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**RESOLUTION NO. R-100-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #20080411067) PREPARED FOR COLTON'S HUB CITY CENTRE SPECIFIC PLAN, ADOPTING THE CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.**

**WHEREAS**, the City of Colton ("City") has completed an amendment to the West Valley Specific Plan ("project"), to establish a new vision, land uses, development standards and design criteria to guide growth and development in the City's West Valley area; and

**WHEREAS**, the project replaces the previous West Valley Specific Plan in its entirety, and renames it to "Colton's Hub City Centre Specific Plan;" and

**WHEREAS**, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the project; and

**WHEREAS**, the City issued a Notice of Preparation ("NOP") of a Draft EIR on or about April 11, 2009, and circulated it for a period of 30 days pursuant to State CEQA Guidelines sections 15082, subdivision (a) and 15375; and

**WHEREAS**, the City solicited comments from potential responsible and trustee agencies and members of the public; and

**WHEREAS**, the City received written comments in response to the NOP, which assisted the City in narrowing the issues and alternatives for analysis in the Draft EIR; and

**WHEREAS**, on or about September 22, 2009, the City initiated a 45-day public review period by filing a Notice of Completion and Availability with the State Office of Planning and Research ("State Clearinghouse") and releasing a Draft EIR for public review and comment; and

**WHEREAS**, on or about May 27, 2014, the City initiated a second 45-day public review period by filing a Notice of Completion and Availability with the State Office of Planning and Research ("State Clearinghouse") and releasing a revised Draft EIR for public review and comment; and

**WHEREAS**, pursuant to CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and the public during the second 45-day comment period initiated on or about May 27, 2014; and

**WHEREAS**, the City received written comments during the second public review period for the Draft EIR; and

1           **WHEREAS**, the City has prepared a Final EIR, consisting of comments received during  
2 the second 45-day public review and comment period on the revised Draft EIR, written responses  
3 to those comments, and revisions and errata to the Draft EIR. For the purposes of this Resolution,  
4 the “EIR” shall refer to the Draft EIR, as revised by the Final EIR’s errata section, together with  
5 the other sections of the Final EIR; and

6           **WHEREAS**, environmental impacts, including environmental impacts identified in the  
7 Final EIR as potentially significant but which the City finds can be substantially lessened through  
8 the imposition of feasible mitigation measures identified in the Final EIR and set forth in Exhibit  
9 A, attached hereto; and

10           **WHEREAS**, the specific overriding economic, legal, social, technological or other  
11 benefits of the project which outweigh the significant effects on the environment are also set forth  
12 in Exhibit A, attached hereto; and

13           **WHEREAS**, the Mitigation Monitoring and Reporting Program sets forth the mitigation  
14 measures to which the City shall bind itself in connection with this project and is attached hereto  
15 as Exhibit B; and

16           **WHEREAS**, on August 27, 2014 and September 9, 2014, the Planning Commission  
17 conducted a duly noticed public hearing on the project, at which time all persons wishing to  
18 testify were heard and the project was fully considered; and

19           **WHEREAS**, at the close of its September 9, 2014 hearing, the Planning Commission  
20 recommended that the City Council certify the EIR for the project, adopt the CEQA Findings and  
21 Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting  
22 Program, and approve the project; and

23           **WHEREAS**, on October 7, 2014, the City Council of the City of Colton held a public  
24 hearing to discuss the Planning Commission’s recommendations and to consider the project, and  
25 at such hearing the City Council heard all persons interested in or opposed to the EIR and/or the  
26 project; and

27           **WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the  
28 basis for its decision on the project; and

**WHEREAS**, all the requirements of CEQA and the State CEQA Guidelines have been  
satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially  
significant environmental effects of the project have been adequately evaluated; and

**WHEREAS**, the EIR prepared in connection with the project sufficiently analyzes both  
the feasible mitigation measures necessary to avoid or substantially lessen the project’s potential  
environmental impacts and a range of feasible alternatives capable of eliminating or reducing  
these effects in accordance with CEQA and the State CEQA Guidelines; and

**WHEREAS**, all of the findings and conclusions made by the City Council pursuant to  
this Resolution are based upon the oral and written evidence presented to it as a whole and not  
based solely on the information provided in this Resolution; and

1  
2       **WHEREAS**, prior to taking action, the City Council has heard, been presented with,  
3 reviewed and considered all of the information and data in the administrative record, including  
4 the Final EIR, and all oral and written evidence presented to it during all meetings and hearings,  
5 all of which is incorporated herein by this reference; and

6       **WHEREAS**, the Final EIR reflects the independent judgment of the City and is deemed  
7 adequate for purposes of making decisions on the merits of the project; and

8       **WHEREAS**, the City has not received any comments or additional information that  
9 produced substantial new information requiring recirculation or additional environmental review  
10 under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section  
11 15088.5; and

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

13       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE**  
14 **CITY COLTON:**

15       **SECTION 1.** The City Council of the City of Colton finds that it has reviewed and  
16 considered the Final EIR in evaluating the project, that the Final EIR is an accurate and objective  
17 statement that was completed in full compliance with CEQA and the State CEQA Guidelines and  
18 that the Final EIR reflects the independent judgment of the City.

19       **SECTION 2.** The City hereby adopts the CEQA Findings of Fact and Statement of  
20 Overriding Considerations attached hereto as Exhibit A and incorporated by this reference as if  
21 fully set forth herein.

22       **SECTION 3.** The City hereby adopts, pursuant to Public Resources Code section  
23 21081.6, the Mitigation Monitoring and Reporting Program contained in the Final EIR attached  
24 hereto as Exhibit B and incorporated herein by this reference. The City finds that the Mitigation  
25 Monitoring and Reporting Program is designed to ensure that, during the implementation on the  
26 project, the City and any other responsible parties implement the components of the project and  
27 comply with the mitigation measures identified in the Mitigation Monitoring and Reporting  
28 Program. The mitigation measures contained in the Mitigation Monitoring and Reporting  
Program are adopted as conditions of approval of the project.

**SECTION 4.** The City hereby certifies the Environmental Impact Report for Colton's  
Hub City Centre Specific Plan.

**SECTION 5.** The documents and materials that constitute the record of proceedings on  
which the CEQA Findings in Exhibit A of this Resolution have been based are located at 650 N.  
La Cadena Drive, Colton, CA 92324. The custodian for these records is Mark Tomich, City of  
Colton. This information is provided in compliance with Public Resources Code section 21081.6.

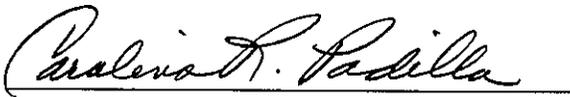
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**SECTION 6.** The City Council hereby authorizes and directs staff to draft, execute, and file a Notice of Determination with the San Bernardino County Clerk and the Office of Planning and Research within five (5) working days of the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of October, 2014.

  
SARAH S. ZAMORA  
Mayor

ATTEST:

  
CAROLINA R. PADILLA  
City Clerk

City of Colton  
Colton's Hub City Centre Specific Plan  
Environmental Impact Report

Findings of Fact  
and  
Statement of Overriding Considerations

SCH No. 2008041067

September 3, 2014

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This document is designed for double-sided printing to conserve natural resources.

# **Table of Contents**

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Introduction and Purpose ..... 2

Section 1: Findings ..... 4

Section 2: Resolution Regarding Environmental Impacts Not Requiring Mitigation ..... 4

Section 3: Resolution Regarding Environmental Impacts Mitigated to a Level of Less than Significant

Section 4: Resolution Regarding Environmental Impacts not Fully Mitigated to a Level of Less than Significant ..... 62

Section 5: Resolution Regarding Cumulative Environmental Impacts ..... 64

Section 6: Resolution Regarding Significant Irreversible Environmental Changes ..... 65

Section 7: Resolution Regarding Growth-Inducing Impacts ..... 67

Section 8: Resolution Regarding Alternatives ..... 67

Section 9: Resolution Adopting a Statement of Overriding Considerations ..... 80

### ***Introduction and Purpose***

The *Project* addressed in these Findings of Fact is Colton's Hub City Centre Specific Plan Final Environmental Impact Report that includes the Draft EIR as revised by the Final EIR, comments on the draft EIR and the City's responses, and a Mitigation Monitoring and Reporting Program.

The California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.) Section 21081 requires the Lead Agency (here, the City of Colton) to issue written findings for significant impacts identified in the Final Environmental Impact Report (FEIR), accompanied by a brief rationale for each finding. Section 15091 of the CEQA Guidelines states that:

- (a) *No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding: The possible findings are:*
- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.*
  - (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
  - (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.*

In accordance with Section 21081 of the CEQA Statutes, whenever significant impacts cannot be substantially mitigated and remain unavoidable, the benefits of the proposed project must be balanced against the unavoidable environmental consequences in determining whether to approve the project. The Lead Agency must make Findings of Fact and adopt a Statement of Overriding Considerations where the decision of the Lead Agency allows the occurrence of significant effects that are identified in the EIR, but are not substantially mitigated.

This document sets forth the City of Colton's Findings and Statement of Overriding Considerations pursuant to Section 21081 of the CEQA Statutes, as supported by substantial evidence in the record.

The Environmental Impact Report for the project, including the Draft EIR, as revised by the Final EIR's errata section, together with the other sections of the Final EIR, is incorporated in its entirety into these Findings as if fully set forth herein.

### **Mitigation Monitoring Reporting Program**

As required by CEQA Statute 21081.6, a program for reporting on and monitoring project mitigation will be adopted by the Lead Agency.

### **Location of Documents**

The Draft EIR, Final EIR, and administrative record for the Colton's Hub City Center Specific Plan are available for review upon request at:

City of Colton  
Development Services Department  
659 North La Cadena Drive  
Colton, California 92324

### **Discussion of Findings**

Where—as a result of the environmental analysis of the project and the identification of development regulations and design guidelines; compliance with existing laws, codes, and statutes—impacts have been determined by the City to be less than significant and, therefore, do not require mitigation, such a finding, as well as a finding in the EIR of no impact, is referred to herein as **Finding 1**.

Where—as a result of the environmental analysis of the project and the identification of feasible mitigation measures in addition to development regulations and design guidelines—potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” Such a finding, as well as a finding in the EIR of less than significant impact with mitigation incorporated, is referred to herein as **Finding 2**.

Where, as a result of the environmental analysis of the project, the City has determined that a) even with the identification of project development regulations and design guidelines, compliance with existing laws, codes and statutes, and/or the identification of feasible

mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant or b) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” Such a finding is referred to herein as **Finding 3**.

References for discussion of environmental impacts within the EIR are noted with each finding. Impact numbers refer to the section number and the threshold letter referenced in the Draft EIR where the full discussion of impacts is included.

### ***Section 1: Findings***

At a session assembled on \_\_\_\_\_, the City Council determined that, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: 1) less than significant and do not require mitigation; 2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures or 3) significant and unavoidable and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

### ***Section 2: Resolution Regarding Environmental Impacts Not Requiring Mitigation***

The City Council hereby finds that the following potential environmental impacts associated with the implementation of the CHCCSP are less than significant and therefore do not require the imposition of Mitigation Measures.

#### **A. Aesthetics**

##### ***1. Impacts 4.1.3.2.a and 4.1.3.2.b***

Implementation of the proposed CHCCSP will not result in a significant adverse effect on scenic vistas or scenic resources. (Draft EIR, 4.1-3-5.)

##### ***Substantial Evidence***

Evidence supporting the fact that no significant environmental effects would occur as a result of the project are identified in Impacts 4.1.3.2.a and 4.1.3.2.b in Section 4.1 of the EIR. Development regulations, as set forth in Chapter 4 of the CHCCSP, would guide the development of future projects in the project area. Building setbacks for non-residential buildings from public streets could range from 20 to 35 feet, and from other types of uses

between 10 to 25 feet. This would allow mountain views from residential and public areas (i.e., streets and parks) to be maintained in view corridors while still allowing development of business park, office and retail uses. The project area would be similar in appearance to the Ontario area along the I-10 freeway west of the City of Colton where office buildings, business parks, and other commercial uses have been developed. In that example, views of the mountains from the I-10 freeway have been maintained due to both the height of buildings and setbacks allowing view corridors along streets as well as the distance of several miles between the viewer and the mountains. Compliance with Development Regulations would ensure that impacts on scenic vistas would be less than significant.

Development under the proposed CHCCSP would not substantially reduce scenic resources that can be observed within a State scenic corridor because; 1) there are no distinctive scenic resources within the project area; and 2) the project area is not near a State scenic highway. Specific scenic vistas, scenic highways, or other scenic resources are not identified by the City's General Plan, the West Valley Specific Plan or the West Valley Specific Plan Mitigated Negative Declaration. In addition, there are no other scenic resources within the project area, much of which has been subject to illegal dumping and includes several abandoned and dilapidated buildings.

*Finding*

Regarding Impacts 4.1.3.2.a and 4.1.3.2.b, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no significant impact to scenic vistas or scenic resources.

**B. Agricultural and Forestry Resources**

**1. Impact 4.2.3.2.a through e**

Implementation of the proposed CHCCSP will not convert farmland or conflict with existing zoning for agricultural use, or conflict with existing zoning for, or cause rezoning of forest land and impacts would be less than significant. (Draft EIR, 4.2-3-4.)

*Substantial Evidence*

Evidence supporting the fact that no significant environmental effects would occur as a result of the project are identified in Impacts 4.2.3.2.a, 4.2.3.2.b, 4.2.3.2.c, 4.2.3.2.d, 4.2.3.2.e in Section 4.2 of the EIR. New projects in the CHCCSP project would not result in any new conversion of farmland not previously identified and analyzed by the California Department of Conservation (CDC). In addition, areas surrounding the project area are also designated as Urban and Built-Up Land and Other Land. The project area is not classified as having prime farmland or farmland of local significance. Therefore, implementation of new development projects in the CHCCSP project area will not convert farmland to a non-agricultural use.

The proposed CHCCSP Project Area is currently governed by the West Valley Specific Plan (WVSP) and carries a zoning of Specific Plan. The WVSP Planning areas allow for a mix of urban uses including commercial, professional office, business park, etc.; therefore, the proposed CHCCSP does not conflict with any areas zoned forest land or timberland zoned areas. Additionally, no sites in the CHCCSP project area are currently under a Williamson Act Land Conservation Contract. Development of new projects in the CHCCSP project area would not result in any new conversion of forest land not previously identified and analyzed by the California Department of Forestry and Fire Protection (CALFIRE) and the United States Forest Service because the area is not located in a designated forest area, and exhibits no natural forest features.

*Finding*

Regarding Impacts 4.2.3.2.a, 4.2.3.2.b, 4.2.3.2.c, 4.2.3.2.d, and 4.2.3.2.e, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no significant impact to agricultural or forest resources.

**B. Air Quality**

**1. Impact 4.3.3.2.e**

The proposed CHCCSP would result in less than significant impacts from objectionable odors during both construction and project operations. (Draft EIR, 4.3-40–41.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.3.3.2.e will be less than significant is provided in Section 4.3 of the EIR. Analysis of impact 4.3.3.2.e indicates the potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement and diesel exhaust emissions. The objectionable odors that may be produced during the construction process are short-term in nature and the odor emissions are expected to cease upon the drying or hardening of the odor producing materials. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the proposed project. Potential sources that may emit odors during the on-going operations of the proposed project would include odor emissions from diesel truck emissions and trash storage areas. Due to the distance of the nearest receptors from the project site and through compliance with SCAQMD's Rule 402, no significant impact related to odors would occur during the on-going operations of the proposed project.

*Finding*

Regarding Impact 4.3.3.2.e, the City hereby makes **Finding 1** that implementation of existing policies will reduce potentially significant impacts from objectionable odors during short term construction activities to less than significant levels.

## C. Biological Resources

### 1. *Impact 4.4.3.3.b and 4.4.3.3.c*

Implementation of the proposed CHCCSP will not result in significant impacts to riparian and wetland habitat and will not require mitigation measures. (Draft EIR, 4.4-20–21.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in 4.4.3.3.b and 4.4.3.3.c would be less than significant is contained in Section 4.4 of the EIR. The analysis indicates that there are no riparian habitat, wetlands or other jurisdictional water occurring within the CHCCSP project area. Evidence is based on field surveys and a report prepared for the Delhi Sands Flower-loving Fly (DSF) Habitat Conservation Plan which encompasses the majority of the CHCCSP project area. This report is appended to the EIR (Appendix C). Further, as properties are developed in the CHCCSP project area, each project proponent will be responsible for the control of runoff from individual properties. Compliance with the regulatory requirements set forth by the State Water Resources Control Board and the Regional Water Quality Control Board will ensure that impacts on water quality associated with runoff from development sites would be less than significant.

#### *Finding*

Regarding Impact 4.4.3.3.b and 4.4.3.3.c, because urban stormdrains ultimately transport stormwater runoff to the Santa Ana River, the City hereby makes **Finding 1**, that compliance with regulatory requirements set forth by the State Water Resources Control Board and the Regional Water Quality Control Board would ensure that impacts associated with urban runoff from development sites would be less than significant with compliance with approved Stormwater Pollution Prevention Plans (SWPPP) and site specific Water Quality Management Plans (WQMP).

### 2. *Impact 4.4.3.3.d*

The CHCCSP project would not result in significant impacts to wildlife migration or movement. (Draft EIR, 4.4-21.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in 4.4.3.3.d will not impact wildlife migration is provided for in Section 4.4 of the EIR. Although the project area is characterized by several acres of undeveloped vacant land, it does not represent a wildlife corridor because it is surrounded on all sides by urban uses including the I-10 freeway. Therefore, impacts this regard would be less than significant.

*Finding*

Regarding Impact to 4.4.3.3.d, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no significant impact on wildlife corridors or migration.

**3. Impact 4.4.3.3.e**

No impacts to regional or local policies or ordinances regarding habitat conservation would occur. (Draft EIR, 4.4-21.)

*Substantial Evidence*

Evidence supporting the fact that implementation of the CHCCSP will not have an impact on any regional or local policies or ordinances is provided for in EIR Section 4.4. There are no local policies protecting biological resources in the project area. The County of San Bernardino has not yet formulated a regional Multi-Species Habitat Conservation Plan (MSHCP) for the area. The City of Colton does not have a local policy or ordinance for the protection of wildlife resources and relies on the State and federal Endangered Species Act where applicable.

*Finding*

Regarding Impact 4.4.3.3.e, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no impact on regional or local policies.

**4. Impact 4.4.3.3.f**

No significant impacts related to conflicts to the proposed CHCCSP and existing habitat conservation plans will occur as a result of the project. (Draft EIR, 4.4-21–22.)

*Substantial Evidence*

Evidence supporting the fact that environmental effects identified in Impact 4.4.3.3.f will be less than significant is provided in Section 4.4 of the EIR. Impact 4.4.3.3.f indicates that there are currently no local or regional habitat conservation plans that apply to the proposed site. Development within the CHCCSP project area would be subject to restriction of the proposed DSF HCP, including restoration of habitat in conservation areas, offsite mitigation, and/or proposed mitigation fees that will be imposed on developers.

*Finding*

Regarding Impact 4.4.3.3.f, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no significant impact on existing policies of habitat conservation plans.

## D. Geology and Soils

### 1. Impacts 4.6.3.2.a.i, 4.6.3.2.a.ii, 4.6.3.2.a.iii and 4.6.3.2.a.iv

The project has a low potential to expose people or structures to risks associated with the rupture of a known earthquake fault, seismic groundshaking, liquefaction, or landslides and, therefore, impacts would be less than significant. (Draft EIR, 4.6-6–7.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.6.3.2.a.i, ii, and iv, will be less than significant is provided in Section 4.6 of the EIR. The Geotechnical Assessment prepared by Petra for the CHCCSP project area indicates that the project area is not within an earthquake fault zone, although, the Air Photo Lineament Analysis revealed a very weak tonal and possibly geomorphic lineament in the eastern portion of the project area (Exhibit 4.6-5). Response to this possibility came with a trench analysis performed in 1991 on the ARMC site in which no surface ruptures were encountered. Therefore, based on Petra's review and analysis of existing data, the potential for fault surface rupture across the project area is very low.

However, the project area will probably experience ground shaking from local and regional earthquakes during the life of the proposed development. Furthermore, it should be recognized that the southern California region is an area of moderate to high seismic risk and that it is not considered feasible to make structures totally resistant to seismic related hazards. Structures within the project area should be designed and constructed to resist the effects of seismic ground motions as provided in Sections 1626 through 1633 of the 2007 California Building Code (CBC). The method of design will be dependent on the seismic zoning, site characteristics, occupancy category, building configuration, type of structural system, and building height.

The Geotechnical Assessment also concluded that the CHCCSP project area is not located within a liquefaction zone. In addition, groundwater in the region is located at a depth of greater than 50 feet in which loose silts and sands are not expected to be encountered beneath the project area during rough grading operations. Therefore, the potential for liquefaction to occur within the project area is generally considered low.

Lastly, the site is more than 10 miles south of the foothills comprising the San Gabriel Mountains with an overall slope of less than two percent; therefore, landslide potential is considered to be low.

#### *Finding*

Regarding Impact 4.6.3.2.a, the City hereby makes **Finding 1** that project impacts associated with the rupture of a known earthquake fault, seismic groundshaking, liquefaction, or landslides and, therefore, impacts would be less than significant.

## **2. Impact 4.6.3.2.b**

No significant impacts to soil erosion and topsoil loss would occur during construction or long-term operation of projects in the CHCCSP project area. (Draft EIR, 4.6-7–9.)

### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.6.3.2.b, will be less than significant is provided in Section 4.6 of the EIR. The analysis of impact 4.6.3.2.b concluded that implementation of the CHCCSP would be less than significant because future projects in the project area must comply with the water quality regulations in place for the preparation and implementation of SWPPPs during construction and WQMPs during long term operation of projects, and no additional mitigation is required.

Construction activities that disturb one acre or more (whether a single project or part of a larger development) are required to obtain coverage under the state’s NPDES General Permit for Dischargers of Storm Water Associated with Construction Activity. All future dischargers are required to obtain coverage under the Construction General Permit, whereas currently dischargers may elect to obtain coverage under the General Permit or under Individual Permits. The activities covered under the Construction General Permit include clearing, grading, and other disturbances. The permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of BMPs and a monitoring program. Construction activities associated with development in the project area would involve vegetation removal, grading, and excavation activities that could expose barren soils to sources of wind or water, resulting in erosion and sedimentation in and out of the project area. Typical BMPs intended to control erosion include sand bags, detention basins, silt fencing, landscaping, hydro-seeding, storm drain inlet protection, street sweeping, and any other measures to minimize and control construction and post-construction runoff to the “maximum extent practicable.” When nearing project completion, an applicant will be required to submit a Water Quality Management Plan (WQMP) which includes post construction BMPs to be implemented and managed during the life of the project to ensure compliance with RWCQB water quality standards.

### *Finding*

Regarding Impact 4.6.3.2.b, the City hereby makes **Finding 1** that implementation of existing requirement for water quality management during construction and long-term operation of projects within the CHCCSP project area will have no impact.

## **3. Impact 4.6.3.2.e**

No impact related to soils and septic systems will occur. (Draft EIR, 4.6-12.)

*Substantial Evidence*

Evidence supporting the fact that there are no environmental effects identified in Impact 4.6.3.2.e is provided in Section 4.6 of the EIR. Analysis of Impact 4.6.3.2.e concluded that since the Specific Plan Master Sewer Plan sewer lines for hook-up to all phases of development will be provided, the need for septic tank, soil supporting capabilities is nullified.

*Finding*

Regarding Impact 4.6.3.2.e, the City hereby makes **Finding 1** that implementation of the CHCCSP would result in no impact because no septic systems will be allowed, as sewer hookup will be available.

**E. Hazardous and Hazardous Materials**

**1. Impacts 4.8.3.2.a and 4.8.3.2.b**

The project construction would not result in significant impacts from hazards caused by the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Draft EIR, 4.8-14–15.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects from construction identified in Impacts 4.8.3.2.a, b will be less than significant is provided in Section 4.8 of the EIR. This analysis indicates project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. Potential significant impacts during construction activities are considered less than significant.

*Finding*

Regarding Impacts 4.8.3.2.a, b, the City hereby makes **Finding 1** that implementation of the CHCCSP would result in no significant impact resulting from hazards during project construction.

**2. Impact 4.8.3.2.h**

Impacts due to wildland fires will be less than significant. (Draft EIR, 4.8-21.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.8.3.2.h will be less than significant is provided in Section 4.8 of the EIR. Analysis of impact 4.8.3.2.h indicates that implementation of the CHCCSP would not result in a substantial impact from wildland fires because the project area is not located in a wildland-urban interface to mountains or desert regions. Any brush fires that may occur can quickly be addressed due to the availability of fire protection services.

*Finding*

Regarding Impact 4.8.3.2.h, the City hereby makes **Finding 1** that implementation of the CHCCSP would result in no significant impact because the project area is not located in a wildland-urban interface.

**F. Hydrology and Water Quality**

**1. Impact 4.9.3.2.b**

Impacts related to overdrafting or groundwater resources and depletion of groundwater supplies will be less than significant with application of existing standards and regulations. (Draft EIR, 4.9-18.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.9.3.2.b will be less than significant is provided in Section 4.9 of the EIR. Water availability for the western section of the project area (west of Pepper Avenue) will be provided by West Valley Water District's existing groundwater wells, while the eastern section of the project area (east of Pepper Avenue) will be provided by the City of Colton's existing groundwater wells. Both agencies currently extract groundwater from the San Bernardino, Colton, and Riverside Basin Areas and receive surface water from the State Water Project (SWP). Analysis of impact 4.9.3.2.b indicates that implementation of the CHCCSP would not result in a substantial impact to groundwater levels based on the analysis of Water Supply Assessment (WSA) reports for the West Valley Water District and the City of Colton Water District. It is the conclusion of both water agencies that water supply needs for future development within the WVSPA project area can be met with existing water supplies which consist of a combination of surface water and ground water. Impacts would be less than significant.

*Finding*

Regarding Impact 4.9.3.2.b, the City hereby makes **Finding 1** that implementation of developments within the CHCCSP will not significantly impact groundwater supply or either district's recharge capabilities.

**2. Impacts 4.9.3.2.g, 4.9.3.2.h, 4.9.3.2.i, 4.9.3.2.j**

Impacts due to the placement of housing within 1- year flood zones and impacts related to flood and other water hazards will be less than significant with implementation of existing City regulations. (Draft EIR, 4.9-21–22.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.9.3.2.g, 4.9.3.2.h, 4.9.3.2.i, and 4.9.3.2.j will be less than significant is provided in Section 4.9 of the EIR. The analysis indicates that the project area has a low probability to flooding and is not located in an established flood zone, or near a body of water that could surge during an earthquake causing a seiche or tsunami. Further, all existing storm drains (i.e., Colton drain) and channels (i.e., Rialto Channel) are located underground or below surface levels, and future storm drain will also be located underground. On individual project sites that are larger (multi-acre), on-site retention basins may be required on a project by project basis; these basins are generally shallow and can be designed with adequate freeboard to retain a 100-year flood. There is a retention basin proposed in planning areas 20 at the southwest corner of Pepper Avenue and Valley Blvd. Therefore, the project area’s exposure to levees or dams for storm drainage control is less than significant. Furthermore, the establishment of proposed storm drainage design and infrastructure to the project area would eliminate the possibility of the project of being located in a flood zone.

*Finding*

Regarding Impacts 4.9.3.2.g, 4.9.3.2.h, 4.9.3.2.i, and 4.9.3.2.j the City hereby makes **Finding 1** that the project area is not located in an established floodzone and is not located near a large body of water that could constitute a hazard during a seismic event.

**G. Land Use and Planning**

**1. Impact 4.10.3.3.a**

No Impact will occur as the CHCCSP will not result in a division of an established community. (Draft EIR, 4.10-20–21.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.10.3.3.a will be less than significant is provided in Section 4.10 of the EIR. Analysis of impact 4.10.3.3.a indicates that implementation of the CHCCSP would not result in any new land uses, infrastructure, or transportation routes that would divide an existing community. The project area is not considered a community because the CHCCSP will allow in-fill development and

redevelopment of existing underutilized properties in the project area, leaving existing residential and commercial uses intact. No impacts would occur.

*Finding*

Regarding Impact 4.10.3.3a, the City hereby makes **Finding 1** that implementation of the CHCCSP would result in no impact to new land uses infrastructure, or transportation routes resulting in division of one existing community.

**2. Impact 4.10.3.3.c**

Impacts related to conflicts with any applicable habitat conservation plans or natural community conservation plans will be less than significant. (Draft EIR, 4.10-26–27.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.10.3.3.c will be less than significant is provided in Section 4.10 of the EIR. Analysis of impact 4.10.3.3.c indicates that the West Valley HCP calls for conservation of 48.8 acres of DSF habitat within the CHCCSP project area plus an additional 0.6 acres of Open Space/Park to provide a bridge between planning areas 11 and 18 to allow DSF to migrate between the two conservation areas. Planning areas 3, 6, 11 and 18 will be set aside for Open Space/Habitat Conservation for the DSF, plus Planning Area 14 (Open Space/Park) for a total of 49 acres. The West Valley HCP will provide a total of 63.3 acres of permanent habitat in conservation including the 48.8 acres in the CHCCSP project area. The remaining acreage is located in the Hermosa Gardens Cemetery, and near the north east corner of Pepper Avenue and Valley Blvd (Hospital and Pepper Avenue Conservation Sites). Therefore, the project would not conflict with this plan.

*Finding*

Regarding Impact 4.10.3.3.c, the City hereby makes **Finding 1** that implementation of the CHCCSP will have no significant impact on existing habitat conservation plans.

**H. Mineral Resources**

**1. Impact 4.11.3.2.a**

Implementation of the CHCCSP will result in a less than significant loss of known mineral resources of value to the region and the state. (Draft EIR, 4.11-2–3.)

*Substantial Evidence*

Evidence supporting the fact that the environment effects identified in Impact 4.11.3.2.a will be less than significant is provided in Section 4.11 of the EIR. Analysis of impact 4.11.3.2.a indicates that implementation of the CHCCSP would not result in a substantial impact to a State or regionally important mineral resource. According to the California Department of

Conservation's Mineral Land Classification report, the project site is in an area that has been classified as MRZ-3. The likelihood of extracting unknown significant mineral resources residing on the project site is very low because of the proximity of existing urban land uses including the Arrowhead Regional Medical Center.

*Finding*

Regarding Impact 4.11.3.2.a, the City hereby makes **Finding 1** that implementation of the CHCCSP will not result in the loss of the ability to extract mineral resources.

**2. Impact 4.11.3.2.b**

No significant impact to locally important mineral resources or loss of a Mineral Resource Recovery Site will occur as a result of the implementation of the CHCCSP. (Draft EIR, 4.11-3.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.11.3.2.b will be less than significant is provided in Section 4.11 of the EIR. Analysis of impact 4.11.3.2.b indicates that there are no mining operations currently in the CHCCSP; nor does information suggest that mining operations have been conducted on or in close proximity of the Planning area in the past. Mining of aggregate material occurs south of the I-10 Freeway, in an established mining area, and also in nearby Lytle Creek to the northeast. Further north and east, aggregate mining occurs in the Santa Ana River. Therefore, there is adequate resources located in the region, such that implementation of the CHCCSP would not adversely affect a locally important mineral resource.

*Finding*

Regarding Impact 4.11.3.2.b the City hereby makes **Finding 1** that implementation of the CHCCSP would not result in the loss of a mineral resource recovery site.

**I. Noise**

**1. Impact 4.12.3.3.e and 4.12.3.3.f**

Implementation of the proposed CHCCSP would not expose people residing or working in the project area to airport noise. (Draft EIR, 4.12-37–38.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.12.3.3.e and 4.12.3.3.f will be less than significant is provided in Section 4.12 of the EIR. The project area is not located near any public or private airport or airstrip that could impact any land use within the planning area. Therefore, future development projects in the CHCCSP project area will not be adversely affected by airport or airstrip uses.

*Finding*

Regarding Impact 4.12.3.3.e and 4.12.3.3.f, the City hereby makes **Finding 1** that implementation of the CHCCSP would result in no adverse impact from airport noise.

**J. Population & Housing**

**1. Impact 4.13.3.2.a**

Implementation of the proposed CHCCSP would have less than a significant impact with regard to inducing population and housing growth. Using the City of Colton's 2013 average household size of 3.51, the proposed CHCCSP would add an estimated 965 new residents to the City's population through the development of new dwelling units. This represents 1.8 percent of the projected population in the City of Colton in 2020. (Draft EIR, 4.13-5.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.13.3.2.a will be less than significant is provided in Section 4.13 of the EIR. Analysis of impact 4.13.3.2.a indicates that the proposed project would provide a variety of housing opportunities as well as new jobs to a City struggling with the problem of keeping pace with Southern California Association of Governments Regional Housing Needs Assessment allocation for the City and actively seeking new business that would provide jobs for local residents. The CHCCSP project area will have a total of 42.1 acres in residential planning areas and include 275 dwelling units; approximately 223.3 acres of commercial retail, office and light industrial uses. Using the City of Colton's 2013 average household size of 3.51, the proposed CHCCSP would add an estimated 965 new residents to the City's population through the development of new dwelling units. This represents 1.8 percent of the projected population in the City of Colton in 2020. Therefore, this impact would be less than significant.

*Finding*

Regarding Impact 4.13.3.2.a, the City hereby makes **Finding 1** that implementation of the proposed CHCCSP will have less than a significant impact to housing and population growth.

**2. Impacts 4.13.3.2.b and 4.13.3.2.c**

The proposed CHCCSP would not result in displacement or demolition of permanent or temporary residential structures and impacts would be less than significant. (Draft EIR, 4.13-5-6.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.13.3.2.b and 4.13.3.2.c will be less than significant is provided in Section 4.13 of the EIR. Analysis of impacts 4.13.3.2.b and 4.13.3.2.c indicate the CHCCSP does not included any policies that are intended

to or would indirectly result in displacement or demolition of any residential structures. The limited number of existing dwelling units in the project area will be “grandfathered”. There are no plans to remove these houses, although the planning area where the houses are located is designated for Business Park uses. There are less than 20 properties that would be affected; therefore, this impact would not be substantial.

*Finding*

Regarding Impact 4.13.3.2.b and 4.13.3.2.c, the City hereby makes **Finding 1** that less than significant impacts would occur with regards to displacement of or demolition of any residential structures.

**K. Traffic and Circulation**

**1. Impact 4.15.3.2.c**

Impacts with respect to air traffic patterns would be less than significant. (Draft EIR, 4.15-32.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impact 4.15.3.2.c will be less than significant is provided in Section 4.15 of the EIR. Analysis of impact 4.15.3.2.c indicates that implementation of the CHCCSP would not result in a substantial impact to air traffic patterns given the distance to public and private airports and airstrips.

*Finding*

Regarding Impact 4.15.3.2.c, the City hereby makes **Finding 1** that implementation of the proposed CHCCSP would result in less than a significant impacts to air traffic patterns.

**2. Impact 4.15.3.2.d**

Impacts with respect to traffic hazards would be less than significant. (Draft EIR, 4.15-32–33.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impact 4.15.3.2.d will be less than significant is provided in Section 4.15 of the EIR. Analysis of impact 4.15.3.2.d indicates that implementation of the CHCCSP Circulation Plan allows for an additional road that would be developed within the proposed planning areas in order to provide adequate traffic circulation throughout the project area as well as connections to existing major streets and arterials. Impacts would be less than significant.

*Finding*

Regarding Impact 4.15.3.2.d, the City hereby makes **Finding 1** that implementation of the CHCCSP would be less than significant and not impact traffic circulation.

**L. Utilities and Service Systems**

**1. Impact 4.16.3.2.a**

Impacts related to the exceedance of wastewater treatment requirements of the Colton Wastewater Reclamation Facility will be less than significant based on existing City plans and regulatory requirements. (Draft EIR, 4.16-14–15.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.16.3.2.a will be less than significant is provided in Section 4.16 of the EIR. The City's Municipal Code requires incremental expansion of wastewater treatment facilities based on new development through the collection of Development Impact Fees. This ensures that adequate funding is available to meet future facilities' needs, should expansion be necessary.

*Finding*

Regarding Impact 4.16.3.2.a, the City hereby makes **Finding 1** that implementation of the CHCCSP would have a less than significant impact on wastewater treatment capacity.

**2. Impacts 4.16.3.2.b, 4.16.3.2.d, 4.16.3.2.e**

Impacts related to the potential future construction of water and wastewater infrastructure or expansion of existing facilities will be less than significant with implementation of existing City standards. (Draft EIR, 4.16-15–18.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in 4.16.3.2.b, 4.16.3.2.d, and 4.16.3.2.e will be less than significant is provided in Section 4.16 of the EIR. The City's updated WSA states that there is adequate water supply, for the next 20 years to serve the City of Colton, including new uses in the CHSCCSP project area. The developments in the project area will be conditioned to develop a recycled water system that is physically separate from the potable water system. All proposed sewer lines within the CHCCSP project area are designed for placement within the proposed dedicated street right-of-way; no additional right-of-way is required to provide sewage collection within the project area. The project engineer for the CHCCSP has identified existing facilities as well as proposed new facilities to support land uses within new planning areas.

*Finding*

Regarding Impact 4.16.3.2.b, 4.16.3.2.d, and 4.16.3.2.e, the City hereby makes **Finding 1** that implementation of the CHCCSP would have a less than significant impact on water and wastewater infrastructure.

**3. Impact 4.16.3.2.c**

Impacts related to storm drainage are evaluated in Section E Hydrology and Water Quality above.

**4. Impact 4.16.3.2.h**

Impacts related to unnecessary or wasteful use of energy will not have a significant effect on energy. (Draft EIR, 4.16-21–22.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in 4.16.3.2.h will not have significant effect on energy is provided in Section 4.16 of the EIR. Buildout under the proposed CHCCSP Land Use Plan would comply with applicable building codes including the California Green Building Code (CALGreen) as well as title 24 of the California Building Code.

*Findings*

Regarding Impact 4.16.3.2.h, the City hereby makes **Finding 1** that implementation of the CHCCSP have a less than significant use of energy.

**Section 3: Resolution Regarding Environmental Impacts Mitigated to a Level of Less than Significant**

**A. Aesthetics**

**1. Impacts 4.1.3.2.c and 4.1.3.2.d**

Impacts to visual character and light and glare will be less than significant with mitigation incorporated. (Draft EIR, 4.1-5–13.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.1.3.2.c and 4.1.3.2.d will be substantially lessened to a less than significant level with implementation of mitigation measures is provided in Section 4.1 of the EIR. The impacts analysis includes four measures to mitigate for potentially adverse impacts to aesthetic resources.

The Community Design Guidelines would be implemented in conjunction with the Development Regulations to create a village atmosphere with a Main Street, entertainment and hospitality component. Business Park, Retail and Office planning areas will be clustered along the main roadways of the project area particularly along Valley Blvd and Pepper Avenue. The layout of the project area allows land uses to be clustered with residences, park and recreation uses, and open space for habitat in the northwest quadrant of the project area and buffered from the I-10 freeway and Valley Blvd by Business Park uses. Each planning area is subject to site planning, architectural and landscape guidelines. Guidelines provide guidance on design of buildings resulting in a cohesive community. For instance, all residential areas will meet specific architectural standards. The massing and scale of the buildings will include a variation in rooflines, and to increase the attractiveness and also provide 360 degree architecture. However, the existing visual character of the area would be significantly altered. Mitigation measures AES-1 through AES-4 require project applicants to submit site specific landscape plans and lighting plans in addition to compliance with the Design and Development standards set forth in the CHCCSP to ensure visually cohesive and aesthetically pleasing development. Therefore, impacts on the visual character of the project area from future projects would be less than significant with mitigation.

The project has the potential to add significant new sources of light and glare as new uses are developed. Although stadium type lighting currently exists on site for night play on the golf course, mature trees partially screen the light surrounding the course, and the light is turned off at or after 7 pm, thus leaving the area dark at night. The County of San Bernardino's ARMC could be adversely affected by new business park, office or retail uses with regard to light and glare. Currently there are no land uses on either side of Pepper Avenue that would generate nighttime lighting of buildings or parking lots to be considered a nuisance to the ARMC. Likewise, lighting associated with development in the project could adversely affect the DSF and other species that will occupy the conservation planning areas.

Mitigation measure AES-3 requires that all new development projects in the project area prepare and submit lighting plans with their development plans. In addition in planning areas adjacent to the ARMC, AES-4 requires that lighting plans also be reviewed and approved by the San Bernardino County Land Use Services Department. Compliance with these measures will ensure that potential impacts on light and glare would be less than significant.

**AES-1** Applicants submitting development review applications on sites in the project area shall prepare and submit a landscape plan along with their site plan to the City of Colton that meets the requirements of the City Municipal Code and is consistent with the adopted Specific Plan Landscape Design Guidelines of the CHCCSP Project.

**AES-2** Landscaping and revegetation of graded areas shall occur as soon as practical after grading, to minimize the potential for erosion as well as to reduce the potential for visual and aesthetic impacts.

**AES-3** Applicants submitting development review applications on sites in the project area along with their site plans shall prepare and submit a Lighting Plan with photometric analysis to the City of Colton that identifies the proposed luminosity and location of all lighting fixtures, the orientation of the fixtures, the types of shielding that will be used to avoid producing glare, the type of shielding that would minimize light spillover, and demonstrate through the photometric analysis of how the fixtures would avoid the spread of stray light across site boundaries. Lighting specifications that reduce light and glare shall comply with City of Colton requirements and shall appear as notes on the building plans.

**AES-4** Applicants submitting development review applications for projects within Planning Areas 16, 20, 22 (retail), and Planning Areas 21, 23, 24 (office- and retail-mixed) shall prepare and submit site plans including building elevations and lighting plans with photometric lighting analysis to the County of San Bernardino Land Uses Services Department for review and comment, that identifies the proposed luminosity and location of all lighting fixtures, the orientation of the fixtures, the types of shielding that will be used to avoid producing glare, the type of shielding that would minimize light spillover, and demonstrate through the photometric analysis of how the fixtures would avoid the spread of stray light across site boundaries into the ARMC site. Lighting specifications that reduce light and glare shall appear as notes on the building plans.

*Finding*

Regarding Impacts 4.1.3.2.c and 4.1.3.2.d, the City hereby makes **Finding 2** that the mitigation measures required in, or incorporated into the project will mitigate or avoid significant effects on the aesthetic resources.

**B. Air Quality**

**1. Impact 4.3.3.2.b and 4.3.3.2.d**

The proposed CHCCSP has the potential to result in a violation of air quality standards and to expose sensitive receptors to substantial pollutant concentration during construction-related and operational activities. However, impacts will be less than significant with implementation of mitigation measures. (Draft EIR, 4.3-26–40.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.3.3.2.b and 4.3.3.2.d will be less than significant with mitigations incorporated is provided in Section 4.3 of

the EIR. Analysis of impact 4.3.3.2.b indicates that none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors during construction with implementation of mitigation. The nearest sensitive receptor to the project site are the single-family detached residential dwelling units located approximately 82 feet (25 meters) north of the project site. The emission thresholds were calculated based on the Central San Bernardino Valley source receptor area, a disturbance of five acres per day (which is the maximum area anticipated to be disturbed each day during construction). In order to assure that the 5 acre limitation is adhered to during grading operations, Mitigation Measure AQ-1 is provided limiting the daily disturbed area during the grading phases to 5 acres per day.

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed project. Given the relatively limited number of heavy-duty construction equipment and the relatively short-term construction schedule, the proposed project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed project. However, construction-related emissions may adversely affect DSF within conservation areas which include planning areas 3, 6, 11, and 18, as well as the conservation area associated with the cemetery (adjacent to Planning Area 24), and the Hospital and Pepper Avenue Conservation Site (adjacent to Planning Area 23), if measures to avoid or minimize emissions are not implemented because the fugitive dust that could blow off the construction sites would not be just soil particulates but other construction-related pollutants mixed with the particulates. Because fugitive dust can be controlled through implementation of requirements of SCAQMD Rule 403 which includes mandatory watering of a construction site, and other Best Management Practices to control fugitive dust, such application of dust palliatives, construction impacts to DSF habitat would be less than significant.

The on-going operation of future projects in the CHCCSP project area would result in a long-term increase in air quality emissions. This increase would be mainly due to emissions from the vehicle trips generated by these projects and through operational emissions from the on-going operations of future land uses. The CHCCSP includes a number of development regulations regarding the business park uses. Maximum building floor areas have been defined to avoid "big box" warehousing and distribution uses in order to ensure that the scale of the new development will be compatible with other planned uses and to protect the health, safety and general welfare of the community. Therefore, there would be minimal potential for heavy duty vehicle idling on-site. The CHCCSP does not include stationary sources such as power plants, or will it attract mobile sources that may spend long periods queuing and idling at the site; such as warehouse/transfer facilities. The CHCCSP has development regulations in place to specifically exclude 'big box' warehousing and distribution uses in order to ensure that the scale of the new

development will be compatible with other planned uses and to protect the health, safety and general welfare of the community. Also, while cancer risk in the project area due to TAC's may be higher than other areas in San Bernardino County that are located further from the railroad and I-10 Freeway, the combined risk on the site, will be less than the majority of San Bernardino County and much less than the average in the South Coast Air Basin.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

*Construction Measures*

**AQ-1** The project applicant shall require that the grading contractors comply with SCAQMD Rule 403 minimum requirements for controlling fugitive dust and limit the grading area to no more than 5 acres per day.

In addition the DSF HCP provides clear direction on how some BACM should be implemented as follows: Each Covered Project Proponent shall ensure that active construction areas shall be watered regularly to control dust, and to minimize impacts to nearby habitats, especially sensitive species habitat adjacent to construction areas. If at any time, significant amounts of dust or material are determined by the monitoring biologist to be affecting conserved habitat, then corrective measures must be taken immediately. This would include such measures as:

- sweeping local streets regularly during construction;
- applying dust palliatives to areas that are not under active construction;
- pre-watering larger sites prior to initiation of grading, grade sites in phases timed to coincide with construction so that no sites are left graded and exposed to the elements; washing construction vehicles prior to leaving a construction site;
- Installing wind fencing around construction sites with signage that identifies who to call if dust is seen blowing from the site; and
- Any other measures that, at the time of approval of individual development projects, must be implemented on a project by project basis.

**AQ-2** The project applicant shall require that architectural coating products are used that do not exceed more than 5g/L VOC content.

**AQ-3** The project applicant shall require that all diesel construction equipment used on-site be certified Tier 4 Final, with level 3 diesel particulate filters and oxidative catalysts that are at least 25 percent efficient. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. Encourage construction

contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

*Operational Measures*

- AQ-4** All new development projects, or sites where significant redevelopment will occur shall be required to provide sidewalks along and within the property boundaries.
- AQ-5** All new development projects, or sites where significant redevelopment will occur shall require that any future tenants institute a ride sharing program and employee vanpool/shuttle that is open to all employees.
- AQ-6** All new residential project proponents shall ensure that the local school district serving the project area will offer a school bus program for children of future residents.
- AQ-7** All new development projects, or sites where significant redevelopment will occur shall require that any future commercial tenants restrict delivery truck idling on the project site.
- AQ-8** All future tenants must institute a recycling program that reduces waste to landfills by a minimum of 50 percent, or as stipulated by CalRecycle. The recycling program must include designated recycling bins at each proposed trash storage area and require all green waste to be stored in containers separate from other types of municipal solid waste.
- AQ-9** All new development projects, or sites where significant redevelopment will occur shall exceed 2013 Title 24, Part 6 Standards by 3 percent, and meet Green Building Code Standards.
- AQ-10** All new development projects, or sites where significant redevelopment will occur shall be equipped with faucets, toilets and showers installed in the proposed structures and utilize low-flow fixtures.
- AQ-11** Water-efficient irrigation systems shall be installed at all new development projects, or sites where significant redevelopment will occur that conforms to the requirements of Colton Municipal Code.

**AQ-12** All new development projects, or sites where significant redevelopment will occur shall include ENERGY STAR-compliant appliances wherever appliances are needed in buildings on-site and that natural gas only hearths be installed when needed.

**AQ-13** All new development projects, or sites where significant redevelopment occurs will be developed with high-efficiency lighting on-site that is at least 10 percent more efficient than standard lighting. In addition, the operation of a site's outdoor lighting shall be limited to the hours necessary to support the function of a land use at a project site, and for security purposes.

**AQ-14** All new development projects, or sites where significant redevelopment will occur shall require that architectural coating products used for maintenance/re-application do not exceed more than 5g/L VOC content.

**AQ-15** All new development projects, or sites where significant redevelopment will occur adjacent to or near conservation sites established in the HCP, shall include measures to reduce impacts associated with the operation of any development projects and must be developed on a project by project basis depending on the type of land use being proposed and a site's proximity to the conservation areas identified in the HCP. These may include BMPs such as routine parking lot and street sweeping to reduce particulate matter; encouraging employees to use alternative modes of transportation and carpooling, and the development of workforce housing near employment generators such as the ARMC.

**AQ-16** All new non-residential development projects, or sites where significant redevelopment will occur shall provide electric car charging stations for tenants (not just electric vehicle wiring per local ordinance). Also, provide designated areas for parking of zero emission vehicles (ZEVs) for car-sharing programs. This measure shall be implemented on a project by project basis at the discretion of the Development Services Director.

*Finding*

Regarding Impact 4.3.3.2.b and 4.3.3.2.d, the City hereby makes **Finding 2** that implementation of proposed mitigation measures reduce potentially significant impacts to air quality standards to less than significant levels.

## **B. Biological Resources**

### **1. Impact 4.4.3.3.a**

Impacts to special status species resulting from implementation of the CHCCSP will be less than significant with mitigation incorporated. (Draft EIR, 4.4-15–20.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.4.3.3.a will be reduced to a less than significant level with implementation of mitigation measures is provided in Section 4.4 of the EIR. For impact 4.4.3.3.a, a Habitat Conservation Plan (HCP) has been prepared for the West Valley Area east of the City of Rialto City limits, west of Meridian Avenue, North of Valley Boulevard, and south of San Bernardino Avenue. There were three species with a moderate potential to occur, burrowing owl, San Diego horned lizard, and Logger-head shrike. Burrowing owl and San Diego horned lizard have often been observed in fallow fields and vacant lots in the project area. Likewise, the project area provides suitable habitat for Loggerhead shrike which includes grasslands interspersed with scattered trees and shrubs that provide nesting and perching sites. Other species that could occur on site were identified as having a low probability to occur. Because these species have a moderate potential to occur within the project area, conservation of suitable habitat for DSF would also provide conservation opportunities for the three other species with a moderate potential to occur in the project area. Mitigation measures will be considered on a project by project basis for all future development. Mitigation measures will provide general guidelines and minimize impacts for the DSF and burrowing owl and other avian species. Monitoring and management mitigation measures are also included.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following measures would mitigate the potentially adverse effects of project implementation:

#### **BIO-1 Construction Monitoring**

- a. Covered Project Proponents will retain an experienced DSF biologist, e.g., someone who has conducted field research and/or presence/absence surveys, to function as the Biological Monitor for any development projects in the CHCCSP project area.
- b. At least 30 days prior to initiating project activities, project proponents will submit to the City, in writing, the name(s), any permit numbers, and resumes of all prospective Biological Monitors.
- c. Project activities, will not begin until a Biological Monitor(s) has been approved by the City.

- d. At least one week prior to grading, City-approved monitor(s) shall provide the City's Development Services Department with written and photographic documentation that shows the limits of construction have been properly defined, i.e., marked and fenced, are readily identifiable and are not encroaching on the existing or proposed conservation areas that will be established by the HCP.
- e. The Biological Monitor(s) shall be responsible for ensuring that the approved limits of grading are not exceeded, that the fencing delineating the limits of construction is maintained, and that the contractor adheres to the other provisions set forth in this Section of the EIR.
- f. The Biological Monitor will visit the site at least a twice weekly during project construction.
- g. The monitor(s), in cooperation with the on-site construction manager(s), shall have the authority to halt construction activities in the event that these provisions are not met.
- h. The monitor(s) shall submit a report to the City's Development Services Department at the end of the month during each month of construction documenting the implementation of all grading and construction minimization measures.
- i. If construction results in encroachment on existing or proposed conservation areas, the City will report the encroachment to the USFWS within 24 hours after receiving the monthly report.

**BIO-2** The City of Colton will retain a qualified Biological Monitor for any repair, operations or maintenance, or emergency activities resulting in disturbance to occupied or potentially suitable DSF habitat. Biological Monitors for these activities will be subject to the same experience, approval and reporting requirements as for construction.

**BIO-3** Worker Environmental Awareness Program

All contractors and city employees who may work in areas containing occupied or potential DSF habitat will attend a worker environmental awareness program (WEAP) conducted by a biological monitor familiar with the species, to ensure that they are informed of the sensitivity of conserved areas and all applicable avoidance and minimization requirements to ensure conformity with all applicable provisions of the HCP Section 5.3, General Measures to Avoid/Minimize Impacts. The Biological Monitor will present information on the life history, ecology, legal and conservation

status of the DSF and potential penalties that could occur as a result of violations of the Endangered Species Act. The importance and significance of the associated HCP and incidental take permit to the City of Colton will be emphasized. Personnel will be required to sign and date a form indicating that they have attended the program and fully understand the conservation measures and agree to comply.

- BIO-4** Control of Toxic Substances - During and after the construction of any Covered Project, the proper use and disposal of oil, gasoline, diesel fuel, antifreeze, and other toxic substances shall be restricted so as to avoid impacts to DSF and their habitat.
- BIO-5** Fire Prevention Equipment - to extinguish small brush fires (e.g., from trucks or vehicles) shall be present on site during all phases of construction, along with personnel trained in the use of such equipment. Smoking shall be prohibited in construction areas adjacent to flammable vegetation.
- BIO-6** Controlled Access - Prior to commencement of clearing or grading activities, areas of existing conservation and areas proposed for conservation shall be clearly marked by a Biological Monitor, and temporary fencing will be installed to prevent disturbance by construction vehicles. All movement of construction personnel, including ingress and egress of equipment and personnel shall be limited to designated construction zones. The temporary fencing will be removed upon completion of all construction activities and replaced with permanent fencing to protect conserved habitat. The Covered Project Proponent and its contractor(s)/subcontractor(s) shall be responsible for compensating at a ratio of 10:1 (acre offsite conservation/acre impact) from the Colton Dunes Conservation Bank or through a private purchase of suitable DSF habitat and a commitment to its long-term management for the disturbance of sensitive habitat outside of the approved limits of construction. Any restoration mandated for infringements outside the project footprint shall require a restoration plan approved by the City.
- BIO-7** Storage and Staging Areas - No temporary storage or stockpiling of construction materials shall be allowed within conserved areas/habitat, and all staging areas for equipment and materials shall be located a minimum of 50 feet away from existing or proposed conserved habitat. Staging areas and construction sites shall be kept free of trash, refuse, and other waste; no waste dirt, rubble or trash shall be deposited within conserved habitat.
- BIO-8** Dust Control - Active construction areas shall be watered regularly to control dust, and to minimize impacts to nearby habitats, especially sensitive species habitat adjacent to construction areas. If at any time, significant amounts of dust or material are

determined by the monitoring biologist to be affecting conserved habitat, then corrective measures must be taken immediately.

**BIO-9** Lighting - Night lighting shall be prohibited during the course of construction, unless absolutely necessary for safety and protection of property. If necessary, the lights must be shielded to minimize impacts to the surrounding habitat.

***Species-Specific Measures to Avoid/Minimize Impacts***

**BIO-10** Habitat Assessment - The City of Colton and USFWS have already spent considerable time and money inventorying the suitability of DSF habitat within the CHCCSP project area boundaries. This information provided the basis for the Incidental Take analysis, as well as the proposed conservation measures. The following additional avoidance and mitigation measures are proposed:

- a. The City of Colton will fence all conservation areas to limit access. Educational signage will be posted with information regarding the Colton Dunes natural community and DSF.
- b. Permanent lighting in developed areas adjacent to DSF conservation areas/habitat will be shielded to minimize impacts to DSF and other wildlife.
- c. Project applicants will be given a map clearly delineating DSF existing or proposed conservation areas in proximity to their project site.
- d. Project applicants will be responsible for clearly defining their project boundaries, i.e., marking and fencing, and designating the ingress and egress routes and demonstrating to the City of Colton that no impacts will occur to existing or proposed DSF conservation areas.
- e. All incidences of damage to DSF habitat not approved for development under the HCP will be reported within 24 hours to USFWS for their evaluation and recommendations for compensation, including the following:
  - i. Any damage or loss of 0.25 acre or more of DSF habitat within existing or proposed conservation areas by the applicant or construction crews or contractors working for the applicant will be mitigated in the Colton Dunes Conservation Bank at a 5:1 ratio with the minimum compensation being 1-acre.
  - ii. Additionally, all damaged DSF habitat will be fully restored at the applicant's expense. A restoration plan will be developed for the review and approval of the City of Colton and the USFW Service. It will include the following measures:
  - iii. Berms or excavations created by equipment will be removed restoring the

natural contour of the site. To the extent possible, displaced topsoil and native vegetation (even if crushed) will be placed back in the area of the disturbance.

- iv. Native seed will be collected from the surrounding area and seeded into the site after the top soil and grubbed vegetation is placed on the site of the disturbance.
- v. Weeds will be hand pulled or treated with an approved herbicide for two years in the growing season following the restoration.
- vi. Performance standards will be developed for the restoration and the site will be monitored by a biologist for a specified period to determine if they have been met.
- vii. Remediation actions will be specified in the restoration plan and taken in the event the performance standards are not met within the specified period.

### ***Monitoring and Management***

**BIO-11** The City of Colton is committed to the permanent protection and management of both the existing and proposed conservation areas in the HCP area. To achieve this maintenance, management and restoration of new conservation areas will be provided by the Riverside Land Conservancy (RLC) either separately or in concert with its management responsibilities for the Colton Dune Conservation Bank located south of the 1-10 Freeway, as defined below.

In addition, the following restoration/enhancement efforts will be initiated at the proposed conservation site and fully documented in a Habitat Management Plan (HMP). The HMP shall include the preparation and submittal of an annual implementation report through year five (5) of the management program; then every three (3) years thereafter. Additional focused surveys will be conducted for DSF and other potentially occurring species by a qualified biologist at year three (3) and every three (3) years thereafter.

**BIO-12** Rough Step Process - The City of Colton recognizes that it is required to ensure that progress towards assembling the 63.7-acre conservation area stays ahead of the total impacts allowed under the permit. To ensure that this occurs, the City will acquire land, place a conservation easement over it and fund all management and monitoring during the first five (5) years and will include the management and monitoring costs in the City's annual budget process before grading permits are issued by the City to private developers or City Departments allowing ground disturbing activities to occur. Land will be acquired according to the following jump-start guideline and stay-ahead provision.

**Jump-Start Guideline.** The City of Colton will either acquire the King-is-Coming site, 20.9 acres of occupied DSF habitat adjacent to the existing 4.5 acre Laing conservation site, or the 19.5 acres of occupied DSF habitat along San Bernardino Avenue West of the land bridge. Development within the HCP area will focus on the lower quality DSF habitat areas with the exception of high quality DSF habitat identified for development in the HCP adjacent to the King-is-Coming site and bordering Pepper Avenue. Those areas will be allowed to develop immediately upon issuance of the incidental take permit for the HCP, signature of the implementing agreement, and acquisition and recording of a conservation easement on the first 20 acres of DSF habitat, as defined above.

**Stay-Ahead Provision.** During the first year after permit issuance, the City of Colton will be establishing its HCP management structure, collecting initial HCP fees, and actively pursuing land acquisition deals beyond the original 20.9-acre commitment as part of the Jump-Start requirement. To allow the City time for these start-up tasks to occur, the Stay-Ahead Provision will only apply after one (1) year of Plan implementation. After one (1) year, the City of Colton will need to demonstrate that its compliance with the Stay-Ahead Provision by the following methodology:

The amount of DSF habitat acquired for conservation will exceed by 5 percent the amount of DSF habitat allowed to be developed. The HCP provides a listing of all parcels identified for development, current site conditions (developed vs. undeveloped), the type and acres of DSF habitat remaining on undeveloped portions of the parcel and conservation value of the identified DSF habitat. The amount of DSF habitat conserved and acquired will be measured both by number of acres of the habitat conserved or permitted for development multiplied by the following ratios based on quality of the habitat:

- High Quality Habitat 1.15
- Medium Quality Habitat 1.00
- Low Quality Habitat 0.25

Thus, development or conservation of 5 acres of high quality DSF habitat will be recorded as 5.75 conservation debits or 5.75 conservation credits, respectively. The total accumulation of credits must exceed total debits at all times by at least 10 percent.

### **Burrowing Owls**

**BIO-13** Measures for the protection of burrowing owls from harm during any ground disturbing activities shall be from the CDFW *Staff Report on Burrowing Owl Mitigation* (DCFG 2012) and may include but not be limited to the following:

Pre-construction surveys for burrowing owl shall be conducted for individual projects proposed within the CHCCSP project area.

- The pre-construction survey for burrowing owls shall be conducted within 30 days of any ground disturbance activity of any project site in the project area.
- No disturbance shall occur within 50 meters of occupied burrows during the non-breeding season (September 1 - January 31) or within 75 meters during the breeding season (February 1 - August 31). Onsite passive relocation shall be implemented if avoidance requirements cannot be met but only if an available burrow is within 100 meters (330 feet) from the occupied burrow. Offsite mitigation may be required if implementation of the project will result in less than 6.5 acres per bird or pair and such a plan must be approved by CDFW.

**BIO-14** The following measures shall be implemented for other avian species on a project by project basis as development projects are proposed in the CHCCSP project area.

- Vegetation removal, clearing, and grading on development sites shall be performed outside of the avian breeding and nesting season (between February 1 and June 30), when feasible, to minimize the effects of these activities on breeding activities of migratory birds and other species. If clearing or other ground disturbance is proposed for a project site a qualified biologist shall conduct a site assessment 30 days prior, in order to determine if there is a likelihood that nesting birds could be on a site. If the biologist concludes that there is a possibility that nesting birds may be on a site a clearance survey for nesting birds shall be conducted no more than three (3) days prior to vegetation clearance or ground disturbing activities. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFG. If nesting activity is present at any nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code.
- If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the project site normally occurs from February 1 to June 30. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active as determined by a

qualified biologist): (1) clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest and (2) access and surveying shall not be allowed within 200 feet of any occupied nest. Any encroachment into the 300/200-foot buffer area around the known nest shall only be allowed if it is determined by a qualified biologist that the proposed activity shall not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest.

Review of topographic maps, aerial photographs and field surveys conducted as part of the preparation of the HCP show that there are no riparian habitat, wetlands or other jurisdictional waters occurring within the CHCCSP project area.

*Finding*

Regarding Impact 4.4.3.3.a, the City hereby makes **Finding 2** that changes or alteration have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the biological resources environment.

**C. Cultural Resources**

**1. Impact 4.5.3.2.a and 4.5.3.2.b**

Impacts to historic and archaeological resources will be less than significant with implementation of existing policies and regulations. (Draft EIR, 4.5-17–19.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impacts 4.5.3.2.a and 4.5.3.2.b will be less than significant with implementation of mitigation measures provided in EIR Section 4.5. Although the records search covered the entire APE, the field survey focused on vacant or underutilized land and did not include properties that are currently developed (see Exhibit 4.5-1). The rationale for this decision was that although the CHCCSP focuses on the development of the project area, the redevelopment of currently developed properties was not assumed as it is too speculative at this time. Should development of the properties not evaluated in the Cultural Resources Assessment be proposed in the future, site specific assessment for Cultural Resources, including historic resources will be required on a project by project basis as will the mitigation measures provided in Section 4.5.3.3.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

**CR-1 Site-specific Records Search** - Prior to project-level ground-disturbing activities within the CHCCSP project area, a project site-specific records search at the Archaeological Information Center must be completed to determine if the project site has been subjected

to a professional survey. If a current cultural resources report addressing potential impacts on cultural resources is available, the City/applicant will implement the mitigation measures provided within the report. Otherwise, mitigation measures CR-2 and CR-3 must be implemented during the City's application review process.

**CR-2** Phase I Cultural Resources Study - In the event that a current and valid report is not available or if the entirety of the project-level site has not been professionally surveyed (see MM CR-1), a Phase I Cultural Resources Survey study shall be completed by a qualified cultural resource professional. If the Phase I study detects built-environment resources (buildings or structures aged 45 years old or older), and construction or implementation of the proposed project will either disturb or destroy such buildings or affect their historic setting, then a cultural resource professional who minimally meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History will be contracted to determine if the project may cause a substantial adverse change in the significance of a built environment historical resource as defined in Section 15064.5 of the CEQA Guidelines. The City/applicant will be responsible for implementing the methods for eliminating or substantially reducing impacts on historical resources identified in the technical report. Such methods could include, but are not limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey documentation that is appropriate to the significance (federal, state, local) of the resource.

In the event that known or previously undetected archaeological resources are identified during the Phase I study then such resources must be recorded or updated onto Department of Parks and Recreation (DPR) 523 forms in accordance with all applicable regulations.

In addition, any addressed resources must be evaluated for significance and eligibility for inclusion in all applicable registers of significant resources. This evaluation will be undertaken by a cultural resource professional who minimally meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology. In the event that such resources are found to be archaeological resources pursuant to CEQA, potential adverse impacts must be analyzed as stated in PRC Sections 21084.1 and 21083.2(1), and appropriate measures must be generated to avoid or substantially reduce potential impacts on archaeological resources as necessary. The City/applicant will be responsible for implementing the methods for eliminating or substantially reducing impacts on resources identified in the technical report. Such methods could include, but are not limited to, subsurface testing or excavation of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors as identified through an information-seeking process and/or by the Native American Heritage Commission.

**CR-3 Procedure for Unintentional Disturbance of Cultural Resources** - If subsurface cultural resources are encountered during project-level implementation, or if evidence of an archaeological site or other suspected historic resources are encountered, all ground-disturbing activity will cease within 100 feet of the resource. A qualified archaeologist will be retained by the City/applicant to assess the find, and to determine whether the resource requires further study. Potentially significant cultural resources could consist of, but are not limited to, stone, bone, fossils, wood or shell artifacts or features, including structural remains, historic dumpsites, hearths and middens. Midden features are characterized by darkened soil, and could conceal material remains, including worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials and special attention should always be paid to uncharacteristic soil color changes.

Any previously undiscovered resources found during construction should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated by a qualified archaeologist retained by the City/applicant for significance under all applicable regulatory criteria.

No further grading will occur in the area of the discovery until the City (CEQA Lead Agency) approves the measures to protect the resources. Any archaeological artifacts recovered as a result of mitigation will be donated to a qualified scientific institution approved by the City (CEQA Lead Agency) where they would be afforded long-term preservation to allow future scientific study.

*Finding*

Regarding Impacts 4.5.3.1.a and 4.5.3.1.b, the City hereby makes **Finding 2** that changes or alterations have been required in or incorporated into the project that mitigate or avoid the significant effects on the cultural resources environment.

**2. Impact 4.5.3.2.c**

Impacts to paleontological resources will be less than significant with implementation of existing policies and regulations. (Draft EIR, 4.5-19.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.5.3.2.c will be less than significant with implementation of mitigation measures is provided in Section 4.5 of the EIR. The Cultural Resources Assessment found that the project area is located primarily upon Quaternary younger fan deposits of Holocene alluvium which has a low potential for significant fossil deposits and is thereby assigned low paleontological sensitivity. However, these sediments were mapped some years ago and may be disturbed and/or buried units exposed during future construction of projects in the CHCCSP project area.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

**CR-4** In conjunction with the preparation of site-specific geotechnical reports for individual development projects, the applicant shall also have a site specific Paleontological assessment prepared to establish the probability that paleontological resources have the potential to occur on an individual project site. If the assessment results in a determination of moderate or high paleontologic sensitivity, a paleontologic monitoring program shall be implemented. This monitoring program shall be consistent with the current provisions of CEQA and with the guidelines of the Society of Vertebrate Paleontology.

If the assessment determines that the project area has low paleontologic sensitivity, no program to mitigate adverse impacts to paleontologic resources will be necessary. This measure shall be implemented to the satisfaction of the Development Services Director.

*Finding*

Regarding Impact 4.5.3.2.c, the City hereby makes **Finding 2** that implementation of the proposed CHCCSP mitigation measures, will reduce potentially significant paleontological resource impacts to less than significant levels.

**3. Impact 4.5.3.2.d**

Impacts to human remains will be less than significant with implementation of mitigation and existing regulations. (Draft EIR, 4.5-20.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.5.3.2.d will be less than significant with mitigation incorporated is provided in Section 4.5 of the EIR. Analysis of impact 4.5.3.2.d indicated that the Cultural Resources Assessment included consultation with Tribal groups and individuals named by the Native American Heritage Commission (NAHC) to solicit input on the presence or absence of resources. If human remains are encountered during excavations associated with the project, all work would be required to be halted and the San Bernardino County Coroner would be notified.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

- CR-5** In the event of an accidental discovery or recognition of any human remains, PRC §5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC §5097.98, or
  - Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance if:
    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission,
    - The descendant identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

*Finding*

Regarding Impact 4.5.3.2.d, the City hereby makes **Finding 2** that implementation of the proposed CHCCSP mitigation measures, will reduce significant impact of human remains to less than significant levels.

## D. Geology and Soils

### 1. Impact 4.6.3.2.a

Hazardous impacts to people and structures resulting from the potential surface rupture, seismic ground shaking, liquefaction and landslides will be less than significant with implementation of the mitigation measures. (Draft EIR, 4.6-6-7.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impact 4.6.3.2.a. will be less than significant with mitigation incorporated is provided in Section 4.5 of the EIR. Impact 4.6.3.2.a indicates the implementation of the CHCCSP is very low and would not result in a substantial impact from a fault surface rupture. Seismic ground shaking will probably be experienced in the project area. The finding indicated that a significant geologic hazard associated with seismicity and secondary effect of seismicity could occur within the project area due to settlement and ground failure related to the dry sands that cover much of the project site. Landslide potential is low, but development of the project within the CHCCSP project area must conform to the seismic related conditions and codes set forth in the California Building Code and City Grading Ordinance.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

**GEO-1** Final grading plans for individual development projects proposed within the CHCCSP project area shall be reviewed by a professional geologist to determine whether additional geotechnical studies (possibly including supplemental subsurface investigation, soil expansion potential, ground failure, differential settlement, and geotechnical analysis) may be necessary to provide detailed recommendations that are appropriate for the proposed grading and construction for the types of development projects being proposed (e.g. single family residential, retail commercial, office buildings).

**GEO-2 Removal of Undocumented Fill:** Where encountered during future grading at project development sites, these materials shall be excavated and replaced and properly compacted fill. These surficial fills vary in age and depth, and likely exist across much of the CHCCSP project area to various extents, including but not limited to the abandoned air strip, abandoned reservoir, and within the golf course. Debris such as pieces of asphalt, concrete, plant matter should be removed from the artificial fill during future grading within the property.

**GEO-3 Re-evaluation of Documented Fill:** Although not confirmed during the geotechnical due diligence assessment, it is possible that the artificial fill associated with the numerous vacant cut and fill pads within the project area (both in developed and undeveloped areas) were tested and documented during placement. Exhibit 4.6-5 shows the areas of the site containing vacant fill pads. Whether this is the case or not, it would be prudent to perform a geotechnical subsurface investigation in these areas to evaluate the fill soils if these pads are to be utilized for structural improvements. In addition, it is currently unknown whether or not these pads represent cut pads in structural late Pleistocene sediments, or documented fill pads. Fills and cuts also will likely occur associated with existing structures. Evaluation of these soils shall be considered for future proposed development on a project by project basis.

**GEO-4 Overexcavation of Near-Surface Soils:** The project area contains relatively loose soils in the near surface across most of the undeveloped portions of the project area including the vacant cut-fill pads. These loose soils are associated with historic human activity (dumping, minor grading): wind-blown sands, erosion, and near surface weathering. Therefore, in areas where these materials will not be completely removed as a result of design grading, the near-surface alluvium will require overexcavation and recompaction to mitigate excessive settlement and removal of deleterious material.

**GEO-5 Cut/Fill Transitions:** To mitigate the potential for differential settlement and to provide a relatively uniform bearing surface for proposed structures supported thereon, the cut portions of the building pads should be overexcavated and replaced with compacted fill.

**GEO-6 Surficial Stability of Existing Fill and Cut Slopes:** Numerous small to medium- sized fill and cut slopes exist within the project area. Since onsite soils consist largely of granular, non-cohesive sands and possibly gravelly sands, the fill slopes may be subject to erosion and would require overexcavation and recompaction.

*Finding*

Regarding Impact 4.6.3.2.a, the City hereby makes **Finding 2** that implementation of proposed mitigation measures will reduce potential significant impact of geologic resources to less than significant levels.

**2. Impact 4.6.3.2.c**

Impacts to ground failure will be less than significant with implementation of mitigation measures. (Draft EIR, 4.6-9–12.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.6.3.2.c, will be mitigated to less than significant levels is provided in Section 4.6 of the EIR. The settlement of dry sandy deposits as well as recently placed fill materials have been known to occur as a result of seismic activity. The project area is located close to active fault zones that could produce relatively strong ground motions inducing dynamic settlements. Therefore, a dynamic settlement analysis should be conducted as part of a subsurface geotechnical investigation of future development projects with the project area. Impact 4.6.3.2.c, indicates that implementation of the CHCCSP would be mitigated to less than significant by requiring adherence to the recommendations in the Geotechnical Assessment to protect future residents and structures from unstable geologic conditions.

Furthermore, implementation of Mitigation Measures GEO-1 through GEO-6, supra, would reduce impacts to less than significant.

*Finding*

Regarding Impact 4.6.3.2.c, the City hereby makes **Finding 2** that implementation of existing City standards and regulation will reduce potentially significant impact of ground failure to less than significant levels.

**3. Impact 4.6.3.2.d**

Impacts from expansive soils will be less than significant with implementation of mitigation. (Draft EIR, 4.6-12.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impact 4.6.3.2.d will be substantially lessened or avoided is provided in Section 4.6 of the EIR. Impact 4.6.3.2.d, indicates that the adjacent site to the project area shows a lack of expansive soils. However, all project applicants for future development projects in the CHCCSP project area must implement a mitigation measure requiring that grading plans for individual development projects must be reviewed by a professional geologist, who will determine if additional geotechnical evaluation is required. See measure GEO-1, supra.

*Finding*

Regarding Impact 4.6.3.2.d, the City hereby makes **Finding 1** that mitigation measures have been required in, or incorporated into, the project that mitigate or avoid significant effect on the environment.

## E. Greenhouse Gas Emissions

### 1. Impacts 4.7.3.2.a and 4.7.3.2.b

Impacts from greenhouse gas emissions resulting from the proposed project would be less than significant with mitigations incorporated. (Draft EIR, 4.7-17–21.)

#### *Substantial Evidence*

Environmental effects identified in Impacts 4.7.3.2.a and 4.7.3.2.b would create a significant cumulative GHG emissions impact if the proposed project's GHG emissions are not 15 percent less in 2020 than GHG emissions from BAU condition for a similar size project in the year 2008.

The data provided in Table 4.7-3 of Section 4.7 of the EIR. *Mitigated Project Related Greenhouse Gas Emissions 2020*, shows that future development projects in the CHCCSP project area with mitigation in year 2020 (opening year) emissions would be approximately 561,551 metric tons of CO<sub>2</sub>e per year. Although the CHCCSP future projects would still exceed the SCAQMD draft threshold, the buildout scenario still meets the percent reduction threshold called for in the SANBAG GHG Reduction Plan. As demonstrated in Section 4.7 of the EIR, with mitigation measures (GHG-1 through GHG-11, which are the same as AQ-1 through AQ-14, supra), compliance with regulations (such as Pavley, the Renewable Energy Standard, compliance with Green Building Standards and 2013 Title 24 standards [approximately 30 percent more efficient than 2008 Title 24 standards] etc.), and sequestration from the planting of at least 2,551 new trees in the CHCCSP project area, year 2020 emissions would be reduced by 50.8 percent from BAU emissions; which meets the SANBAG GHG Reduction Plan threshold of a 15 percent reduction from BAU emissions.

#### *Finding*

Regarding Impacts 4.7.3.2.a and 4.7.3.2.b, the City hereby makes **Finding 2** that implementation of the proposed mitigation measures will reduce potential significant impact of GHG emissions to less than significant levels.

## F. Hazards and Hazardous Materials

### 1. Impacts 4.8.3.2.a, 4.8.3.2.b, and 4.8.3.2.c

Impacts to persons due to routine transport, use, or disposal of hazardous materials will be less than significant with mitigation incorporated. (Draft EIR, 4.8-14–18.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.8.3.2.a, 4.8.3.2.b, and 4.8.3.2.c will be less than significant with mitigation incorporated is provided in Section 4.8 of the EIR. Because the project area has some older development particularly along

Valley Blvd and Pepper Avenue, and because other vacant properties contain evidence of illegal dumping, the Phase I ESA recommended that applicants for all new development projects, or projects where the existing sites would be redeveloped should submit a Phase I Environmental Site Assessment (ESA) to determine if a potential hazard exists. In addition, where the Phase I ESA prepared for the CHCCSP has identified sites with recognized environmental condition or a potential environmental condition, remediation of the site and/or buildings may be required prior to development. In addition, some existing buildings may contain asbestos or lead based paint that may also need to be remediated before a new certificate of occupancy could be issued. Site conditions will be evaluated on a project-by-project basis as new development projects are proposed in the project area. Compliance would ensure that human health and the environment are not exposed to hazardous materials. Transportation, storage, use and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulation.

Also, the project area contains numerous Potential Environmental Concerns (PECs). The Phase I ESA recommended that these sites and sites in the vicinity of these PECs have testing done to determine if contamination of hazardous materials are found on any sites proposed for development under the CHCCSP, and to remove and remediate any occurrence of hazardous materials from subject sites in compliance with federal, State, and local statutes and regulations. Mitigation Measure HAZ-1 also addresses this concern by requiring that site-specific analyses be conducted to discern whether hazardous conditions are present.

For operations, any future medical office of laboratory uses where medical waste is generated, stored, transported, etc., must comply with the State Health and Safety Code and be subject to oversight by the San Bernardino County Department of Environmental Health acting as the Local Enforcement Agency (LEA) for the State. At a minimum, each applicant will be required to prepare and implement a Medical Waste Management Plan (MWMP). Mitigation Measure HAZ-14 requires that all medical facilities that generate medical waste register with the County LEA as medical waste generators and prepare/implement a MWMP, per the California Health and Safety Code.

Also, because Planning Area 24 is unique in that it is the only planning area that currently has residential and school uses, site plan review for projects adjacent to these uses may result in additional setbacks and other limitations on development in order to ensure the health and safety of the residents and students. Mitigation Measure HAZ-13 specifically addresses Planning Area 24 as well as planning areas 5, 9 and 16 that abut future residential development in the CHCCSP project area.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

- HAZ - 1** Prior to development of a site in the CHCCSP project area, applicants for development of any site that has been documented in the Phase I ESA and/or subsequent EDR report (2013) as having a REC or a PEC within the project area shall be required to conduct a site specific Phase I ESA to determine if a potential significant impact exists. If the Phase I ESA concludes that there are hazardous materials on site, a Phase II ESA shall be conducted including soils testing. If test results are found to be positive for a potential impact, then a Site Remediation/Local Oversight Program shall be implemented to clean and detoxify the subject site prior to initial ground disturbance activities (e.g., grading).
- HAZ – 2** Prior to onsite development of sites not listed as having a REC or a PEC on site, the landowner/developer shall conduct a Phase I ESA that determines if contamination from pesticide and herbicide usage has occurred by taking soil samples at suspected former orchard grove sites. This measure also applies to sites where evidence of illegal dumping has occurred. Remediation, if required, shall occur prior to any site disturbing activities.
- HAZ - 3** Prior to onsite development, applicants for development of any site documented in the Phase I ESA as having ASTs shall provide proof of documentation to confirm that ASTs have been placed within secondary containment units or have been removed.
- HAZ – 4** Prior to onsite development, applicants for development of any site documented in the Phase I ESA as having USTs shall provide proof of documentation to the City's Building Official to confirm recent fit test documents that demonstrate no indications of a release.
- HAZ – 5** Prior to demolishing any existing building(s), the landowner/developer shall conduct an inspection to assess existing building for asbestos containing materials prior to demolition, and if encountered, the material shall be abated prior to demolition by a qualified contractor in accordance with current local, State, and federal regulations.
- HAZ – 6** Prior to onsite development, existing buildings found with soil drip lines shall be tested for lead-based paints, and if found to be positive, shall be removed and replaced with non, lead-based coated soil drip lines.

- HAZ - 7** Prior to onsite development, transit pipes, if encountered in former orchard grove areas, shall be removed by the landowner/developer and disposed of in accordance with current regulations.
- HAZ - 8** Prior to onsite development, all existing transformers, to be removed, shall be conducted by a licensed contractor or utility agency responsible for transformer maintenance.
- HAZ - 9** Prior to onsite development, the landowner/developer shall remove all miscellaneous trash debris and dispose of it in accordance with current regulations. Areas underneath debris accumulation piles shall be re-inspected for staining and possible hazardous waste material.
- HAZ - 10** During onsite development, if a septic tank is encountered, the landowner/developer shall provide for the removal and disposal of septic tank(s) in accordance with current regulations.
- HAZ - 11** Adherence to mitigation for air quality to reduce construction related emissions during development of projects in Planning Area 24 would reduce impacts to less than significant levels when construction activities can be limited either by limiting duration of activities or the number of pieces of equipment in simultaneous use such that emissions thresholds are not exceeded. Prior to commencement of grading activities in Planning Area 24, the applicant shall conduct a project specific air quality analysis to determine how to achieve this reduction in emissions.
- HAZ-13** In order to ensure land use compatibility between future uses in adjacent planning areas, or adjacent uses within planning areas, applicants for future development projects within Planning Areas 5, 9, 16, and 24 (planning areas that include sensitive receptors or will in the future), shall plan their sites to consider proximity to residential neighborhoods and Slover Mountain High School. This may require greater setbacks from property lines, consideration of the location of emergency access points, location of HVAC equipment, location of storage tanks or storage buildings. All new projects in the CHCCSP project area will be subject to site plan review and approval by the Development Services Director or his/her designee.
- HAZ - 14** For all businesses that generate medical waste, each business shall register with the San Bernardino County Department of Environmental Health as a medical waste generator and prepare/implement a Medical Waste Management Plan (MWMP) as required under the California Medical Waste Management Program. The Department of Environmental Health, as the Local Enforcement Agency (LEA) for the

State is responsible for approving the MWMP as well as conducting inspections of these facilities.

*Finding*

Regarding Impacts 4.8.3.2.a, 4.8.3.2.b, and 4.3.2.c, the City hereby makes **Finding 2** that implementation of proposed mitigation measure will reduce the potential significant impact of hazards and hazardous waste to less than significant levels.

**2. Impact 4.8.3.2.d**

Impacts to development and persons due to building siting on contaminated properties will be less than significant with mitigations incorporated. (Draft EIR, 4.8-18–19.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.8.3.2.d will be substantially lessened with implementation of mitigation measures is provided in Section 4.8 of the EIR. Impact 4.8.3.2.d identifies potentially significant impacts to people from development of potential contaminated properties.

Application of Mitigation Measures HAZ-1 through HAZ-10, *supra*, would reduce impacts. By conducting a Phase I ESA for each site prior to any new soil or building disturbance, and if necessary remediating any hazardous conditions, the applicant would ensure that any contamination is controlled at the site to the satisfaction of the City, San Bernardino County CUPA, and the RWQCB.

*Finding*

Regarding Impact 4.8.3.2.d, the City hereby makes **Finding 2** that implementation of the proposed mitigation measures will reduce significant impacts to development and persons due to building siting on contaminated properties to less than significant levels.

**3. Impacts 4.8.3.2.e and 4.8.3.2.f**

Impacts to public airports and private airstrips will be less than significant with mitigations incorporated. This impact is specific to the Arrowhead Regional Center helicopter landing site. (Draft EIR, 4.8-19–20.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.8.3.2.e and 4.8.3.2.f will be reduced to a less than significant level with implementation of mitigation is provided in Section 4.8 of the EIR. Impact 4.8.3.2.e identifies no significant impacts from or to airports in the region. Impact 4.8.3.2.f, identifies a potentially significant impact with regard to the location of three helicopter landing pads associated with the ARMC. Mitigation Measure HAZ-12 will be incorporated into the review process. In summary, the Hermosa Gardens

Cemetery will remain as Open Space and will allow helicopters approaching or leaving the ARMC a clear path to the landing pad as currently occurs. Building lighting, window treatments (for daytime glare) and parking lot lighting shall be mitigated by measures set forth in Section 4.1 of the EIR concerning Aesthetics. Prior to development of projects within Planning Areas 21 and 24, site plans, including lighting plans (i.e., photometric analysis) must be submitted to the County of San Bernardino Land Use Services Department who will be responsible for coordinating with the ARMC administration to ensure no impacts to the ARMC or the helicopter landing pads occur.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

- HAZ - 12** Prior to development of projects within Planning Areas 16, and 19 through 24, site plans, including lighting plans must be submitted to the County of San Bernardino Land Use Services Department who will be responsible for coordinating with the ARMC administration to ensure no impacts to the ARMC or the helicopter landing pads occur. In addition, emergency access to and from the ARMC site must also be considered in the planning of future development projects in these planning areas. Site plans must include proposed building setbacks from property lines and show the distance between the ARMC helicopter landing pads and proposed buildings. Lighting and landscape plans must also accompany the site plans. The County shall provide input to proposed plans to ensure compatibility between proposed land uses within these planning areas and the ARMC's ability to provide safe ingress and egress of helicopters, and emergency vehicles.

*Finding*

Regarding Impacts 4.8.3.2.e and 4.8.3.2.f, the City hereby makes **Finding 2** that implementation of the proposed mitigation measure will reduce significant impact from or to airports or the ARMC heliport to less than significant levels.

**4. Impact 4.8.3.2.g**

Impacts to emergency response or evacuation plans will be less than significant with mitigation incorporated. (Draft EIR, 4.8-20–21.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.8.3.2.g will be substantially lessened or avoided is provided in Section 4.8 of the EIR. Impact 4.8.3.2.g identifies the need to continue to provide adequate emergency vehicular access to all public areas of the ARMC and for driveway, and roadways to comply with City, transportation and fire department safety requirements related to emergency access and evacuation routes. The

CHCCSP project area will be developed with a series of neighborhood streets that feed into collector streets that will be improved with appropriate roadway improvements including new dedicated turn lanes, new traffic signals and widening of streets to accommodate additional traffic. All streets will be developed to City standards. Application of Mitigation Measures HAZ-12, supra, would reduce impacts.

*Finding*

Regarding impact 4.8.3.2.g, the City hereby makes **Finding 2** that implementation of the proposed mitigation measure will reduce significant impacts to ARMC and the city transportation and fire departments to less than significant levels.

**G. Hydrology and Water Quality**

**1. Impacts 4.9.3.2.a and 4.9.3.2.f**

Impacts to water quality standards and degradation of water quality will be less than significant with mitigation incorporated. (Draft EIR, 4.9-12–17.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.9.3.2.a and 4.9.3.2.f will be reduced to a less than significant level with implementation of mitigation is provided in Section 4.9 of the EIR. Impacts 4.9.3.2.a and 4.9.3.2.f would not result in a substantial impact to water quality with implementation on a project-by-project basis, of a SWPPP and WQMP compliance with the County's Municipal separate Stormwater Sewer System (MS4) Permit. Further, the CHCCSP includes Development Regulations and Community Design Guidelines that will guide future site planning efforts including landscaping requirements. And all development projects, including developed sites that are being significantly redeveloped, would be required to retain stormwater and irrigation water on-site, and other BMPs for pre-treatment of this water prior to entering the basin would also ensure that pollutants generated in the project area would be minimized and prevented from entering the Santa Ana River. Mitigation HWQ-1 and HWQ-2 will be implemented to require future projects in the CHCCSP project area will be subject to development standards set forth in the CHCCSP including the development and implementation of Landscape Management Plans (LMPs), and development of plans for storm drainage connection. The City's goal in requiring these plans is to reduce the amount of discharge of herbicides, pesticides, fertilizers and other contaminants to local waterways. In this area, the local waterway is the Santa Ana River where storm drains in the City of Colton ultimately drain.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

**HWQ-1** Future projects developed in the CHCCSP project area shall be subject to the development standards set forth in the Specific Plan including the development and implementation of Landscape Management Plans (LMPs) for landscaped areas with the goal of reducing potential discharge of herbicides, pesticides, fertilizers, and other contaminants to local waterways.

All contractors involved in project-related landscaping conducted during individual phases of development, as well as maintenance of landscaping following project completion, shall complete their work in strict compliance with the LMP. Project developers shall be responsible for ensuring that requirements of the LMP are provided to and instituted by future project tenants following project completion. A licensed landscape architect or architectural firm with experience in methods to reduce or eliminate the use of landscape chemicals that could cause adverse effects to the environment shall prepare the LMP. At a minimum, an LMP shall:

- Require that pesticides and fertilizers not be applied in excessive quantities, and only applied at times when rain is not expected for at least two weeks, in an effort to minimize leaching and runoff into the storm drainage system.
- Encourage the use of organic fertilizers and mulching of landscaped areas to inhibit weed growth and reduce water demands.
- Utilize native, perennial, drought-tolerant species of vegetation to minimize irrigation needs.

**HWQ-2** Because the project area will be developed by a number of project proponents and not as one development project, each project proponent must provide a hydrology/drainage study for each site being developed or redeveloped. Therefore, on a project by project basis, each project proponent shall provide a detailed engineering design for a project site and show how the site will be connected to the CHCCSP storm drain system to refine the design currently shown in the Exhibit 4.9-3 prepared by Hall and Foreman, August 2013. The facilities shall be sized to meet current requirements based on proposed CHCCSP land uses to the satisfaction of the City Engineer.

*Finding*

Regarding Impact 4.9.3.2.a and 4.9.3.2.f, the City hereby makes **Finding 2** that compliance with County's MS4 Permit requirements and the implementation of the proposed mitigation measures will reduce significant impacts to hydrology and water quality to less than significant levels.

**2. Impacts 4.9.3.2.c, 4.9.3.2.d, 4.9.3.2.e**

Impacts related to drainage patterns, stormwater runoff, or potential gradation of water quality will be less than significant with implementation of mitigation measures and compliance with requirement of the County's MS4 Permit. (Draft EIR, 4.9-18–21.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.9.3.2.c, 4.9.3.2.d, and 4.9.3.2.e will be less than significant with mitigation incorporated is provided in Section 4.9 of the EIR. The analysis indicate that there are no streams or rivers in or near the CHCCSP project area. Future development in the project area would result in the alteration of drainage patterns and infiltration characteristics of the project area that could increase both the volume and discharge rates of stormwater runoff and contribute to downstream flooding or exceed the capacity of current storm drain systems. The City of Colton and the San Bernardino County Flood Control District (SBCFCD) have joint responsibility in implementing the Master Storm Drain Plan for the area. The SBCFCD has responsibility over regional channels, detention facilities and debris basins while the City of Colton has responsibility over acceptance, maintenance, and master plan design of the local drainage collection systems, local detention basins, and storm drain infrastructure, which carries runoff to regional facilities operation by the SBCFCD. Compliance with mitigation measures HWQ-1 and HWQ-2 listed above would reduce potential impacts to less than significant levels.

*Finding*

Regarding Impacts 4.9.3.2.c, 4.9.3.2.d, 4.9.3.2.e, the City hereby makes **Finding 2**, that the implementation of existing policies, regulations, and Mitigation Measures HWQ-1 and HWQ-2 will reduce potentially significant impact to drainage patterns, stormwater runoff, and gradation of water quality to less than significant levels.

**H. Land Use and Planning**

**1. Impact 4.10.3.3.b**

Impacts to applicable land use plans and policies will be less than significant with mitigation incorporated. (Draft EIR, 4.10-21–26.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.10.3.3.a will be less than significant with mitigation incorporated is provided in Section 4.10 of the EIR. Planning Areas 1, 2, 3, 4, 5, 10 located on the west end of the project area are adjacent to the Rialto Gateway Specific Plan and the CHCCSP has been developed with the understanding that land uses in the project area must be compatible with future adjacent land uses in the neighboring city. Since no development in these two GSP planning areas is currently proposed,

there is an opportunity to coordinate between the cities of Rialto and Colton to ensure that future adjacent land uses are compatible through the use of setbacks from property lines and screening. Depending on which properties are developed (Office or Industrial in the GSP or Residential in the CHCCSP) first may determine the set back and screening requirements for the subsequent use. Therefore, this impact would be less than significant with the implementation of mitigation measure LU-1.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measure would mitigate the potentially adverse effects of project implementation:

**LU-1** When projects are proposed that would site Business Park and Residential land uses in planning areas that are adjacent to the City of Rialto's Gateway Specific Plan project area (planning areas 1, 2, 3, 4, 5, and 10), future developers shall coordinate with the City or Rialto in order to ensure that future land uses in adjacent planning areas (F-C, R-C, I-P and O-P) are considered and that if necessary, special setback and screening requirements are identified.

*Finding*

Regarding Impact 4.10.3.3.b, the City hereby makes **Finding 2** that implementation of the proposed mitigation measures would result in a less than significant impact to applicable land use plans.

**I. Noise**

**1. Impacts 4.12.3.2.a and 4.12.3.2.d**

Impacts due to the generation of noise levels in excess of established standards associated with construction will be less than significant with implementation of the proposed mitigation measures. (Draft EIR, 4.12-18–21.)

*Substantial Evidence*

Evidence supporting the fact the environmental effects identified in Impacts 4.12.3.2.a and 4.12.3.2.d will be less than significant is provided in Section 4.12 of the EIR. The analysis addresses the generation of noise levels associated with construction, and mitigation measures that would be implemented to minimize potential impacts.

Maximum construction noise levels at hotels and single-family residential units located between Valley Blvd and the I-10 Freeway could reach up to 95 dBA as a result of redevelopment activities that could occur immediately adjacent to them or new development that may occur directly to the north on the north side of Valley Blvd. It should be noted that

noise levels in this area are already quite high due to I-10 Freeway vehicle traffic and construction noise would be less noticeable in this area than at other sensitive receptors in the project vicinity. Nevertheless, construction mitigation measures listed at the end of this section (measures N-1 and N-2) would be implemented to minimize potential impacts.

Construction activities could also occur immediately adjacent to the Colton Golf Club and could negatively impact the golfing environment if it continues to be operational while other areas of the specific plan are developed. If adjacent properties are developed prior to the closure of the Colton Golf Club, construction mitigation measures listed at the end of this section (measures N-1 and N-2) would be implemented to minimize potential impacts here as well.

Construction noise associated with development proposed along the northern boundary of the proposed project could reach up to 90 dBA L<sub>max</sub> at the property boundaries of the San Bernardino Social Services Building, the Arrowhead Regional Medical Center, Hermosa Gardens Cemetery, Slover Mountain High School and at Single-family residential units located west of Hermosa Avenue. Project related construction noise levels could reach up to 72 L<sub>max</sub> at the Rialto Retirement Home, Vista Cove Care Center and the Cathedral of Praise Church which are all located east of the project. Construction mitigation measures listed at the end of this section (measures N-1 and N-2) would be implemented to minimize these potential impacts.

In addition to adherence with allowed hours for construction (Mitigation Measure N-1), implementation of Mitigation Measure N-3 will minimize potential impacts related to demolition and construction activities by requiring that no vibration generating equipment be located within 70 feet of an existing vibration sensitive land use, including conservation sites.

Therefore, because construction impacts would be intermittent and of relatively short duration relative to on-going operations of a project, impacts are considered to be less than significant with implementation of mitigation measures. In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

- N-1** Control of Construction Hours – All construction activities should be limited to the hours between 7:00 AM and 7:00 PM Monday through Saturday. Construction and demolition should be prohibited on Sundays or national holidays.
  
- N-2** In addition to implementation of Mitigation Measure N-1, the following mitigation measures should be implemented whenever construction activities occur within 1,500 feet of the hotel and residential land uses located between Valley Blvd and the I-10 Freeway; the Colton Golf Club (if in operation); the residential properties, the church and the Rialto City Park all located along San Bernardino Avenue; the Rialto Retirement Home, Vista Cove Care Center and the Cathedral of Praise Church all located near

Riverside Drive; the San Bernardino Social Services Building; the Arrowhead Regional Medical Center; the Hermosa Gardens Cemetery; Slover Mountain High School; the residential land uses located along Hermosa Avenue, and adjacent to planning areas set aside for permanent habitat (planning areas 3, 6, 11 and 18) as well as the habitat set aside as part of the HCP within the Cemetery property.

- a) All construction contractors shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 AM and 7:00 PM Monday through Saturday).
- b) To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings and should avoid using alleyways adjacent to said uses.
- c) All construction contractors shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d) During all project site excavation and grading on any site in the CHCCSP project area, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.
- e) All construction contractors shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest a project site during all project construction.
- f) All construction contractors shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest a project site.

**N-3** The use of vibratory equipment shall be avoided within 70 feet of existing vibration-sensitive land uses (residential, habitat, ARMC).

*Finding*

Regarding Impact 4.12.3.2.a and 4.12.3.2.d, the City hereby makes **Finding 2** that implementation of the proposed noise level mitigation measures limiting construction hours would result in a less than significant impact.

**2. Impact 4.12.3.2.b**

Impacts due to the potential for development projects in the CHCCSP project area to expose persons and structures to substantial vibration from construction and operational activities will

be less than significant with implementation of the proposed mitigation measures. (Draft EIR, 4.12-21–23.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effect identified in Impact 4.12.3.2.b will be less than significant is provided in Section 4.12 of the EIR. Activities related to demolition and construction will be required to place vibration generating equipment no closer than within 70 feet of an existing vibration sensitive land use, including habitat conservation sites. Operational vibration associated with traffic will not necessitate mitigation because predicted habitat operation related vibration levels at the nearest off-site structures, which are located in excess of 25 feet from the traveled roadway segments, are not anticipated to exceed even the most conservative threshold of 0.2 inch/second ppv. However, to ensure, on a project-by-project basis, that impacts would be less than significant, implementation of measures N-1 through N-7 will be required.

Application of Mitigation Measure N-1 through N-3, supra, and N-4 through N-7 would reduce impacts.

- N-4** If vibratory equipment must be used within 26 feet of an existing structure, vibration monitoring shall be conducted and work shall be halted and re-evaluated if vibratory levels reach 0.20 PPV which is the standard established to protect structures.
  
- N-5** Prior to issuance of building permits for non-residential land uses within planning areas 5, 9, 16, 21, 22, 23 and 24, all project proponents shall prepare a detailed noise study that ensures that these sources do not exceed 55 dBA (Leq) and 75 dBA (Lmax) during the daytime (7:00 AM to 10:00 PM), and 45 dBA (Leq) and 65 dBA (Lmax) during the nighttime (10:00 PM to 7:00 AM). The assessment shall be prepared by a qualified acoustical engineer and shall document the noise generation characteristics of the proposed equipment and the projected noise levels at the nearest use. Compliance with these levels shall be demonstrated and any measures required to comply with the Noise Ordinance will be included in the project plans. The report shall be completed and approved by the City prior to issuance of building permits.
  
- N-6** New non-residential development shall be constructed with roof-ceiling assemblies that make up the building envelope to have an STC of at least 50 and exterior windows must have minimum STC of 30 where sound levels at the property line regularly exceed 65 decibels. This measure shall apply to new non-residential land uses proposed along Valley Boulevard and Pepper Avenue. This measure would reduce interior noise levels to acceptable levels and mitigate any impact to less than significant. Buildings with few or no occupants and where occupants are not likely to be affected by exterior noise, as

determined by the enforcement authority, such as factories, stadiums, storage, enclosed parking structures and utility buildings are exempt from this measure.

- N-7** Prior to issuance of building permits for residences in residential planning areas located along San Bernardino Avenue and Wildrose Avenue (planning areas 2, 4, 7, and 13 developers) shall prepare detailed noise assessments showing that noise levels in those areas will not exceed the 65 CNEL outdoor noise criteria and the 45 CNEL indoor noise standard. The noise assessment shall be prepared by a qualified acoustical consultant and shall document the sources of noise impacting the areas and describe any measures required to meet the standard. These measures will be incorporated into the project plans. The report shall be completed and approved by the City prior to issuance of building permits.

*Finding*

Regarding Impact 4.12.3.2.b, the City hereby makes **Finding 2** that the implementation of vibration from construction operational activities mitigation measures will reduce potentially significant impacts to less than significant levels.

**3. Impact 4.12.3.2.c**

Impacts due to the potential for a permanent increase in ambient noise levels will be less than significant with implementation of the proposed mitigation measures. (Draft EIR, 4.12-23–37.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.12.3.2.c will be less than significant is provided in Section 4.12 of the EIR. The EIR analyzed project generation traffic noise from the proposed project on the surrounding land uses, operational noise impact associated with proposed land uses, future traffic noise exposure to the proposed project, future traffic noise exposure to the proposed project, residential and habitat conservation planning areas and future train noise exposure to the proposed project.

Project generated traffic noise will result in noise increases of 3 dB or greater along the five road segments, resulting in potential noise impacts to various Planning Areas within the CHCCSP.

For example, because Planning Area 23 is located adjacent to the 8.8 acres of habitat conservation, special consideration should still be paid to the compatibility of land uses between the existing conservation areas and future land uses in Planning Area 23. Therefore, mitigation measures N-4 and N-5 requiring the preparation of a site or project specific Noise and Vibration Study would also apply to any new development in this planning area. Implementation of recommendations contained in a site or project specific noise study would

ensure that noise impacts associated with future development projects in Planning Area 23 on the adjacent conservation sites existing would be less than significant.

Land uses that could be developed in Planning Area 5 have the potential to impact the residential units proposed directly to the north in Planning Area 4, but would be adjacent to non-residential uses on Planning Area 9. Depending on the actual uses that are developed in Planning Area 5, a detailed noise study would be conducted to evaluate potential operational noise impacts on residential uses in Planning Area 4. Mitigation may include barrier walls and/or setbacks. Implementation of recommendations contained in a site or project specific noise study, as set forth in Mitigation Measure N-4, would ensure that noise impacts associated with future development projects in Planning Area 5 on the adjacent residential planning area would be less than significant.

Land uses within 115 feet of the centerline of Valley Blvd are expected to experience exterior noise levels that exceed 70 CNEL by the Year 2035, due to the projected increase in traffic along this arterial. These exterior noise levels may result in unacceptable interior noise levels. Mitigation measure N-6 would also apply to new or remodeled buildings on sites that are adjacent to Valley Blvd. Implementation of site or project specific requirements set forth in each noise assessment would ensure that impacts associated with traffic noise are reduced to less than significant levels.

With regard to the Open Space/Habitat areas, the HCP includes a long term commitment to maintaining high quality habitat for the DSF, and by extension, other sensitive species that may inhabit these planning areas. No specific measures to reduce noise levels are called out in the HCP, however, it is the City's intent to site more compatible land uses in proximity to planning areas 3, 6, 11, and 18, and by extension, other habitat identified in the HCP at the Hermosa Gardens Cemetery. Therefore, mitigation measures previously described for construction (N-1 and N-2), operations associated with land uses in adjacent planning areas (N-3 and N-4), and traffic related noise that may adversely affect residential uses (N-5) would reduce potential noise related impacts to less than significant levels.

Furthermore, application of Mitigation Measures N-3 through N-7, supra, would reduce impacts by ensuring that new development noise is evaluated and reviewed by the City and that any measures proposed by an acoustical consultant are incorporated into the project.

*Finding*

Regarding Impact 4.12.3.2.c, the City hereby makes **Finding 2** that implementation of the mitigation included in the EIR will reduce potentially significant impacts of ambient noise levels to less than significant levels.

## J. Public Services

### 1. Impact 4.14.3.2.a

Project impacts related to the physical impacts associated with government facilities, service ratios, response times or other performance objectives would be less than significant with implementation of the proposed mitigation measures. (Draft EIR, 4.14-10–16.) Park amenities will be discussed in Section 4 of the Findings of Fact and Statement of Overriding Considerations below.

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.14.3.2.a will be less than significant with implementation of mitigation measures is provided in Section 4.14 of the EIR. Analysis of impact 4.14.3.2.a indicates that implementation of the CHCCSP would not result in a substantial impact to fire and police protection, schools and libraries. The General Plan Safety Element includes a number of Standards and Proposals to address potential fire hazards, emergency response, and police protection services that would be relevant to the planning implementation of future development projects in the project area. Any proposed project would be required to pay impact fees to provide funding to the school district with potential increase of school enrollment capacity. Additionally, the city collects Development Impact Fees to support expansion of library services.

However, to ensure that public services are not significantly adversely impacted by project development as it occurs in the CHCCSP, in addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures are required to mitigate the potentially adverse effects of project implementation:

#### Fire Protection Services

**PS-1** In order to provide adequate fire protection coverage for the CHCCSP project area, equipment and staffing apparatus from Station 212 shall be relocated to a new, fully equipped facility within the project area or in close proximity to maintain adequate response time. In order to implement the relocation of Station 212 and staff a paramedic squad the following is recommended:

- Relocate fire station 212 from its current location at 1511 North Rancho Avenue to a location, ideally on Olive Street between Meridian Street and North Jackson Street;
- Include a purpose-built EOC in the relocated fire station; and
- Hire six firefighter paramedics to staff a paramedic squad daily with two personnel.

**PS-2** Prior to occupancy of any project buildings, all structures shall be equipped with the most reliable, commercially available fire suppression and alarm technology as required under the Uniform Building Code (UBC) standards and approved by the City of Colton Fire Department. The project applicant shall be responsible for maintaining these systems during project operations. Furthermore, if the call load for fire inspections increases beyond fire inspection sustainability (as indicated in annual reports) for the CHCCSP, a Fire Inspector shall be provided.

#### Police Protection Services

**PS-3** In order to improve the service ratio for the Police Department, a substation facility shall be provided within the CHCCSP area. Development impact fees shall be allocated by the City of Colton in order to provide additional officers, support personnel and new equipment for said substation. The timing of the development of this substation will be determined in consultation with the Police Department.

#### Schools and Libraries

**PS-4** Each developer proposing a new project, or the substantial redevelopment of a project site shall pay Development Impact Fees for all Public Services (Fire, Police, Schools, Libraries, Parks) as determined by the Community Development Director or his/her designee.

#### *Finding*

Regarding Impact 4.14.3.2.a, the City hereby makes **Finding 2** that implementation of the proposed mitigation measures would result in a less than significant impact to public services.

#### **K. Traffic and Circulation**

Impacts related to the physical impacts associated with traffic and circulation conflicting with plans, ordinances, or policies will be less than significant with implementation of the proposed mitigation measures.

##### **1. Impacts 4.15.3.2.a and 4.15.3.2.b**

Impacts related to conflicts with applicable plans, policies, or ordinances with regard to traffic and circulation will be less than significant with mitigation incorporated. (Draft EIR, 4.15-11–31.)

#### *Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.15.3.2.a and 4.15.3.2.b will be less than significant with implementation of mitigation is provided in Section 4.15 of the EIR. The EIR analyzed project trip generation, distribution, and future levels of

service at project area intersections as well as intersections within a five-mile radius of the project area. The results of the analysis for all scenarios studied – Existing Plus Project, Opening Year with the Project, and Year 2035 with the Project – demonstrate that study area intersections are anticipated to operate at acceptable levels of service during the peak hours with improvements. These would include intersection improvements such as additional left and right turn lanes, additional through lanes, and upgrading stop controlled intersections with traffic signals. With implementation of Mitigation Measure TRANS-1 future development projects will be required to pay their fair share of improvements, as well as complete specific improvements to roads within the project area.

**TRANS – 1** Because development projects in the CHCCSP project area will be submitted by a number of different project applicants, the City’s Public Works Department will be responsible for developing a fair share fee program for the purpose of funding for the necessary improvements identified in the CHCCSP Traffic Impact Study. The program shall specifically identify the nature, location, timing and cost of all improvements necessary to ensure that significant impacts are all adequately addressed and mitigated and the fair share program shall require the implementation of identified improvements at the appropriate time.

Specific improvements include:

- a. Construct Pepper Avenue adjacent to the project from San Bernardino Avenue to the projects south boundary at its ultimate half-section width as a Major Arterial including landscaping and parkway improvements in conjunction with development.
- b. Construct Meridian Avenue adjacent to the project from the north project boundary to Valley Boulevard at its ultimate half-section width as a Collector Street including landscaping and parkway improvements in conjunction with development.
- c. Construct San Bernardino Avenue adjacent to the project from the projects west boundary to Meridian Street at its ultimate half-section width as a Major Arterial including landscaping and parkway improvements in conjunction with development.
- d. Construct Valley Boulevard adjacent to the project from the projects west boundary to the projects east boundary at its ultimate half-section width as a Major Arterial including landscaping and parkway improvements in conjunction with development.
- e. The project site should provide sufficient parking spaces to meet City of Colton parking code requirements in order to service on-site parking demand.
- f. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.

- g. Sight distance at each project access should be reviewed with respect to California Department of Transportation/City of Colton standards in conjunction with the preparation of final grading, landscaping, and street improvement plans.

*Finding*

Regarding Impacts 4.15.3.1.a and 4.15.3.1.b, the City hereby makes **Finding 2** that implementation of the proposed mitigation measure associated with traffic and circulation would result in a less than significant impact.

**2. Impacts 4.15.3.2.c and 4.15.3.2.e**

Impacts concerning Air Traffic Patterns and Emergency Access with regard to the helicopter landing pads associated with the Arrowhead Regional Medical Center would be less than significant with the incorporation of mitigation. (Draft EIR, 4.15-32, 33.)

*Substantial Evidence*

Evidence supporting the fact that the environment effects identified in Impacts 4.15.3.2.c and 4.15.3.2.e will be less than significant with mitigation is provided in Section 4.15 of the EIR. Impacts 4.15.3.2.c and 4.15.3.2.e indicate the CHCCSP would not result in a substantial impact to air traffic patterns because the area is not located within an Airport Land Use Zone. With regard to the helicopter landing pads at the Arrowhead Regional Medical Center, implementation of the mitigation measure that calls for coordination between future applicants of development project in the CHCCSP project area, will ensure that there is adequate ingress/egress from the ARMC site.

**TRANS – 2** Prior to development of projects in planning areas within 28, 29, 31, 32, and 35 (i.e. planning areas in closest proximity to the ARMC) or development of road and intersection improvement plans in those planning areas, site plans including circulation plans must be submitted to the County of San Bernardino Land Use Services Department (LUSD). The LUSD will be responsible for coordinating with the ARMC administration review of the plans for potential impacts that could adversely affect the operation of the ARMC. Site plans must include proposed points of ingress and egress, show how intersections will be controlled, and show where roads that access the ARMC would be improved. The County shall provide input and require revisions to proposed plans to ensure compatibility between proposed land uses and roadway improvements within these planning areas. LUSD and ARMC administration would also review plans to assess impacts to the ARMC's ability to provide safe ingress and egress of helicopters.

*Findings*

Regarding Impacts 4.15.3.2.c and 4.15.3.2.e, the City hereby makes **Finding 2** that implementation of the proposed mitigation measure would result in a less than significant impact to air traffic patterns and ARMC emergency access to helicopter landing pads.

**3. Impact 4.15.3.2.f**

Impacts with respect to adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities would be less than significant with implementation of mitigation measures. (Draft EIR, 4.15-33–35.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.15.3.2.f will be mitigated to a less than significant level is provided in Section 4.15 of the EIR. Impact 4.15.3.2.f indicates that the City intends to work with regional agencies such as SANBAG and Omnitrans to implement Intelligent Transportation Systems measures and advance management technologies with regard to multi-modal transportation enhancements. Mitigation Measure TRANS-3 outlines a mechanism to ensure that Omnitrans has the opportunity to be included in the planning of future development in the CHCCSP project area, along major arterials and collector roads where transit currently exists or could be expanded to accommodate additional riders.

Impact 4.15.3.2.f also addresses bicycle routes and bicycle storage/parking. The CHCCSP promotes the development of neighborhoods, business parks, professional and medical office parks and retail/retail mixed use land uses that are in close proximity in order to create a community that does not rely on the automobile to get around. Pedestrian paths and bicycle paths or a combination in the form of multi-use paths would be developed to interconnect each of these activity centers and surrounding land uses. In addition Mitigation Measure TRANS -4 will ensure that bicycle parking and storage is an integral part of new development in the project area.

**TRANS – 3** The City of Colton, Omnitrans and project applicants shall coordinate the necessary road and site improvements related to transit stops, road improvements along bus routes, and any other improvements that may affect transit in the CCHCSP project area. This shall be accomplished through the City’s Development Review process when projects are proposed along existing or future bus routes identified by Omnitrans.

**TRANS - 4** In addition, the City of Colton requires new development projects to provide bicycle storage facilities. Because of the unique nature of the proposed mixed-use project, the CHCCSP would require applicants for future non-residential projects to provide

a bicycle parking study that analyzes the specific project need for bicycle parking and storage. The study shall identify where this bicycle storage would be provided in each component of the project to meet the intent of the City Zoning Ordinance. The implementation of this project design feature would result in less than significant related impacts to bicycles as it actually would encourage greater bicycle usage.

*Findings*

Regarding Impact 4.15.3.2.f, the City hereby makes **Finding 2** that implementation of the proposed mitigation measures would result in a less than significant impact to public transit, bicycle or pedestrian facilities.

**L. Utilities and Service Systems**

**1. Impacts 4.16.3.2.f / 4.16.3.2.g**

Impacts related to insufficient landfill capacity and solid waste disposal will be less than significant with mitigation incorporated. (Draft EIR, 4.16-15–22.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impacts 4.16.3.2.f and 4.16.3.2.g will be less than significant with mitigation incorporated is provided in Section 4.16 of the EIR. The project is estimated to generate 111,973 tons of waste from construction and demolition during project construction. This is a conservative estimate assuming that existing structures on developed sites would be demolished. Although much of the waste could likely be recycled at local facilities, especially because development under the CHCCSP would occur over several years, mitigation is proposed that would require future developers to implement construction and demolition waste recycling to the maximum extent feasible. Analysis of impacts 4.16.3.2.f and 4.16.3.2.g indicates that implementation of mitigation measure USS-1 would reduce short-term solid waste generation substantially. Therefore, short-term construction impacts on landfill capacity would be less than significant.

In addition to the Development Regulations and Design Guidelines set forth in the CHCCSP, the following mitigation measures would mitigate the potentially adverse effects of project implementation:

- USS-1** Prior to the issuance of demolition permits, each project applicant shall submit a recycling plan to the City of Colton identifying the procedures by which construction and demolition would be salvaged and recycled to the maximum extent feasible. The plan shall include proof that a construction and demolition debris recycler is under contract to the applicant to perform this work.

*Findings*

Regarding Impact 4.16.3.2.f and 4.16.3.2.g, the City hereby makes **Finding 2** that implementation of the proposed mitigation measure would result in a less than significant impact to insufficient landfill capacity.

***Section 4: Resolution Regarding Environmental Impacts not Fully Mitigated to a Level of Less than Significant***

**A. Air Quality**

**1. Impact 4.3.3.2.a**

Implementation of the CHCCSP would not be consistent with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) and this impact would be significant and unavoidable. (Draft EIR, 4.3-24–26.)

*Substantial Evidence*

The first criterion in the analysis of a project's consistency with the AQMP is whether the project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP. Based on the air quality modeling analysis, even with implementation of Mitigation Measures AQ-1, AQ-2 and AQ-3, identified for short-term construction impacts supra, development of new projects in the project area would still result in significant impacts (VOC, NO<sub>x</sub> and CO) from building construction based on the SCAQMD regional thresholds of significance. The Air Quality Assessment also found that even with implementation of Mitigation Measures AQ-4 through AQ-14, supra, long-term operations impacts would still result in significant impacts based on the SCAQMD local, regional, and toxic air contaminant thresholds of significance.

*Findings*

Regarding Impact 4.3.3.2.a, the City hereby makes **Finding 3**, that although mitigation measures have been identified for the project's Air Quality impacts, these measures do not fully mitigate the impacts and no acceptable alternatives are available to mitigate this significant unavoidable impact.

**2. Impacts 4.3.3.2.b**

Implementation of the CHCCSP would violate an Air Quality standard and contribute substantially to an existing or projected air quality violation. (Draft EIR, 4.3-26–28, 33–35.)

*Substantial Evidence*

Emissions of regional criteria pollutants during construction of projects in the project area would exceed the SCAQMD significance thresholds, even with the implementation of mitigation

measures that reduce architectural coatings to 5g/L or less and requires all construction equipment to be Tier 4 final and have Level 3 diesel particulate filters and oxidation catalysts that have a 25 percent emissions reduction. Even though these strict mitigation measures are incorporated, the emissions from construction would still exceed SCAQMD regional thresholds for VOC, NO<sub>x</sub> and CO.

Emissions of regional criteria pollutants during long term operations of projects in the project area would also exceed the SCAQMD significance thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>. The majority of emissions are from mobile sources that would be accessing various land uses within the project area. Mitigation Measures AQ-4 through AQ-14 have been identified, see *supra*, to reduce the operational emissions.

*Findings*

Regarding Impact 4.3.3.2.b, the City hereby makes **Finding 3** that although mitigation measures have been identified for the project's Air Quality impacts, these measures do not fully mitigate the impacts and no acceptable alternatives are available to mitigate this significant unavoidable impact.

**B. Public Services**

**1. Impact 4.14.3.2.a**

Implementation of the CHCCSP would further increase the City's deficit of parkland to population by adding additional new residents and reducing the amount of the City's parkland by 5.6 acres thereby resulting in a significant and unavoidable impact. (Draft EIR, 4.14-15-16.)

*Substantial Evidence*

Evidence supporting the fact that the environmental effects identified in Impact 4.14.3.2.a are unavoidable is provided in Section 4.14 of the EIR. The proposed project has the potential to result in an increased deficit of parkland to population. Presently, the City does not meet its goal of providing five acres of parkland per 1,000 people. The proposed CHCCSP includes residential planning areas that when developed could add an estimated 965 new residents to the City. This population increase would be expected to have a corresponding increase in usage for City park facilities. The proposed 414.-acre park in planning areas 12 and 14 will replace the existing approximately 10-acre park on San Bernardino Avenue. The existing park, which is actually a detention basin, provides recreation for team sports and is not equipped with typical park amenities such as playground equipment, tennis courts, basketball courts, and picnic areas. It is the City's intent to develop a larger sports park in the southerly portion of the City that will provide additional parkland in the City. The proposed new park in the project area will be a smaller, neighborhood park within walking distance of the residential planning areas as well as neighborhoods north of San Bernardino Avenue. Although amenities are planned, removal of the existing park will result in a net loss of 5.95 acres in the short term.

*Findings*

Regarding Impact 4.14.3.2.a, the City hereby makes **Finding 3** that no feasible mitigation measures or acceptable alternatives are available to mitigate this potentially significant impact to the City's parkland deficit.

***Section 5: Resolution Regarding Cumulative Environmental Impacts***

Sections 15130(a) through 15130(e) of the State CEQA Guidelines require the contents of an EIR to include a discussion of cumulative impacts. Section 15355 of the State CEQA Guidelines defines a cumulative impact as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.

Because the City of Colton has recently updated the General Plan (2013), the "summary of projections" method was used to evaluate the cumulative impacts that may occur with implementation of the proposed CHCCSP and other related projects. Similar to the General Plan, the City-initiated CHCCSP is envisioned as a long-term commitment by the City to provide the mechanisms for future growth in the project area for a mix of residential and non-residential uses consistent with long-term population and employment projections for the City.

*Substantial Evidence*

Impacts regarding Air Quality were determined to be potentially cumulatively significant. Both short-term construction and long-term operations would contribute to significant cumulative impacts to Air Quality. Construction activity emissions would still result in significant impacts based on the SCAQMD regional thresholds of significance, even with implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3. Long-term operations related to cumulative air quality impacts the region would be considerable when taking future development in the CHCCSP project area into account. However, the Air Quality Assessment prepared for the CHCCSP determined that development projects in the project area would not contribute significant toxic air contaminants. The City will continue to evaluate short-term, construction-related impacts and long-term impacts for discretionary land use projects in the CHCCSP, so that best available control measures can be applied, where warranted, to minimize the effects of individual development projects. Thresholds recommended by the SCAQMD will continue to be the preferred criteria for determining the level of impact significance at the project level of review. However, long-term cumulative air quality impacts to the region would still be considerable when taking future development in the CHCCSP project area into account. Therefore, both short term construction and long term operations would contribute to significant cumulative impacts to Air Quality. (Draft EIR, 5-3-4.)

With regards to the cumulative impact to Parks, which was analyzed in the Public Services section, the City has an existing deficit of parkland to population and adding additional new residents combined with the net loss of 5.95 acres of parkland associated with the

redevelopment of the existing approximately 10-acre George E. Brow park into residential neighborhood will exacerbate this deficit. This cannot be fully mitigated by the creation of a new 3.8-acre park and 0.6-acre land bridge and the payment of Quimby fees by future development projects in the project area. Therefore, impacts to Parks would remain a significant cumulative impact. (Draft EIR, 5-11.)

#### *Findings*

With respect to Cumulative Impacts on Air Quality and Parks, the City hereby makes **Finding 3** that no feasible mitigation measures or acceptable alternatives exist to mitigate these potentially significant cumulative impacts.

### ***Section 6: Resolution Regarding Significant Irreversible Environmental Changes***

State CEQA Guidelines Section 15126.2(c) states that significant irreversible environmental changes that would be caused by implementation of the CHCCSP should be identified in the EIR.

#### *Substantial Evidence*

##### Irreversible Commitment of Resources

The CHCCSP provides a policy and regulatory framework to guide future growth into both infill sites and undeveloped areas of the project area. Once land is developed with a certain type of land use, reversion to open space for conservation, resource recovery such as aggregate materials, or other purposes is highly unlikely. An irreversible commitment of non-renewable natural resources is inherent in any development project, or in the case of the CHCCSP, a number of development projects in the project area over time. Implementation of the CHCCSP represents a long-term commitment to the consumption of energy for electricity, water and space heating, water supply and treatment, industrial processes, as well as fuels to power various modes of mechanized transportation. (Draft EIR, 5-15–16.)

##### Irreversible Environmental Changes

Irreversible long-term environmental changes associated with future projects in the CHCCSP project area would include changes in the visual character of the project area as a result of the conversion of an older underutilized area of the City of Colton into a mixed use area with the Arrowhead Regional Medical Center (ARMC) in the center of the project area. Additional irreversible environmental changes would include the increase in local and regional traffic, and the resultant increase in air pollutants including greenhouse gasses, as well as noise generated by this traffic, among other impacts. Design features and development standards have been established in the Specific Plan and mitigation measures have been identified in the EIR that would minimize the effects of the environmental changes associated with the development of future projects in the CHCCSP project area to the maximum extent feasible. In addition, the project area is a relatively urban site already and the implementation of the CHCCSP would

improve this location of the City. Even with this being the case, the project would result in significant and unavoidable short-term and long term air quality impacts during construction and operation. (Draft EIR, 5-16.)

#### Potential Environmental Damage From Accidents

Existing land uses on some sites within the project area have been identified as having Potential Environmental Concerns (PECs) and Recognized Environmental Concerns (RECs) including sites where service stations, vehicle repair shops, machine shops and other such uses are planned for. Site preparation of these sites for future development will require that Phase I Environmental Site Assessments (ESAs) be prepared to identify any existing potentially hazardous conditions and, if necessary conduct a Phase II ESA that would identify remediation efforts to clean up the site. In addition, remediation of these sites would be required prior to any new development. (Draft EIR, 5-16.)

Future uses in the project area that may use hazardous materials would be located in one if the Business Park planning areas or by a Conditional Use Permit for Retail or Retail Mixed Use planning areas. Such uses as vehicle repair shops, gas stations, car washes, and manufacturing and assembly facilities would be required to prepare and implement Hazardous Materials Business Plans that must be reviewed and approved by the City of Colton Fire Department and the San Bernardino County Fire Department, the Certified Unified Program Agency (CUPA) for the County. (Draft EIR, 5-17.)

Finally, the project area is located in a seismically active area where groundshaking would most likely be the cause of damage during a seismic event. Each project proponent will be required to adhere to the recommendations made in the Geotechnical Report prepared for the project area that require additional geotechnical study of on-site soil and geologic conditions, the removal of undocumented fill material, re-evaluation of documented fill material, the overexcavation and compaction of near surface soils, and the review of all final grading plans by a professional geologist. Adherence to the latest edition of the California Building Code will also be required for all new structures or substantial remodeling of existing structures.

#### *Findings*

With regard to the Irreversible Commitment of Resources, the City Council finds that implementation of the CHCCSP would result in the continued commitment to the consumption of such resources.

With regard to Irreversible Environmental Changes, the City Council finds that implementation of the CHCCSP would result in such changes, however, these changes can be mitigated to less than significant levels through compliance with the CHCCSP design guidelines and development standards as well as mitigation measures that have been identified in the EIR that would

minimize the effects of the environmental changes.

With regard to Potential Environmental Damage From Accidents, the City Council finds that adherence to regulatory requirements for cleanup of sites with RECs or PECs, implementation of Hazardous Materials Business Plans where necessary, and compliance with the recommendations in the CHCCSP Geotechnical Study, will result in the continued safe operation of projects in the CHCCSP project area.

### ***Section 7: Resolution Regarding Growth-Inducing Impacts***

State CEQA Guidelines Section 15126.2(d) requires that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing either directly or indirectly, in the surrounding environment.

#### *Substantial Evidence*

The proposed CHCCSP is specifically intended to provide for the orderly growth of the project area to achieve economic, environmental and quality of life benefits. The CHCCSP includes the development of new infrastructure systems or upgrades to existing systems to facilitate growth of undeveloped or underutilized properties in the project area. Project permitted pursuant to land use policies will provide for additional housing in the City, create a better balance of residential and non-residential uses in the community, promote organized and pedestrian-friendly commercial development and protect natural resources. Finally, although the CHCCSP includes a residential component, the 275 additional dwelling units represent only a 1.8 percent increase in the City's population and this growth is not considered to be significant. (Draft EIR, 5-17-18.)

#### *Findings*

The City Council finds that the growth inducing characteristics of the proposed CHCCSP are beneficial to the City.

### ***Section 8: Resolution Regarding Alternatives***

CEQA Guidelines Section 15126.6 states that an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects on the environment.

There are two plans that will govern the CHCCSP project area in the future: (1) the Specific Plan; and (2) the West Valley Habitat Conservation Plan (HCP). Therefore, the selection of alternatives considered for analysis must reflect both plans. The boundary of the CHCCSP project area and the West Valley HCP Plan area are similar with the exception of the following areas:

- The CHCCSP project area boundary extends south of Valley Blvd to the I-10 Freeway and does not include any land south of the freeway. The CHCCSP project area boundary does not include the ARMC property, the Hermosa Gardens Cemetery, or existing conservation areas east of Pepper Avenue.
- The West Valley HCP plan area boundary does not extend south of Valley Blvd but does include 5.8 acres of non-contiguous area south of the I-10 freeway along a segment of Slover Avenue and does include the ARMC property, Hermosa Gardens Cemetery, and existing conservation areas.

The following project objectives have been established for the proposed project:

- a. Establish a land use plan with comprehensive development regulations, community planning and design standards that will create a sense of community and a sense of place.
- b. Create a community that becomes a place where people are encouraged to walk or bicycle between homes, shopping, restaurants, entertainment and businesses.
- c. Assure that the area develops in a comprehensive and coordinated fashion with adequate consideration for infrastructure, public safety, public services, and resource management.
- d. Incorporate bus rapid transit (BRT) routes planned by Omnitrans along major streets within the CHCCSP project area.
- e. Create a new employment center for the City of Colton.
- f. Strengthen the City's economic base. Implement the goals and policies of the City of Colton General Plan.

### **Alternatives Considered and Rejected**

The following alternatives were considered but rejected from further analysis based on the General Plan Update objectives. Although the "No Project" alternative also did not meet most of the objectives, it must still be analyzed pursuant to CEQA. All other alternatives were determined to meet some of the objectives and were further analyzed.

1. Inclusion of the City's DSF Planning Effort (addressed in the West Valley HCP) into the Larger San Bernardino County Multi-Species Habitat Conservation Plan.

The County of San Bernardino had intended to prepare a valley-wide MSHCP that would focus on the conservation of several species and associated habitats within the valley region of the County; generally along the Interstate 10 Freeway corridor between the Riverside/San Bernardino boundary on the south and the foothills of the San Gabriel and San Bernardino

mountain ranges on the north. Similar large MSHCPs have been developed in western Riverside County and the Coachella Valley. Such an MSHCP for San Bernardino County would eventually allow the County and its cities to better control local land use decisions and maintain a strong economic climate in the region while addressing State and federal requirements of the Endangered Species Act (ESA). Although the County had initiated discussions with the USFWS and negotiated a memorandum of understanding (MOU) with most of the cities in the valley, no significant progress on preparing a valley-wide MSHCP has been made, to date and federal funding set aside by USFWS for this program has been withdrawn. There are no current plans by the County to resume this planning effort. In order to provide some certainty in addressing endangered species issues within the City boundaries and a limited number of County areas, the City feels it is imperative that it initiate its own HCP specifically for DSF rather than wait for the County to resume its efforts. If the County of San Bernardino resumes its efforts to prepare a valley-wide MSHCP, the City of Colton will coordinate its efforts with the County MSHCP to the extent practicable. (Draft EIR, 6-7.)

## 2. Permit Issuance with Offsite Conservation

Under this alternative, avoidance and minimization measures would be the same or similar to those occurring under the proposed CHCCSP which includes the long term commitment to conservation of DSF habitat within the project area, and the issuance of an Incidental Take Permit with the Implementation of the HCP. Under this alternative, future project proponents would mitigate for the take of DSF and its habitat offsite by purchasing credits in the Colton Dunes Conservation Bank (Bank) located south of Interstate 10 in the City of Colton. The Bank was established by Vulcan Materials, Inc., and approved by USFWS in 2005 as a mitigation bank for DSF. This alternative was considered to be inferior to the preferred alternative of conservation of an area north of the I-10 freeway because the DSF habitat located within the West Valley HCP area consists of high and to a lesser extent medium quality occupied habitat adjacent to existing conservation areas, and these DSF populations are considered critical to the conservation of the species. In addition, given the number of acres to be mitigated and the mitigation ratios for different types of habitat (i.e., high, medium, and low quality), purchasing of bank credits in lieu of onsite conservation is beyond the financial resources of the City who initiated the consultation with US Fish and Wildlife Service (USFWS). The fee charged by the Bank is about \$250,000 per acre so the cost to the City would be at least \$12,750,000 if all of the mitigation occurred offsite at the Bank. For these reasons, the alternative of mitigating DSF impacts resulting from the proposed HCP through the purchase of credits at the Colton Dunes Conservation Bank was eliminated from further study in the NEPA Environmental Assessment. This alternative was also not considered in the EIR because it represented a more intense alternative, by allowing an additional 50 acres of land to be developed with urban uses. (Draft EIR, 6-8.)

### 3. Alternative Location

For an alternative location to be feasible to support the proposed CHCCSP, it would need to meet the following criteria:

- Be located within the limits or the sphere of influence of the City of Colton.
- Contain a minimum of 323 acres (developable area minus conservation areas), with the acreage being either contiguous or separated only by streets.
- Be designated for commercial, office, or mixed-uses by the City of Colton.
- Be under the ownership of either developing applicants or the City of Colton.

Larger areas in the City of Colton or adjacent unincorporated areas that are currently vacant or sparsely developed include areas in the Agua Mansa Industrial Corridor Specific Plan project area and the Santa Ana River Redevelopment Specific Plan project area. Both of these areas are identified for industrial uses such as large distribution/warehouse or manufacturing facilities and do not have the infrastructure to support the type of mixed use development proposed in the CHCCSP project area that would create a sustainable community as that envisioned in the CHCCSP. (Draft EIR, 6-9.)

The Reche Canyon Specific Plan located in the southeastern portion of the City is designated for residential subdivisions similar to the types of developments currently in that area. This specific plan is designated for residential development and does not allow for non-residential uses. Therefore, this alternative location was rejected.

The Cooley Ranch Planned Community area would allow similar uses as those envisioned in the CHCCSP project area, however, this area is already a planned community with a mix of high density residential and commercial retail, office, and light industrial uses. (Draft EIR, 6-9.)

Adjacent to the City of Colton is approximately 772 acres associated with the California Portland Cement Company. This area has been the site of a successful mining and processing facility since the 1880's. Future use of this area is under private ownership and therefore, is not available as an alternative site for the CHCCSP.

#### *Findings for Rejecting Alternatives*

Regarding Alternatives that were considered and rejected, the City hereby makes the finding that rejected Alternatives 1 was not considered for further evaluation in the EIR because (1) there is no San Bernardino County MSHCP; and (2) this Alternative is infeasible; and finds that each of these reasons is sufficient justification on its own to reject this Alternative from further consideration.

The City hereby finds that Alternative 2 was rejected from further evaluation in the EIR because (1) permit issuance with off-site conservation would not likely be feasible for most future project applicants when the conservation bank is charging fees of \$250,000 per acre; (2) the Alternative is thus economically infeasible; and (3) the Alternative would result in increased significance of impacts due to the additional acres of development; and finds that each of these reasons is sufficient on its own to justify rejecting this Alternative from further consideration.

Regarding rejected Alternative 3, the City hereby makes the finding that there is no area in or adjacent to the City of Colton available to implement the CHCCSP to the size and intensity set forth in the CHCCSP. Therefore, the alternative is rejected as environmentally and legally infeasible, and the City finds that this reason is sufficient justification for rejection of this alternative.

### **Alternatives Considered For Analysis in the EIR**

After consideration of all alternatives, two were selected for further analysis for the proposed CHCCSP.

1. No Project – Development Under the Existing WVSP Alternative
2. Reduced Retail/Retail Mixed Use, add Additional Residential and Open Space/Park Alternative

*Substantial Evidence for No Project – Development Under the Existing WVSP Alternative (Draft EIR, 6-11-20.)*

#### Description

CEQA Guidelines Section 1512.6(e)(1) and (2) state that a “no project” alternative shall be evaluated but that the no project alternative analysis is not the baseline for determining whether the proposed project’s environmental impacts may be significant, unless it is identical to the existing environmental setting analysis. The “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The Notice of Preparation for the proposed amendment to the WVSP (adopted in 1996) was published in 2008 and an EIR was prepared for that project. However, due to the downturn in the economy and the presence of DSF habitat in the project area, the specific plan amendment was not approved and the EIR for that project was not certified. To date, no new projects have

been developed in the project area, and existing conditions today are similar to those in the project area in 2008. Therefore, the no project alternative analysis discusses existing conditions at the time the environmental analysis commenced for the CHCCSP.

As allowed under CEQA Guidelines Section 15126.6(e)(1)(A), the no project alternative is the continuation of the existing WVSP into the future. Thus the evaluation of the no project alternative is the evaluation of projected impacts that would occur under the existing WVSP. Under this alternative the project area would remain in its existing condition, and the proposed CHCCSP would not be implemented. The current specific plan land use designations would remain in effect.

Under the No Project - Development Under the Existing WVSP Alternative (no project alternative), no amendment to the WVSP would be implemented and existing conditions in the project area would likely remain unchanged in the near term. This alternative also assumes that no West Valley HCP will be adopted by USFWS. Development could occur under the existing WVSP but because the existing specific plan does not include a project area-wide HCP for DSF, it would remain the responsibility of individual project applicants to negotiate Incidental Take Permits for their project sites. This has been the single most deterrent to development in the project area. Under this alternative, DSF habitat would likely continue to deteriorate due to blighted conditions and because development of small individual conservation areas similar to those existing in and adjacent to the project area have been shown to be less desirable to USFWS because it results in fragmentation of the habitat and makes it less likely that DSF can survive and thrive. In addition, vacant parcels have been used for illegal dumping, homeless encampments and unauthorized off-road use. Development of some sites could occur, particularly those that are already developed with urban uses or the property is underutilized. These properties would not be anticipated to require consultation with USFWS if it can be established that there is no DSF habitat on site. Under existing conditions there are four projects currently proposed for development:

- A new service station shopping areas and a restaurant complex at the southwest corner of Valley Boulevard and Pepper Avenue;
- The adaptive reuse of the vacant Moss Brothers Dealership on Valley Boulevard west of Pepper Avenue;
- A health club/retail center at the northwest corner of Valley Boulevard and Pepper Avenue;
- Reuse of the former “King is Coming” television production studio at the southwest corner of San Bernardino Avenue and Pepper Avenue, as the Center for Employment Training.

The first two projects are proposed on sites that are currently developed and are outside the West Valley HCP boundaries and thus are not subject to the USFWS requirements related to

conservation of DSF habitat. The third project is proposed on undeveloped property where two consecutive years of protocol surveys have been conducted for DSF with negative results.

The WVSP project area includes 13 planning areas for Open Space, Business Industrial Park, Regional Retail, and Hospitality/Retail/Medical Support. No residential uses were proposed. Open space uses consists of the existing 10-acre park at the intersection of San Bernardino Avenue and Eucalyptus Avenue; the 49-acre golf course on Valley Blvd; and the 30-acre cemetery east of Hermosa Avenue. The WVSP included the Arrowhead Regional Medical Center (ARMC) with a land use designation of Business/Industrial Park.

For the purposes of evaluating this alternative, 135 acres of the 402-acre WVSP project area could be developed in the future with the remaining properties already developed or would be set aside in conservation. Note: the CHCCSP project area is 373 acres; the difference being the exclusion of the cemetery and ARMC from the CHCCSP project area. The breakdown for development under the WVSP is as follows:

- 215 acres have already been developed, including the ARMC site, existing roads, the golf course, public park, and approximately 50 percent of the cemetery.
- For planning purposes it is assumed that up **75** acres of the 127 acres identified as exhibiting habitat quality for DSF ranging from High to Low could ultimately be developed. Development would only occur after a project applicant undertakes the rigorous consultation process with the USFWS and issuance of an Incidental Take Permit.
- This leaves approximately **60** acres of developable land that is not encumbered by existing development or otherwise affected by DSF habitat. That is, these areas do not exhibit any habitat value according to the West Valley HCP.
- Properties that are already developed in the project area could be redeveloped with different land uses that could be more intense, including multiple story buildings. However, since this is speculative, redevelopment of existing developed properties was not considered in the evaluation of the no project alternative.

Development under the WVSP would consist of 60 acres that would not require consultation with USFWS for DSF, and an additional 75 acres after consultation with USFWS is completed and Incidental Take Permits are issued. Therefore, a total of 135 acres could be developed under the WVSP without the property owner being required to consult with USFWS. The acreage is divided into two land uses spread around the planning areas where development would occur, Business/Industrial Park (115 acres) and Hospitality Retail/Medical Support (20 acres).

Using the same floor area ratio as was used to evaluate the proposed project of 0.25, a total of 1.25 million square feet of Business/Industrial Park (BIP) uses and 217,800 square feet of Hospitality Retail/Medical Support (HRM) could be developed. By contrast, buildout under the

proposed CHCCSP would result in 275 residential units and up to 2.4 million square feet of non-residential land uses. The difference is approximately 929,850 square feet less non-residential uses than under the CHCCSP. For the purposes of this analysis, the difference has been rounded up to 930,000 square feet.

### *Environmental Impacts*

The No Project – Development Under the WVSP would be environmentally superior for issues such as geology/soils/seismicity, noise, public services, and utilities and services systems because this alternative would result in less non-residential development and no residential development that would reduce the number of people occupying the site on a daily basis. In addition, because no demolition of existing structures was assumed in this alternative the amount of construction and demolition solid waste material would be reduced. With no residential uses proposed, there would be fewer impacts on schools and parks. Also, because there would be less development and no residential development, energy and water consumption would be lower.

Because development would still occur in the planning area, this alternative would be expected to have similar impacts on aesthetics/light/glare, air quality and greenhouse gas emissions, cultural resources, hazards and hazardous materials, hydrology and water quality, and mineral resources. With regard to air quality and GHG emissions, because it is unknown at this time what types of uses would be developed under this alternative, and because this alternative includes a Business/Industrial Park designation on approximately 50 acres (whereas no industrial uses are envisioned in the CHCCSP), it could happen that air quality and GHG emissions would be significant and unavoidable after mitigation is implemented on a project by project basis, similar to the proposed project.

Impacts on the environment that would likely be greater include impacts on biological resources because there would be no comprehensive HCP developed that would set aside larger areas of DSF habitat in permanent conservation. Other impacts that would likely be greater are related to Land Use and Population and Housing because the WVSP does not implement the City's vision for the project area to restore the sense of community, vibrancy, and vitality of the small town atmosphere, incorporating a broad range of uses all within walking distance of one another. These include shopping, restaurants, entertainment, hospitality, offices, housing, parks, and open space. The vision also includes a new main street setting, new employment opportunities that are more diverse than under the WVSP, and establishing a new strong and diverse economic base.

### *Findings for the No Project – Development Under the Existing WVSP Alternative*

The City hereby rejects the No Project – Development Under the WVSP overall because:

1. This alternative does not adequately address the conservation of habitat for DSF and other sensitive species known to inhabit the project area to the extent that the proposed project would and so would result in increased impacts to biological resources.
2. This alternative has greater impacts on Land Use and Population because it fails to meet the City's General Plan Housing Element objectives to provide additional housing opportunities.
3. This alternative fails to avoid the significant and unavoidable impacts of the project to air quality.
4. This alternative does not meet many of the project objectives (objectives a, b, c, and f) to create a sense of community and sense of place, creation of a pedestrian friendly community, assuring that development adequately considers resource management, and implementation of the goals and policies of the General Plan concerning residential development and walkable communities.

The City further finds that each of the above reasons is sufficient justification on its own to reject the alternative in favor of the proposed project.

*Substantial Evidence for Reduced Retail/Retail Mixed Use, add Additional Residential and Open Space/Park Alternative (Draft EIR, 6-21–35.)*

#### Description

This alternative is similar to the original amendment to the WVSP proposed in 2008 that has been revised to reflect the conservation areas identified in the CHCCSP. This is because the mix of uses in the original specific plan amendment included 1,293 dwelling units along with a mix of non-residential land uses, thus providing more opportunities for residents to live, work and shop in a walkable community. Under this alternative, the existing golf course (west side of Planning Area 16) and the adjacent Planning Area 9 would be redesignated to Residential High (RES-H) which allows 18-25 dwelling units per acre. Using a median of 22 dwelling units per acre, this alternative would result in up to 880 new RES-H dwelling units for a total of 1,253 units, 40 units less than in the original proposed WVSP amendment.

#### Environmental Impacts

This alternative adds an additional 6 acres of park space to Planning Area 12, and when added to the proposed 3.8 acres of park space in Planning Area 12 and the linear open space feature in Planning Area 14 at 0.6 acre, the proposed park space would be approximately 10.4 acres. This would replace the existing 10-acre George Brown Park currently located in Planning Area 13 that is identified for residential uses in the CHCCSP. When combined with the required Quimby fees that must be paid by new development, the significant impact to Public Services with regard to parks would be reduced to a less than significant level in this alternative.

The Reduced Retail/Retail Mixed Use – Increased Residential Alternative would have similar impacts in the following areas: aesthetics/light and glare, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise and utilities and service systems. This is because all of the planning areas identified for development would experience development under the proposed project or this alternative.

For other areas, this alternative would likely have less of an impact because it would provide an increase in the number of dwelling units in a project area that increases the number of people that would be taking advantage of the walkable, pedestrian oriented project area where people can live, work, shop and play. This alternative would increase the number of residents from 963 (proposed project) to 4,385, thus, more residents would likely be foregoing their automobiles for the shorter trips that occur in typical residential communities. This would result in (1) fewer emissions of pollutants associated with motor vehicles (Air Quality), (2) fewer GHG emissions associated with vehicle trips (GHG), and (3) fewer trips in automobiles (Traffic and Circulation). However, although this alternative could reduce vehicle trips by placing residents in close proximity to employment and retail opportunities, the emissions from the use of natural gas would likely be greater under the proposed project. Likewise, this alternative would result in an increase in water usage of approximately 360,743 gallons per day over the proposed project and generate an additional 264,797 gallons of wastewater per day.

For land use and planning, and population and housing, this alternative would meet the General Plan goals and policies for Land Use Diversity and Compatibility, Economic Development, Sustainable Development and Building Practices, New Residential Neighborhoods, Mixed Use Districts, Open Space and Public Facilities to a greater extent than the proposed project because it provides a better mix of residential to nonresidential uses than the proposed project, by better implementation of the City's vision for creating a new "Hub" that is walkable and pedestrian oriented, where people can live, work, shop and play and creating quality development and a distinctive setting within the City.

For most categories relative to the proposed project and this alternative, implementation of mitigation measures identified in the EIR, would reduce impacts to less than significant levels. Because this alternative would result in an additional 1,078 dwelling units, impacts on public services would be greater for schools, and impacts on utilities with a greater generation of solid waste, energy consumption, water use and wastewater generation. These impacts can be reduced to less than significant levels by the payment of development impact fees under either scenario. However, under the proposed project, a significant impact on public service – parks would occur with the removal of the existing 10-acre George Brown Park, and the addition of a new park at less than half the size, in a City that already experiences a deficit in park space for its residents. Under this alternative, a new 10.5-acre park would be developed and the

payment of Quimby fees by new development would result in a less than significant impact on Public Service – Parks.

Although this alternative would have less of an impact on the environment with regard to some environmental issues, for others such as Air Quality and GHG emissions, impacts would remain significant and unavoidable for both construction and operation due to the size of the project area and amount of new development that could occur. This alternative would eliminate the significant unavoidable impact on public service – parks by providing a new park of equal or greater size than the park being eliminated and the payment of Quimby fees would be used to provide additional park services in the City.

*Findings for the Reduced Retail/Retail Mixed Use, add Additional Residential and Open Space/Park Alternative*

The City hereby rejects the Reduced Retail/Retail Mixed Use – Increased Residential Alternative for the following reasons:

1. This alternative does not meet two of the objectives to the same extent that the project does. These are to:
  - a. Create a new employment center for the City of Colton (objective e). This alternative would result in less opportunities for employment than under the CHCCSP by replacing 44 acres of a Business Park planning area (Planning Area 9) with residential uses, thus precluding the development of approximately 500,000 square feet of non-residential uses that would generate employment opportunities and potential revenue generating uses from being developed (based on an FAR of 0.25 over 44 acres).
  - b. Strengthen the City’s economic base (objective f). This alternative would replace 44 acres of Business Park uses that would likely include revenue generating uses such as service businesses (repair shops, photo finishing/reprographics, wholesale businesses), and retail uses (with a CUP). Thus, this alternative would not meet this objective to the same extent as the proposed project.
2. This alternative fails to avoid the significant and unavoidable impacts of the project to air quality.

The City further finds that each of the above reasons is sufficient justification on its own to reject the alternative in favor of the proposed project.

**Environmentally Superior Alternative**

CEQA Guidelines Section 15126(e)(2) requires an EIR to identify an “environmentally superior alternative.” If the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

Each of the proposed alternatives would have environmental impacts that are similar relative to the proposed project because both alternatives allow development of the project area. (Draft EIR, 6-35.)

The No Project – Development Under the WVSP would be environmentally superior for issues such as geology/soils/seismicity, noise, public services, and utilities and services systems because this alternative would result in less non-residential development and no residential development that would reduce the number of people occupying the site on a daily basis. In addition, because no demolition of existing structures was assumed in this alternative the amount of C&D solid waste generated would be reduced. With no residential uses proposed, there would be fewer impacts on schools and parks. Also, because there would be less development and no residential development, energy and water consumption would be lower. Because development would still occur in the planning area, this alternative would be expected to have similar impacts on aesthetics/light/glare, cultural resources, hazards and hazardous materials, hydrology and water quality, and mineral resources. Impacts on the environment that would likely be greater include impacts on biological resources because there would be no comprehensive HCP developed that would set aside larger areas of DSF habitat in permanent conservation. Other impacts that would likely be greater are related to Land Use and Population and Housing because the WVSP does not implement the City’s vision for the project area to restore the sense of community, vibrancy, and vitality of the small town atmosphere, incorporating a broad range of uses all within walking distance of one another. (Draft EIR< 6-35–36.)

The Reduced Retail/Retail Mixed Use – Increased Residential Alternative would have similar impacts in most categories relative to the proposed project. This alternative provides the same conservation areas for DSF habitat, creates similar opportunities for high quality office, business, retail and hospitality uses and employment opportunities, and incorporates the Bus Rapid Transit options for people living working or visiting the area. This alternative contributes to the City’s jobs/housing balance to a greater extent than does the proposed CHCCSP by providing a more diverse mix of land uses. This alternative would also eliminate the significant unavoidable impact on Public Services – Parks, and because the alternative offers a greater diversity in the mix of land uses than the proposed project by providing additional housing and increasing the opportunity for more City residents to live in a walkable pedestrian oriented community that would reduce residents dependence on motor vehicles. For this reason, this alternative would be environmentally superior to the proposed project. (Draft EIR, 6-36.) This alternative is therefore selected as the Environmentally Superior Alternative.

However, this alternative does not meet the City’s objectives for the project area to the same extent that the project would by providing less employment opportunities and less potential revenue generated in planning area 9 which would be developed with residential uses instead of Business Park and Retail uses as it could under the proposed project. Further, the alternative

would not avoid the significant and unavoidable air quality impacts of the proposed project. As previously discussed in this section of findings regarding alternatives, the City therefore rejects the Reduced Retail/Retail Mixed Use – Increased Residential Alternative.

### ***Section 9: Resolution Adopting a Statement of Overriding Considerations***

The Final EIR has identified and discussed significant environmental effects that will occur as a result of the proposed CHCCSP. With implementation of the mitigation measures in the EIR, these effects can be mitigated to levels considered less than significant except for significant, unavoidable project-specific and/or cumulative impacts in the areas of air quality and parks as described above.

CEQA Section 21081 provides that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one of more significant effects on the environment that would occur if the project were carried out unless the agency makes specific findings with respect to those significant environmental effects. Where a public agency finds that economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, makes infeasible the mitigation measures or alternatives identified in the EIR, and thereby leave significant unavoidable effects the public agency must also find that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

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

Having considered the unavoidable adverse impacts of the CHCCSP, the City Council hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the

potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the City Council has balanced the benefits of the project and finds that economic, social and other considerations of the CHCCSP outweigh the unavoidable adverse impacts described previously.

The following statements are in support of the City's action based on the EIR and/or other information in the record. The benefits from approving the CHCCSP include those related to the redevelopment of the area as a vital economic component to the City's fiscal well-being. The proposed project is appropriate because it would provide for the following benefits:

1. Future development would augment the City's economic base through an increase in annual sales, business and utility taxes that may be used to fund Capital Improvement Projects.
2. The CHCCSP would create a vibrant mixed-use development with residential, retail, office and business park uses in the City that goes beyond the vision of the 1996 WVSP.
3. The hotel component included in the proposed project will increase the Transient Occupancy Tax (TOT) revenues for the city with increased room rates and annual monetary gain. The hotel component would also add to the vitality and viability of the CHCCSP as a successful mix-use development in the City.
4. Development of the CHCCSP would create employment generating opportunities for the citizens of Colton and surrounding communities. Based on projections, the project, at build-out, has the potential to add new jobs to the local economy.
5. The type of development envisioned in the CHCCSP would exhibit urban architecture and landscaping features utilizing state-of-the-art technologies that will help the City's image as an employment center as well as a shopping and entertainment center.
6. The CHCCSP provides clarity for future developers and land use regulators. The CHCCSP clearly defined standards and detailed planning for projects will guide future environmental review and reduce the time and cost in the permit process.
7. No significant residential or commercial development, economic development, or community improvements have occurred with the project area as a result of current planning, economic, and natural resource policy. The CHCCSP offers an opportunity to meet the community's growth needs and provides a balance of land uses that accommodates growth within available resources and service capacity.

8. The CHCCSP provides a range of commercial and residential uses to promote orderly economic development and improves the balance between jobs and housing.
9. The CHCCSP provides a range of housing types affordable to all income levels and enhances the character of the area by providing design and landscape guidelines to ensure that new development is aesthetically pleasing and complementary.
10. The project provides recreational areas with amenities, and open space areas, and balances the needs of the future residents with the needs of existing residents,
11. Tax and other revenues associated with development in the CHSCCSP provides fiscal balance and will help to improve and expand public infrastructure.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would limit the realization of Project objectives and/or specific economic, social and other benefits to the same extent as the project, that this City Council finds outweigh any environmental benefits of the alternatives.

In the light of the foregoing, and in recognition of additional information contained within the Final EIR, the City of Colton City Council concludes that implementation of the CHCCSP will result in the development of a beneficial mix-use project as outlined above. The City Council further concludes that each of these benefits separately and individually outweigh all of the significant, unavoidable environmental impacts associated with development of the CHCCSP and, accordingly, adopts this State of Overriding Considerations.

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

**CERTIFICATION**

I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-100-14**, duly adopted by the City Council of said City, and approved by the Mayor of said City, at its Regular Meeting of said City Council held on the **7<sup>th</sup> day of October, 2014**, and that it was adopted by the following vote, to wit:

AYES: COUNCILMEMBER Toro, Gonzales, Oliva, Bennett,  
Suchil and Mayor Zamora  
NOES: COUNCILMEMBER None  
ABSTAIN: COUNCILMEMBER None  
ABSENT: COUNCILMEMBER Navarro

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Colton, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CAROLINA R. PADILLA  
City Clerk  
City of Colton

(SEAL)