retention system.

The Proposed Project would be serviced by Southern California Edison (SCE), which provides the electrical service to the general area. The Proposed Project will receive electrical power by connecting to existing power lines. The increased demand from the Proposed Project is expected to be sufficiently served by the existing SCE electrical facilities. According to the California Energy Commission, the commercial building sector of the Southern California Edison planning area consumed 36,202.653241GWh of electricity in 2019.<sup>31</sup> The Proposed Project's estimated electricity demand is 0.5687 GWh per year. The increase in electricity demand from the Proposed Project would represent an insignificant percent of the overall electricity demand in SCE's service area and commercial building sector.

Southern California Gas Company (SoCalGas) would provide natural gas service to the Project Site. Therefore, the Proposed Project would connect to SoCalGas's high-pressure distribution lines along Slover Avenue. The Project Site is currently vacant and has no demand on natural gas. Therefore, the development of the Proposed Project will create a permanent increase demand for natural gas. According to the California Energy Commission, the natural gas consumption of the SoCalGas planning area commercial building sector was 974,982,675 therms in 2019.<sup>32</sup> The Proposed Project's estimated annual natural gas demand is 27,645.36 therms; it would represent an insignificant percentage to the overall natural gas demand in SoCalGas's service area. Therefore,

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<sup>31</sup> <https://ecdms.energy.ca.gov/Default.aspx>. Accessed December 22, 2020.

<sup>32</sup> California Energy Commission. Energy Reports. <https://ecdms.energy.ca.gov/Default.aspx>. Accessed December 22, 2020.

the existing SoCalGas facilities are expected to meet the increased demand for natural gas.

The Proposed Project is the development of a convenience store/gas station, car wash and restaurants. The Proposed Project will be served by AT&T for telecommunication services. AT&T continues to drive reductions in emissions and increases in resource efficiency and alternative energy deployment. The company will enable their customers to lead more sustainable lives by expanding access technology and further integrating sustainability solutions.<sup>33</sup> The Proposed Project would not adversely impact or conflict with AT&T's sustainability goals. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Water supply to the Project Site would be provided by the West Valley Water District (WVWD). The San Bernardino Valley Municipal Water District (SBVMWD) covers about 325 square miles in southwestern San Bernardino County, including the Community of Bloomington. The WVWD is within the SBVMWD service area. The 2015 San Bernardino Valley Regional Urban Water Management Plan (UWMP), in compliance with the UMWP Act, compares the total projected water use with the projected water supply over the next twenty years.<sup>34</sup> According to the UWMP, water supplies are expected to exceed water demand for the next twenty years during normal, dry and multiple dry years.

The Project Site's current zoning is General Commercial (BL/CG-SCp). The BL/CG-SCp land use zone provides sites for retail trade and personal services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Development of the Project Site for these general commercial uses would be accounted for in SBVMWD's projected water demand. The Proposed Project is a retail development to include gas station/convenience store, car wash and restaurants. Subject to a CUP, it would be consistent with the Countywide Plan zoning of BL/CG-SCp.

Therefore, the expected water demand for the Proposed Project would be included in SBVMWD's projected water demand. Water supplies would be sufficient to serve the Proposed Project and reasonably foreseeable future development. No significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

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<sup>33</sup> AT&T. Progress Toward our 2020/2025 Goals. <https://about.att.com/ecms/dam/csr/sustainability-reporting/PDF/2017/ATT-Goals.pdf>.

<sup>34</sup> <https://www.sbvmd.com/home/showdocument?id=4196>. Accessed December 22, 2020.



The Applicant has received an Adequate Service Certification from the City of Rialto, dated August 6, 2020, for sewer service. The City of Rialto has confirmed that there are currently existing sewer trunk lines that can provide sewer service for the Proposed Project without exceeding the design capacity of the lines. The nearest sewer connection point is on Dream Street, east of the Project Site. No impacts are identified or anticipated, and no mitigation measures are required.

### **No Impact**

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

The Project Site is located approximately 5.8 miles southeast of the West Valley Transfer Station and approximately 5.6 miles south of the Mid-Valley Landfill. According to the CalRecycle's estimated solid waste generation rates for the commercial sector, the Proposed Project would generate at most, approximately 631.8 pounds of solid waste per day or approximately 0.32 tons per day, based on 10.53 pounds per employee per day.<sup>35</sup> The Mid-Valley Sanitary Landfill currently has a maximum permitted throughput of 7,500 tons/day.<sup>36</sup>

Waste generated from the Proposed Project is not expected to significantly impact solid waste collection systems. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

Burrtec is the franchise waste hauler for the general area. The purpose of California Assembly Bill 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills by recycling. It mandates businesses and public entities generating 4-cubic yards or more of trash to establish and maintain recycling services. County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects which are required to submit a Construction and Demolition Solid Waste Management Plan. The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant.

A project's waste management plan is to consist of two parts which are incorporated into the Conditions of Approval (COA's) by the County of San Bernardino Planning and Building & Safety divisions. As part of the plan, projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Additionally, projects must provide the amount of waste that will be diverted and disposed of. Disposal/diversion receipts or certifications are required as a part of that summary.

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<sup>35</sup> <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed March 30, 2020.

<sup>36</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Table 5.18-9 "Landfill Capacity: Landfills Serving Unincorporated San Bernardino County"

The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

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

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

The Project Site is not located within a Very High Fire Hazard Severity Zone.<sup>37</sup> The Project Site does not contain any emergency facilities. The I-10 freeway is an evacuation route within the Valley Region of the County.<sup>38</sup> The Project Site is approximately 0.31 miles south of the I-10. Operations at the site would not interfere with an adopted emergency response or evacuation plan. Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

The Project Site is relatively flat. It is not located within a Very High Fire Hazard Severity Zone.<sup>39</sup>

The Project Site is currently vacant. It is surrounded by single-family residences to the east; a school to the north; commercial, vacant land and single-family residences to the west, and a mobile home park to the south. No wildlands occur within the vicinity. Due to the lack of wildfire fuel factors within the Project Site, the risk of wildfires is low. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

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

The Proposed Project is the development gas station/convenience store, car wash and restaurants. It does not include the installation or maintenance of associated infrastructure that would exacerbate fire risk. Implementation of the Proposed Project would reduce the risk of wildfires by eliminating existing vegetation and providing hardscape. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

### **No Impact**

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

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<sup>37</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-4 "Fire Severity and Growth Areas in the Valley and Mountain Regions."

<sup>38</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Table 5.8-10 "Evacuation Routes in San Bernardino County."

<sup>39</sup> San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-4 "Fire Severity and Growth Areas in the Valley and Mountain Regions."

The Project Site is relatively flat. Therefore, it would not be subject to post-fire slope instability. The Project Site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone, 100-year Department of Water Resources Awareness Zone, or a 500-year FEMA flood zone.<sup>40</sup> Moreover, there are no dams, reservoirs, or large bodies of water near the Project Site. The Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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

<sup>40</sup> San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 “Flood Hazard Zones in the Valley and Mountain Regions.”.

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

Potential impacts to biological resources would be reduced to a less than significant level with implementation of Mitigation Measure BIO-1. Therefore, the Proposed Project is not anticipated to have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or 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. No significant impacts to cultural resources were identified in the Phase I Cultural Resources Investigation prepared for the Proposed Project. McKenna et al. did not find any evidence of historical or prehistorical resources on the Project Site. However, there is always a potential for buried prehistoric and historic resources. Therefore, with implementation Mitigation Measures CR-1 and CR-2, the Proposed Project would not eliminate important examples of the major periods of California history or prehistory. With implementation of Mitigation Measure GEO-1, the potential impacts to paleontological resources can be reduced to a less than significant level. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

#### **Less than Significant with Mitigation**

- 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)?*

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.

With implementation of Mitigation Measure GHG-1, the Proposed Project would garner 146 points using the Screening Tables. Therefore, it would provide the fair share contribution of reductions and would be in compliance with the County's GHG reduction plan. Given this consistency, it is concluded that the project's incremental contribution

to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable.

Impacts identified in this Initial Study can be reduced to a less than significant impact. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### **Less than Significant with Mitigation**

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

Bloomington, as is the case for most of Southern California, is located within a seismically active region. The Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone<sup>41</sup> or County Fault Hazard Zone.<sup>42</sup> The nearest fault zone is the San Jacinto Fault Zone, which is approximately 4.8 miles northeast of the Project Site. Although the potential for rupture on-site cannot be dismissed, it is considered low due to the absence of known faults within the immediate vicinity. Nonetheless, the Proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

As stated in the Noise Impact Analysis, the nearest receiver locations will satisfy the reasonable daytime 80 dBA  $L_{eq}$  significance threshold during Project construction activities. Therefore, the noise impacts due to Project construction noise is considered *less than significant* at all receiver locations. Vibration levels at the site of the closest sensitive receiver are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating simultaneously adjacent to the Project site perimeter. Moreover, the operational noise levels associated with Proposed Project will satisfy the County of San Bernardino exterior noise level standards adjusted to reflect the ambient noise levels at all nearby receiver locations at all nearby receiver locations with the proposed 6-foot-high screen wall on the eastern project boundary. Therefore, the operational noise impacts are considered less than significant at the nearest noise-sensitive receiver locations.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

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<sup>41</sup>Department of Conservation Fault Activity Map of California (2010). <http://maps.conservation.ca.gov/cgs/fam/>. Accessed December 21, 2020.

<sup>42</sup> San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-1 "Alquist-Priolo Fault Zones and County Fault Hazard Zones."

*Initial Study* PROJ-2020-00166

*Cedar Slover Gas & Retail*

APN: 0257-211-01, 0257-211-02, 0257-211-03, 0257-221-01

*September 2021*

The incorporation of design measures, County of San Bernardino policies, standards, and guidelines and proposed mitigation measures as identified within this Initial Study would ensure that the Proposed Project would have no significant adverse effects on human beings, either directly or indirectly on an individual or cumulative basis.

### **Less Than Significant Impact**

**Therefore, no significant adverse impacts are identified or anticipated with incorporation of mitigation measures.**



## **XXII. MITIGATION MEASURES**

Any mitigation measures, which are not self-monitoring shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval)

### **SELF MONITORING MITIGATION MEASURES:**

#### **Mitigation Measure AQ-1:**

The Project Applicant will be limited to 2 rubber-tired dozers and 2 tractor/loaders/backhoes operating at any given time during the grading phase.

#### **Mitigation Measure BIO-1:**

Nesting bird surveys should be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15<sup>th</sup> to September 15<sup>th</sup>), and conducting a worker awareness training program. However, if all work cannot be conducted outside of the nesting season, preconstruction surveys shall be conducted that focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. A project-specific Nesting Bird Management Plan should be prepared to determine suitable buffers.

#### **Mitigation Measure CR-1:**

A professional archaeologist shall be contacted if buried prehistoric resources are uncovered during site preparation activities. If prehistoric resources are identified, an archaeological monitoring program should be initiated and conducted until the consulting archaeologist determines monitoring is no longer required.

#### **Mitigation Measure CR-2:**

A professional archaeologist shall be contacted if buried historic resources are uncovered during site preparation activities. If historic resources are identified, the consulting archaeologist must be permitted to assess the resource(s) and determined whether or not a monitoring program should be incorporated into the site preparation activities. If so, the monitoring should be conducted until the consulting archaeologist determines monitoring is no longer required.

#### **Mitigation Measure CR-3:**

If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.

If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.

**Mitigation Measure GEO-1:**

Any excavations that exceed the relative depth of the younger alluvium and impacting older alluvial deposits should be monitored by a qualified paleontologist to detect and professionally collect any fossils uncovered.

**Mitigation Measure GHG-1: The Project Applicant shall incorporate the following GHG reduction measures from the GHG Reduction Plan Screening Tables into project design.**

*Commercial/Industrial Energy Efficiency Development*

- Enhanced insulation (rigid wall insulation R-13, roof/attic R-38). (18 points).
- Enhanced window insulation (0.32 U-factor, 0.25 SHGC). (8 points)
- Enhanced cool roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance. (14 points)
- Blower Door HERS Verified Envelope Leakage or equivalent. (10 points)
- Modest Duct insulation (R-6) (8 points)
- Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) (14 points)
- Very High Efficiency HVAC (EER 16/80% AFUE or 9 HSPF) (12 points)
- High Efficiency Water Heater (0.72 Energy Factor) (16 points)
- All peripheral rooms within building have at least one window or skylight (1 point)
- Very High Efficiency Lights (100% of in-unit fixtures are high efficacy) (14 points)
- At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on Jun 21st. (6 points)

*Per Capita Water Use Reduction Commercial/Industrial*

- Only California Native landscape that requires no or only supplemental Irrigation. (8 points)
- Water Efficient Toilets/Urinals (1.5gpm) (3 points)
- Water Efficient faucets (1.28gpm) (3 points)

*Employment Based Trip and VMT Reduction Policy*

- Complete sidewalk to residential within ½ mile. (1 point)

*Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)*

- Provide public charging station for use by an electric vehicle. (10 points)

**TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:**

- G. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

- H. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
- I. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.
- J. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.
- K. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.
- L. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

**TCR2: Discovery of TCRs, Human Remans, and/or Grave Goods:**

- I. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.
- J. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

- K. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.” (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)
- L. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- M. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)
- N. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.
- O. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- P. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

**TCR3: Procedures for Burials, Funerary Remains, and Grave Goods:**

- H. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.
- I. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- J. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or

later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

- K. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- L. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.
- M. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.
- N. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

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*Initial Study* PROJ-2020-00166  
*Cedar Slover Gas & Retail*  
APN: 0257-211-01, 0257-211-02, 0257-211-03, 0257-221-01  
*September 2021*

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**Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Slover/Cedar Commercial Retail Center**

*Prepared by:*



**County of San Bernardino, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
*Contact: Steven Valdez, Senior Planner*

**FEBRUARY 2022**

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# 1 Introduction

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The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Oft Construction and Storage Yard when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for biological, cultural resources, hydrology and water quality, hazards and hazardous materials, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino  
385 N. Arrowhead Avenue, First Floor  
San Bernardino, California 92415

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## 2 Mitigation Monitoring and Reporting Program Table

**Table 1 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i><b>Air Quality</b></i>				
<b>MM-AQ-1:</b> The Project Applicant will be limited to 2 rubber-tired dozers and 2 tractor/loaders/backhoes operating at any given time during the grading phase.	During Land Disturbance/Grading	Project applicant	County of San Bernardino	
<i><b>Biological Resources</b></i>				
<b>MM-BIO-1:</b> The Project Applicant shall conduct a Nesting bird surveys prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season (generally March 15 <sup>th</sup> to September 15 <sup>th</sup> ), and conducting a worker awareness training program. However, if all work cannot be conducted outside of the nesting season, preconstruction surveys shall be conducted that focus on direct and indirect evidence of nesting, including nest locations, nesting stages, and nest behavior. Surveys shall evaluate all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. A project-specific Nesting Bird Management Plan should be prepared to determine suitable buffers.	Prior to Land Disturbance	Project applicant	County of San Bernardino	
<i><b>Cultural Resources</b></i>				
<b>MM-CR-1:</b> The Project Applicant shall be contacted if buried prehistoric resources are uncovered during site preparation activities. If prehistoric resources are identified, an archaeological monitoring program should be initiated and conducted until the	During Grading	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
consulting archaeologist determines monitoring is no longer required.				
<p><b>MM-CR-2:</b> <i>The Applicant shall contact a professional archaeologist shall be contacted if buried historic resources are uncovered during site preparation activities. If historic resources are identified, the consulting archaeologist must be permitted to assess the resource(s) and determined whether or not a monitoring program should be incorporated into the site preparation activities. If so, the monitoring should be conducted until the consulting archaeologist determines monitoring is no longer required.</i></p>	During construction	Project applicant and their construction contractor	County of San Bernardino	
<p><b>MM-CR-3:</b> If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.</p> <p>If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.</p> <p>If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be</p>	During construction	Project applicant and their construction contractor	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>the responsibility of the project proponent/property owner.</p> <p>If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner’s activities will not involve any costs to the project proponent/property owner.</p>				
<b>Geology</b>				
<p><b>MM-GEO-1:</b> Any excavations that exceed the relative depth of the younger alluvium and impacting older alluvial deposits should be monitored by a qualified paleontologist to detect and professionally collect any fossils uncovered.</p>	During Construction	Project applicant	County of San Bernardino / Applicant	
<b>Greenhouse Gas</b>				
<p><b>GHG-1:</b> The Project Applicant shall incorporate the following GHG reduction measures from the GHG Reduction Plan Screening Tables into project design.</p> <p><i>Commercial/Industrial Energy Efficiency Development:</i></p> <ul style="list-style-type: none"> <li>• Enhanced insulation (rigid wall insulation R-13, roof/attic R-38). (18 points).</li> <li>• Enhanced window insulation (0.32 U-factor, 0.25 SHGC). (8 points)</li> <li>• Enhanced cool roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance. (14 points)</li> <li>• Blower Door HERS Verified Envelope Leakage or equivalent. (10 points)</li> <li>• Modest Duct insulation (R-6) (8 points)</li> <li>• Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) (14 points)</li> </ul>	Prior to Building Permit Issuance	Project applicant	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<ul style="list-style-type: none"> <li>• Very High Efficiency HVAC (EER 16/80% AFUE or 9 HSPF) (12 points)</li> <li>• High Efficiency Water Heater (0.72 Energy Factor) (16 points)</li> <li>• All peripheral rooms within building have at least one window or skylight (1 point)</li> <li>• Very High Efficiency Lights (100% of in-unit fixtures are high efficacy) (14 points)</li> <li>• At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on Jun 21st. (6 points)</li> </ul> <p><i>Per Capita Water Use Reduction Commercial/Industrial</i></p> <ul style="list-style-type: none"> <li>• Only California Native landscape that requires no or only supplemental Irrigation. (8 points)</li> <li>• Water Efficient Toilets/Urinals (1.5gpm) (3 points)</li> <li>• Water Efficient faucets (1.28gpm) (3 points)</li> </ul> <p><i>Employment Based Trip and VMT Reduction Policy</i></p> <ul style="list-style-type: none"> <li>• Complete sidewalk to residential within ½ mile. (1 point)</li> </ul> <p><i>Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)</i></p> <ul style="list-style-type: none"> <li>• Provide public charging station for use by an electric vehicle. (10 points)</li> </ul>				
<i>Tribal Cultural Resources</i>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p><b>MM-TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</b></p> <p>A. The project applicant/lead agency shall make a good faith effort to retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”). The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.</p> <p>D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project’s construction and managerial crew and staff</p>	<p>Prior to grading</p>	<p>Project applicant and their construction contractor</p>	<p>Kizh Nation</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.</p> <p>E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.</p> <p>F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>off-site project location possesses the potential to impact TCRs.</p>				
<p><b>MM-TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods</b></p> <p>A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.</p> <p>B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.</p> <p>C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.”</p>	<p>During construction</p>	<p>Project applicant and their construction contractor</p>	<p>Kizh Nation</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>(Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)</p> <p>D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health &amp; Safety Code § 7050.5(c); 14 Cal. Code Regs. § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. § 15064.5(f).)</p> <p>F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.</p> <p>G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.</p>				
<p><b>MM-TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods:</b></p> <p>A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not</p>	<p>During construction</p>	<p>Project applicant and their construction contractor</p>	<p>Kizh Nation</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.</p> <p>F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.</p> <p>G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>				



# EXHIBIT C

## Findings

**CONDITIONAL USE PERMIT FINDINGS:** Conditional Use Permit to construct a commercial retail center, consisting of a gas station with a 3,732-square foot convenience store with a car wash, a 3,942-square foot canopy to accommodate 12 motor vehicle fuel-sale pumps, and four restaurants with a drive-thru, ranging in size from 1,968 square feet to 3,397 square feet, on five parcels, with a total area of approximately 3.62 acres, in the Commercial Land Use Category, and General Commercial (CG-SCp) Zoning District and Sign Control Overlay.

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for Conditional Use Permits:

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open spaces, setbacks, walls and fences, yards, and other required features pertaining to the application.** All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning. A 6-foot block wall is required along the east property boundary of the site where it is adjacent to a residential land use and zoning designation. The submitted Project plans shows adequate design, parking, landscaping, circulation, access, and setbacks and is compatible with the existing commercial development in the area.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** Access to the Project site is provided with five (5) standard commercial driveways located on Cedar Avenue and Slover Avenue, which will provide legal and physical access to the site and appropriate regional circulation mitigation has been required. On-site circulation drive aisles meet County Fire Department Standards.
3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The Project will be designed to use building materials to comply with all requirements of the County Development Code with respect to lighting and glare. The Project design includes a 15-foot landscape buffer and screen walls for screening loading activities that further enhance the overall aesthetic quality of the development. Further, appropriate mitigation measures and conditions of approval will ensure countywide performance standards are met and that the Project will not have an adverse effect on the surrounding property.
4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Policy Plan and any applicable Specific Plan.** The proposed Conditional Use Permit site plan, together with the provisions for its design and improvement are consistent with the Countywide Policy Plan. The Project specifically implements the following goals and policies:
  - **Policy LU-1.2 Infill Development:** We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

**Consistency:** The Project is located on a vacant lot in a well-traveled area along Cedar Avenue approximately 0.86 miles south of Interstate 10 that would provide economic benefit to the community as well as to travelers. The Project is appropriately sited and compatible with the surrounding area.

- **Policy LU-1.3. Fiscal sustainability.** When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

**Consistency:** The Project proponent is required to construct and install all necessary improvements to serve the Project and maintain service levels in the community. The Project proponent is also required to pay all applicable development impact fees as well as property taxes to ensure long-term operations and maintenance of public facilities and services.

- **Policy LU-2.1. Compatibility with existing uses.** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

**Consistency:** The Project is located in a corridor with other compatible commercial uses within the General Commercial zoning district which provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area.

- **Policy-1.7. Fair shar contributions.** We require new developments to pay its fair share contribution towards offsite transportation improvements.

**Consistent:** Prior to the issuance of building permits, the Project proponent shall pay the Project's fair share contribution, as detailed in the Traffic Study and conditions of approval.

- **Policy TM-2.2. Roadway improvements.** We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

**Consistent:** The Project would include landscaping within the Project Site and in the public right-of-way. The Project Site is currently surrounded by existing curbs, gutters, sidewalks and a few streetlights.



- **Policy TM-2.6. Access control.** We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.

**Consistent:** Per the site plan, buildings 1 and 2 would share the same access points. Buildings 3, 4 and 5 would share the same access points.

- **Policy TM-3.1. VMT reduction.** We promote new development that will reduce household and employment VMT relative to existing conditions.

**Consistent:** The Proposed Project resides within a traffic analysis zone (TAZ) that generates VMT per employee 11.9% below the County existing VMT per employee threshold.

- **Policy TM-3.2. Trip reduction strategies.** We support the implementation of transportation demand management techniques, mixed use strategies, and the placement of development in proximity to job and activity centers to reduce the number and length of vehicular trips.

**Consistent:** The Project Site is located within a developed area and surrounded by commercial services and residential development. The Project is anticipated to be local serving retail. The Project would be consistent with the Transportation and Mobility Element of the Countywide Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct road improvements, as well as contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area. The use will not substantially interfere with the present or future ability to use solar energy systems.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.** The conditions of approval include measures that require the developer to comply with countywide development standards and standard for specific land uses and activities as outlined in the County Development Code.
7. **The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities,** through the orientation and design with adequate building setbacks and the future ability to construct rooftop solar facilities.

**PROJECT FINDINGS TENTATIVE PARCEL MAP:** Tentative Parcel Map 20356 to subdivide 3.62 acres into five parcels, located at the southeast corner of Slover Avenue and Cedar Avenue and Cedar Avenue and Wrangler Drive, in the Commercial Land Use Category, and General Commercial (CG-SCp) Zoning District and Sign Control Overlay.

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 87.02.060, and supporting facts for Tentative Parcel Map 20356.

1. **The proposed map, subdivision design, and improvements are consistent with the Countywide Policy Plan, and any applicable specific plan.** The subdivision will subdivide 3.62 acres into five (5) parcels to allow for the construction of a commercial retail center, consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan. There is adequate room for an appropriately sized and located building pad on all the proposed parcels. The Project specifically implements the following goals and policies:

- **Policy LU-1.2 Infill Development:** We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

**Consistency:** The Project is located on a vacant lot in a well-traveled area along Cedar Avenue approximately 0.86 miles south of Interstate 10 that would provide economic benefit to the community as well as to travelers. The Project is appropriately sited and compatible with the surrounding area.

- **Policy LU-1.3. Fiscal sustainability.** When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

**Consistency:** The Project proponent is required to construct and install all necessary improvements to serve the Project and maintain service levels in the community. The Project proponent is also required to pay all applicable development impact fees as well as property taxes to ensure long-term operations and maintenance of public facilities and services.

- **Policy LU-2.1. Compatibility with existing uses.** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

**Consistency:** The Project is located in a corridor with other compatible commercial uses within the General Commercial zoning district which provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area.

- **Policy-1.7. Fair shar contributions.** We require new developments to pay its fair share contribution towards offsite transportation improvements.

**Consistent:** Prior to the issuance of building permits, the Project proponent shall pay the Project's fair share contribution, as detailed in the Traffic Study and conditions of approval.

- **Policy TM-2.2. Roadway improvements.** We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

**Consistent:** The Project would include landscaping within the Project Site and in the public right-of-way. The Project Site is currently surrounded by existing curbs, gutters, sidewalks and a few streetlights.

- **Policy TM-2.6. Access control.** We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.

**Consistent:** Per the site plan, buildings 1 and 2 would share the same access points. Buildings 3, 4 and 5 would share the same access points.

- **Policy TM-3.1. VMT reduction.** We promote new development that will reduce household and employment VMT relative to existing conditions.

**Consistent:** The Proposed Project resides within a traffic analysis zone (TAZ) that generates VMT per employee 11.9% below the County existing VMT per employee threshold.

- **Policy TM-3.2. Trip reduction strategies.** We support the implementation of transportation demand management techniques, mixed use strategies, and the placement of development in proximity to job and activity centers to reduce the number and length of vehicular trips.

**Consistent:** The Project Site is located within a developed area and surrounded by commercial services and residential development. The Project is anticipated to be local serving retail. The Project would be consistent with the Transportation and Mobility Element of the Countywide Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

2. **The site is physically suitable for the type and proposed density of development.** The Project will meet the floor area ratio (FAR) requirements on each parcel as required by Development Code section 82.05.060, table 82-13B for the Valley Region, as well as other subdivision standards required by section 82.05.050.

3. **The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The subdivision and project improvements will not cause substantial environmental impacts. An Initial Study/Mitigated Negative Declaration (MND) was prepared for the Project and was determined that impacts to the environment can be mitigated to a level of less than significant.
4. **The design of the subdivision and type of improvements are not likely to cause serious public health problems.** The design of the subdivision follows a logical and orderly progression of development. The proposed subdivision has been reviewed by all agencies with jurisdiction over the Project and has been found to not cause serious public health or safety problems, either through design, or through the adoption of conditions of approval.
5. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.** The proposed map will provide a separate parcel for each of the Project components and will not conflict with existing easements, including utility, right-of-way, or future right-of-way as conditioned by the Land Use Services Department, Land Development Division.
6. **The discharge of the sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.** The Project will connect to existing sewer facilities, which is in compliance with the Regional Water Quality Control Board requirements.
7. **The design of the subdivision provides, to the extent feasible, the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The proposed map will provide adequate building setbacks for the proposed land uses. The building setbacks promote optimum spacing of structures to create adequate opportunity for the use of solar technology.
8. **The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.** The size and shape of the proposed lots are adequate for the type of development proposed, and appropriate agencies (including County Surveyor, County Public Works, County Fire, County Environmental Health Services, and County Building and Safety) have all reviewed and approved the Project design, the proposed conditions and the mitigation measures. The access roads and water service lines to the site currently exist and any required modifications to these are required to be bonded prior to recordation and to be constructed prior to final inspection of any new construction on the site.

**ENVIRONMENTAL FINDINGS:**

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) is therefore recommended for adoption. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

# EXHIBIT D

## Site Plan



**LEGAL DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
 LOTS 1 THROUGH 4, INCLUSIVE, OF TRACT NO. 15922-1, AS PER MAP RECORDED IN BOOK 273, PAGES 7 THROUGH 11, INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY.  
 APN: 0257-211-01-0-000; 0257-211-02-0-000; 0257-211-03-0-000; 0257-221-01-0-000

**PROPERTY OWNER**

COUNTY OF SAN BERNARDINO  
 157 W 5TH ST 2ND FLR  
 SAN BERNARDINO CA 2415-0450

**APPLICANT**

DAVID WIENER  
 118 S BEVERLY DR STE. # 215  
 BEVERLY HILLS, CA 90212

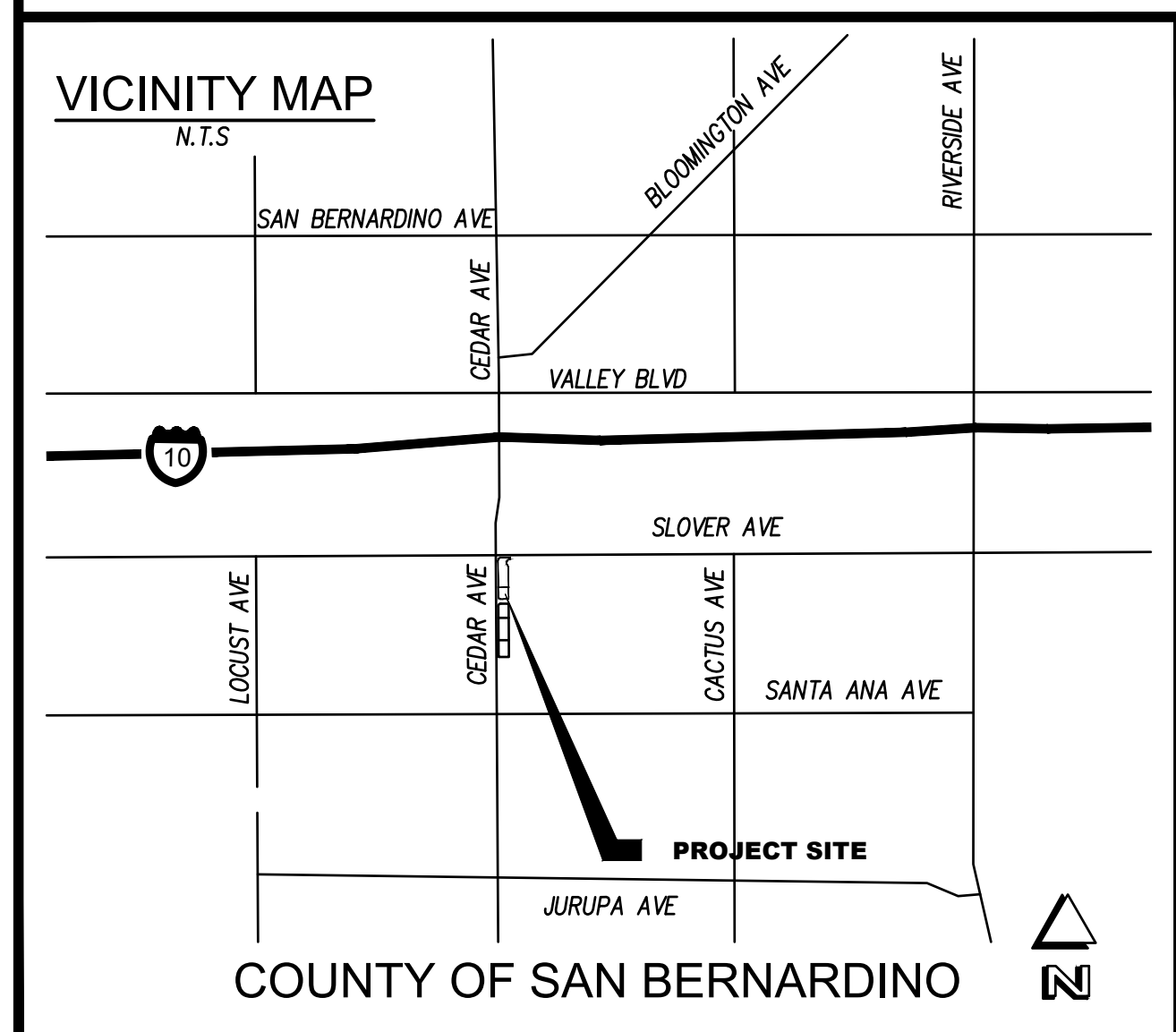
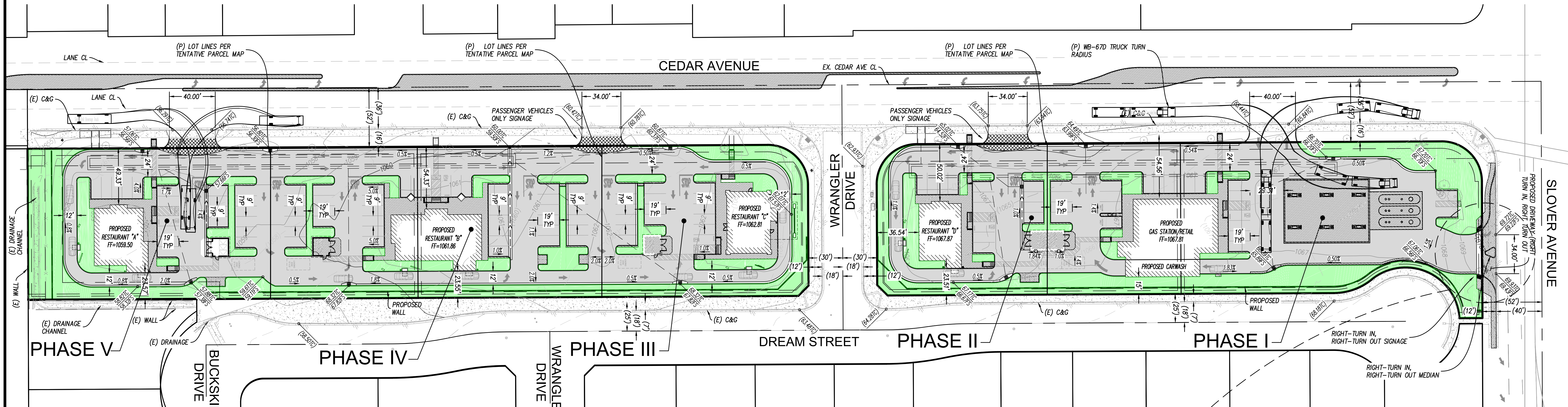
**PRELIMINARY SITE PLAN**

**CEDAR & SLOVER  
 GAS & RETAIL  
 BLOOMINGTON, CA 92316**

APN: 0257-211-01, 02, 03, 0257-221-01

**PROJECT INFORMATION**

ASSESSOR'S PARCEL NO: 0257-211-01, -02, -03, 0257-221-01  
 EXISTING ZONING: GENERAL COMMERCIAL (CG)  
 EXISTING LAND USE: VACANT  
 PROPOSED LAND USE: MIXED USE  
 APPLICATION TYPE: X  
 CABLE: AT&T (800) 288-2020  
 WATER PURVEYOR: MARYGOLD MUTUAL WATER CO (909) 875-1804  
 GAS PURVEYOR: SOUTHERN CALIFORNIA GAS COMPANY (800) 427-2200  
 ELECTRICITY PURVEYOR: SOUTHERN CALIFORNIA EDISON (800) 655-4555  
 TELEPHONE PURVEYOR: AT&T (800) 288-2020



**BENCHMARK**

DESIGNATION: CITY OF RIALTO BENCHMARK NUMBER 017-88  
 ELEVATION: 1040.785'

**BASIS OF BEARINGS**

BASIS OF BEARINGS: CENTERLINE OF CEDAR AVENUE PER RECORD OF SURVEY 95/60  
 BEARING BEING: N 00°18'01" W (S 00°18'01" E PER RS)

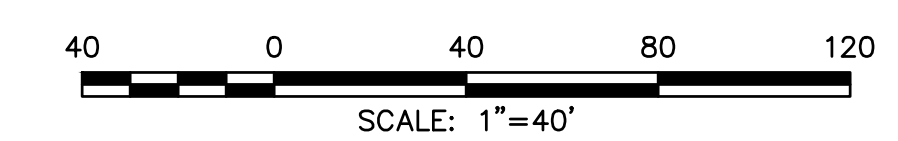
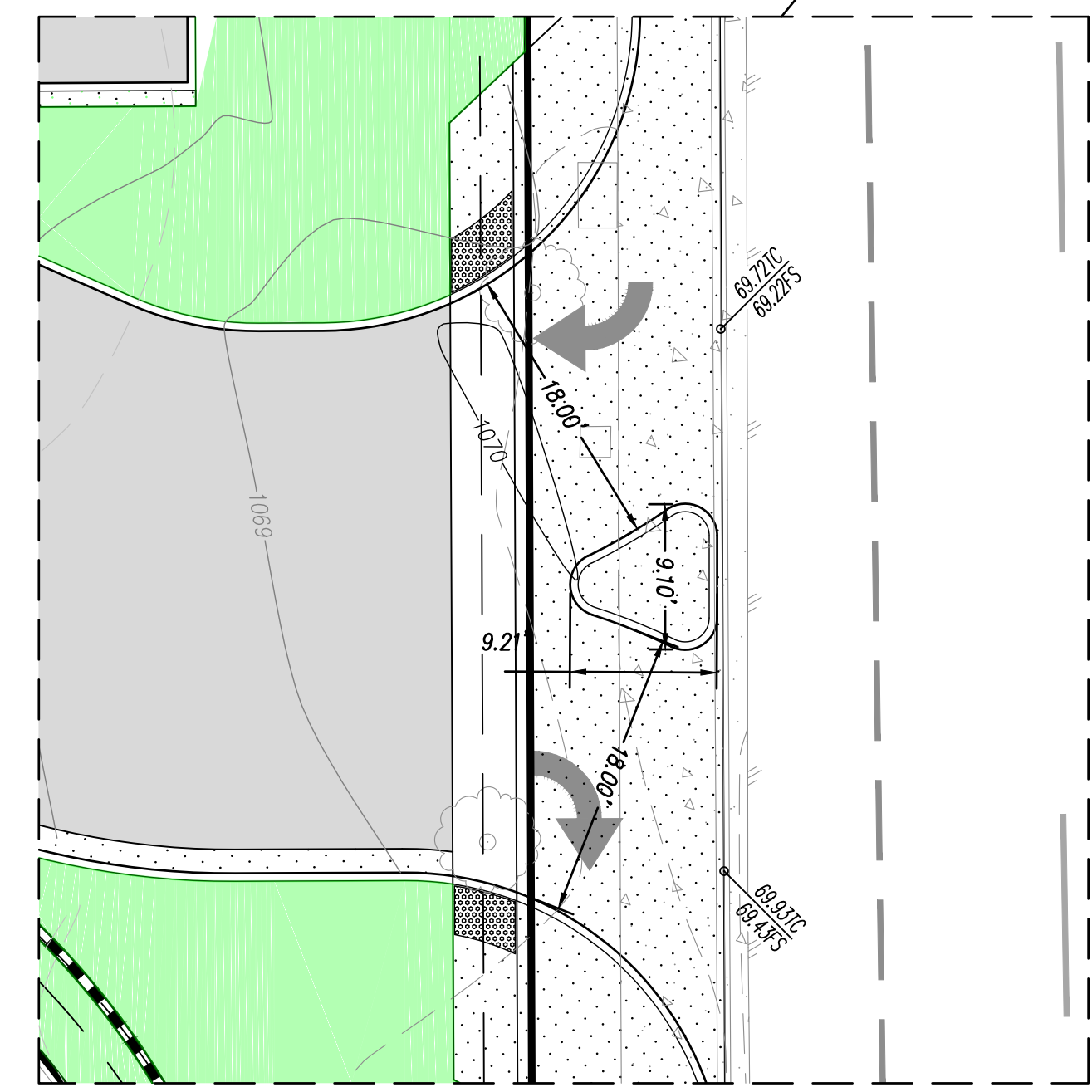
**FEMA FLOOD ZONE**

ALL PROPERTY IS LOCATED WITHIN FEMA ZONE X: "AREAS WITH MINIMAL FLOOD HAZARD."

**LEGEND**

- ASPH ASPHALTIC CONCRETE SURFACE
- BT BOTTOM OF TRENCH
- CB CATCH BASIN
- C&G CURB AND GUTTER
- CL CENTER LINE
- DDC DOUBLE DETECTOR CHECK
- DWY DRIVEWAY
- (E) EXISTING
- FF FINISH FLOOR
- FG FINISH GRADE
- FL FLOWLINE
- FS FINISHED SURFACE
- GB GRADE BREAK
- CW GUY WIRE
- INV INVERT OF PIPE
- MH MANHOLE
- NTS NOT TO SCALE
- PP POWER POLE
- ST STREET
- TC TOP OF CURB
- TF TOP OF FOOTING
- TW TOP OF WALL
- TYP TYPICAL
- WI WROUGHT IRON
- WM WATER METER
- EXISTING CONCRETE SURFACE
- PROPOSED CONCRETE SURFACE
- EXISTING AC PAVEMENT TO BE REMOVED
- RIGHT OF WAY
- PROPERTY LINE
- CENTERLINE
- FLOWLINE
- FILL SLOPE
- INDICATES DIRECTION OF FLOW
- CONTOUR ELEVATION (FEET)
- ADA PATH OF TRAVEL

**RIGHT-TURN IN/OUT MEDIAN**



**BONADIMAN** TEL. (909) 885-3806  
 JOSEPH E. BONADIMAN & ASSOCIATES, INC. 234 NORTH ARROWHEAD AVE. SAN BERNARDINO, CA 92408  
 ENGINEERS • G.I.S. • SURVEYING • PLANNING FAX (909) 581-1721 www.bonadiman.com

**PRELIMINARY SITE PLAN  
 CEDAR & SLOVER GAS & RETAIL  
 BLOOMINGTON, CA 92316  
 APN: 0257-211-01, -02, -03, & 0257-221-01**

REVISIONS				
NO	DESCRIPTION	BY	APPROVED	DATE

PREPARED FOR: DAVID WIENER	SCALE: 1" = 40'	SHEET: 1 OF 1	SP1
DRAWN BY: TEB	JOB NO: 204774		
CHECKED BY: EJB			
DISREGARD PRINTS BEARING EARLIER REVISION DATES	11-03-21		



# TENTATIVE PARCEL MAP NO. 20356

## "18720 WRANGLER DRIVE"

A.P.N.(S): 0257-211-01, 0257-211-02, 0257-211-03 & 0257-221-01  
 IN THE BLOOMINGTON AREA OF SAN BERNARDINO COUNTY, CA  
 LOTS 1-4 OF TR. NO. 15922-1, M.B. 273, PAGES 7-11

### APPLICANT/SUBDIVIDER:

DAVID WIENER  
 118 S. BEVERLY DRIVE, STE. #215  
 BEVERLY HILLS, CA 90212

### OWNER:

COUNTY OF SAN BERNARDINO  
 C/O DEPARTMENT OF PUBLIC WORKS  
 825 EAST THIRD STREET, ROOM 204  
 SAN BERNARDINO, CA 92415

### SURVEYOR:

JOSEPH E. BONADIMAN & ASSOCIATES, INC.  
 C/O EDWARD J. BONADIMAN, P.L.S. 7529  
 234 N. ARROWHEAD AVENUE  
 SAN BERNARDINO, CA 92408

OFFICIAL USE ONLY

### LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 4, INCLUSIVE, OF TRACT NO. 15922-1, AS PER MAP RECORDED IN BOOK 273, PAGES 7 THROUGH 11, INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY

### EXISTING EASEMENTS:

THE FOLLOWING NUMBERING CORRESPONDS TO SCHEDULE B ITEMS OF COMMONWEALTH LAND TITLE INSURANCE COMPANY GUARANTEE NO. CA-SF-XFC-IMP-81628-17-09204727:

- ④ (NOTE: CIRCLED ITEMS ARE PLOTTABLE AND SHOWN ON THIS SHEET.)
- ① VARIOUS WIDTH EASEMENTS FOR PUBLIC UTILITIES PURPOSES GRANTED TO SOUTHERN CALIFORNIA EDISON PER DOC. NO. 1999-256072, O.R. (REC. JUNE 16, 1999)
- ② VARIOUS WIDTH EASEMENTS FOR PUBLIC UTILITIES PURPOSES GRANTED TO PACIFIC BELL PER DOC. NO. 1999-311961, O.R. (REC. JULY 26, 1999)
- ③ VARIOUS WIDTH SAN BERNARDINO COUNTY DRAINAGE EASEMENTS (S.B.C.D.E.) PER TR. NO. 15922-1, M.B. 273/7-11, O.R. (REC. APRIL 28, 1999)
- ④ VARIOUS WIDTH WEST SAN BERNARDINO COUNTY WATER DISTRICT EASEMENTS (W.S.B.C.W.D.E.) PER TR. NO. 15922-1, M.B. 273/7-11, O.R. (REC. APRIL 28, 1999)
- \* THE FOLLOWING EASEMENTS FOR DITCH AND PIPELINE PURPOSES GRANTED TO THE SEMI-TROPIC LAND AND WATER COMPANY ARE NOT PLOTTABLE. THE EXACT LOCATION AND EXTENT OF SAID EASEMENTS ARE NOT DISCLOSED OF RECORD:  
 BOOK 167, PAGE 52  
 BOOK 168, PAGE 38  
 BOOK 170, PAGE 127

### PROPOSED ABANDONMENT:

THE RIGHTS OF NON-VEHICULAR ACCESS AFFECTING LOT 1 OF TRACT NO. 15922-1, PER M.B. 273/7-11, ALONG SLOVER AVENUE ARE TO BE ABANDONED ON THIS PARCEL MAP.

### PROPERTY INFORMATION:

DESCRIPTION: THE SUBDIVISION OF FOUR EXISTING LOTS TO 5 PROPOSED NUMBERED PARCELS. THERE ARE NO PROPOSED LETTERED LOTS, REMAINDER PARCEL OR NEW STREETS. THE PROPOSED PROJECT IS BEING SUBDIVIDED FOR DEVELOPER BUILD-OUT.

GROSS/NET AREA:

PARCEL 1:	48,955 SQ. FT./1.12 ACRES
PARCEL 2:	19,290 SQ. FT./0.44 ACRES
PARCEL 3:	23,432 SQ. FT./0.54 ACRES
PARCEL 4:	38,118 SQ. FT./0.88 ACRES
PARCEL 5:	27,921 SQ. FT./0.64 ACRES
TOTAL:	157,716 SQ. FT./3.62 ACRES

LOT DENSITY: 5 PARCELS/3.62 ACRES = 1.38 PARCELS/ACRE

ZONING:  
 EXISTING: "BL/CG-SCp" (BLOOMINGTON/COMM. GEN.-SIGN CONTROL PRIMARY)  
 PROPOSED: "BL/CG-SCp" (BLOOMINGTON/COMM. GEN.-SIGN CONTROL PRIMARY)

EXISTING USE: VACANT

PROPOSED USE: COMMERCIAL BUSINESSES

REGULATED TREES: THERE ARE NO REGULATED PLANTS OR TREES ON-SITE.

### SETBACK INFORMATION:

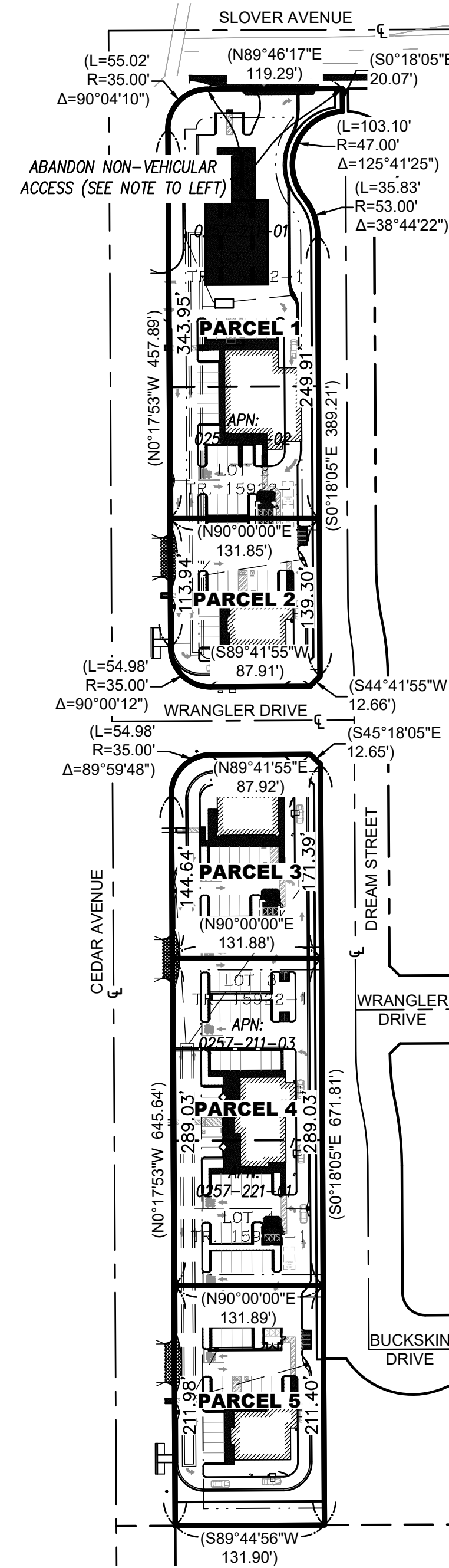
PER COUNTY OF SAN BERNARDINO ORDINANCE POSTED ON COUNTY OF SAN BERNARDINO WEB SITE FOR CG (VALLEY REGION):

#### MINIMUM SETBACK REQUIREMENTS:

FRONT: 25'  
 SIDE: 15'  
 STREET: 15'  
 INTERIOR: 10'

### UTILITY SERVICE PROVIDERS:

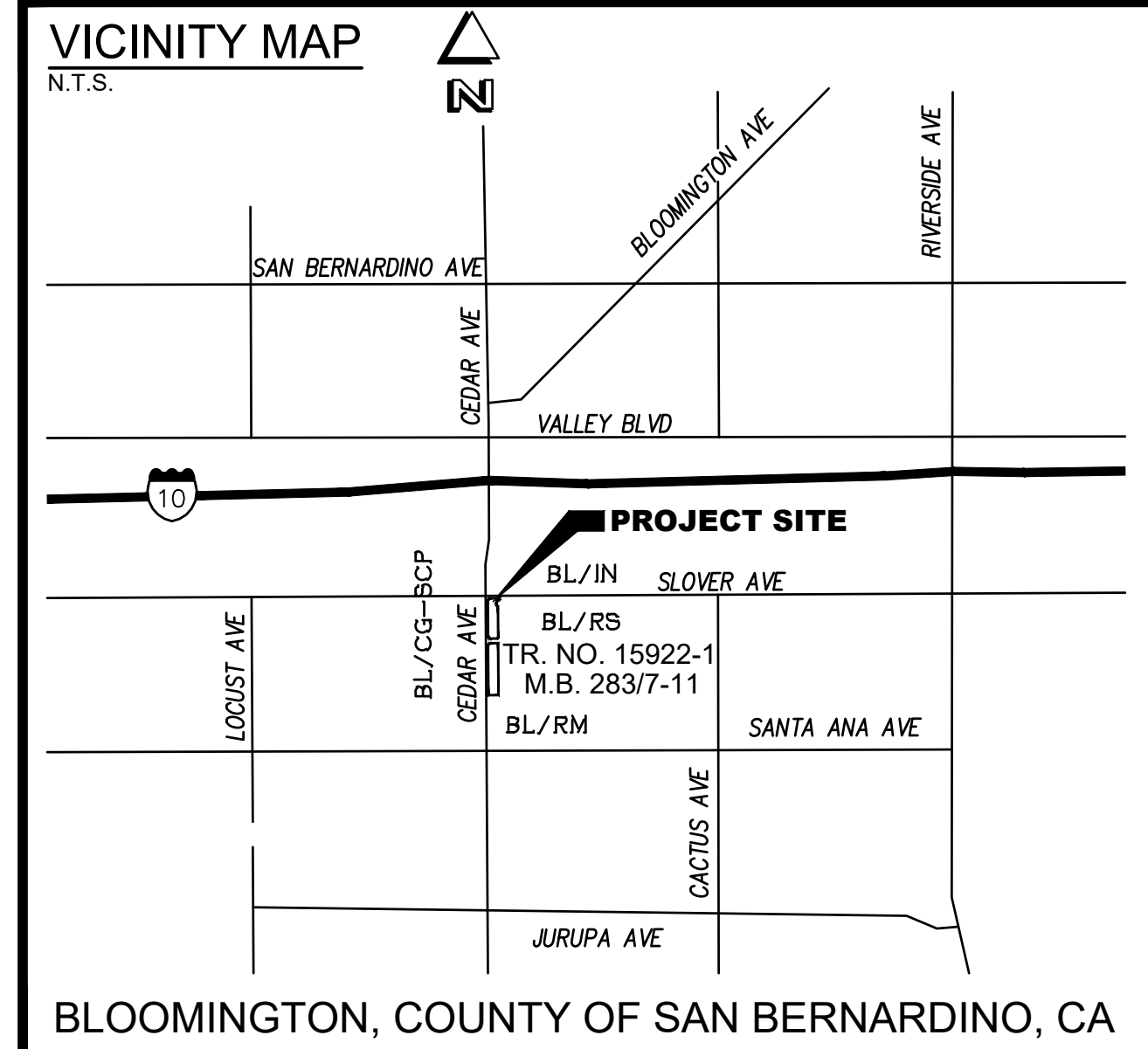
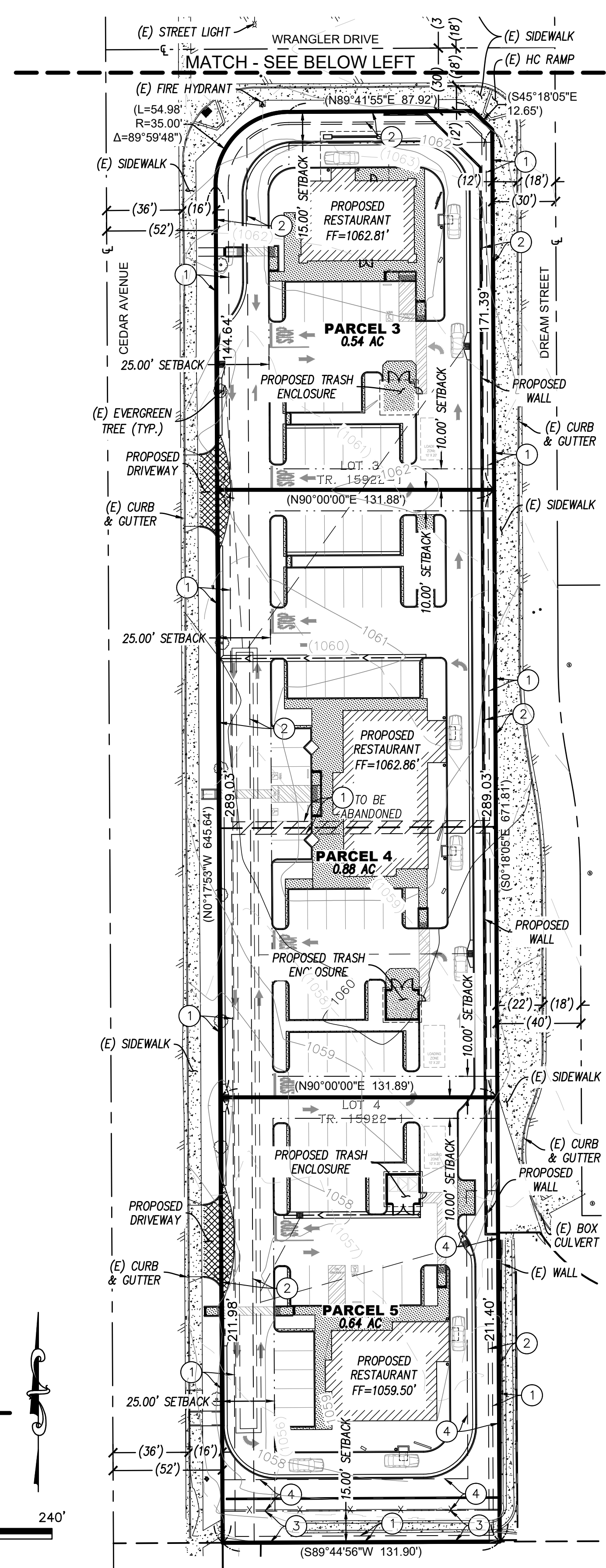
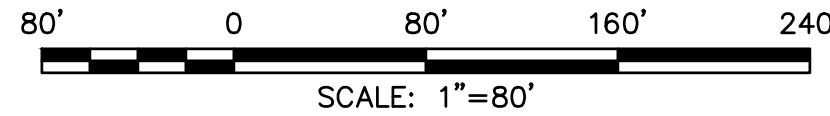
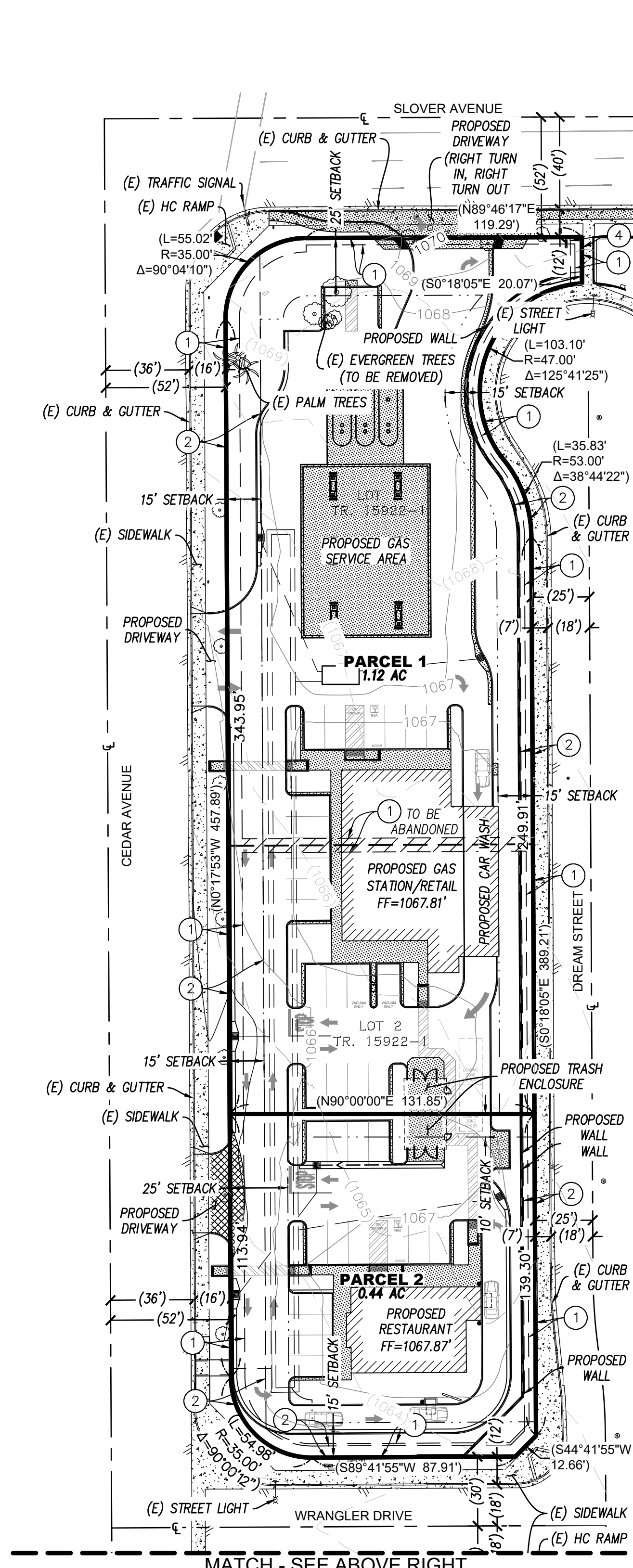
WATER/SEWER:	WEST VALLEY WATER DISTRICT (909) 875-1804
CABLE/TELEPHONE:	AT&T (800) 288-2020
ELECTRIC:	SOUTHERN CALIFORNIA EDISON COMPANY (800) 655-4555
GAS:	SOUTHERN CALIFORNIA GAS COMPANY (800) 427-2200



INDEX MAP  
 1" = 100'

### LEGEND:

	PROPERTY LIMITS
	EXISTING STREET CENTERLINE
	EXISTING 1' INTERVAL CONTOURS
	EXISTING 5' INDEX CONTOURS
	EXISTING PLOTTABLE EASEMENTS
	PROPOSED 1' INTERVAL CONTOURS
	PROPOSED 5' INDEX CONTOURS

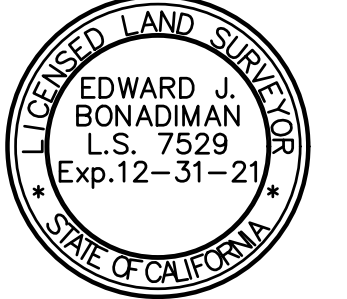


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TENTATIVE PARCEL MAP NO. 20356  
 "18720 WRANGLER DRIVE"  
 A.P.N.(S): 0257-211-01, 0257-211-02, 0257-211-04 & 0257-221-01  
 IN THE BLOOMINGTON AREA OF SAN BERNARDINO COUNTY, CA  
 LOTS 1-4 OF TR. NO. 15922-1, M.B. 273, PAGES 7-11

REVISIONS				
NO	DESCRIPTION	BY	APPROVED	DATE

PREPARED FOR: DAVID WIENER  
 DRAWN BY: K.B.O. SCALE: 1" = 40'  
 CHECKED BY: E.J.B. JOB NO: 204774 SHEET: 1 OF 1  
 DISREGARD PRINTS BEARING EARLIER REVISION DATES: 08-03-21





# EXHIBIT E

## Community Meeting Notes

## **CONCERNS OF RESIDENTS**

- Will the project attract the homeless? “homeless will be here begging for money in our front yards”;
- Will increase crime in the neighborhood.
- Will attract rats, field mice.
- Trash will pile up and be thrown around.
- People will write graffiti on the wall that would be built.
- “Open access” makes it a huge problem.
- It will be a “huge speedway”.
- Currently the kids can’t play outside because of the traffic.
- Property values in the area will go down.
- “Trouble turning left already (onto Cedar), how much worse will it be?”
- Need a gate.
- Could be building a high school instead (41% of Bloomington residents have not graduated from high school);
- Need sewer to have more houses.

## **COMMENTS MADE BY RESIDENTS**

- Did not get the mailing, perhaps because the mailboxes in the area do not work.
- “Nobody wants this”.
- “Why not somewhere else?”.
- “Plenty of gas stations and restaurants (in the area) already”.
- “Do you think they want this shit in their front yard?”.
- Putting a gate would help to slow down traffic, as drivers frequently speed in the neighborhood.
- Will turn the area into an “industrial wasteland”.
- “Don’t want idiots in the neighborhood after getting their cheeseburger”;

## **COMMENTS MADE BY MAC REPRESENTATIVES**

- Do not believe the property values will go down.
- Money raised (tax dollars) is designated to stay in Bloomington.
- “Projects like this will bring in revenue (sales tax).
- Mr. Beard purchased the property, so it is his right to build on it what he thinks is best, which will hopefully also benefit the community.
- Money for the area can either come from the Developer’s pockets or the residents’ pockets.
- Warehouses will bring hundreds of jobs and services.

- Really not enough restaurants to eat in locally.
- The “Slover Development” did not negatively impact home values.
- Can negative impacts be mitigated?
- A wall will be put up, as well as landscaping, as a screen.
- There will be a presentation at a Municipal Advisory Council Meeting (“MAC”) (meetings held on the first Wednesday of every month at 6:30 p.m. );
- The MAC has no authority of its own.
- Residents plan to go to MAC meeting.

#### **COMMENTS BY MR. BEARD**

- I run a tight ship, so I can work to have things done well for the neighborhood.
- Groundbreaking won’t be for a while “probably a year away.”

#### **SUGGESTIONS FROM RESIDENTS**

- Take out access via Wrangler Drive to Cedar, since traffic is horrible there, and would get worse if this project goes through

# EXHIBIT F

## Project Notice Comments

From: jashua abba <jashua.abba@yahoo.com>  
Sent: Sunday, February 7, 2021 6:49 PM  
To: Liang, Aron  
Subject: Re: test

CAUTION: This email originated from OUTSIDE of the County of San Bernardino. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you suspect this is a phishing or malicious email, please contact your help desk for assistance.  
terrible Project.

I Adrian & Mary Cortez strongly oppose to the project # PROJ-2020-00166, due to the I live right across the street and as it is right now with all the warehouse we have terrible TRAFFIC, NOISE and now with this project will bring CRIME, HOMELESS and other negative impacts to our community.

ATT. Adrian & Mary Cortez.

On Thursday, 4 February 2021, 04:12:59 pm GMT-8, Liang, Aron <aron.liang@lus.sbcounty.gov> wrote:

test

Aron Liang  
Senior Planner  
Land Use Services Department  
Phone: 909-387-0235  
Fax: 909-387-3223  
385 N. Arrowhead Ave  
San Bernardino, CA, 92415-0187

Our job is to create a county in which those who reside and invest can prosper and achieve well-being.  
[www.SBCounty.gov](http://www.SBCounty.gov)

County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

From: Kelly Buell <kellybuell29@yahoo.com>  
Sent: Monday, February 8, 2021 8:49 AM  
To: Liang, Aron  
Subject: PROJ-2020-00166 / 0257-211-01, 02, 03 AND 057-221-01

CAUTION: This email originated from OUTSIDE of the County of San Bernardino. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you suspect this is a phishing or malicious email, please contact your help desk for assistance.  
Good Morning,

I wanted to get some information on a notice that I recieved in the mail regarding a proposed project. It states that they are planning to put in a gas station and 4 drive-thur resturants on Cedar Avenue, Southeast corner of Slover. I live in that housing tract that is right there and have lived there since the home was built. There is so much traffic on Cedar Ave already and can't imagine how much negativtie this would bring to our neighborhood. With all the traffic, the trash, the roatents from restaurants, and all the homeless that is already camped out on the freeway off ramps would be hanging out there. I find this truly unsettling and unsafe for the residents in our housing track. How do we stop this from going forward?

Thanks  
Kelly Buell  
909-714-8005

From: Ngo, Minh T@DOT <minh.ngo@dot.ca.gov>  
Sent: Wednesday, February 10, 2021 7:26 AM  
To: Liang, Aron  
Subject: PROJ-2020-00166

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Hi Aron,

I, Minh Ngo oppose the project number PROJ-2020-00166 due to the negative traffic, noise and other negative impacts it will bring to our community.

Sincerely,  
Minh Ngo.



From: Sally Enriquez <workbumsx2@aol.com>  
Sent: Tuesday, February 16, 2021 7:18 PM  
To: Liang, Aron  
Subject: PROJ-202000166

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I, ricardo enriquez, OBJECT to :

PROJECT NUMBER: PROJ-2020-0016  
ASSESSOR PARCEL: 0257-211-01, 02, 03 and 057-221-01

I OBJECT TO THIS  
PROPOSAL

RICARDO ENRIQUEZ  
10541 DREAM ST  
BLOOMINGTON CA 92316

From: ph132nt <ph132nt@gmail.com>  
Sent: Monday, February 15, 2021 7:05 PM  
To: Liang, Aron  
Subject: PROJ-2020-00166

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Hi Aron,

We are the track home owners at the south east corner of Cedar Ave. and Slover Ave.

We are opposed to the above project due to negative traffic, noise, negative health air quality environment and negative impact on our properties/homes values.

Sincerely,

Ngo.

From: Sally Enriquez <curlenri@gmail.com>  
Sent: Tuesday, February 16, 2021 4:42 PM  
To: Liang, Aron  
Subject: Project :2020-00166 assessor parcel 0257-211-01, 02,03 057-221-01

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I Sally Enriquez oppose the project of the southeast corner of slover and cedar ave and wrangler dr. And cedar ave. Bloomington.

Due to negative traffic,noise, and other negative impact it will bring to our community.

I request to be notified of the decision rendered for this project.

Thank you

Sally Enriquez

Email:curlenri@gmail.com

From: Lili G. <liliangelicagonzalez@gmail.com>  
Sent: Wednesday, February 17, 2021 11:58 AM  
To: Liang, Aron  
Subject: Fwd: Project number: PROJ-2020-00166

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Sent from my iPhone

Begin forwarded message:  
From: "Lili G." <liliangelicagonzalez@gmail.com>  
Date: February 16, 2021 at 4:28:33 PM PST  
To: arron.liang@lus.sbcounty.gov  
Subject: Project number: PROJ-2020-00166  
To Mr Aron,

My name is Lilia Gonzalez, I am writing to make my vote and opinion known for Project number: PROJ-2020-00166.

I am one of the original home owners of the track homes built by Young Homes located in the South East corner of Cedar and Slover.

When we purchased our home we were told that the two lots in front of the track were donated to the county of San Bernardino and there were plans on building a library. I am 100% against this project.

It's been more than 20 years now and now we get the disturbing notice of building fueling stations and restaurants?! This is utterly preposterous to my family and the neighbors I've spoken to. I am 100% Shane's this project.

My neighbors and my family are trying to build up the community and upkeep the neighborhood with positive things. We don't want our neighborhood turned into a commercialized area.

Bringing more convenience stores that sell tobacco and liquor products to the neighborhood is only good to add to the type of people that hang it outside store with negative motives. We want to add productive and positive things to the neighborhood, not add more of what brings good communities down. This will not only add to negativity to neighborhood, this would bring the priority value of the homes and community down.

We also already have plenty of restaurants about one mile away. Staying on the main Street Sierra for the addition of restaurants seems more appropriate than bringing it directly in contact with neighboring homes.

We already have heavily congested traffic area on Cedar, especially during regular traffic commuting hours. There is plenty of accident history due to the heavily trafficked area during rush hours. Adding fueling stations and restaurants are only going to add the the problem make it more unsafe for the children, pedestrians and commuters in the area.

Also adding poor air quality to an already heavily congested area due to a high amount

of commercial trucks already driving through the neighborhood and and the train nearby Orange Street.

Kids and families are developing poor health problems due to a more congested area of commercial vehicles constantly coming in and out of this community. The air quality has worsened and adding more industrial business to come into the neighborhood is going to exacerbate the problem health problems.

Instead, I vote for projects that bring positivity into the community. For example, Education of some sort to add to the community bringing all the neighbors together in positive environment for the future of our children. Also adding to growth that our community and environment would all like to live in, adding to the value of the properties and communities.

Thank you,  
Lilia Gonzalez  
Sent from my iPhone

From: Maria Toth <maria.toth@toyotasb.com>  
Sent: Wednesday, February 17, 2021 6:26 PM  
To: Liang, Aron  
Cc: Maria\_paultoth  
Subject: PROJ-2020-00166, PARCEL# 0257-211-01,02,03 & 057-221-01

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Dear Mr. Liang,

My name is Maria Toth, my husband Paul Toth and I own a home on Buckskin Dr., Bloomington, CA. I am sorry for the late response on your notification but we just received the notice. We have been at our residence since 1999. When we began our purchasing process with Young Homes, they told us that the parcel was going to become the Bloomington Area Library.

Over the years and speaking with our neighbors that all purchased during Young Homes building, had all been given a different story as to what the property would be used as. I think we all thought it eventually would become additional homes.

I can't believe the county would agree in putting a gas station, convenience store and several restaurant drives is such a small parcel. We have enough issues in our neighborhood. People break into our mail boxes and stealing our mail. The neighbors have to pitch in to replace those central mail boxes, the post office won't pay for them. We have transients that walk around and homeless that live around the train rails. To top it off, it would be next to a school. I know it's no longer a junior high but a continuation school, I think we would be giving those kids more reason to skip school WHEN we go back to our normal lives.

NOW....the next issue TRAFFIC. During peak ours it is tough to get into the homes. Driving south on Cedar turning onto Wrangler is impossible, unless you have a nice person that will leave an opening to be able to drive through. Or driving north on Cedar to get to Wrangler is a wait. With all that is wanting to go there we will never be able to use that entrance or exit. We already have had a route changed when the county put in the center dividers.

PLEASE, please, please really think about what the county wants to do to our area. We were a very nice area when we first moved in, way back when. And would like to keep it a nice and clean area to live in. But I feel the county wants Bloomington to become totally industrial or commercial.

Thank you for your time.

Sincerely,

Maria & Paul Toth  
18772 Buckskin Dr.  
Bloomington, CA 92316

maria\_paultoth@yahoo.com

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