Facts and Findings and Statement of Overriding Considerations for the *Spring Trails Specific Plan*

October 2012

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I. INTRODUCTION

The City of San Bernardino ("City") makes the Findings described below in connection with the City's approval of the Spring Trails Specific Plan ("Project" or "Spring Trails"). The Project proposes development of 304 single-family lots, in addition to a single existing residence, within a 352.8-acre site situated within an unincorporated area of the foothills of the Santa Bernardino Mountains.

The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the "EIR" unless otherwise specified. These Findings are based on the entire record before the City, including the EIR. The City adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

II. PROJECT SUMMARY

A. Site Location.

The Project is located within unincorporated San Bernardino County on the northern edge of the City of San Bernardino and in the foothills of the San Bernardino Mountains. The site is approximately 1.5 miles east of the unincorporated community of Devore and the junction of Interstate 215 (I-215) and I-15. The Project is bounded by the San Bernardino National Forest on three sides, and the Verdemont community of unincorporated San Bernardino County on the southern side. The Project is approximately one-third mile northwest of the intersection of Meyers Road and Little League Drive. Primary access is from a new roadway extending from Little League Drive, and secondary access will be provided by a new road extending south and connecting to the frontage road along I-215. Freeway access is from the Palm Avenue interchange and the Glen Helen Parkway/Devore Road interchange.

B. Project Description.

The Project site (352.8 acres) is within the City of San Bernardino's unincorporated sphere of influence ("SOI") and will be annexed into the City. The Project also includes the annexation of an adjacent 26.4-acre area consisting of six parcels owned by various property owners. The area is adjacent to the west of the Project site along Meyers Road and currently has four occupied, multiple-acre lots. It is being included in the annexation element of the Project to prevent the creation of a county "island" within the City of San Bernardino, which would not be allowed under regulations governing the Local Agency Formation Commission of San Bernardino County. A land use proposal has not been submitted for this 26.4-acre area, and it is not owned or otherwise under the control of the applicant. For these reasons, no development would occur on these parcels as part of this Project.

Under the "Preferred Development Plan", the Spring Trails Specific Plan will accommodate 304 single-family detached units (303 new units and one existing residence), set among neighborhoods separated by open space corridors, drainage ways, roadways, and sloped areas. A system of pathways will connect the residences with neighborhood parks and natural open spaces. Development will be focused onto approximately 241.5 acres, or about 68 percent of the total site, and will include nine acres of parks and 125.1 acres of internal slopes and fuel modification zones. The remaining 32 percent of Spring Trails (111.3 acres) will be preserved as natural open space.

The Preferred Development Plan assumes that the Southern California Edison ("SCE") overhead electric lines that traverse the western portion of the Project site would remain above-ground. Underneath the central portion of the electric line easement, the land use is designated as Open Space-Controlled. The northern portion of the electric line easement is designated as residential; however, development is not permitted within the electric line easement.

The average lot size in Spring Trails is 29,000 square feet. The largest lots are on the northern portion and upper elevations of the site, and the largest lot measures 18.3 acres. The smallest lots are on the lower elevations and southern portion of the project, and the smallest lot measures 10,801 square feet. In many instances the legal lots extend beyond the buildable area and include graded slopes, fuel modification zones, steep slopes, and open spaces. Approximately 241.5 acres of the total site would be improved for the onsite development of residential lots, roadways, trails, detention basins, fuel modification zones, and parks. An additional 23.7 acres would be graded and improved for offsite access, including 4.2 acres for the primary access road and 19.5 acres for the secondary access road.

Alternative (Underground Electric Lines) Development Plan

In the event that it becomes feasible or necessary to do so, an "Alternative Development Plan" is proposed, which is identical to the Preferred Development Plan in every respect, except for the electric lines would be relocated underground. The Alternative Development Plan contains 307 single-family detached units (306 new units and one existing residence).

Access Roads and Circulation

Primary access to Spring Trails would be provided by a new road extending from the southeastern corner of the site and connecting to Little League Drive. Secondary access is planned via a new road extending from the southwestern corner of the site to the frontage road along I-215. Except for emergency access, the intersection of the secondary access road with Meyers Road is designed with barriers to prevent vehicular access onto Meyers Road. Circulation within Spring Trails will be provided by a loop road and a series of cul-de-sacs. Necessary public streets, both on- and off-site, would be improved by the developer and dedicated to the City. All roadways would be two-way travel—one lane in each direction—with varying treatments for parkways, sidewalks, and parking. The roadway types are:

- **Primary Access Road (50 ft. Right-of-Way (ROW))** would provide the main access for residents and guests to enter and leave Spring Trails;

- **Secondary Access Roadway (50 ft. ROW)** is intended as an alternative street for local traffic to access arterial streets outside the project site. General public would not be able to access Meyers Road from the Secondary Access Road through the use of a barrier. Emergency vehicles would only be allowed to access Meyers Road from the Secondary Access Road.

- **Primary Local Street (50 ft. ROW)** would provide primary internal access within Spring Trails.

- **Secondary Local Road (40 ft. ROW)** would provide resident access in the northern portion of the project and include parallel parking on one side of the street.

- **Cul-de-Sac I (46 ft. ROW)** would connect to the local streets and provide access to homes on both sides of the street.

- **Cul-de-Sac II (40 ft. ROW)** would connect to the local streets and provide access to homes on only one side of the street.

Trails and Open Space

A total of 245.4 acres of the 352.8-acre site are planned as open space, including natural open space, controlled open space, and parks. Two neighborhood parks would be public, serve the dual function as detention basins, and include shade structures and tot lots. One private park is proposed to include a thematic garden, observation point, a tot lot, and other amenities such as an outdoor fireplace, water feature, picnic benches, and gazebo. A private, enclosed dog park is also proposed. Under the Preferred Development Plan with overhead electric lines, 126 acres is planned as open space, with an additional 0.9 acres of open space to accommodate the SCE easement for the overhead electric lines. The land underneath the central portion of the SCE easement is designated as Open Space-Controlled. If permitted by SCE, a park and/or trail may be located under this portion of the electric lines as a permitted use; however, they are not assumed in the buildout of the Preferred Development Plan.

A diverse system of interconnected trails would include a community trail (8-foot-wide trail within street ROW) for pedestrian and bicycle use; equestrian/pedestrian trail (12-foot-wide trail surfaced with decomposed granite or similar surface and connecting with existing offsite trail); and 4-foot-wide hiking trails.

Storm Drainage

There are four major drainage areas within the Spring Trails Project site. Upon development, some natural drainage courses onsite would be maintained, and some on- and off-site flows would be captured and routed through a series of catch basin inlets and storm drain systems. Captured stormwater would be conveyed to three onsite detention basins where it would be treated and discharged at a controlled rate into Cable Canyon. The drainage plan has been designed to ensure conveyance of the 100-year storm. Best Management Practices ("BMPs") for

water quality treatment would include the extended detention basins and media filtration devices. These improvements would be designed and constructed in accordance with the City of San Bernardino and the San Bernardino County Flood Control District standards.

Water Supply System

The City of San Bernardino Municipal Water Department would provide water service to Spring Trails, and currently provides service to pressure zones ranging from 1,249 feet to 2,100 feet. The nearest existing reservoir is the Meyers Canyon Reservoir, which is within the 2,100-foot pressure zone, but is not adequate for buildout of Spring Trails or Verdemont. Therefore, water would be supplied to Spring Trails from lower elevations by a combination of expanding and improving the offsite water system and the provision of onsite reservoirs and transmission lines. Offsite improvements would include the creation/improvement of a series of pump stations and transmission lines within the Verdemont community. In addition, three onsite reservoirs are proposed to meet the need for 2,300-, 2,500-, 2,700-, and 3,000-foot elevation pressure zones. Based upon the projected buildout of Spring Trails, total projected water demands are:

- Average Daily Demand – 328 gallons per minute (gpm)
- Maximum Daily Demand – 568 gpm
- Maximum Peak Hour Demand – 1,136 gpm

The water facilities for Spring Trails have been sized to meet maximum demand in addition to fire flow requirements. Fire flow capacity is designed to provide 1,500 gpm for four hours. Pumping stations would be designed with 100 percent redundancy in the event that one or more of the pumping units fails, and would be equipped with onsite generators that can operate in a blackout or emergency condition. The pipelines that connect pump stations to the reservoirs would be a maximum of 20 inches in diameter. All looping lines would be 12 inches in diameter, and other distribution pipelines would be 8 inches in diameter.

Sewer Collection

The Spring Trails Project lies within the City of San Bernardino sanitary sewer service area. Spring Trails would connect to the City's existing 10-inch sewer line, which ends at Little League Drive and Meyers Road, then connects to the south to a major interceptor system, and is eventually treated in the San Bernardino Water Reclamation Plant. Existing capacity is available in the sewer system to serve the buildout population within the City. The sewer facilities would be designed and constructed in accordance with the City of San Bernardino standards and specifications and in accordance with the *Standard Specifications for Public Works Construction* (latest edition). The sewer mains would be located in public street rights-of-way where possible. If not, they would be constructed within dedicated public utility easements. The sewer system would be dedicated to and maintained by the City of San Bernardino.

Fuel Modification and Fire Protection

The entire Project site is within a Very High Hazard Severity Zone as designated by the California Department of Forestry and Fire Protection ("CAL FIRE"). Once annexed to the City

of San Bernardino, the Project site would also be subject to the City's Development Code and established Foothill Fire Zones Overlay District (Development Code Chapter 19.15). The overlay district designates three zones within the wildland interface:

- Fire Zone A (Extreme hazard), characterized by slopes over 30 percent
- Fire Zone B (High Hazard), characterized by slopes 15–30 percent
- Fire Zone C (Moderate Hazard), characterized by slopes less than 15 percent

The Project site has approximately 121 acres in Fire Zone A, 112 acres in Fire Zone B, and 119 acres in Fire Zone C. The Overlay District specifies development standards relating to access and circulation, site and street identification, roadside vegetation, water supply, erosion control, construction and development design, and miscellaneous items. Upon annexation of the project site (352.8 acres) and the adjacent 26.4-acre parcel of land into the City, the annexed areas will be detached from the San Bernardino County Fire Protection District and its Valley Service Zone. One of the components of the wildland fire defense systems for Spring Trails would be the implementation of fuel modification zones. The proposed plan includes the following defined fuel modification zones:

- *Fuel Modification Zone A (flat) - Noncombustible Construction:* 20- to 35-foot setback zone for noncombustible construction only. Fuel Modification Zone A shall be maintained by the homeowner or the HOA. At no time would the Fuel Modification Zone A be less than 20 feet.

- *Fuel Modification Zone B - Wet Zone (100 percent removal of undesirable plant species):* First 50 to 200 feet from Fuel Modification Zone A. Fuel Modification Zone B shall be permanently irrigated, fully landscaped with approved drought-tolerant, deep-rooted, moisture-retentive material as container shrub material, or hydroseeded per SBFD Approved Plant List. Fuel Modification Zone B area shall be maintained by the homeowner, HOA, or landscape maintenance district ("LMD") as appropriate.

- *Fuel Modification Zone C - Dry Zone (50 percent thinning of the acceptable existing plant material):* 40 to 185 feet. Fuel Modification Zone C shall be a nonirrigated area. Removal of all flammable undesirable species. Specimen and trees shall be retained as directed by the owner's representative but must be thinned a minimum of 50 percent, including removal of all low hanging foliage within three times the height of the understory shrubs or 10 feet, whichever is greater, along with dead or broken branches. All accumulated plant debris on the ground shall be removed. Fuel Modification Zone C area shall be maintained by the LMD.

  This Project does not contain any 30 percent thinning "D" fuel modification zones.

General Project Phasing and Schedule

It is anticipated in the DEIR that the Project will be phased, with complete buildout anticipated to occur within approximately three years of the start of construction. This phasing,

however, is based on a judgment of future planning and market factors, and therefore is subject to change. The Project, however, would be developed in the following sequence:

Phase 1 (approximately one year)

- Offsite grading and improvement of the primary and secondary access roads;
- Offsite backbone utilities (water, sewer, drainage, etc.);
- Onsite backbone utilities;
- Rough grading of Spring Trails Project site (approximately 200 acres) for development of residential lots, roadways, trails, detention basins, and parks; and
- Detention basins improved.

Phase 2 (approximately 2.5 years)

- Residential development would sequence from the south and continue northward. Infrastructure, roadways, fuel modification zones, parks, and landscaping necessary to serve residential development would be phased accordingly;
- Improvements in this phase would generally follow the sequence of water improvements, which are divided into three pressure zones;
- Sewer, storm drain, dry utilities, and roadway paving would be sequenced with improvements in each water pressure zone;
- Trails, parks, and common area landscaping in each pressure zone would occur prior to or concurrent with issuance of residential building permits for that pressure zone; and
- Fuel modification zones necessary to support the development in each zone would occur as noted in the Fire Protection Plan.

In accordance with Section 8.54.070 of the City of San Bernardino's Municipal Code, construction would be limited to the hours between 7:00 AM and 8:00 PM.

Estimated Earthwork

Based on preliminary estimates, the earthwork for the Project site itself is anticipated to balance. The primary and secondary access roads, however, would require substantial cut, and the net export requirement for the Project is 251,000 cubic yards (cy). Based on an estimated 14 cy capacity per haul truck, an estimated 17,929 truck trips would be required to export soil to complete the access roads. This is estimated to occur over an approximately three-month period, and therefore, based on a six-day week, would require approximately 249 truck trips per day.

Development Agreement

A Development Agreement is proposed as part of the Project approvals. The Development Agreement includes certain Project conditions that benefit the Project, as well as local and regional benefits. These conditions include:

- Dedication to the City of San Bernardino right-of-way for water main lines and related facilities, easements for the construction and operation of water tank sites, and right-of-way for sewer main lines and related facilities;

- Construction of water lines and related facilities including water tanks within the easement shown in the Tract Map for the Project site and dedication of those facilities to the City; and

- Construction of sewer main lines and related facilities within the easements shown in the Tract Map and dedication of those facilities to the City.

In exchange, the Development Agreement provides for vested development rights for the Project and reimbursement of those costs that exceed the fair share of the Project for the improvements.

C. **Actions Covered by the EIR**

The following requested discretionary actions are necessary to allow for implementation of the Project:

- **City of San Bernardino Mayor and Common Council:**

    - Approve General Plan Amendment (GPA-02-09), including preannexation of the Project site and adjacent 26.4 acre area;

    - Approve Development Code Amendment (DCA 12-10) to add the Spring Trails Specific Plan to the list of Special Purpose Districts in the Development Code;

    - Zone the annexed site as Specific Plan (consistent with existing pre-zoning) and the 26.4-acre adjacent area as Residential Estate (up to 1 du/acre);

    - Adopt Spring Trails Specific Plan;

    - Approve Tentative Tract Map (TTM 15576);

    - Approve Development Agreement;

    - Approve Project-specific Water Quality Management Plan;

    - Issue Grading Permits and Building Permits;

    - A Development Permit will be required for the design of the single-family units.

As a side note, the Hillside Management Overlay zone set forth in Chapter 19.17 of the City of San Bernardino Municipal Code does not apply in this matter as the Specific Plan sets forth a fire protection plan that is in accordance with the City's Municipal Code. Thus, the Conditional Use Permit called for in Section 19.17.050 of the Development Code is not required prior to construction. Instead, a Development Permit is required prior to construction to evaluate the

project design against the Specific Plan and other regulations, and to ensure consistency with the Fire Protection Plan.

- **Local Agency Formation Commission ("LAFCO"):**
    - Approve annexation of the 352.8-acre Project site and adjoining parcels representing 26.4 acres into the City of San Bernardino (379.2 acres total).
- **U.S. Army Corps of Engineers:**
    - Issuance of a Section 404 permit under the federal Clean Water Act.
- **Regional Water Control Board:**
    - Water Quality Certification under Section 401 of the Clean Water Act;
    - National Pollution Discharge Eliminations System permit under Section 402 of the Clean Water Act.
- **California Public Utilities Commission/Southern California Edison**
    - Review of the Project with regard to the SCE transmission line easement and maintenance right-of-way through the Project site.

D. **Project Objectives**

The Project objectives are as follows:

1. Develop a high-quality, low-density residential community that optimizes the unique characteristics of the project site, including maximizing view opportunities.
2. Assure adequate roadway access to the development while preserving the integrity of surrounding communities.
3. Enhance City trail facilities by expanding the system and integrating project-site trails with existing and proposed hiking, equestrian, and bicycle trails within the surrounding community.
4. Comply with policies for land use development within and adjacent to the San Bernardino National Forest.
5. Minimize the development footprint and maximize available open space areas.
6. Design a safe community cognizant of natural conditions, including wildland fires, flooding, and seismic hazards.

7. Minimize environmental impacts associated with construction of improvements and long-term operation of the new community.

8. Create an attractive, viable project, and realize a reasonable return on investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports; along with a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On November 24, 2009, the City circulated an Initial Study ("IS") and Notice of Preparation ("NOP") identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties. The NOP (Appendix A to the Draft EIR) identified potential environmental impacts related to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, and was the basis for the determination that an EIR should be prepared for the Project.

- The NOP public review period was 30 days. The City accepted a number of written comments from various State, regional and local agencies. The City considered these comments when determining the final scope of the EIR's analysis. The scope of the issues identified in the comments related to each of the impact areas which are analyzed within the EIR, as listed above, with several comments concentrated on fire hazards.

- The Draft EIR was distributed for public review and the City filed a Notice of Availability ("NOA") with the State Clearinghouse on July 29, 2011, commencing the 45-day review period.

- The City received a total of 12 comment letters from public agencies and 41comment letters from residents. The City prepared specific responses to all comments. The responses to comments are included in the Final EIR.

- Notice of the Common Council hearing to consider the Project was provided in the following newspapers of general and/or regional circulation: the _____ on _____.

- In accordance with Public Resources Code Section 21092.5, on _____, the City provided written proposed responses to public agencies that commented on the DEIR.

- On _____, 2012, the Common Council held a public hearing to consider the Project and staff recommendations. The Common Council, after considering written comments and public testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Common Council voted to certify the EIR, adopt these Findings, and approve the Project, including: Certification of the Environmental Impact Report; approval of General Plan Amendment (GPA-02-09); approval of the zoning designation for the Project site of Specific Plan; approval of the Spring Trails Specific Plan; approval of Tentative Tract Map (TTM 15576); approval of the Development Agreement; and approval of the Project-specific Water Quality Management Plan.

IV. INDEPENDENT JUDGMENT FINDING

The City selected and retained the Planning Center as the environmental consultant to prepare the EIR. The Planning Center prepared the EIR under the supervision and direction of the City's planning staff.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. General Finding On Mitigation Measures

In preparing the Conditions of Approval for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Conditions of Approval do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Conditions of Approval are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is the City's intent to adopt all mitigation measures recommended by the Draft EIR which are applicable to the Project. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Conditions of Approval contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 5 of the Draft EIR. Responses to comments from the public and from other government agencies on the Draft EIR are provided in Section 2 of the Final EIR.

The EIR evaluated seventeen (17) major environmental categories for potential impacts including: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, Greenhouse Gas Emissions, and Forest Resources. Both Project-specific and cumulative impacts were evaluated. Of these 17 major environmental categories, the City concurs with the conclusions in the EIR that the issues and sub-issues discussed in Sections A and B below either are less than significant without mitigation, or can be mitigated to a less than significant level.

Unless otherwise indicated, the analysis of each of the impact areas contained in Sections A and B herein is applicable both the Preferred Development Plan and the Alternative (Underground Electric Lines) Development Plan.

A. Impacts Identified as Less Than Significant Requiring No Mitigation.

The following issues were found in the EIR as having no potential to cause significant impacts, and therefore require no Project-specific mitigation. In the presentation below, each resource issue is identified and the potential for significant adverse environmental effects is discussed.

1. Aesthetics.

a. Substantial Adverse Effect on a Scenic Vista.

Potential Significant Impact: Whether the Project would have a substantial adverse effect on a scenic vista.

Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to have a substantial adverse effect on a scenic vista is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: According to the California Scenic Highway Mapping System of the California Department of Transportation, the Project site is not on or near a major state-designated scenic

highway. **(EIR at 5.1-4)**. Goal OS 5, Policy OS 5.3, of the County of San Bernardino General Plan designates I-15 from the junction with I-215 northeast to the Nevada state line, excepting all incorporated areas, as a County Scenic Route. The Project site is not visible when traveling northbound on the I-15. **(*Id.*)**. Changes to the landscape would occur during mass grading, completion of the first phases of home construction, and at full buildout. **(EIR at 5.1-14)**. Onsite grading and home construction would be most visible from commercial properties and to north- and southbound travelers along I-215 between Palm Avenue and Glen Helen Parkway. **(*Id.*)**. The EIR contains simulated photographs to demonstrate how the site may look during site grading, during the first phase of home construction and after Project completion while traveling north on I-215 at the Palm Avenue off-ramp; as well as how the Project site may appear during the initial grading phase, during the first phase of Project housing construction and after Project completion from prominent views from the southwest at Glen Helen Parkway and the railroad tracks south of Cajon Boulevard. **(See EIR Figures 5.1-3 to 5.1-8)**.

The simulated photographs contained in the EIR demonstrate how the view toward the site from the east-southeast would be virtually unchanged after Project completion. **(EIR at 5.1-15)**. The view of the Project site from the east-southeast is blocked by the hilly terrain. **(EIR Figure 5.1-9)**. Mass grading and single-family homes without landscaping would be plainly visible from these vantage points. However, due to the residential units' low scale, especially in comparison to steep hillsides, they would not interfere with the dominant view and backdrop of the San Bernardino Mountains. The project would not be out of scale with the existing viewshed and would not dominate the landscape. Rooflines would not encroach into the skyline or the dominant ridgelines. **(EIR at 5.1-15)**. Due to the Project's low density, the Specific Plan's design guidelines and design concepts, the large amount of open space preservation, and proposed landscaping, the homes would not dominate the views. **(*Id.*)**. Since the Project site contains slopes with a 15 percent or greater grade, the development guidelines of the HMOD would be followed, and have been incorporated into the Specific Plan Development Standards. The majority (76 percent) of the Project site on slopes of 15 percent or greater grade would be preserved as open space, and the remaining acres would

follow HMOD development standards. **(*Id.*)**. In the Preferred Development Scenario, the SCE electric lines would be visible from areas adjacent to the Project site, as they currently are. **(*Id.*)**. For these reasons, the potential for the Project to have a substantial adverse effect on a scenic vista is less than significant, and no mitigation is required.

b. Scenic Resources.

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: The County of San Bernardino General Plan designates I-15 as a County Scenic Route, from the junction with I-215 northeast to the Nevada state line, excepting all incorporated areas. Due to area topography, the freeway interchange elevation, and speed of travel, the Project site is not visible to motorists once they pass the I-215 interchange and head northbound on the I-15. **(EIR at 5.1-15)**. The interchange itself is approximately one mile long. Motorists traveling northbound at 65 miles per hour would be on the interchange for less than a minute, and may have a view of the Project site looking east for a few seconds before the Project site is behind them. **(*Id.*)**. Traveling southbound on the I-15, motorists do not see the northern portion of the Project site due to prominent ridgelines, nor do they see the southern portion of the Project site from the I-215 junction, because road contours and the northbound lanes of the I-15 and I-215 interchange and associated traffic interfere with views. **(*Id.*)**. The Project site is only visible from the northbound I-15 before the I-215 junction. This portion of I-15 is not designated a scenic highway. In the Preferred Development Scenario, the SCE electric lines would be visible from areas adjacent to the project site, as they currently are. **(*Id.*)**. For these reasons, the potential for the Project to substantially damage scenic resources is less than significant, and no mitigation is required.

c. Degradation of Visual Character.

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to substantially degrade the existing visual character or quality of the site and its surroundings is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: Implementation of the Project would alter existing landform and involve substantial grading. The visual character of the majority of the Project site would be changed from undeveloped open space to a low-density residential development. **(EIR at 5.1-14)**. The development footprint encompasses approximately 241.5 acres, or 68 percent of the total site, and includes areas for the onsite development of residential lots, roadways, trails, detention basins, fuel modification zones, and parks. Approximately 193.0 acres of the total site would be graded and improved. **(*Id.*)**. An additional 23.7 acres would be graded and improved for offsite access, including 4.2 acres for the primary access road and 19.5 acres for the secondary access road. The Project is designed to preserve significant watersheds, severely sloped areas, and seismic hazard areas and incorporate them into the land plan as open space. The Project's design accounts for the potential impacts of the hazards posed by seismic activity, flooding, and wildland fires. **(*Id.*)**. As a result, the Project includes 245.4 acres of open space, consisting of 9 acres of parks, 125.1 acres of internal slopes and fuel modification zones, and 111.3 acres of preserved natural open space. The SCE Alternative Development Plan includes 246.3 acres of open space, consisting of 9 acres of parks, 126 acres of internal slopes and fuel modification zones, and 111.3 acres of preserved natural open space. **(*Id.*)**.

The EIR contains simulated photographs to demonstrate how the site may look during site grading, during the first phase of home construction and after Project completion while traveling north on I-215 at the Palm Avenue off-ramp; as well as how the Project site may appear during the initial grading phase, during the first phase of Project housing construction and after Project completion from prominent views from the southwest at Glen Helen

Parkway and the railroad tracks south of Cajon Boulevard. **(See EIR Figures 5.1-3 to 5.1-8)**.

The simulated photographs contained in the EIR demonstrate how the view toward the site from the east-southeast would be virtually unchanged after Project completion. **(EIR at 5.1-15)**. The view of the Project site from the east-southeast is blocked by the hilly terrain. **(EIR Figure 5.1-9)**. Mass grading and single-family homes without landscaping would be plainly visible from these vantage points. However, due to the residential units' low scale, especially in comparison to steep hillsides, they would not interfere with the dominant view and backdrop of the San Bernardino Mountains. The Project would not be out of scale with the existing viewshed and would not dominate the landscape. Rooflines would not encroach into the skyline or the dominant ridgelines. **(EIR at 5.1-15)**. Due to the Project's low density, the Specific Plan's design guidelines and design concepts, the large amount of open space preservation, and proposed landscaping, the homes would not dominate the views. Since the Project site contains slopes with a 15 percent or greater grade, the development guidelines of the HMOD would be followed, and have been incorporated into the Specific Plan Development Standards. The majority (76 percent) of the Project site on slopes of 15 percent or greater grade would be preserved as open space, and the remaining acres would follow HMOD development standards. **(*Id.*)**. For these reasons, the potential for the Project to substantially degrade the visual character of the Project site or its surroundings is less than significant, and no mitigation is required.

d. Light and Glare.

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: Additional lighting would be required to provide nighttime street, trail, and building illumination for the Project. Other sources of light include security lighting, nighttime traffic, and light associated with the nighttime use of the residences. In addition to the adjacent residential land uses, other light-sensitive land uses includes the California State University at San Bernardino (CSUSB) observatory, currently being constructed on Little Badger Hill on the CSUSB campus, between three and four miles east of the Project site. **(EIR at 5.1-15)**. Nighttime lighting has the potential to create light pollution, which occurs when lighting is directed upward and gets scattered by the atmosphere. To observatories, this light competes with starlight and interferes with the ability to see the night sky clearly. Observatories require atmospheric darkness so that the night sky can be viewed clearly. **(EIR at 5.1-16)**.

The use of lighting within the Spring Trails Project would be consistent with the dark sky guidelines suggested by the International Dark Sky Association (www.darksky.org) and with the City of San Bernardino Development Code. **(EIR at 5.1-11)**. A detailed lighting plan, including specifications and design standards, would be submitted as part of the construction documents. **(*Id.*)**. Pursuant to Section 19.20.03.014 of the City's Development Code and the design criteria in the Spring Trails Specific Plan, lights associated with the Project development would be shielded and directed toward the interior of the site. **(EIR at 5.1-1; 5.1-12).** Exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination onsite, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways and without adversely affecting day or nighttime views in the project area. **(EIR at 5.1-16)**. Lighting would be installed to accommodate safety and security, while minimizing impacts on surrounding residential areas and the CSUSB observatory. **(*Id.*)**. For these reasons, the potential for the Project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is less than significant, and no mitigation is required.

e. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively significant visual/aesthetic impacts.

Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to result in cumulatively significant visual/aesthetic impacts is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: The adjacent developed communities and undeveloped parcels to the south and southwest are designated Residential Estate (RE) in the City of San Bernardino's General Plan. **(EIR at 5.1-16)**. Continued conversion of rural and undeveloped lands to low-density residential suburban land uses would change the aesthetic character of the area. The adjacent 26.4-acre annexation area consists of six rural residential parcels, four of which are occupied with residences and related structures. Access to four of the parcels is from Meyers Road, with the remaining two obtaining access from Martin Ranch Road prior to entering the Project site. There is currently no planned development for this adjacent area. **(EIR at 5.1-3)**. This Project would incrementally contribute to both direct and indirect light and glare affecting the nighttime aesthetic character of the region. The entire Project site is currently prezoned by the City of San Bernardino as RE. In the context of the City's General Plan, the Verdemont area is residential in nature. The Project's features and detailed design criteria per the Specific Plan and the HMOD meet the City's goal to provide a variety of housing stock, including upscale homes. The Project clusters development to maintain undeveloped open space on approximately 30 percent of the site. **(EIR at 5.1-16)**. Eventually, as residential development occurs in the remaining undeveloped areas south and southwest of the Project site, the character of the Verdemont area would be changed into a more suburban community, as intended by the General Plan. By maintaining open space and preserving the dominant view and backdrop of the San Bernardino Mountains, the Project would protect the natural components that contribute to the scenic value of the area, including existing terrain, vegetation, and major ridgelines. **(*Id.*)**. For these reasons, the Project's contribution to cumulative impacts related to aesthetics will be less than significant, and no mitigation is required.

2. **Air Quality.**

a. Violate Air Quality Standard-Operations.

Potential Significant Impact: Whether the Project's long-term operations will violate any air quality standard or contribute to an existing or projected air quality violation.

Finding: Potential impacts of the Project on Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Based on the entire record, the City finds that the Project's long term operations will not violate any air quality standard or contribute to an existing or projected air quality violation during operations, and therefore, no mitigation is required.

Facts in Support of the Finding: Project-related vehicle trips were obtained from the Project-specific traffic impact analysis. **(EIR Appendix K)**. Based on the trip generation rate in the traffic study, the Project would generate a total of 3,149 average daily trips ("ADT") at project buildout in Year 2013. **(EIR at 5.2-16).** Air pollutant emissions modeling is based on mobile- and stationary-source emissions for each of the land uses. Based on computer modeling, the Project would result in an increase of air pollutant emissions for both mobile and stationary sources. However, Project-related emissions would not exceed the South Coast Air Quality Management District ("SCAQMD") regional emissions thresholds for the analyzed pollutants. **(EIR Table 5.2-8)**. Therefore, the Project would not cumulatively contribute to the O^3, PM_{10}, and $PM_{2.5}$ nonattainment designations of the South Coast Air Basin. Consequently, the proposed Project's operational air quality impact is considered less than significant. **(EIR at 5.2-16).** Therefore, because long-term operations of the Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation; impacts are considered to be less than significant, and no mitigation is required.

b. Exposure of Sensitive Receptors-Operations.

Potential Significant Impact: Whether the Project's long-term operations will expose sensitive receptors to substantial pollutant concentrations.

Finding: Potential impacts of the Project on Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Based on the entire record, the City finds that long-term Project operations will not expose sensitive receptors to substantial pollutant concentrations, and therefore, no mitigation is required.

Facts in Support of the Finding: Carbon monoxide (CO) hot spots are typically produced at intersections, where traffic congestion is highest because vehicles queue and are subject to reduced speeds. Typically, for an intersection to exhibit a significant CO concentration, it would operate at level of service ("LOS") E or worse. Based on the traffic impact analysis prepared for the Project **(EIR Appendix K)**, under future year With Project conditions, the following intersections are projected to operate at LOS E or worse before traffic improvements:

- Palm Avenue at I-215 freeway NB ramps (LOS E during AM peak hour and LOS F during PM peak hours for Year 2013); and

- Palm Avenue at I-215 freeway SB ramps (LOS F during AM peak hour for Year 2013). **(EIR at 5.2-25)**.

Intersections listed above for 2013 are most conducive to the formation of CO hot spots and were modeled during the worst-case peak hour of congestion. Because technological improvements in later-model cars have made significant emissions reductions in CO, background CO concentrations in the South Coast Air Basin and vehicle emissions would be lower in 2030 than in the Project buildout year, Year 2030 conditions were not modeled. Project-related traffic would not exceed any of the state one- or eight-hour CO ambient air quality standards ("AAQS") at the study area intersections at buildout year plus cumulative growth conditions. **(EIR Table 5.2-11)**. Consequently, sensitive receptors in the area would not be significantly affected by CO emissions generated by operation of the proposed Project, and localized air quality impacts related to mobile-source emissions would therefore be less than significant.

To estimate concentrations of air pollutants generated from operation of the Project at nearby existing and proposed sensitive receptors, the Project's maximum daily operational emissions were compared to the operational localized significance thresholds (LSTs). In accordance with SCAQMD methodology, only onsite stationary sources were included in the analysis. Project-related vehicles traveling on- and offsite are not included in the analysis. **(EIR 5.2-26)**. Project emissions would not exceed the LST screening level criteria for CO, NO_2, PM_{10}, or $PM_{2.5}$, and therefore operation of the Project would not

expose offsite and onsite sensitive receptors to substantial pollutant concentrations. **(EIR Table 5.2-12)**. Therefore, on a localized level, the Project's potential to result in the exposure of sensitive receptors to substantial pollutant concentrations during long-term Project operations is less than significant, and no mitigation is required.

c. Cumulative Impacts-Operations.

Potential Significant Impact: Whether the Project will result in cumulatively significant operational air quality impacts.

Finding: Potential impacts of the Project on Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to result in cumulatively significant operational air quality impacts is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: With respect to operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by the SCAQMD to be a substantial source of air pollution and does not add significantly to a cumulative impact. **(EIR at 5.2-27)**. Operation of the Project would not result in emissions in excess of the SCAQMD regional emissions thresholds for long-term operation for VOC, NOx, CO, PM_{10}, and $PM_{2.5}$. ***(Id.)***. Therefore, the Project's contribution to cumulative operational air quality impacts would be less than significant, and no mitigation is required.

3. **Biological Resources.**

a. Cumulative Impacts.

Potential Significant Impact: Whether the Project will result in cumulatively significant impacts to Biological Resources.

Finding: Impacts related to Biological Resources are discussed in detail in Section 5.3 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to result in cumulatively significant impacts to Biological Resources is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: The Spring Trails Project site contains a number of unique and uncommon characteristics that provide for a wide diversity of plant and animal species, especially within the onsite riparian areas. **(EIR at 5.3-59)**. However, specific aspects of the Project's design, as well as the implementation of the required mitigation measures would

successfully avoid or mitigate significant impacts to these resources. **(*Id.*)**. The most significant area of riparian habitat on the Project site is Cable Creek, and that area is outside of the Project footprint and would not be impacted by the Project. Additional Project design features and required mitigation would conserve and/or enhance existing onsite riparian features and wildlife corridors. **(*Id.*)**. Mitigation is also recommended that would require additional offsite conservation of riparian areas and other important habitats. While continued development within the greater San Bernardino region has decreased the amount of available high quality habitat in the area, this Project does not cumulatively contribute to that decrease. **(*Id.*)**. The most important habitat values are maintained on the site, and certain aspects of the Project's design, such as the permanent preservation of Cable Creek, actually provide long-term benefits to the region in terms of biological resource conservation. Based on each of these factors, it can be determined that the Project would not present a significant cumulative impact to biological resources. **(*Id.*)**. Therefore, cumulative impacts to biological resources will be less than significant, and no mitigation is required.

4. **Cultural Resources.**

a. Historic Resources.

Potential Significant Impact: Whether the Project would cause a substantial change in the significance of a historical resource as defined in Section 15064.5.

Finding: Impacts related to Cultural Resources are discussed in detail in Section 5.4 of the Draft EIR. Based on the entire record, the City finds that the Project will not cause a substantial change in the significance of a historical resource, and therefore, no mitigation is required.

Facts in Support of the Finding: The Spring Trails Project area was assessed for historical resources during multiple surveys. During this assessment, no historical resources, as defined in Section 15064.5 of the CEQA Guidelines, were observed. **(EIR at 5.4-12)**. There are no structures, buildings, or other built environment resources with historical value in the project area. **(*Id.*)**. Therefore, there are no known historical resources on the Project site, and no mitigation is required.

b. Development in Sensitive Archaeological Area.

Potential Significant Impact: Whether the Project would be developed in a sensitive archeological area, as identified in the City's General Plan.

Finding: Impacts related to Cultural Resources are discussed in detail in Section 5.4 of the Draft EIR. Based on the entire record, the City finds that the Project will not be developed in a sensitive archeological area as identified in the City's General Plan, and therefore, no mitigation is required.

Facts in Support of the Finding: The Project site is not located in an area of concern for archaeological resources, and is not located within an area of known resources or areas that could reasonably contain resources and which had demonstrable surface integrity as of November 1987. **(See EIR Figure 5.4-1)**. Therefore, no mitigation is required.

5. **Geology and Soils.**

a. Cut and Fill.

Potential Significant Impact: Whether the Project would involve earth movement (cut and/or fill).

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that while the Project would involve grading on about 216.7 acres of land, with roughly 3.1 million cubic yards of cut and 2.8 million cubic yards of fill, Project earth movement would not result in substantial adverse erosion or dust impacts and, therefore, no mitigation is required.

Facts in Support of the Finding: In addition to the specified amounts of cut and fill grading, the Project would involve roughly 251,000 cubic yards of soil export. **(See EIR Table 5.5-2)**. Project features are incorporated into the Spring Trails Specific Plan that would minimize soil erosion. **(EIR at 5.5-21)**. For example, all graded slopes shall be stabilized and planted with the approved trees, shrubs, and groundcovers listed in the *Landscape Zones Plant Palette*, Table 3.6 in the Specific Plan Design Guidelines. The Grading Plan in the Development Standards for the Spring Trails Specific Plan has been devised with overall goals, including minimizing grading quantities, minimizing slope maintenance and water consumption, and providing for stable slopes and building pads. **(*Id.*)**. Specific guidelines in the Grading Plan include: minimize grading where possible; avoid grading in

areas where slopes exceed an average of 15 percent to the greatest extent possible; terrace drains and benches shall be added where slope height exceeds 30 feet, in accordance with the Uniform Building Code. **(*Id.*)**. In some instances, benches should be widened to provide for dual use as a recreation trail; existing significant drainage courses shall be maintained as much as possible; final grading design shall adhere to the final soils report recommendations; grading shall be performed under the supervision of a registered soils engineer; a storm water pollution prevention program ("SWPPP") must be prepared and processed prior to grading; natural terrain must be preserved as much as possible by focusing development in the development footprint; earth retention systems, where slopes can be planted to blend with the natural terrain, should be used where possible; and all cut-and-fill slopes shall be revegetated to control erosion. **(EIR at 5.5-22)**.

These guidelines would meet City and state development standards and soil stability would be maintained. In addition, the Safety Plan requires that Grading for building pads and roads shall conform to specifications of the geologist, based on a soils study and final geotechnical study. **(*Id.*)**. In addition to the Project guidelines and development standards described above, the Project would prepare and implement a SWPPP specifying BMPs for minimizing pollution of stormwater during project construction. Categories of BMPs that would be included in the SWPPP include erosion control BMPs that cover and/or bind soil to prevent soil from entering runoff; and sediment control BMPs, such as barriers, that intercept and filter out soil that has been detached and transported by flowing water. Implementation of BMPs specified in the SWPPP would help stabilize project site slopes while vegetation planted by the Project matures. **(*Id.*)**. After implementation of Project guidelines, Specific Plan development standards, and BMPs for erosion control and sediment control to be specified in the project's SWPPP, Project development is not expected to result in substantial erosion, and no mitigation is required.

b. Landslides, Mudslides or Subsidence.

Potential Significant Impact: Whether the Project site is subject to potential hazards from landslides, mudslides or subsidence.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that the Project site is not subject to potential hazards from landslides, mudslides or subsidence and, therefore, no mitigation is required.

Facts in Support of the Finding: The maximum gradient of the natural slopes on the site approach is 1.2:1 (horizontal:vertical). Proposed cut-and-fill slopes would be designed at grades of 2:1, with maximum slope heights of 80 feet. Such cut-and-fill slopes have been analyzed and found to be grossly stable. **(EIR at 5.5-24)**. Cut slopes that expose bedrock will tend to weather over time and would be planted with deep-rooted vegetation. No surface indications of slope instability or significant "out of slope" geologic bedding conditions were observed onsite, and no significant natural slope instability exists onsite. ***(Id.)***. The site plan avoids the lower portions of Cable Canyon and Meyers Canyon, which could act as channels for mudflows. The site plan also avoids the steeper slopes near the northern end of the site. All cut-and-fill slopes created by the Project would be vegetated, thereby controlling erosion and reducing mudflow hazard. There are no substantial groundwater or oil withdrawals in the area that could lead to subsidence, and the potential for ground subsidence is regarded as low. ***(Id.)***. Therefore, no mitigation is required.

c. Expansive Soils.

Potential Significant Impact: Whether Project development would create substantial hazards arising from expansive soils.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that Project development would not create substantial hazards arising from expansive soils and, therefore, no mitigation is required.

Facts in Support of the Finding: Expansive soils are generally characterized as having the ability to undergo significant volume change due to increases or decreases in the moisture content of the soil. **(EIR at 5.5-25)**. The Spring Trails site is predominated by relatively recent alluvial deposits (from the Holocene and Pleistocene age). These deposits have led to the existence of sands and sands with gravel in the upper layers (5 to 10 feet deep) and the gravelly sands (sand with silt, cobbles, and occasional boulders) of the lower layers (below 10 feet). ***(Id.)***. These layers are generally medium dense to

very dense throughout most of the site and have dry to moist conditions. The geotechnical analysis did not determine these soils to be prone to expansion. Therefore, the expansion potential of soils is low to very low. **(*Id.*)**. No specific geotechnical recommendations for expansive soils were made, and no mitigation is required.

d. Modification of Unique Geological Feature.

Potential Significant Impact: Whether Project development would modify a unique geological feature.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that although the Project will be developed over the San Andreas Fault, the Project will not substantially change the physical and geological characteristics of the fault and, therefore, no mitigation is required.

Facts in Support of the Finding: The San Andreas Fault is considered to be a unique geological feature, and five splays of the San Andreas Fault occur on the site. **(EIR at 5.5-7).** The majority of the segment of Splay A on the Project site would remain open space, while the balance of the splay would be graded. Most of Splays B, C, and D would be graded, and most of Splay E would remain open space. **(EIR at 5.5-25)**. However, the grading on Splays A, B, C, D, and E would not substantially change the physical and geological characteristics of the fault, and therefore, no mitigation is required.

e. Unstable Soils.

Potential Significant Impact: Whether Project grading and construction would be conducted so as to result in substantial amounts of unstable soils.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that Project grading and construction will not be conducted so as to result in substantial amounts of unstable soils and, therefore, no mitigation is required.

Facts in Support of the Finding: Project features are incorporated into the Spring Trails Specific Plan that would prevent grading and construction activities from creating substantial amounts of unstable soils. **(EIR at 5.5-25)**. Specifically, the following development standards in the Grading Plan and Safety Plan

of the Spring Trails Specific Plan would aid in preventing the creation of substantial amounts of unstable soils: 1) final grading design shall adhere to the final soils report recommendations; 2) grading shall be performed under the supervision of a registered soils engineer; and 3) final grading plans shall be prepared and certified by a registered civil engineer and registered geotechnical engineer in the State of California Board of Professional Registration and approved by the City Engineer. **(*Id.*)**. Thus, impacts in this area will be less than significant, and no mitigation is required.

f. Hillside Management Overlay Zoning District.

Potential Significant Impact: Whether the Project would conflict with the provisions of the Hillside Management Overlay Zoning District ("HMOD").

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that the Project's development standards will replace the provisions of the HMOD and, therefore, no mitigation is required.

Facts in Support of the Finding: Roughly 67 percent (133 acres) of the Project site is within the HMOD, which covers all areas with slopes of 15 percent or greater. **(EIR at 5.5-26)**. The HMOD contains development performance standards, including standards regarding soils and grading, geotechnical standards, and standards requiring that vegetation on slopes, including graded slopes, be preserved or reestablished. **(*Id.*)**. The Specific Plan for the Project contains hillside design and development standards that have been prepared to be site-specific for the proposed project and are consistent with the General Plan. The HMOD design guidelines would not be necessary. Thus, no mitigation is required.

g. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to Geology and Soils.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that Project will not result in cumulatively significant impacts to Geology and Soils and, therefore, no mitigation is required.

Facts in Support of the Finding: Impacts to geology and soils are specific to the geologic and soils conditions on a particular project site. Mitigation of geologic, seismic, and soil impacts of development projects would also be specific to each site. Compliance with modern building standards, such as the UBC and CBC, serves to reduce seismic-related risks. Therefore, no adverse cumulative impacts related to soils and geology are anticipated, and no mitigation is required. **(EIR at 5.5-26)**.

6. **Hazards and Hazardous Materials.**

a. Routine Transport, Use, and/or Disposal of Hazardous Materials.

Potential Significant Impact: Whether the Project would create a significant hazard to the public or the environment through 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.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that the risk to the public or the environment through 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 by the Project is less than significant and, therefore, no mitigation is required.

Facts in Support of the Finding: The proposed Project includes 304 single-family lots under the preferred development scenario, or 307 single-family lots under the alternative development scenario. These will consist of new single-family lots, and one existing single-family residence in the western portion of the site, bordering Cable Canyon Creek to the south. If the existing single-family home were to be demolished prior to Project construction, it may result in the need to transport and dispose of hazardous materials. **(EIR at 5.6-9)**. However, it is anticipated to remain during and after development of the Project, and therefore no demolition activities are anticipated. **(*Id.*)**. In general, the routine transport, use, or disposal of hazardous materials is associated with industrial land uses and not residential land uses. The Project would consist only of residential land uses with associated parks and open space. Construction and operation of the new single-family homes may include the use of hazardous substances such as paints, solvents, finishes, and cleaners,

but these substances would not be substantially different from other household products. **(*Id.*)**. Additionally, the site has not been included on any state or federal lists of hazardous materials sites, so the development of the site would not necessitate the removal or cleanup of any hazardous materials. Therefore, it is not anticipated that construction or operation activities would involve inadvertent exposure to hazardous materials due to their removal from the site. **(*Id.*)**. The routine transport, use, and/or disposal of significant amounts of hazardous materials is not expected to occur during the construction or operation of this Project. **(*Id.*)**. Since there would not be any substantial amount of hazardous materials present on the Project site for a significant amount of time during Project construction or operation, there would also not be any foreseeable upset or release of hazardous materials, and therefore no mitigation is required.

b. Emergency Response or Evacuation Plan.

Potential Significant Impact: Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and, therefore, no mitigation is required.

Facts in Support of the Finding: The City has an emergency management plan and a hazard mitigation plan that outline the potential risks, hazards, and emergency situations that the City may face and the best methods for preventing or managing these situations. **(EIR at 5.6-10)**. The emergency management plan and the hazard mitigation plan, which have been developed in compliance with the Disaster Mitigation Act of 2000, are used by the City to reduce and eliminate the effects of natural and human-caused disasters. Spring Trails would follow the guidelines and regulations of the City's emergency and hazard mitigation plans. Since the site has high potential for fires, there is substantial need for fire emergency access. **(*Id.*)**. The Spring Trails Specific Plan includes measures that would allow the site to be accessible during fire emergencies and which can be applicable for other emergencies. These are outlined in the City's Foothill

Fire Zone Overlay District requirements, and Spring Trails' compliance with these standards is substantiated in Appendix D of the Specific Plan. **(See EIR Table 5.14-7)**. The adjacent 26.4-acre annexation area would follow the guidelines and regulations of the City's emergency and hazard mitigation plans. **(*Id.*)**. In sum, the proposed Project and the adjacent 26.4-acre annexation area would not conflict with the City's emergency planning, and therefore no mitigation is required.

c. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to Hazards and Hazardous Materials.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that the Project would not result in cumulatively significant impacts related to Hazards and Hazardous Materials and, therefore, no mitigation is required.

Facts in Support of the Finding: The assessment of potential cumulative impacts with regard to hazards and hazardous materials relates to the ability for impacts to occur offsite. **(EIR at 5.6-23)**. The hazardous materials study area considered for cumulative impacts consisted of (1) the area that could be affected by proposed Project activities, and (2) the areas affected by other projects where activities could directly or indirectly affect the presence or fate of hazardous materials on the proposed Project site. **(*Id.*)**. The land uses surrounding the Project site are either vacant or residential. There would be little chance for a hazardous materials release in the surrounding area that would cause cumulative impacts with the proposed Project. Cumulative analysis for fire and wind hazards is completed with similar parameters. **(*Id.*)**. Cumulative impacts could occur when adjacent projects, in combination with the proposed Project, would increase the number of people being exposed to fire and wind hazards. **(*Id.*)**. At this time no development is planned for the areas adjacent to the proposed Project; thus, no cumulative impacts would occur, and no mitigation is required.

7. **Hydrology/Water Quality**

a. Alter Existing Drainage Pattern.

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.

Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, and therefore, no mitigation is required.

Facts in Support of the Finding: **Drainage from Offsite**: At Project completion, offsite drainage would enter the project site from the north and east. **(EIR at 5.7-16)**. Two drainage courses within Drainage Area A that flow into the site from the north are Cable Canyon West and East Forks. These two drainages, which merge onsite, would remain undisturbed and would exit the west side of the site as they do now. Four drainages would enter the site from the east. The northerly two of these drainages are tributaries to Cable Canyon and are in Drainage Area A. **(EIR Figure 3-8)**. These two drainages would pass through a culvert under proposed Street "A", merge and continue flowing westerly, pass through a culvert under proposed Street "DD", then continue to the southwest before merging with the West and East forks of Cable Canyon. **(EIR at 5.7-16)**. This combined drainage then flows to the west and exits the site into Cable Creek. South of the Project site, the Cable Creek drainage would pass through culverts under the Secondary Access Road. The third drainage course that enters the site from the east would be collected in a proposed brow ditch north of proposed Street "O" and west of proposed Street "W". This drainage would then be conveyed around the water reservoir tank and discharged to an existing flow line. **(*Id.*)**. The last drainage course entering the site from the east consists of Meyers Canyon and tributary areas in Drainage Area D; Meyers Canyon enters the site near its southeast corner. A culvert crossing is proposed under the Primary Access Road (Street "A"). **(See EIR Figure 3-8)**.

Drainage from Onsite: Drainage from the site at Project completion would be conveyed in a series of storm drain systems that would route water into three Extended Detention Basins for treatment and detention. **(*Id.*)**. **(EIR Table 5.7-2 and Figure 3-8)**. Drainage Area A consists of Cable Canyon, including the west and east forks of Cable Canyon and tributary areas. **(EIR at 5.7-17)**. Drainage from the two northernmost residential areas, north of Cable Canyon, would not be routed into an extended detention basin, but routed instead into media filtration vaults where the water quality volume would be treated, after which the runoff would be discharged into Cable Canyon. Water quality volumes for each detention basin that would be built as part of the Project are listed in EIR Table 5.7-3. One of these areas is 17.3 acres, while the second is 22.0 acres. Basin "A" compensates for this discharge from the site into Cable Canyon by overdetaining runoff from other parts of Drainage Area A onsite. **(*Id.*)**. Drainage Area B, 45.5 acres in area, is divided into two subareas. Subarea 1 would be the developed area onsite of 21.8 acres that would be routed into basin "B" plus the 1.6-acre basin and 4.6 acres of open space downstream of the basin outlet. Subarea 2 would be 17.5 acres of onsite and offsite undeveloped area that would cross under Street "I" and then discharge into an existing flow line. **(EIR at 5.7-18)**. Drainage Area "C" consists of 209.8 acres, roughly 89.0 acres of which would be in the developed area onsite and would drain into basin "C". The remaining 107.8 acres would be onsite and offsite undeveloped areas that would be collected north of Street "H". **(*Id.*)**. Drainage Area "D" consists of 339.3 acres: 319.8 acres offsite and 19.5 onsite. Drainage from Area "D" would enter the site near the southeastern site boundary, flow through a culvert under the proposed Primary Access Road (Street "A"), and then exit the site. This drainage would not be directed into a detention basin or media filtration vault. Surface flows from the secondary access road will be conveyed into a 5-foot concrete drainage ditch located within a 13-foot graded shoulder on both sides of the road. The runoff will then be collected in storm drain inlets and conveyed through a storm drain underneath the secondary access road where it will be discharged into Cable Creek. **(*Id.*)**.

Detention Basin Capacities: Drainage volumes and rates from developed portions of the site would be increased compared to existing conditions due to the increase in

impervious surfaces onsite. **(*Id.*)**. The three proposed detention basins would be local detention facilities maintained by the owner or homeowners association. The maximum capacity of each of the detention basins is designed to store onsite runoff from the drainage area tributary to the respective basin in order to lower the rate of outflow from the basin to the predevelopment rate in a 100-year, 24-hour storm. **(*Id.*)**. Each basin would also be equipped with water quality treatment features and would provide treatment for runoff. The total capacity and water quality treatment capacity of each of the three basins is listed in EIR Table 5.7-3. Emergency spillways are proposed for each of the three basins to convey the 1,000-year peak flow for the respective basin's tributary watershed. **(*Id.*)**.

Debris Flows and Culvert Sizes: The Project site is in the foothills of the San Bernardino Mountains. **(*Id.*)**. Therefore, large debris flows may occur in watersheds in the area, especially in years after a fire. Debris flows would increase the volume of material flowing down drainages. **(*Id.*)**. Culverts in the Project were designed to accommodate estimated debris flow volumes that would occur in a 100-year storm four years following a fire. **(EIR Table 5.7-4)**. Project drainage features would meet requirements of the San Bernardino County Hydrology Manual and would limit runoff from the site at Project completion to existing levels. **(EIR at 5.7-19)**. In sum, impacts to existing drainage patterns will be less than significant, and no mitigation is required.

b. Groundwater Recharge.

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in

aquifer volume or a lowering of the local groundwater table level, and therefore, no mitigation is required.

Facts in Support of the Finding: Project development would increase impervious surfaces on the Project site. **(EIR at 5.7-19)**. The resulting increase in drainage from most of the developed parts of the site would be conveyed to three extended detention basins. **(*Id.*)**. Stormwater would infiltrate into underlying sediment through the bottoms of the basins. The Project would not include substantial infiltration zones except for the basins. The infiltration rate in the three basins would total roughly 2.01 cfs. **(*Id.*)**. At Project completion, onsite groundwater recharge of stormwater from a two-year, 24-hour storm would be reduced about 1.3 percent compared to recharge from the same size storm in existing conditions. **(*Id.*)**. Project development would not substantially reduce groundwater recharge from the site and therefore, no mitigation is required.

c. 100-Year Flood Hazard Area.

Potential Significant Impact: Whether the Project would place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Finding: Potential impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place within a 100-year flood hazard area structures which would impede or redirect flood flows, and therefore, no mitigation is required.

Facts in Support of the Finding: The entire Project site is in FEMA flood hazard zone X, meaning that it is outside of both 100-year and 500-year flood plains. **(EIR at 5.7-19)**. Much of the Project site is on the lower slopes of the San Bernardino Mountains. Large debris flows may occur in local watersheds, especially in years after a fire. After Project development, debris flows originating upstream of the Project site may flow through drainages crossing the site; debris flows are not expected to originate onsite. Culverts where drainages on the site would cross under roadways have been designed to accommodate

the increase in volume due to sediment that would occur in a debris flow. All proposed improvements, including building pads, roads, and reservoirs, would be outside of the area that would be flooded by debris flows during a 100-year storm. Project development is not expected to create substantial hazards to persons arising from debris flows. **(EIR at 5.7-27)**. Project development would not result in flood hazards to people or structures or redirect flood flows within a 100-year flood hazard area, and therefore, no mitigation is required.

d. Violate Water Quality Standards or Waste Discharge Requirements.

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not violate any water quality standards or waste discharge requirements and will not otherwise substantially degrade water quality, and therefore, no mitigation is required.

Facts in Support of the Finding: **Construction:** Potential sources of pollutants from construction activities on the site include exposed soil, construction materials, and construction equipment. **(EIR at 5.7-20)**. Project clearing, grading, excavation, and construction activities may impact water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage ways. **(*Id.*)**. Grading activities in particular lead to exposed areas of loose soil, as well as sediment stockpiles which are susceptible to uncontrolled sheet flow. The use of materials such as fuels, solvents, and paints also present a risk to surface water quality due to an increased potential for these materials and related pollutants to contaminate stormwater. Additionally, storage, refueling, and maintenance of construction equipment onsite result in the potential for fuels and other substances to contaminate stormwater. **(*Id.*)**.

Measures for reducing potential pollution from construction activities would include obtaining coverage under the General Construction Permit for discharges of stormwater runoff from the construction site. **(*Id.*)**. The General Construction Permit is the coverage issued by the State

Water Resources Control Board ("SWRCB") that allows the discharges of stormwater to waters of the United States from construction projects. In order to get coverage under the General Construction Permit, the discharge should be in compliance with the National Pollutant Discharge Elimination System ("NPDES") and implement a Storm Water Sampling and Analysis Strategy for monitoring of construction site runoff. In order to obtain coverage under the General Construction Permit, the Project owner would be required to submit a Notice of Intent to the SWRCB to file for permit coverage, and prepare and implement a SWPPP onsite. A Notice of Intent must be filed, and the SWPPP must be prepared prior to commencement of soil-disturbing activities at the Project site. **(*Id.*)**. The SWPPP must contain a site map(s) showing the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography before and after construction, and drainage patterns across the Project. The SWPPP must list BMPs that would be used to protect stormwater runoff and describe the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program and a chemical monitoring program for "nonvisible" pollutants to be implemented if there is a failure of the BMPs. **(*Id.*)**. Typical temporary BMPs that would be used during construction include good housekeeping practices and erosion and sediment control measures. Good housekeeping practices include street sweeping, waste disposal, vehicle and equipment maintenance, concrete washout area, materials storage, minimization of hazardous materials, and proper handling and storage of hazardous materials. **(*Id.*)**. Design standards for the BMPs are set forth by the County of Bernardino and the California Storm Water Management handbooks. Construction BMPs for this project would be selected, constructed, and maintained so as to comply with all applicable ordinances and guidance documents. **(EIR at 5.7-22)**. Upon implementation BMPs as specified in the project's SWPPP, Project construction would not result in substantial pollution of receiving waters, and therefore, no mitigation is required. **(*Id.*)**.

Operations: Pollutant sources that are expected to be generated by Project operation are sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, bacteria and viruses, oil and grease, and pesticides. **(*Id.*)**.

With regard to the operational phase of the Project, site design, source control, and treatment control BMPs as dictated by County and City Stormwater management plans would be implemented. ***(Id.)***. The residences surrounding the Project site are reliant upon well water for their potable water usage. In some cases, these wells are relatively shallow, with a water table of approximately 50 feet or more. Although historical farming uses and the related fertilizers and other amendments have not had an impact on the water table, BMPs would be used to reduce contaminants in runoff from the Project site, lessening any potential impacts to potable drinking water to nearby residences. **(EIR Tables 5.7-5 to 5.7-7)**. A Project-specific water quality management plan ("WQMP") **(EIR Appendix I1)** has been prepared for the Project, and specifies site design, source control, and treatment control BMPs as required by the San Bernardino County Stormwater Program Model Water Quality Management Plan Guidance. The site design BMPs, source control BMPs, and treatment control BMPs incorporated into the Project plans must address the potential pollutants from the Project. **(EIR at 5.7-24)**. The WQMP includes BMPs that would be implemented during both design and operation of the Project, and describes long-term operation and maintenance requirements for BMPs. **(EIR Table 5-7-7)**. The Project applicant would be responsible for carrying out all BMP operations and maintenance activities. **(EIR at 5.7-25)**. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall demonstrate: that all structural BMPs have been constructed and installed in conformance with approved plans and specifications; that the applicant is prepared to implement all nonstructural BMPs described in the approved Project-specific WQMP; and that an adequate number of copies of the approved Project-specific WQMP are available for the future owners/occupants. **(EIR at 5.7-26)**. After implementation of site design, source control, and treatment control BMPs, as specified in the Project's WQMP, Project operationS would not cause substantial pollution of receiving waters, and no mitigation is required.

e. Create or Contribute Runoff Water.

Potential Significant Impact: Whether the Project would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial

additional sources of polluted runoff, such as from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks, or other outdoor areas.

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Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, and therefore, no mitigation is required.

Facts in Support of the Finding: Design standards for BMPs are set forth by the County of San Bernardino and the California Storm Water Management handbooks, and construction BMPs for this Project would be selected, constructed, and maintained so as to comply with all applicable ordinances and guidance documents. Upon implementation BMPs as specified in the project's SWPPP, Project construction would not result in substantial pollution of receiving waters. **(EIR at 5.7-22)**. Site design, source control, and treatment control BMPs as dictated by the County and City Stormwater management plans would be implemented. The Project-specific WQMP would be required by the City of San Bernardino to address management of urban runoff from the Project site, and specifically address site design, source control, and treatment control BMPs to minimize the impact of urban runoff from the Project. Site design BMPs would be used to control and filter runoff from residential uses for collection in detention basins located at strategic points on the Project site. **(*Id.*)**.

On- and offsite stormwater would be collected and routed through a series of catch basins, inlets, and storm drain systems that would convey water to three extended detention basins for water quality treatment and detention. These systems would be designed and constructed in accordance with the City of San Bernardino and the San Bernardino County Flood Control District standards. Properly engineered basins reduce infiltration issues by adsorbing common residential chemicals into basin linings. **(*Id.*)**. Successful implementation of the controls contained in the WQMP would reduce the amount of contaminants in surface flow and groundwater by controlling the contaminants at the source. **(EIR at 5.7-23)**. Accordingly,

the potential for the Project to create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff is less than significant, and no mitigation is required.

f. Dam Failure.

Potential Significant Impact: Whether the Project would expose people or structures to to a significant risk of injury, loss or death involving flooding, including flooding as a result of the failure of a levee or dam.

Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not expose people or structures to a significant risk of injury, loss or death involving flooding (including flooding as a result of the failure of a levee or dam), and therefore, no mitigation is required.

Facts in Support of the Finding: There are no dams or enclosed bodies of water upstream from the Project site that could pose a hazard of flooding to the site due to a seiche or the failure of a dam. **(EIR at 5.7-27)**. The Project would involve construction and operation of three reservoirs onsite. **(EIR Figure 3-9).** The reservoirs would have capacities of 900,000 gallons, 900,000 gallons, and 2,500,000 gallons. The reservoirs would be enclosed tanks, the design and construction of which would comply with existing seismic safety regulations. **(EIR at 5.7-27)**. Accordingly, the risk of flooding is less than significant, and no mitigation is required.

g. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to Hydrology and Water Quality.

Finding: Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the City finds that development of the Project will not result in cumulatively significant impacts related to Hydrology and Water Quality, and therefore, no mitigation is required.

Facts in Support of the Finding: Potential related projects are those development projects that would increase the amount of impervious surfaces and consequently cause increased runoff within the Santa Ana

River Watershed. **(EIR at 5.7-27)**. Each related project would be required to include project features that would detain onsite any increase in runoff from 100-year storm events until after the storm. After the construction and operation of required drainage features within related projects, substantial cumulative impacts to the capacity of the storm drainage system in the region are not expected to occur. **(*Id.*)**. Given that the proposed Project would also be required to include drainage features so that the Project would not cause a net increase in runoff into the existing storm drainage system in the region, the Project is not anticipated to have a cumulatively considerable adverse impact on storm drainage capacity. Reach Four of the Santa Ana River, downstream from the vicinity of the Project site, is included on the 303(d) list as impaired by pathogens (bacteria and viruses). Therefore, pathogens are pollutants of concern in the vicinity of the Project site. **(*Id.*)**. Other projects in the Santa Ana Watershed can be expected to increase the amounts of contaminants that could enter stormwater. **(EIR at 5.7-28)**. However, other projects would be required to comply with the same NPDES regulations for minimizing water pollution as would the proposed project. Related projects would be required to prepare and implement SWPPPs and WQMPs, specifying BMPs that would be used to minimize contaminants discharged into receiving waters. After compliance with existing regulations, cumulative impacts to water quality are not expected to be substantial, and the Project is not anticipated to have cumulatively considerable impacts on water quality. **(*Id.*)**. Thus, no mitigation is required.

8. **Land Use and Planning.**

a. Conflict with Land Use Plans.

Potential Significant Impact: Whether the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Finding: Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that the Project will not conflict with any applicable land use plan, policy, or regulation of an agency with

jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, and therefore, no mitigation is required.

Facts in Support of the Finding:

General Plan/Specific Plan: The Project would be consistent with the City of San Bernardino General Plan. **(EIR at 5.8-13)**. Under the existing General Plan designation of RE, the maximum density is one dwelling unit per acre. The Project would require a General Plan Amendment to change the existing land use designation to Residential Low (RL), allowing 3.1 dwelling units per acre, an increase of 2.1 dwelling units per acre. The Project would be annexed into the City of San Bernardino and zoned RE (consistent with existing prezoning). ***(Id.)***. The Project's overall density would be 0.87 dwelling units per acre. The density on the developed area (241.5 acres) would be 1.27 dwelling units per acre. **(EIR at 5.8-14)**. Development will be focused, or clustered, onto approximately 241.5 acres, or 68 percent of the total site, and includes 9 acres of parks and 125.1 acres of internal slopes and fuel modification zones. The remaining 32 percent of Spring Trails (111.3 acres) is preserved as natural open space. The average lot size in Spring Trails is 29,000 square feet. The largest lots are on the northern portion and upper elevations of the site, and the largest lot measures 18.3 acres. ***(Id.)***. The smallest lots are on the lower elevations and southern portion of the Project, and the smallest lot measures 10,801 square feet. In many instances, the legal lots will extend beyond the buildable area and include graded slopes, fuel modification zones, steep slopes, and open spaces. ***(Id.)***.

The Preferred Development Plan is the same as the Alternative Development Plan in every respect except for the treatment of the land beneath the aboveground electric lines and the number of residential lots. ***(Id.)***. In this respect, the Preferred Development Plan differs from the Preferred Development Plan in that it would provide 126 acres of internal slopes and fuel modification zones, and 70 acres would be attributable to residential lots. The Preferred Development Plan contains 304 single-family detached units and the overall density over the 352.8-acre site would be 0.86 dwelling units per acre. The density on the developed area (241.5 acres) would be 1.26 dwelling units per acre. The Project would exceed County General Plan designation RL-5 of one dwelling unit per five acres. However, once annexed into the City of San Bernardino,

the Project would be consistent with the General Plan and Development Code. ***(Id.)***.

Specific plans are required to be consistent with the goals and policies of the governing general plan. The Project implements and exemplifies the goals and policies of the City of San Bernardino General Plan. **(EIR Table 5.8-1)**. Future development within the Spring Trails Specific Plan area must be consistent with this Specific Plan. All projects that are found to be consistent with this Specific Plan will likewise be deemed consistent with the City's General Plan. ***(Id.)***.

San Bernardino County Association of Governments (SCAG): The proposed Project will be consistent with the applicable SCAG Regional Comprehensive Plan and Guide (RCPG) policies. Therefore, implementation of the Project would not result in significant land use impacts related to relevant SCAG policies, goals, and principles. **(EIR Table 5.8-2)**. Likewise, the Project will be consistent with the applicable goals of the SCAG Regional Transportation Plan ("RTP"), and implementation of the Project would not result in significant land use impacts related to relevant RTP goals. **(EIR Table 5.8-3)**. The Project will also be consistent with advisory SCAG Compass Growth Vision ("CGV") principles, and would not result in significant land use impacts related to the advisory CGV principles. **(EIR Table 5.8-4)**.

San Bernardino National Forest Land Management Plan ("SBNF"): The northern portion of the Project site (approximately 160 acres) is located within the boundaries of the SBNF. The upper 160 acres of the Project are private lands within the SBNF. Since the Project site is privately held, it is not subject to the Land Management Plan. However, all areas adjacent to the Project site, within the SBNF, are subject to the Land Management Plan. Public access by residents would be restricted and unlawful. **(EIR at 5.8-47)**.

Forest Service Roadless Area Conservation Plan: In 1999, the USFS proposed to prohibit road construction and reconstruction in inventoried roadless areas within the national forests. That portion of the SBNF surrounding the Project site (at the Project boundary), and continuing in the northwesterly direction is identified as an inventoried

roadless area. However, the Project site is not within the inventoried roadless area, and is thus not subject to this plan. **(See EIR Figure 5.8-1)**.

City of San Bernardino Tree Ordinance: The development of the Project would remove up to 2,400 trees (220 native species, 2,170 eucalyptus, and 10 ornamental nonnative trees) from the Project site. The majority of the eucalyptus trees were planted as part of a eucalyptus plantation. The applicant would be required to replace the 220 native tree species with similar native species, as required by the City's tree ordinance. The required tree replacement has been incorporated as Project Mitigation Measure 3-13, which would ensure the project's compliance with the City's tree ordinance.

In sum, because the Project will not conflict with any land use plan, policy or regulation, impacts in this area are less than significant, and no mitigation is required.

b. Development Within Hillside Management Overlay District.

Potential Significant Impact: Whether development would occur within the Hillside Management Overlay District.

Finding: Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that the Project's development standards will replace the provisions of the HMOD and, therefore, no mitigation is required.

Facts in Support of the Finding: The Project site would be subject to the HMOD since it would involve development in areas of 15 percent slope or greater. **(See EIR Figure 5.8-2)**. The overall goals of the site-specific grading guidelines are to minimize the height of visible slopes, provide for more natural-appearing manufactured slopes, minimize grading quantities, minimize slope maintenance and water consumption, and provide for stable slopes and building pads. **(EIR at 5.8-48)**. The total Project area that is proposed for grading is 216.7 acres, which includes 193.0 acres onsite and 23.7 acres offsite. Onsite grading encompasses roughly 2.7 million cubic yards and would balance onsite. (The primary access road would require approximately 171,000 cubic yards of cut and 55,000 cubic yards of fill, which necessitates exporting approximately 116,000 cubic yards. The secondary access street would require 244,000 cubic

yards of cut and 109,000 cubic yards of fill, which necessitates exporting approximately 135,000 cubic yards. Total export equals 251,000 cubic yards. ***(Id.)***. Spring Trails has been responsibly designed to fit into the existing landscape, at the same time meeting the intent of the HMOD. Project development would avoid steep hillside areas and clusters development in the lower foothill areas. This has the following benefits in terms of grading impacts:

- Minimizes hillside grading and scarring that would be visible from public rights-of-way;
- Preserves the Cable Canyon and Meyers Canyon drainage courses in their natural conditions and minimizes impacts on natural topography;
- Maintains significant natural drainage courses within the proposed development area to enhance water quality. ***(Id.)***.

The Specific Plan for the Project contains hillside design and development standards that have been prepared to be site-specific for the proposed project and are consistent with the General Plan. The HMOD design guidelines would not be necessary. Thus, no mitigation is required.

c. Development Within Foothill Fire Zones.

Potential Significant Impact: Whether development would occur within Foothill Fire Zones A and B or C, as identified in the City's General Plan.

Finding: Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that although development of the Project will be within Foothill Fire Zones A and B and C, all development will comply with the Foothill Fire Overlay District standards and therefore, no mitigation is required.

Facts in Support of the Finding: The overlay district identifies 3 foothill fire zones: A, Extreme Hazard; B, High Hazard; and C, Moderate Hazard. Approximately one third of the site is in Fire Zone A, one third of the site is in Fire Zone B, and the remaining third is in Fire Zone C. **(EIR Figure 5.8-2)**. Areas in the Foothill Fire Zones are required to be developed with proper building separation, landscaping, and building materials; adequate emergency access and evacuation routes; and sufficient water resources. **(EIR at 5.8-48)**. To ensure the safety of property and lives, a detailed fire safety analysis

was conducted by FireSafe Planning Solutions and a fire protection plan was prepared, which factored in wind patterns, fuel types (vegetation), topography, weather patterns, and historical burn patterns to determine the potential severity of wildfires and appropriate protection methods. **(EIR at 5.8-49)**. A comparison of the provisions of this Specific Plan with the Foothill Fire Overlay District is provided in Appendix D of the Specific Plan. The table in Appendix D shows the Project's compliance with the Foothill Fire Overlay District standards for access and circulation, site and street identification, roadside vegetation, water supply, erosion control, construction and development design, and other miscellaneous standards such as disclosure to property owners and responsible parties for fuel modification zone maintenance. Spring Trails is compliant with all standards laid out in the Foothill Fire Overlay District. **(*Id.*)**. The fire protection plan prepared by FireSafe Planning Solutions was approved by the San Bernardino County Fire Department and incorporated into the Spring Trails Specific Plan. Accordingly, the potential for impacts related to development within Foothill Fire Zones is less than significant, and no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to Land Use and Planning.

Finding: Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in cumulatively significant impacts related to Land Use and Planning and therefore, no mitigation is required.

Facts in Support of the Finding: Development of the Project and the annexation of the adjacent 26.4 acre area, in addition to other cumulative development, could cause City-wide land use and planning impacts. **(EIR at 5.8-49)**. However, upon adoption of the Spring Trails Specific Plan, the Project would be consistent with applicable plans, policies, and regulations of the San Bernardino General Plan, the City's zoning regulations, and SCAG's RCPG and RTP. **(*Id.*)**. Additionally, as with the proposed Project and the 26.4-acre annexation area, other cumulative projects would also be subject to compliance with the local and regional plans reviewed in this section. **(*Id.*)**. Implementation of the cumulative projects would not

combine with the proposed Project to result in cumulatively considerable land use impacts, and no mitigation is required.

9. **Mineral Resources.**

a. Loss of Mineral Resources.

Potential Significant Impact: Whether the Project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Finding: Impacts related to Mineral Resources are discussed in detail at Section 5.9 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in the loss of availability of any known mineral resource, and therefore, no mitigation is required.

Facts in Support of the Finding: Younger alluvium is present on the Project site, which may be suitable as construction aggregate, but is present onsite in limited amounts, mainly in Cable Canyon and Myers Canyon. **(See EIR Figure 5.5-1)**. Most of the site surface consists of older terrace deposits, which are not thought to be suitable as aggregate because the boulders and gravel in these deposits are moderately weathered and crumbly, suggesting they break down easily. **(EIR at 5.9-4)**. There are no mineral resource recovery sites designated in the City of San Bernardino General Plan on or near the Project site, and there are no existing mineral resource recovery operations on or next to the Project site. **(*Id.*)**. Accordingly, impacts to mineral resources will be less than significant, and no mitigation is required.

10. **Noise.**

a. Substantial Permanent Increase in Ambient Noise.

Potential Significant Impact: Whether the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project; specifically, whether based on the City of San Bernardino standard for maximum outdoor noise levels in residential areas, Project-related traffic would increase the CNEL at any noise-

sensitive receptor by an audible amount, 3 dBA and ambient noise levels exceed 65 dBA.

Finding: Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, because Project-related traffic will not increase the CNEL at any noise-sensitive receptor by an audible amount, and therefore, no mitigation is required.

Facts in Support of the Finding: The operations phase of the Project would generate noise primarily associated with vehicular trips. **(EIR at 5.10-17)**. According to the Project's traffic impact analysis, the Project would generate 3,149 average daily trips (ADT), with 247 trips in the morning peak-hour and 333 trips in the evening peak hour. **(*Id.*)**. A 3 dB change in noise levels is considered to be the minimum change discernible to the human ear. **(*Id.*)**. Project-related traffic at buildout year 2013 would cause noise levels to increase by more than 3 dBA on the new access roads, along Little League Drive, and Belmont Avenue between Little League Drive and Magnolia Avenue. **(EIR Figure 5.10-6)**. However, ambient noise levels would not exceed 65 dBA CNEL under year 2013 with Project conditions along these roadways. A portion of the segment of Little League Drive south of Frontage Road would be within the 65 dBA CNEL ambient noise contour, however, there are no noise-sensitive receptors present. **(EIR at 5.10-18)**. Consequently, implementation of the Project would not cause a substantial permanent increase in ambient noise levels; noise impacts would be less than significant in year 2013, and no mitigation is required.

b. <u>Noise Levels in Excess of Standards</u>.

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; specifically, whether noise generated by buildout of the Project would result in stationary (non-transportation) noise that results in a noise nuisance at noise-sensitive receptors as determined in Chapter 8.54, *Noise Control*, of the City's Municipal Code; or result in interior noise levels in habitable noise-sensitive areas that exceed 45 dBA CNEL or exterior noise

levels at single-family residential noise-sensitive areas exceed 65 dBA CNEL.

Finding: Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in exposure of persons to or generation of noise levels in excess of any standard, and therefore, no mitigation is required.

Facts in Support of the Finding: Noise may have a significant impact if the Project constructs a noise-sensitive land use in an area that is incompatible due to excessive noise. **(EIR at 5.10-18)**. The City of San Bernardino has adopted a land use compatibility criteria for the siting of new noise-sensitive land uses within the City. **(See EIR Table 5.10-3)**. Per the City of San Bernardino General Plan, noise-impacted projects are defined as residential projects with noise levels that exceed the City's "Normally Acceptable" compatibility criteria. For residential projects, noise-impacted projects are those that are exposed to exterior noise levels of 65 dBA CNEL or greater. Noise-impacted projects are required by the City to include upgraded noise insulation features (e.g., windows, doors, attic baffling) that achieve an exterior-to-interior noise level of 45 dBA CNEL. **(EIR at 5.10-18)**.The majority of future ambient noise at the Project area would be generated by local roadway traffic. **(*Id.*)**. Noise-sensitive portions of the Project site include the interior of the residential dwelling units, and the exterior noise-sensitive areas of these uses. Traffic on the local roadways under Year 2013 With Project conditions would not generate noise levels that exceed the exterior noise level of 65 dBA CNEL. **(EIR Figure 5.10-5)**. Noise-sensitive uses would be exposed to exterior noise levels of 50 dBA CNEL and under. Pursuant to the California Building Code, noise-sensitive habitable rooms would be required to be designed to achieve an interior noise standard of 45 dBA CNEL. In general, exterior-to-interior transmission loss from standard building construction results in a minimum attenuation of 24 dBA under windows-closed conditions and 12 dBA under windows-open conditions. **(EIR at 5.10-18)**. Therefore, interior noise levels would not exceed the interior noise standard of 45 dBA CNEL. Consequently, noise impacts at the onsite noise-sensitive receptors would be less than significant.

Residential uses would generate stationary noise sources on the Project site, including heating, ventilation, and air

conditioning (HVAC) units from residential units, and noise from landscaping activities. **(EIR at 5.10-27)**. HVAC units and other equipment would be acoustically engineered with mufflers and barriers to ensure that no exceedance of the City's noise standards would occur. **(*Id.*)**. Consequently, proposed residential uses would not generate substantial noise, and impacts to nearby noise-sensitive receptors would be less than significant. Thus, no mitigation is required.

c. Groundborne Vibration.

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; specifically, whether construction equipment would produce perceptible levels of vibration (78 VdB) during the daytime at offsite vibration-sensitive structures, or produce vibration that is strong enough to cause vibration-induced architectural damage based on the Federal Transit Administration (FTA), which is 0.2 in/sec for typical wood-framed buildings or 0.5 in/sec for reinforced concrete, steel, or timber structures.

Finding: Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and therefore, no mitigation is required.

Facts in Support of the Finding: Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and the construction equipment. **(EIR at 5.10-27)**. Construction equipment can produce vibration from vehicle travel as well as grading and building activities. No pile driving, blasting, or other vibration-intensive activity would be required in the construction effort. **(*Id.*)**. The highest levels of vibration would be experienced when a heavy piece of construction equipment is operating or passes in proximity to the nearby vibration-sensitive structures. Levels of vibration produced by construction equipment are evaluated against the FTA's significance threshold for vibration annoyance of 78 VdB for residential structures during the daytime. **(*Id.*)**. Although the maximum vibration levels associated with certain construction activities could be perceptible in certain instances, vibration events would be infrequent throughout the day, would occur during the least vibration-sensitive portions of the day, and equipment

would be used for a short duration when working in close proximity to vibration-sensitive receptors. **(EIR at 5.10-28)**. Additionally, construction activities are typically distributed throughout a project site. Therefore, construction vibration is based on average vibration levels (levels that would be experienced by sensitive receptors the majority of the time) that exceed the FTA's criteria for vibration-induced annoyance at sensitive residences during the day of 78 VdB. While construction equipment could operate as close as 65 feet to the nearest offsite vibration-sensitive residential structures (onsite Secondary Access Road), most of the heavy construction equipment would operate at greater distances (average distance of 761 feet). **(*Id.*)**. Average vibration levels from construction of the Project would not exceed the FTA criteria for vibration annoyance at the surrounding residential uses or at the existing onsite residence. **(EIR Table 5.10-7)**. Consequently, impacts would be less than significant.

Development of the Project would require construction of two access roads into the project site from the existing arterials. **(EIR at 5.10-28)**. The primary access road would connect at the southeast entrance of the site and the secondary access road would connect to the southwest entrance of the project site. Roadway construction would include grading, foundation work, and asphalt paving that would extend beyond the Project site boundary into the surrounding properties. **(*Id.*)**. While construction equipment at the roadway construction areas could operate as close as 55 feet to the nearest offsite vibration-sensitive receptor, most of the heavy construction equipment would operate at greater distances. **(*Id.*)**. Average vibration levels from construction of the Project would not exceed the FTA criteria for vibration annoyance at the surrounding residential uses. **(EIR at Table 5.10-8)**. Consequently, impacts would be less than significant.

The FTA criterion for vibration-induced architectural damage is 0.20 inch per second for the peak particle velocity ("PPV') for wood-framed structures. **(EIR at 5.10-29)**. Project-related construction vibration was evaluated for its potential to cause architectural damage in comparison to the FTA's architectural damage criteria for the closest offsite structure. Onsite construction activities associated with the Project would occur at distances that would result in PPV levels below the FTA's criteria for

vibration-induced architectural damage at the nearest off- and onsite vibration-sensitive structures. **(EIR Table 5.10-9)**. Consequently, impacts would be less than significant at off- and onsite receptors. Similar to onsite construction activities, vibration levels from roadway-related construction activities would also result in PPV levels below the FTA's criteria for vibration-induced architectural damage at the nearest offsite vibration-sensitive structures. **(EIR Table 5.10-10)**. Consequently, impacts would be less than significant at offsite receptors, and no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in or contribute to a significant cumulative noise impact.

Finding: Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in or contribute to a significant cumulative noise impact, and therefore, no mitigation is required.

Facts in Support of the Finding: Project-related cumulative noise impacts may occur if, under Project conditions, there is a substantial increase in overall cumulative noise (3 dBA or more), the Project contributes 0.1 dBA or more to the overall cumulative noise increase, and the ambient noise environment is above 65 dbA CNEL. **(EIR at 5.10-36)**. Buildout year 2013 conditions would not result in any cumulative noise impacts along the roadway segments within the study area. **(EIR Figures 5.10-5 to 5.10-7)**. Roadway segments where the ambient noise environment would be 65 dBA CNEL or higher, such as along Palm Avenue and I-215 corridor, would not result in cumulative noise increases of 3 dB or more under buildout year 2015 with project conditions. **(EIR at 5.10-36)**. For roadway segments—such as the secondary access road from I-215 to the Project site and the primary access road from the Project site to Meyers Road—where cumulative noise would exceed 3 dB under buildout year 2013 conditions, ambient noise levels would not exceed 65 dBA CNEL. **(*Id.*)**. A small portion of the segment of Little League Drive south of Frontage Road would result in a 3 dB increase in cumulative noise under year 2013 With Project conditions. **(*Id.*)**. This would be within the 65 dBA CNEL noise contour, and the Project would contribute at least 0.1 dB to the overall cumulative

noise increase. However, there are no noise-sensitive uses in this area. Consequently, the Project's contribution to cumulative noise would be less than significant, and Project impacts would not be cumulatively considerable for buildout Year 2015 conditions. **(*Id*.)**.

Potential noise impacts from Project-related traffic were evaluated to assess cumulative increases in the ambient noise environment in the vicinity of noise-sensitive receptors for horizon year 2030. **(*Id*.)**. By horizon year 2030, considerable growth in the San Bernardino area is anticipated. Therefore, future traffic growth within the City of San Bernardino in horizon year 2030, in addition to Project-related traffic growth, would also result in increases in the ambient noise levels within the City. The ambient noise along a portion of the primary access road—from Belmont Avenue to just north of Meyers Road—would exceed 65 dBA CNEL, cumulative noise would exceed 3 dB, and the Project would contribute at least 0.1 dB. **(EIR Figure 5.10-11)**. However, there are no existing noise-sensitive receptors within the vicinity of this particular portion of the roadway segment. Other roadway segments, such as Palm Avenue north of I-215, would be within ambient noise levels of 65 dBA CNEL or higher; however, cumulative noise would not exceed 3 dB. Consequently, the Project's contribution to cumulative noise would be less than significant and project impacts would not be cumulatively considerable for horizon year 2030 With-Project conditions. **(EIR at 5.10-37)**.

Unlike transportation noise sources, whose effects can extend well beyond the limits of the project site, stationary noise generated by a project only impacts sensitive receptors adjacent to the project site. **(*Id*.)**. As no significant stationary noise impacts from Project implementation were identified, and the City of San Bernardino restricts stationary noise generated on a property from creating a nuisance to other noise-sensitive receptors, cumulative stationary-source noise generation would also be less than significant. **(*Id*.)**.

Like stationary-source noise, cumulative construction noise and vibration impacts are confined to a localized area of impact. Consequently, cumulative impacts would only occur if other projects are being constructed in the vicinity of the Project at the same time as the Project. **(*Id*.)**. Since

there are no other planned projects in the vicinity of the Project area, there are no cumulative construction-related noise and vibration impacts. Accordingly, the potential for the Project to result in cumulative noise impacts is less than significant, and no mitigation is required.

11. **Population and Housing.**

a. Substantial Population Growth.

Potential Significant Impact: Whether the Project would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Finding: Impacts related to Population and Housing are discussed in detail at Section 5.11 of the Draft EIR. Based on the entire record, the City finds that the Project will not induce substantial population growth either directly or indirectly, and therefore, no mitigation is required.

Facts in Support of the Finding: The Project would result in a slight population growth in the Project area, by directly introducing up to 304 new single-family residential units into the City of San Bernardino. Using an average household size of 3.34 persons, the Project would add up to 1,015 new residents to the City of San Bernardino. **(FEIR at 3-12)**. The population for the City of San Bernardino in 2005 was 201,049 and is projected to increase to 265,515 in 2035. **(EIR Table 5.11-1)**. The City's General Plan currently designates the Project site as Residential Estate (RE), which allows for one dwelling unit per acre. However, the Project would require a General Plan Amendment to change the existing land use designation to Residential Low (RL), allowing 3.1 dwelling units per acre, an increase of 2.1 dwelling units per acre. **(EIR at 5.11-9)**. The City's projected buildout population under the existing land use designations is approximately 319,241 (General Plan 2005), which includes 276,264 persons in the City and 42,976 persons in the City's sphere of influence. The Project would increase the overall buildout population from 319,241 to 320,256, but more specifically, the projected population of 42,976 persons in the City's sphere of influence would increase to 43,991. The projected population increase that would be generated by the Project would represent approximately 0.32 percent of the buildout

population forecast for the City of San Bernardino. Although the proposed land use designation would allow for 2.1 more dwelling units per acre than the existing general plan, the Project would only result in a nominal increase in the overall projected buildout population. **(*Id.*)**.

The City of San Bernardino is a jobs-rich community. According to SCAG, the total employment within the City will grow from 81,115 jobs in 2000 to 157,088 jobs in 2035, for a total increase of 75,973 jobs, representing 93.7 percent growth. This reflects an annual growth rate of approximately 2,171 jobs or 2.7 percent. Implementation of the Project would create short-term jobs during the construction phase; however, the Project itself would not provide any jobs. **(*Id.*)**. SCAG applies the jobs/housing ratio at the regional and sub-regional level as a tool for analyzing the fit between jobs, housing, and infrastructure. Although no ideal jobs/housing ratio is adopted in state, regional, or city policies, SCAG considers an area balanced when the jobs/housing ratio is 1.35; communities with more than 1.5 jobs per dwelling unit are considered jobs-rich. The Project would consist of 309 residential units and would not provide any jobs. **(*Id.*)**. By 2035, the City is projected to grow by 36.6 percent in housing, 32.1 percent in population, and 65.5 percent in employment. **(EIR Table 5.11-5)**. SCAG's forecast predicts a strong growth in employment, as the City's jobs/housing ratio was 1.65 in 2005 and is expected to increase to 2.00 by 2035. The projected 2035 jobs/housing ratio at Project buildout would be 1.99, or 0.01 less than the jobs/housing ratio at buildout without the Project. The Project would create a jobs/housing ratio that is slightly more balanced compared to the projected buildout in the area, improving the jobs/housing ratio within the City. **(EIR at 5.11-9)**. By buildout year 2035, the county is projected to grow by 71.4 percent in housing, 32.1 percent in population, and 65.5 percent in employment. In 2005, the jobs/housing ratio was 1.24 and is projected to increase to 1.29 in 2035, maintaining an overall balance between the number of jobs and number of households within the county. The Project would not change the projected buildout ratio between jobs and housing in the county. **(EIR Table 5.11-5)**. As previously mentioned, there is some variation between the City's and SCAG forecasts because different growth rates were used to determine the projections. EIR Table 5.11-6 shows the job/housing ratio according to the City's

projections in their General Plan. At Project buildout, the City predicts that their jobs/housing ratio would be 3.7. **(EIR at 5.11-10)**. Infrastructure improvements are required for the Project, and a primary access road would have to be constructed from the terminus of Little League Drive and extended west to the northeastern corner of the Project site, along with a secondary access road. These access roads would only accommodate the Project. The development of the Project would also require the construction of new stormwater drainage facilities and infrastructure, the construction of new pipelines on the Project site, and potentially an upgrade of the existing pipeline at Little League Drive. **(*Id.*)**. Additionally, there would be three proposed detention basins that would be maintained by the owner or homeowners association. This would improve the fire flow in the higher elevations of the Project site and its vicinity. **(EIR at 5.11-11)**. The Local Agency Formation Commission approved a sphere of influence expansion in September 1996 for the City, which placed the Project site and adjacent area within the City of San Bernardino's sphere of influence. Therefore, these improvements are consistent with planned growth for the City. **(*Id.*)**. To the extent that these improvements would accommodate growth that could not occur otherwise, they would be considered growth inducing. Since substantial growth is anticipated and planned for the City, surrounding growth accommodated by these improvements is not considered significant, and no mitigation is required.

b. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in or contribute to a cumulatively significant impact related to Population and Housing.

Finding: Impacts related to Population and Housing are discussed in detail at Section 5.11 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in or contribute to a cumulatively significant impact to Population and Housing, and therefore, no mitigation is required.

Facts in Support of the Finding: Implementation of the Project would contribute to the growth of the City of San Bernardino. **(EIR at 5.11-11)**. However, the Project's cumulative housing and population impact provides benefits for the jobs/housing ratio, regional housing goals that promote housing production, and state-mandated fair share housing programs. **(*Id.*)**. The Project

provides the City with more housing, which decreases the job/housing ratio by 0.01 at the projected buildout in 2035, according to SCAG projections. According to the projections in the General Plan, the Project would not change the projected buildout ratio between jobs and housing in the City. As a result, the Project would not make a considerable contribution to cumulative growth impacts, and no mitigation is required.

12. **Public Services.**

a. Police Protection.

Potential Significant Impact: Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.

Finding: Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for police protection services, and therefore, no mitigation is required.

Facts in Support of the Finding: Upon annexation of the Project site and the 26.4-acre annexation area, the San Bernardino Police Department ("SBPD") would provide police services to the Project site. **(EIR at 5.12-9)**. This would expand SBPD's service area and would likely result in an increase in calls for SBPD services. Such an increase in calls would be expected to create a need for additional police staff. **(*Id.*)**. The City of San Bernardino's development impact fee for law enforcement is $597.74 per unit for detached single-family residential units. With a total of 304 units, $181,712.96 would be charged to the Project developer as law enforcement development impact fees. **(*Id.*)**. These fees may be spent on facilities, equipment, or vehicles, and will reduce any impacts to police protection services to a less than significant level. Accordingly, no mitigation is required.

b. School Services.

Potential Significant Impact: Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for school services.

Finding: Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for school services, and therefore, no mitigation is required.

Facts in Support of the Finding: The Project is estimated to generate roughly 101 additional students in the attendance area of North Verdemont Elementary School, 52 students in the attendance area of Cesar Chavez Middle School, and 59 students in the attendance area of Cajon High School. **(FEIR 3-23,Table 5.12-3)**. The existing four occupied, multiple-acre lots within the 26.4-acre annexation area would continue to be serviced by the San Bernardino City Unified School District Service Area. **(EIR at 5.12-12)**. There is existing unused capacity at Cesar Chavez Middle School and Cajon High School to accommodate project-generated students. However, the unused capacity at North Verdemont Elementary School is 82 students, less than Project-generated elementary school students. **(*Id.*)**. The Project would create a potential need for teachers and support staff at the elementary, middle, and high school levels. In addition, the Project may create a need for additional elementary school classroom space, depending on population trends in the area. SBCUSD would charge the project Level 2 fees of $5.40 per square foot for single-family residential units. **(*Id.*)**. School fees levied by school districts under SB 50 are defined as comprising full mitigation for a project's impacts on public schools, and thus, no additional mitigation is required.

c. Library Services.

Potential Significant Impact: Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or

physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for library services.

Finding: Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for library services, and therefore, no mitigation is required.

Facts in Support of the Finding: The Project would include 304 single-family homes and would also involve the annexation of the Project site into the City of San Bernardino. **(EIR at 5.12-13)**. Upon annexation, the Project would be in the service area of the San Bernardino Public Library, and the Dorothy Inghram Branch Library would be the closest San Bernardino Public Library ("SBPL") facility. ***(Id.)***. The average household size in the City of San Bernardino is roughly 3.34 persons. Therefore, the Project at completion would be expected to add roughly 1,015 persons to the City. The 26.4-acre annexation area includes 13 current residents. The Project, along with the annexation area would thus result in an increased demand for library service in the City. ***(Id.)***. At a ratio of two volumes per resident, the Project would create a need for roughly 2,030 additional library items. The annexation area would create a need for roughly 26 additional library items. ***(Id.)***. The Project-generated increase in population would also create increased need for technology such as computers at the Inghram Branch Library, and would contribute to a need for additional staffing. ***(Id.)***. The $596.63 per residential unit library facilities fee that the City would charge to the Project, would help the SBPL to meet the Project-related increase in demands for library services and reduce impacts to a less than significant level, and thus no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in a cumulatively significant impact to provision of public services.

Finding: Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the City finds that the Project will not result in a cumulatively significant impact to provision of public services, and therefore, no mitigation is required.

Facts in Support of the Finding:

Fire Protection Services: Cumulative impacts on fire services would occur if additional development is planned for the surrounding area, increasing the need for Fire Station 232 to provide emergency service to the area. There is potential for cumulatively significant impacts to occur, requiring additional fire service facilities and personnel. The citywide population is expected to increase from 201,049 in 2005 to 265,515 in 2035, an increase of roughly 32.1 percent. Other developments in the City would be assessed Fire Protection Development Impact Fees, as would the Project. Such fees would help to reduce cumulative impacts to fire protection. **(EIR at 5.12-7)**.

Police Services: Cumulative impacts on police services would occur if additional development is planned for the surrounding area, increasing the need for police services to the area. At General Plan buildout the City of San Bernardino, including areas now in the sphere of influence, is projected to have a population of roughly 265,515, an increase of 64,466, or 32.1 percent, over the 2005 population of 201,049. Additional developments in the City would be charged law enforcement development impact fees, as would the Project. Such fees, which may be spent on facilities, equipment, and vehicles, would help reduce cumulative impacts to police protection. **(EIR at 5.12-9)**.

School Services: If there are other residential projects in the Verdemont area in addition to the Project, the District anticipates the need for more classrooms and staffing at the elementary school level. The District expects increases in staffing at the middle school and high school levels without facilities impacts. School fees levied on related projects pursuant to SB 50 would constitute mitigation for those projects' impacts on schools. **(EIR at 5.12-12)**.

Library Services: The City of San Bernardino estimates that the City's population will increase to about 265,515 by 2025, including the areas now in the City's sphere of influence, an increase of 64,466, or 32.1 percent, over the 2005 population of 201,149. The Project would account for roughly 1 percent of that population increase. Growth in the City will lead to increased demand for library services. **(EIR at 5.12-13)**. New or expanded library facilities will be needed, in addition to increases in materials, technology, and staffing. The SBPL is funded mostly through the City's General Fund. New developments built in the City will

generate increased tax revenue, thus expanding the General Fund. Cumulative development therefore would not have a substantial adverse impact on library services, and the Project's impacts on library services would not be cumulatively considerable. **(EIR at 5.12-14)**.

In sum, the Project's payment of development impact fees will reduce cumulative impacts to the provision of public services to less than significant levels, and no mitigation is required.

13. **Recreation.**

a. Recreational Facilities.

Potential Significant Impact: Whether the Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Finding: Impacts related to Recreation are discussed in detail in Section 5.13 of the Draft EIR. Based on the entire record, the City finds that the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; and, therefore, no mitigation is required.

Facts in Support of the Finding: According to the Parks, Recreation, and Trails Element of the San Bernardino General Plan, five acres of parkland and/or recreations facilities per 1,000 population is required for residential development projects. **(EIR at 5.13-8)**. The maximum buildout of the Spring Trails Specific Plan would accommodate 304 units. Based on the City of San Bernardino's General Land Use Element, the 2008 average household size is 3.34 persons, and the Project would therefore generate a population of approximately 1,015 residents (303 units x 3.34 = 1,015). **(FEIR at 3-23)**. Based on the Quimby Act legislation allowing a maximum parkland dedication standard of 3 acres per 1,000 population, approximately 3.05 acres of parkland or equivalent fees or improvements would be required to serve the residents of the Project. Based on the City's General

Plan performance standard for parks and recreation facilities (5 acres per 1,000 population), the Project would generate the need for 5.01 acres of parkland. The Spring Trails Specific Plan would provide 246.3 acres of public and private parkland, open space, trails, and recreational amenities on the Project site. **(*Id.*)**. More specifically, 9.0 of the 246.3 acres would be designated public and private parks: 2.0 acres of private parks and 7.0 acres of public parks. Therefore, the Project would exceed the City requirements by 3.99 acres of parkland. Additionally, the Project responds to the City's Parks, Recreation, and Trails Element Goals 8.1 and 8.3 by providing parks and creating a trail system that would connect to future and existing regional and City trails. **(*Id.*)**. The parks and open space components would provide passive and active recreational opportunities. The exact number, precise location, configuration, type, and amount of amenities and facilities, and the size of the parks and open space areas would be established at the time of development of the tentative tract map(s) of the Project. **(*Id.*)**. The proposed parks and open space acreage of the Spring Trials Specific Plan would meet and exceed the amount of parkland and/or recreation facilities defined by the Quimby Act and the more conservative performance standard outlined in the City's General Plan. Therefore, the Project's parks and open space components would ensure that recreational facilities would be available to new residents of the Project. **(*Id.*)**. Since park needs would be met and exceeded onsite, it is not expected that the residents of the Project would, in any appreciable manner, need to use City or regionwide parks that are located offsite. Additionally, the proposed public parks, trails, and open space components would also serve residents of the existing and future surrounding communities. **(*Id.*)**. Thus, impacts related to recreational facilities are less than significant, and no mitigation is required.

b. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts to the use, construction or expansion of recreational facilities.

Finding: Impacts related to Recreation are discussed in detail in Section 5.13 of the Draft EIR. Based on the entire record, the City finds that the Project would not result in

cumulatively considerable impacts to the use, construction or expansion of recreational facilities; and, therefore, no mitigation is required.

Facts in Support of the Finding: Buildout of the Spring Trails Specific Plan would accommodate 304 residential units, generating a total of 1,015 residents. **(FEIR at 3-23)**. According to the Parks, Recreation, and Trails Element, the City is currently deficient in park space and needs 787.6 acres of public parkland to provide for the projected population. The Project itself would generate a need for a total of 5.01 acres of parkland. **(*Id.*)**. However, the Project would provide 9 acres of public and private parkland and an additional 246.3 acres of open space, providing additional acreage beyond the park requirements and lessening the City's overall parkland needs. **(*Id.*)**. The Project will increase the cumulative acreage of parks in the City, improving the City's current deficiency of parkland. Additionally, the Spring Trails Specific Plan meets the goals of the Parks, Recreation, and Trails Element of the General Plan—encourage creation of a system of parks, bikeways, trails, and recreation facilities that serve residents needs and connect different neighborhoods to the City; and develop a system of open spaces, bikeways, and trails to connect individual neighborhoods into the fabric of the entire community. **(EIR at 5.13-9)**. Thus, the Project will not result in cumulatively considerable impacts to the use, construction or expansion of recreational facilities; and, therefore, no mitigation is required.

14. **Traffic Impacts.**

a. Hazards Due to Design Feature.

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) or result in inadequate emergency access.

Finding: Impacts related to Traffic and Circulation are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the City finds that the Project will not substantially increase hazards due to a design feature or result in inadequate emergency access, and therefore, no mitigation is required.

Facts in Support of the Finding: The proposed Spring Trails Specific Plan would involve the development of single-family residences with a local roadway network of cul-de-sac right-of-ways, a main loop

road, and two access roads. **(EIR at 5.14-44)**. These two access roads would connect the Project site to the existing Meyers Road, Little League Drive, and Perrin Road. The access roads and onsite circulation would follow the design standards of the FF District that allow emergency access to the site, and would not create any dangerous conditions. **(*Id.*)**. Thus, impacts in this area are less than significant, and no mitigation is required.

b. Alternative Transportation.

Potential Significant Impact: Whether the Project would conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Finding: Impacts related to Traffic and Circulation are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the City finds that the Project will not conflict with adopted policies, plans, or programs supporting alternative transportation, and therefore, no mitigation is required.

Facts in Support of the Finding: The proposed roadway network of the Spring Trails project includes two access roads, a primary local street, a secondary local street, and two types of cul-de-sac streets. **(EIR at 5.14-44)**. There are no planned public transit uses for the site, but residents would have indirect access to the Omnitrans bus system (approximately two miles to bus stop). Private vehicles would most likely be the most common form of transportation used onsite since the site is not in the immediate vicinity of public transit stations. If bus or other public transit service were expanded in the area of the Project, the Project would not interfere with potential routes. **(EIR at 5.14-39)**. The Project's trail system would tie into area-wide trails that would help facilitate access to public transit, and would provide trails and routes for pedestrian, bicycle, and equestrian use. **(EIR at 5.14-44)**. Thus, impacts in this area are less than significant, and no mitigation is required.

15. **Utilities and Service Systems.**

a. Stormwater Drainage Facilities.

Potential Significant Impact: Whether the Project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or require or result in the construction of new storm water drainage facilities or expansion of existing

facilities, the construction of which could cause significant environmental effects.

Finding: Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the City finds that the Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; and, therefore, no mitigation is required.

Facts in Support of the Finding: The development of the Project would require the construction of new stormwater drainage facilities and infrastructure. **(EIR at 5.15-21)**. For the most part, natural drainage patterns would be preserved with the development of the site. Major improvements would include three stormwater detention basins that would also serve as community parks. **(*Id.*)**. Two of these, in the western and southern portion of the site, near Meyers Road, would serve as neighborhood parks. The other, in the south-central portion of the site, would be a dog park. The water in these detention basins would be treated and then discharged at a controlled rate into Cable Canyon Creek. **(*Id.*)**. Other stormwater drainage facilities would consist of 24-inch to 96-inch reinforced concrete pipes that would be placed along the major looped road. Culverts would be constructed to maintain natural drainage patterns in each of the drainage areas (A, B, C, and D) where proposed roadways would otherwise obstruct the drainage flow. **(EIR Figure 3-9)**. Prior to site grading, a stormwater pollution prevention plan permit must be approved by the Santa Ana Regional Water Quality Control Board (RWQCB). A water quality management plan has also been prepared for the Spring Trails Specific Plan in accordance with the Santa Ana RWQCB. This plan includes BMPs to reduce the volume, rate, and amount of stormwater runoff that must be treated and reduce the potential for urban runoff and pollutants from coming into contact with one another. **(EIR at 5.15-21)**. Although the proposed development would necessitate the construction of new facilities and infrastructure, their construction would help to maintain the natural drainage patterns of the site and would control the stormwater runoff flow so that it would not exceed the capacities of Cable Canyon Creek leaving the site. The existing stormwater drainage patterns of the adjacent 26.4-acre annexation area would not be impacted by the Project,

and would continue to function as it does currently. **(*Id.*)**. Thus, impacts in this area are less than significant, and no mitigation is required.

b. Wastewater Treatment.

Potential Significant Impact: Whether the Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Finding: Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the City finds that the Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; and, therefore, no mitigation is required.

Facts in Support of the Finding: The Project would be served by the City's Public Works Department upon the annexation of the Project site. The design, construction, and conveyance capabilities of the sewer lines are the responsibility of the Project engineer and would be required to follow the Public Works Department sewer design policies and requirements. **(EIR at 5.15-21)**. The proposed sewer lines would connect to the eight-inch sewer line at the intersection of Meyers Road and Little League Drive. **(EIR Figure 3-12)**. A residential wastewater generation rate of 182 gpd per acre was used to determine the daily flow rates of the proposed Project. This rate is used for developments with residential densities of one unit per acre or less. The Sewer Capacity Analysis prepared for the Project found that the flow rate of the proposed project would reach 327,283.2 gallons per day (366.6 afy). **(EIR Appendix L)**. The Margaret H. Chandler Water Reclamation Plant ("WRP") has a projected wastewater flow of 35,828 afy in 2015 (31.985 mgd). **(EIR at 5.15-22)**. With a capacity of 33 mgd, the plant would have remaining capacity for 1.015 mgd. The Project's expected wastewater flow of 327,283.2 gpd is within the projected flow capacity of the WRP near opening year 2013 (35,828 afy in 2015). The onsite sewer lines would be eight inches in diameter, designed to accommodate a flow rate of 1.354 cubic feet per second (cfs) (203 gpm). The actual onsite flow would be 0.5064 cfs. **(*Id.*)**. The Sewer Capacity Study assessed the existing conditions of the

sewer system that would be used by the Project and the capacity that would be required for proposed sewer lines. The report used the City of San Bernardino Public Works Sewer Policy and Procedures design criteria for sanitary sewers based on City sewer buildout conditions in year 2020. The City's Sewer Master Plan is based on City buildout in 2020. **(*Id.*)**. The analysis of the existing sewer system found that four locations had a pipe flow over that of the design flow for the pipe section. These four locations were still below the full flow capacity of the sewer pipe sections. **(*Id.*)**. Since all pipeline sections are still within the full flow capacity, upgrades are not required. The existing sewer system would be able to accommodate the wastewater flow from the Project. However, the slope of the proposed pipeline in Verdemont Drive is not known. Depending on this slope, the pipeline would be either 8 or 10 inches in diameter. If a 10-inch pipeline is used, the existing pipeline at Little League Drive would need to be upgraded from 8 to 10 inches, since it is not recommended to have a 10-inch pipeline upstream of an 8-inch pipeline. **(*Id.*)**. The Project would require the construction of new pipelines on the Project site, most likely of 8- inch diameter, and potentially an upgrade of the existing pipeline at Little League Drive. The construction of new pipelines and pipeline improvements is designed within the road right-of-ways. **(*Id.*)**. Potential environmental impacts associated with these improvements were addressed in the EIR in conjunction with the assessment of the development footprint, and found to be less than significant. Accordingly, no mitigation is required.

c. Landfill Capacity.

Potential Significant Impact: Whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or fail to comply with federal, state, and local statutes and regulations related to solid waste.

Finding: Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the City finds that the Project would not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or fail to comply with federal, state, and local statutes and regulations related to solid waste; and, therefore, no mitigation is required.

Facts in Support of the Finding:

The proposed Spring Trails specific plan involves 304 residential units that would generate solid waste to be disposed at Mid-Valley and/or San Timoteo landfills. **(EIR at 5.15-26)**. The solid waste generated by each residential unit can be estimated at 12.23 pounds of household waste per dwelling unit per day. **(*Id.*)**. Based on this estimation, the Project would generate approximately 1,357,040 lbs/year (678 tons of solid waste per year, or 1.85 tons per day). San Timoteo Landfill can receive a maximum of 1,000 tons per day until 2016. **(*Id.*)**. Since this closure date is not long after the buildout of the Project, the majority of the waste from the Project would go to the Mid-Valley landfill, which has a closure date of 2033. **(*Id.*)**. The Mid-Valley Landfill can receive up to 7,500 tons of waste per day, and the average daily waste flow is 2,790 tons. **(*Id.*)**. The daily wasteflow plus the wasteflow of the Project totals 2,791.88 tons per day, which would be under the permitted daily capacity of the landfill. **(*Id.*)**. The County and City of San Bernardino have recycling programs and incentives to reduce the amount of solid waste being transported to landfills. The waste reduction and pollution prevention programs of the City help both residents and businesses reduce waste and find recycling solutions. The City offers pick-up services for waste, green waste, and recycling for residents and businesses. Impacts related to solid waste generation would be less than significant. **(*Id.*)**.

The City of San Bernardino was in compliance with AB 939 in 2005 and 2006 based on the 50 percent waste diversion rate. (EIR Table 5.15-17). In 2007 and 2008, San Bernardino did not meet the per capita disposal rate targets, but these numbers do not necessarily indicate noncompliance. **(See EIR Table 5.15-18)**. The figures must be reviewed and approved by the board before they are used to determine the City's compliance with AB 939 (and SB 1016). These figures have not yet been approved by the board, and the effect Spring Trails would have on the City's ability to meet its diversion targets is speculative. **(EIR at 5.15-26)**. In worst-case conditions, the Project would decrease the amount of waste being diverted from landfills, and lessen the City's likelihood of compliance with AB 939. Residents living in Spring Trails would participate in City-sponsored waste and recycling collection programs. **(*Id.*)**. Residential wasteflow generated during the operation of the Project would have to be incorporated into the City's calculations on how to meet the 50 percent

diversion goal. Although it would increase the amount of waste that would need to be disposed of by the City, this increase is not expected to cause significant impacts. **(*Id.*)**. Construction material waste must also be reported to CalRecycle to indicate compliance with AB 939. Construction material waste would also need to be incorporated into the City's calculations to meet the 50 percent diversion goal; however, since there would not be demolition of existing structures involved with the construction activities, there would not be a substantial amount of waste to be discarded. **(EIR at 5.15-27)**. In sum, the Project would be adequately served by the Mid-Valley and San Timoteo Sanitary landfills and would comply with AB 939, and no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts to Utilities and Service Systems.

Finding: Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the City finds that the Project would not result in cumulatively considerable impacts to Utilities and Service Systems; and, therefore, no mitigation is required.

Facts in Support of the Finding: **Stormwater/Wastewater**: Cumulative impacts caused by the need to construct additional stormwater conveyance infrastructure could occur if Spring Trails were to use the same infrastructure as other developments. **(EIR at 5.15-23)**. The Spring Trails Project would discharge its treated stormwater into Cable Canyon Creek at a controlled rate. **(*Id.*)**. Impacts could occur if development north of or immediately adjacent to Spring Trails contributed stormwater runoff to the same drainage system as Spring Trails. Since Spring Trails is immediately surrounded by unincorporated San Bernardino County or San Bernardino National Forest, it is unlikely that development would occur in these areas. **(*Id.*)**. Additionally, any future developments would be required to ensure that there would not be any net peak increase in stormwater flow to the existing infrastructure. There would not be any cumulatively significant impacts related to the construction of stormwater facilities. **(*Id.*)**. The proposed Spring Trails Specific Plan would generate 63 afy of wastewater. This represents 0.18 percent of the total wastewater flow capacity of the WRP (35,828 afy). **(*Id.*)**. In combination

with growth in the area, the Project would not have cumulatively significant impacts on wastewater infrastructure. The sewer study prepared for this report analyzed the Project's contribution to projected flow rates of the existing sewer system in 2020. The projected flow rates were acquired from the City's Sewer Master Plan for year 2020 and incorporates projected growth in the service area. **(*Id.*)**. Since the Project's wastewater flow would not exceed the full capacity flows of the existing sewer system as projected in 2020, there would not be any cumulative impacts related to the need for additional sewer system improvements. **(*Id.*)**.

Solid waste: Solid waste planning in San Bernardino County is guided by the San Bernardino County Solid Waste Management Plan, which directs the actions of the San Bernardino County Solid Waste Advisory Committee. **(EIR at 5.15-27)**. The City of San Bernardino has a representative on this committee. The need for any additional landfills or transfer stations in the future must be incorporated into the solid waste management plan. The EIR for the San Bernardino General Plan Update estimates that, at buildout, the City would be generating 2,628 tons of solid waste per day (after diversion). **(*Id.*)**. The Mid-Valley landfill can receive up to 7,500 tons of solid waste per day through its closure date in 2033. Over 70 jurisdictions send solid waste to this landfill, and the total daily disposal averages 2,790 tons. **(*Id.*)**. Between 2005 and 2007, total tons disposed per year decreased from 855,135 to 762,729 tons. When the Project's disposal rate (1.89 tons per day) is included with the buildout disposal rate for the City (2,628 tons per day), the total is 2,629.89 tons per day, which is more than the current daily average for the landfill but less than the maximum capacity. **(*Id.*)**. The proposed Project would not significantly contribute to the projected solid waste flow from the City of San Bernardino or to the maximum daily permitted disposal rate for the Mid-Valley landfill, and thus, no mitigation is required.

16. **Greenhouse Gas Emissions.**

a. Conflict with Applicable Plan.

Potential Significant Impact: Whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Finding: Potential impacts from Greenhouse Gas Emissions are discussed in detail in Section 5.16 of the Draft EIR. Based on the entire record, the City finds that the Project would not conflict with the California Air Resources Board's ("CARB") Scoping Plan; and, therefore, no mitigation is required.

Facts in Support of the Finding: The CARB Scoping Plan identifies that reducing GHG emissions to 1990 levels means "cutting approximately 30 percent from business-as-usual emissions levels projected for 2020, or about 15 percent from today's levels." **(EIR at 5.16-18)**. On a per capita basis, that means reducing our annual emissions of 14 tons of CO2e (13 MTons) for every man, woman, and child in California to about 10 tons (9 MTons) per person by 2020." A 30 percent per capita reduction, or approximately 4 MTons less GHG emissions per person, is necessary to achieve the emissions reduction of the Scoping Plan. **(*Id.*)**.

Traffic trips associated with new and redevelopment projects contribute indirect emissions of air pollutants. **(*Id.*)**. The most effective way to reduce emissions is through a substantial reduction in vehicle trips and trip lengths. While local and regional governments cannot directly regulate vehicles and vehicle emissions, they can implement land use regulations and strategies to reduce VMT. **(*Id.*)**. Such strategies can include better integration of land use and transportation planning to reduce trip lengths between residential areas to employment centers and amenities, and to promote greater public transit use and alternative modes of transportation. **(*Id.*)**. Strategies to implement such land use policy can either be incentive based, such as compliance with the SCS, or penalty based, such as indirect source review. Regional strategies include the Sustainable Communities Strategy ("SCS") for the SCAG region, and the Compass Blueprint 2% Strategy. **(EIR at 5.16-19)**.

Transportation contributes a large percentage of the state's GHG emissions and research shows that increasing a

community's or development's density and accessibility to job centers are the two most significant factors for reducing VMT through design. **(*Id.*)**. Consistency with the SCS for the SCAG region would reduce VMT and trips within the region as a whole. Regional GHG emissions reduction targets and the SCS have not yet been established for the SCAG region. According to the 2008 Regional Comprehensive Plan (RCP), SCAG's Land Use and Housing Action Plan can be expected to result in a 10 percent reduction in VMT in 2035 when compared to current trends. In general, VMT serves as a proxy for jobs/housing balance, urban design, transit accessibility, and other urban form issues. **(*Id.*)**. The Compass Blueprint is a component of the Land Use and Housing element of the 2008 RCP in achieving sustainable land uses and policies. The framework of the Compass Blueprint strategy focuses on four areas in achieving sustainable development: mobility, livability, prosperity, and sustainability. **(*Id.*)**. Key aspects of the Compass Blueprint in reducing VMT include developing housing near regional employment centers and amenities and encouraging transit-oriented development. The Project would be consistent with one aspect of the mobility element of the Compass Blueprint by locating residential development near an employment center (i.e., the City of San Bernardino). **(*Id.*)**. However, the Project is not a mixed-use development; it is a proposed master planned single-family residential development. Additionally, it would not be in proximity to amenities, as the majority of amenities would be approximately four miles or more from the Project site, nor would it be near readily accessible public transit, as the nearest transit stop would be approximately over a mile to the east. **(*Id.*)**.

Energy use and related activities for buildings is the second largest contributor to California's GHG emissions. **(*Id.*)**. Energy efficiency and conservation measures are identified as a best performance standard for development projects. In general, there are two strategies for reducing GHG emissions from the Electricity sector: 1) reducing the amount of energy consumed; and 2) reducing the GHG emissions resulting from electricity production. **(*Id.*)**. The Project would have little control over the latter, and the CEC has determined that the success of reducing GHG emissions from electricity production depends largely on the success of California's renewable-energy and energy-

efficiency programs. Consequently, GHG emissions reductions can be achieved through the design and construction of new green buildings, because green buildings offer a comprehensive approach to reducing GHG emissions across multiple sectors (Energy Use, Water, Waste, and Transportation). **(*Id.*)**. Water use also requires significant amounts of energy. Approximately one-fifth of the electricity and a third of the non–power plant natural gas consumed in the state are associated with water use. Measures to increase water use efficiency and reduce water demand would reduce electricity demand from the Water sector, therefore reducing GHG emissions. **(*Id.*)**.

The California Water Resources Control Board has prepared a draft "20X2020" Water Conservation Plan that outlines the state's strategies to achieve a 20 percent reduction in per capita urban water use statewide by 2020. **(EIR at 5.16-20)**. The Scoping Plan considers using the green building framework as a mechanism that enables GHG reductions in other sectors. In July 2008, the California Building Standards Commission adopted the Green Building Standards Code that includes mandatory features for residential structures and voluntary standards for nonresidential structures. **(*Id.*)**. As of January 1, 2010, all new structures would be constructed to achieve the performance standards of the 2008 Building and Energy Efficiency Standards, which are approximately 15 percent more energy efficient than the 2005 Building and Energy Efficiency Standards. **(*Id.*)**. The new standards also require improvements in water efficiency for plumbing fixtures and a target of 50 percent landscape water conservation reduction. While the current code is voluntary for nonresidential structures, the Commission is in the process of developing mandatory provisions in the 2010 edition of the California Green Building Standards Code. Transportation, energy efficiency, and water reductions measures implemented by the state as outlined in CARB's Scoping Plan would reduce Project-related GHG emissions. **(*Id.*)**. Implementation of transportation, water, and energy efficiency measures of CARB's Scoping Plan would reduce emissions by 39 percent, or 3,863 MTons of GHG in year 2020 from BAU. (EIR Table 5.16-7). The Project would be consistent with the statewide emissions reduction strategies outlined in the Scoping Plan. **(*Id.*)**. Therefore, impacts associated with consistency with plans to reduce GHG

emissions are considered less than significant, and no mitigation is required.

17. **Forest Resources.**

a. Conflict with Applicable Plan.

Potential Significant Impact: Whether the Project would conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Finding: Potential impacts from the Project on Forest Resources are discussed in detail in Section 5.17 of the Draft EIR. Based on the entire record, the City finds the Project site is not considered timberland or zoned timber production. Although resources within the Project site qualify as forest land per California Resources Code Section 12220 would be impacted by Project implementation, this impact is less than significant and, therefore, no mitigation is required.

Facts in Support of the Finding: The drainages in the northern (Cable Creek) and southern portions (Meyers Creek) of the Project site contain native tree species that exhibit the characteristics of forest lands. Implementation of the Project would develop single-family residences and result in the removal of 220 native species trees on the project site. Therefore, the Project could conflict with Project site's ability to continue to be designated as forest land. **(EIR at 5.17-4)**.

The Project site was previously been used for agriculture, and a previous landowner grew eucalyptus trees to be used as windrows for crop protection, with a secondary use as firewood. **(*Id.*)**. Despite the presence of the eucalyptus trees, the site does not include timberland as defined by PRC Section 4526, which would require the project site to be capable of growing "a crop of trees of any commercial species used to produce lumber and other forest products." **(*Id.*)**. Per Section 895.1 of Title 14 of the California Code of Regulations ("CCR"), "commercial species" is defined as "those species found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past." **(EIR at 5.17-4)**. The commercial species list for the Southern Forest District is shown at EIR Table 5.17-1. Although eucalyptus trees are included in group B,

the Project site does not have any naturally occurring trees of species that are included in group A. **(EIR Table 5.3-3)**. Therefore, per this definition, the Project site does not meet the definition of timberland. Implementation of the Project would not conflict with or cause a rezoning of any designated timberland areas. **(EIR at 5.17-5)**. The Project site is in the Verdemont community of unincorporated San Bernardino County and in the City of San Bernardino's sphere of influence ("SOI"). **(*Id.*)**. The Project site is not currently zoned for timberland production per CPRC 51104. The site is currently subject to County of San Bernardino's General Plan and Zoning Code. As shown in Figure 4.6 of the County's General Plan, "Land Use Designations," the northern portion of the site, approximately 160 acres, is designated as private unincorporated land within the San Bernardino National Forest. **(*Id.*)**. The southern portion of the site, approximately 190.6 acres, is designated Rural Living (RL-5), which allows up to one dwelling unit per five acres. Since the Project site is within the City of San Bernardino's SOI, the entire project site is currently prezoned by the City as Residential Estate (RE), allowing one dwelling unit per acre. Therefore, implementation of the Project would not conflict with or cause a rezoning of any timberland production zone. **(*Id.*)**. Impacts would be less than significant, and no mitigation is required.

B. **Potentially Significant Impacts Which Can Be Mitigated Below a Level of Significance and Mitigation Measures.**

1. **Biological Resources.**

a. Candidate, Sensitive or Special Status Species.

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Finding: Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the City finds that development of the proposed Project would involve the loss or modification of approximately 265.2 acres of natural habitat and the wildlife species. These activities could potentially impact special stats plant and animal species, critical habitat designated by the

Fish and Wildlife Service; and indirect impacts to sensitive plant and animal habitats could also occur. However, these impacts can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-1 to 3-5 and 3-13. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-1 *Prior to the issuance of grading permits, preconstruction surveys within the proposed impact areas for Plummer's mariposa lily shall be conducted in the appropriate blooming period by a qualified biologist. The appropriate blooming period is defined as occurring within the months of April, May, and June, or as indicated by positive verification of blooming at a documented reference location. Surveys must only be conducted during a year of at least average precipitation, as determined by official precipitation records. The surveys should positively identify and quantify all individuals on or in the immediate vicinity of the proposed impact areas. Any individuals confirmed within the project impact area shall be considered for possible salvage and relocation into suitable receptor sites located onsite within preserved areas, if feasible. Any individuals confirmed in the immediate vicinity of a proposed impact area shall be flagged and appropriately fenced off from construction zones to prevent inadvertent impacts. Individuals confirmed within areas proposed for preservation onsite shall be properly recorded and avoided during any revegetation or other efforts anticipated in the long term during project operation. All observations shall be accurately reported to the California Natural Diversity Database, the California Native Plant Survey, the Consortium of California Herbarium, and/or other herbarium or sensitive species databases as determined by the qualified biologist. This measure shall be implemented to the satisfaction of the Community Development Director.*

3-2 *To mitigate for impacts to unoccupied critical habitat of the federally endangered San Bernardino kangaroo rat, the project applicant shall acquire offsite permanent mitigation lands of like habitat quality as determined by the US Fish and Wildlife Service (USFWS) during the Section 7 consultation process. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). This measure does not preclude the imposition of additional mitigation requirements that may be initiated by the USFWS during the Section 7 consultation process. This measure shall be implemented to the satisfaction of the Community Development Director.*

3-3 *To mitigate for potential impacts to hydrological processes and subsequent degradation of habitat for the federally endangered San Bernardino kangaroo rat and other sensitive species, all roadway crossings or other improvements proposed within critical habitat for the species shall be designed in such a manner as to not substantially alter the natural*

flow regimes through impacted sensitive habitat areas. These designs shall include, but shall not necessarily be limited to, the installation of appropriate culverts and stream crossings that allow for natural flow and uninhibited downstream hydrological processes. Design of these improvements shall be undertaken in consultation with the US Fish and Wildlife Service and other responsible agencies. This measure shall be implemented to the satisfaction of the Community Development Director prior to the issuance of grading permits.

3-4 Any hiking and equestrian trails or other facilities developed within Cable Creek or other riparian areas on the site shall be designed to comply with provisions in the General Plan. These requirements shall include, but not necessarily be limited to: 1) no ground disturbance may take place within 50 feet of the ordinary high-water mark of the associated stream channel; 2) erosion, sedimentation, and runoff from the proposed improvements must be minimized by the implementation of appropriate best management practices, the installation of appropriate runoff diversions, and/or the planting of native vegetation; 3) Vegetation removal will be minimized to the maximum extent possible; and 4) appropriate signage shall be installed in at least five locations alongside these facilities to educate users as to the importance of riparian ecosystems, the species that rely upon them, and the importance of avoiding unnecessary impacts and disturbance. This measure shall be implemented to the satisfaction of the Community Development Director. [This measure also provides mitigation for Impact 5.3-4 as related to impacts to wildlife corridors. See Mitigation Measure 3-9]

3-5 The applicant shall prepare a signage and a buyer awareness program to be implemented to inform homeowners of the proximity to sensitive wildlife areas. The purpose of this program shall be to (1) prevent wildlife from being attracted to the housing development and (2) prevent household pets from preying on and harassing the local sensitive species. Materials and literature provided to the residents shall address the implications and dangers of living adjacent to natural open space areas. To prevent wildlife from being attracted to the project site, the materials shall provide information on homeowner's benefits and responsibilities associated with living close to natural wildlife habitats. Specific responsibilities of homeowners shall be described in these materials and be included in the Homeowners Association (HOA) Covenants, Codes, & Restrictions (CC&R). These measures shall include, but not necessarily be limited to, the following:

- *The storage and disposal of ALL food or refuse that is edible by or attractive to wildlife shall be placed in Wildlife-Resistant Refuse Enclosures and Containers. These containers shall meet applicable standards of testing by the Living With Wildlife Foundation and be bear resistant for 60 minutes so long as they are able to meet the City of San Bernardino's Refuse and Recycling Division's restrictions for pick-up and onsite sizing. Examples of Wildlife-Resistant Refuse Enclosures and Containers are provided by the Living with Wildlife Foundation (http://www.lwwf.org/).*

    - *The project applicant shall coordinate with the City of San Bernardino Refuse and Recycling Division to ensure all refuse*

facilities conform to their sizing and pick-up requirements. All refuse containers shall be designed to be consistent with the City of San Bernardino Refuse and Recycling Division restrictions.

- *With the exception of birdfeeders, no person shall intentionally feed or knowingly leave or store any refuse, food product, pet food, or other product edible by wildlife on any premises in a manner which would constitute a lure, attraction, or enticement of wildlife on property within the development*

    - *Birdfeeders must be suspended on a cable or other device so as to be inaccessible to bears and other wildlife, and the area below the feeders must be kept free from seed debris. If a wild animal gains access to a birdfeeder, the condition allowing access must be corrected or the birdfeeder removed.*

- *To limit the amount of time refuse is on the curb, trash should be set out and brought back inside between specified hours on pick-up day (to be detailed in the proposed or future HOA CC&Rs).*

To prevent the disturbance of wildlife (and sensitive species) by domestic pets, the program shall inform residents of the impacts their pets have on local animals. Cat-owners shall be informed of measures to keep their pets within their property boundaries and dog-owners shall keep their dogs on a leash while outside (except within designated dog parks). These measures would also serve to lessen the likelihood of domestic pets being preyed upon by wild predators.

The buyer awareness materials will be included in a sales disclosure statement and in the Homeowners Association (HOA) CC&Rs. A copy of the buyer awareness materials shall be approved by the Community Development Director and available to residents upon request.

3-13 Significant tree resources that are removed from the site during project development shall be replaced at a 1:1 ratio or at the exchange ratios specific below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. For California black walnut (Juglans californica var. californica), all specimens of the species shall be regarded as significant, regardless of size or height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. For purposes of replacement ratios, the following exchange ratios shall be used: 1) one 36-inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent

to one replacement tree; 3) 10 five-gallon trees are equivalent to one replacement tree; and 4) 15 one-gallon trees are equivalent to one replacement tree.

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding: Approximately 100 to 300 Plummer's mariposa lily plants and approximately 350 to 600 individual California black walnut trees of varying ages would be impacted by Project development. Both are listed as sensitive by the California Native Plant Society ("CNPS"). Impacts to USFWS-designated critical habitat for San Bernardino kangaroo rat ("SBKR") would also occur, as would impacts to Los Angeles pocket mouse. Potential impacts to least Bell's vireo ("LBV") and southwestern willow flycatcher ("SWF") are also present. **(EIR at 5.3-45)**. No plant species listed as either threatened or endangered under the Federal Endangered Species Act ("FESA") or the California Endangered Species Act ("CESA") is known to occur on the Project site. This finding is based on numerous focused surveys and habitat assessments conducted on the site since 1998. Since no federal- or state-listed species occurs on the site, there would be no impact to these species from Project development. **(*Id.*)**. Although numerous biological inventories have been conducted on the Project site over the past ten years and the site's biological resources values have been well established, the applicant is aware that habitat assessments and focused surveys need to be updated. As such, pre-clearance surveys will be conducted for each of the federally and state listed species that have a potential to occur onsite, including sensitive plant surveys following the CDFG's November

2009 guidance for special status native plant populations and natural communities.

Special Status Plant Species: Two plant species listed as sensitive by the CNPS have been documented to occur on the Project site. **(EIR at 5.3-45)**. Plummer's mariposa lily has been previously observed within unconfirmed areas of the Project site during at least two surveys. There is suitable habitat on the site and it can be assumed that the species is present. It is not known, however, if the recorded occurrences were in an area of the site that is proposed for development. **(EIR at 5.3-46)**. Potential impacts to this non-listed CNPS List 1B.2 species is not anticipated to be significant due to the relative abundance of this species on a regional scale. According to the CNPS listing guidelines, this species is known from 21 to 80 occurrences throughout its range, interpreted as anywhere between 3,000 to 10,000 individuals, or 10,000 to 50,000 occupied acres. The Project would result in the removal of an estimated 100 to 300 individuals. This represents a small portion of the total known population and any impacts would not jeopardize the existence of this species or elevate its sensitivity or listing status under the CNPS, California Natural Diversity Database ("CNDDB"), global and state heritage rankings, the FESA, or CESA. **(*Id.*)**. Despite the fact that Plummer's mariposa lily is not specifically protected under state law, mitigation imposed during the Section 1602 permitting process would likely be required at some level for this species. For this reason, Mitigation Measure 3-1 will be incorporated to identify specimens that are located within the Project impact area. These specimens should be avoided or relocated as feasible. Adherence to these requirements would lessen the Project's impact in this regard to less than significant levels. **(*Id.*)**.

California black walnut is also present on the site, and potential impacts to this nonlisted CNPS List 4.2 species are not anticipated to be significant due to the relative abundance of this species on a regional scale. **(*Id.*)**. According to the CNPS listing guidelines, this species is known from at least 21 to 80 occurrences throughout its range, which is interpreted as anywhere between 3,000 to 10,000 individuals that are known, or 10,000 to 50,000 occupied acres. The Project would result in the removal of approximately 350 to 600 individuals of varying ages. This represents a small portion of the total known population.

(*Id.*). These impacts would not jeopardize the existence of this species or elevate its sensitivity or status under the CNPS, CNDDB global and state heritage rankings, the FESA, or CESA. While California black walnut is not specifically protected under state law, mitigation initiated during the Section 1602 permitting process would likely be required at some level for this species. For this reason, Mitigation Measure 3-13 is required to salvage and relocate healthy specimens, and/or to plant new specimens within areas to be preserved onsite, which would lessen the Project's impact in this regard to less than significant levels.

Special Status Wildlife Species: Numerous small mammal trapping sessions have been conducted on the Project site over the last 11 years, but none of the survey efforts have revealed the presence of any federal- or state-listed small mammal species. **(*Id.*)**. Even though portions of the site are within designated critical habitat for SBKR, it appears that the species is absent from the site. This is likely due to the separation of the site from existing SBKR populations by the I-215 freeway, other roadways, a railroad, and residential and commercial development. The Riverside Alluvial Fan Sage Scrub ("RAFSS") habitat on the site is suitable for SBKR, but there appears to be lack of effective linkage with adjacent populations. Regardless, since portions of the site are within designated critical habitat for the species, consultation with the USFWS under Section 7 of FESA would be required. Mitigation requirements derived from this consultation would serve to lessen the Project's potential impacts to SBKR. **(*Id.*)**. In anticipation of those agency requirements, Mitigation Measures 3-2 and 3-3 are required to reduce the Project's impacts in this regard to less than significant levels, by requiring the adoption of BMPs to avoid direct and indirect impacts to remaining habitat areas, and also imposes specific design requirements to lessen additional impacts to offsite areas and to provide for the continued movement of animals through the area. Mitigation Measure 3-1 also requires the purchase and permanent preservation of offsite mitigation lands and/or the payment of in-lieu fees, and that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition. **(EIR at 5.3-47)**. Mitigation ratios for offsite habitat purchases are typically based on a number of factors, including the quality of the habitat to be replaced and whether or not the

impacted area is actually occupied by the species in question. In the case of this Project, the onsite RAFSS habitat that would support SBKR is of good quality, but has been determined through repeated surveys to not be occupied by SBKR. Accordingly, the prescribed mitigation for the loss of unoccupied SBKR critical habitat for this project is set at a ratio 1:1 (one acre replaced for every one acre impacted). The Project applicant has identified several hundred acres of potential mitigation lands containing suitable RAFSS habitat along the alluvial fans of the San Bernardino Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication and management would ensure the long-term conservation status of this sensitive habitat type in the San Bernardino Valley. It can therefore be concluded that the prescribed mitigation is feasible, and would mitigate the Project's impacts in this regard to less than significant levels. **(*Id.*)**.

Two California Species of Special Concern ("SSCs") are known to occur on the Project site. Both San Diego pocket mouse and Los Angeles pocket mouse have been captured during each of the survey efforts on the site. Potential impacts to San Diego pocket mouse are not typically considered significant under CEQA because this species is widespread and abundant on a local and regional level. **(*Id.*)**. Impacts to Los Angeles pocket mouse, however, could be considered potentially significant since the preferred habitat of the species is narrow and the species is not known to be locally or regionally abundant. The status of SSC, however, does not afford any specific legal protections, and therefore this impact can be considered less than significant. Nevertheless, the potential adverse impact to Los Angeles pocket mouse could be of concern to regulatory agencies such as CDFG. **(*Id.*)**. It is likely that CDFG would impose some level of mitigation during the Section 1602 permitting process to account for this impact. Because Los Angeles pocket mouse generally occurs in the same area as the SBKR's designated critical habitat, mitigation required by the USFWS during the Section 7 process and as discussed in the paragraphs above would serve as mitigation for Los Angeles pocket mouse as well. For that reason, mitigation specific to Los Angeles pocket mouse is not recommended. Rather, it is recommended that Mitigation Measures 3-2 and 3-3 for SBKR be implemented in order to lessen the Project's impact to both

SBKR and Los Angeles pocket mouse to less than significant levels. **(*Id.*)**.

Birds: Based on repeated negative findings for coastal California gnatcatcher ("CAGN") during numerous survey efforts, as well as the site's recent exclusion from designated critical habitat, it is reasonable to assume that the species does not occur upon the Project site. **(*Id.*)**. The riparian areas within Cable Creek provide suitable habitat for the SWF, though focused surveys conducted in 2007 returned negative findings. However, LBV was observed along Cable Creek in 2007. It is therefore possible that the species could be present farther east of this location within Cable Creek. **(EIR at 5.3-48)**. Individual Take Permits ("ITPs") will be acquired to offset potential impacts to LBV, which is a federally and state listed species. Separate ITPs will be acquired from CDFG, through a 2081 ITP application, and from USFWS, through a Section 7 consultation. Mitigation under these permits will be adequately funded and will ensure that the Project does not jeopardize the continued existence of the species. Direct development of the riparian areas of Cable Creek is not proposed as part of the Project's development. No homes or other structures would be located within the riparian areas that would be most likely to contain LBV and SWF. However, the ITP will also provide BMPs to avoid indirect impacts to the species. An evaluation of the adequacy of the existing CEQA documentation to cover any unanticipated minimization and mitigation measures included in the final ITPs will be made when the permits are issued. If additional CEQA documentation is required for review by CDFG to comply with its duties as a Responsible Agency under CEQA, the subsequent documentation will be prepared at that time.

In addition, the hiking/equestrian trail that is planned for this area could impact LBV and SWF if they are present and if the trail is not designed thoughtfully with the aim of avoiding impacts to these species. **(*Id.*)**. For that reason, Mitigation Measure 3-4 will be incorporated to assure that the trail's design, construction, and use would not impact the creek bottom in a manner that could create a significant impact to these species. Implementation of Mitigation Measure 3-4 would reduce the level of this potentially significant impact to less than significant levels. **(*Id.*)**.

Reptiles and Amphibians: No federal- or state-listed reptile species has ever been observed on the Project site, and none is expected to occur. **(*Id.*)**. With regard to amphibians, habitat assessments conducted over the last 11 years have concluded that marginally suitable habitat for arroyo southwestern toad and mountain yellow-legged frog is present along Cable Creek. Neither of these species, however, has been detected during both general habitat assessment surveys or focused surveys conducted in the area. **(*Id.*)**. Based on these findings, it is likely that neither species is present on the Project site. Furthermore, direct development of the riparian stretches of Cable Creek is not proposed as part of the Project's development. Mitigation Measure 3-4 for the proposed hiking/equestrian trail would also lessen the Project's potential impacts in this regard to less than significant levels. **(*Id.*)**.

Indirect Impacts to Special Status Species: Since the Project site would be surrounded on three sides by existing wild areas that are known to provide suitable habitat for a number of animal species, it can be assumed that wild animals would continue to be present in these adjacent wild areas following Project development. **(*Id.*)**. These animals would come into contact with the proposed development at the wildland-urban interface ("WUI") and in surrounding areas. The introduction of domestic animals would also potentially impact sensitive wildlife species in the area, as well as more common wildlife species. Domestic cats, for instance, are particularly adept at preying on wild animals such as birds, small mammals, and reptiles. Domestic cats tend to be several times as abundant in WUI areas as all other mid-sized wild predators combined, including bobcats and foxes. In some contexts, cat predation may supersede habitat loss as a primary threat to birds' survival. Other domestic animals, such as unrestrained dogs, can harass wildlife and can thus deny wild animals from using otherwise suitable habitat. **(EIR at 5.3-49)**. However, implementation of Mitigation Measure 3-5 will reduce this potentially significant impact to less than significant levels.

b. Riparian Plant or Other Sensitive Natural Communities.

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California

Department of Fish and Game or U.S. Fish and Wildlife Service.

Finding: Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the City finds that development of the Project would result in impacts to six riparian plant communities totaling 26.4 acres. Also, 168.4 acres of Riversidean sage scrub, a sensitive nonriparian plant community, would be impacted, as well as portions of the Project site within USFWS-designated habitat for the SBKR. This impact is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-6 to 3-8. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-6 *To mitigate impacts to 168.4 acres of Riversidean sage scrub (RSS) and 26.4 acres of riparian plant communities, the project applicant shall do one of the following, or a combination thereof, prior to the issuance of grading permits: 1) acquire offsite permanent mitigation lands of like habitat as determined by the California Department of Fish and Game (CDFG); and/or 2) pay appropriate in-lieu fees to an appropriate permanent mitigation land bank as determined by CDFG. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions, such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands for riparian habitat shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). Mitigation lands for RSS shall be acquired at a replacement ration of 1:3 (one acre replaced for every three acres impacted). This measure shall be implemented to the satisfaction of the Community Development Director.*

3-7 *All real property sold within the development shall contain within the real estate contract appropriate Covenants, Codes, and Restrictions (CC&Rs) to require only the use of approved plants on any and all parcels within the development. Approved plants are defined as those listed in the Fire Protection Plan (Firesafe Planning Solutions 2008) and incorporated into the Spring Trails Specific Plan. All plants classified as "invasive" or "noxious" by the US Department of Agriculture Natural Resource Conservation Service (NRCS) shall be specifically prohibited from use in any part of the development, unless specifically authorized within the Fire Protection Plan or the Specific Plan. Enforcement shall be instituted through the project's Homeowner's Association (HOA) and specific enforcement measures shall be provided within the HOA's charter. Enforcement measures may include, but not necessarily be limited to, the imposition of fines, liens, property-owner reimbursed removal of unauthorized plants, and/or other mechanisms. This measure must be*

implemented prior to the sale of the first residential lot and shall be implemented to the satisfaction of the Community Development Director.

3-8 *Prior to the issuance of grading permits, the developer or his designee shall submit to the City a noxious weed control plan prepared by a qualified specialist that shall be implemented during construction of the project. The plan shall contain specific measures to be adopted to lessen or eliminate the inadvertent introduction of noxious weeds onto the site or surrounding areas. At a minimum, the plan shall incorporate each of the following requirements: 1) all construction equipment used on the site shall be thoroughly washed prior to transport to the project site; 2) cleaning and washing of equipment includes washing and/or steam cleaning of tires, undercarriages, frames, and other parts of the equipment where mud, dirt, and other debris could be located; 3) offsite cleaning areas shall be clearly identified; and 4) straw bales and other erosion control products shall be certified as "weed free". The plan shall be reviewed by a qualified third party with expertise in the field of noxious weed control. Other control measures may be added by that specialist as deemed appropriate. Following approval of the plan, the plan shall be implemented throughout the construction phase of the project and overseen by a qualified specialist at monthly intervals. During monitoring, the specialist shall have the authority to require corrective measures to assure the success of the plan. This measure shall be implemented to the satisfaction of the Community Development Director.*

Facts in Support of the Finding: The Project would result in impacts to Riversidean Sage Scrub (RSS) and six riparian plant communities. The Project could also have indirect impacts on surrounding undeveloped lands. Portions of the site are located within USFWS-designated critical habitat for the SBKR. **(EIR at 5.3-49)**. The seven riparian plant communities found on the Project site are considered sensitive plant communities by CDFG, USFWS, and CNPS. Six of these communities would be impacted by the Project. In addition, the RSS found on the site is considered a sensitive plant community, even though it is not a riparian community. **(EIR Table 5.3-5)**.

Riversidean Sage Scrub: The Project would remove nearly all of the 168.4 acres of the RSS located on the site. CDFG regards RSS as a sensitive community. Therefore, the loss of 168.4 acres of RSS would be a significant impact. If the Project site contained listed species that were dependent upon RSS for their continued viability, then the RSS on the site could be considered of high value and the mitigation required would therefore be greater. **(EIR at 5.3-49).** However, no listed species dependent upon RSS have been detected on the site. This conclusion is based on

over 11 years of general habitat assessment work and numerous focused surveys. While a number of California Species of Special Concern (SSC) have been observed within the RSS areas of the site, these species are not afforded specific legal protection as are formally listed species. **(EIR at 5.3-50).** Further, RSS remains relatively abundant throughout San Bernardino and Riverside Counties, with many thousands of acres still remaining. Notwithstanding, the loss of 168.4 acres of RSS habitat is expected to displace or adversely impact some of the SSC that could occur on the Project site. However, the applicant will purchase and permanently protect RSS habitat that is biologically equivalent or superior to the 168.4 acres of onsite RSS habitat, and will provide suitable habitat for many of these species. **(Final EIR at 3-5)**. Specifically, Mitigation Measure 3-6 provides for the purchase of offsite mitigation lands and/or the payment of in lieu fees to appropriately offset the Project's impact to RSS. **(*Id.*)**. Mitigation Measure 3-6 also requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition, either through direct purchase or the payment of fees. The Project applicant has identified several hundred acres of potential mitigation lands containing suitable RSS habitat along the alluvial fans of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. **(*Id.*)**. This dedication and management would ensure the long-term conservation status of this sensitive habitat type in the San Bernardino Valley. It can therefore be concluded that the prescribed mitigation is feasible, and would thus mitigate the Project's impacts in this regard to less than significant levels.

Riparian Plant Communities: Seven riparian plant communities are present on the site, and six of these would be impacted by Project development. **(EIR Table 5.3-5)**. The 25.4 acres of southern sycamore-alder riparian woodland ("SSARW") present on the site are located along the upper reaches of Cable Creek and are outside of the Project footprint. Therefore, they would not be impacted by the proposed development. **(EIR at 5.3-50).** Each of the remaining six communities, totaling 26.4 acres, that would be impacted by the project represent valuable habitat and are considered high priority for conservation by CDFG, USFWS, and CNPS. Loss of these communities would

represent a significant impact. Riversidean alluvial fan sage scrub is one of these riparian communities. **(*Id.*)**. Besides the direct impacts associated with Project development, indirect impacts to offsite areas of RAFSS could also result from downstream impacts to the community from the secondary access road proposed across Cable Creek. The roadway could interrupt the stream flows and the occasional scourings that are required to maintain the long-term viability of RAFSS. If these processes are interrupted, RAFSS typically begins to convert to other community types that do not offer the same habitat characteristics. **(*Id.*)**. This is especially relevant since the secondary access road areas are located in USFWS-designated critical habitat for SBKR. SBKR require the fluvial conditions that are present in properly functioning RAFFS habitat, so both RAFSS and SBKR are related in the type of conditions they require for their long-term viability. Therefore, the possible indirect loss of additional RAFSS habitat would represent a further significant impact.

Based on the Project's anticipated direct and indirect impacts on Corps, RWQCB, and CDFG jurisdictional areas, the Project applicant would be required to acquire a number of wetland permits prior to Project implementation. These permits would include a Section 404 permit from the Corps, a Section 401 permit from the RWQCB, and a Section 1602 permit from CDFG. **(*Id.*)**. In addition, consultation with the USFWS under Section 7 of the FESA would be required, because portions of the Project site are within unoccupied critical habitat for SBKR. Each of these agencies would impose mitigation measures to offset the loss of jurisdictional and habitat areas. In anticipation of these agency requirements, mitigation is recommended in this EIR to reduce the Project's impacts in this regard to less than significant levels. **(*Id.*)**. Mitigation Measure 3-6 includes measures relating to the adoption of BMPs to avoid direct and indirect impacts to remaining riparian areas and Project design requirements to lessen impacts to offsite areas, and also requires the purchase of offsite mitigation lands and/or the payment of in-lieu fees. The mitigation further requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition, either through direct purchase or the payment of fees. **(EIR at 5.3-51)**. The Project applicant has identified areas of potential mitigation lands containing suitable riparian habitat along the alluvial fans and foothills

of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication and management would ensure the long-term conservation status of these sensitive habitat types in the San Bernardino Valley. **(*Id.*)**. It can therefore be concluded that Mitigation Measure 3-6 is feasible, and would mitigate the Project's impacts to riparian habitats to less than significant levels. Mitigation for impacts to RAFSS habitat has already been discussed above in regards to mitigation for unoccupied critical habitat for SBKR. Since the unoccupied SBKR habitat that would be impacted by the Project is composed exclusively of RAFFS, Mitigation Measure 3-2 (which is prescribed for unoccupied SBKR habitat) would also serve to mitigate for impacts to RAFFS. **(*Id.*)**. It can therefore be concluded that impacts on the Project site associated with RAFFS would be mitigated to less than significant levels.

Invasive Plant Impacts: The Project site represents good quality habitat and a diverse mosaic of plant communities, and is unusual for its relative lack of invasive plant species. **(EIR at 5.3-51)**. Unlike other areas along the front range of the San Bernardino Mountains, the Project site has not converted to large areas of nonnative grassland. Only 11.4 acres of the Project site, or about 3 percent, has converted to this community type. The areas immediately surrounding the site, particularly in the San Bernardino National Forest, are also relatively unaffected by type conversion. The placement of a residential community into an area of native vegetation represents a potential impact to these surrounding natural areas. Nonnative species can be inadvertently introduced into native habitats in a number of ways, including: 1) the use of invasive species within the landscaping palette; 2) After construction has finished, residents can unknowingly introduce invasive species by using them for landscaping purposes on their properties, or 3) seeds or other invasive plant parts can be inadvertently imported onto the site during construction activities. **(*Id.*)**. The first of these potential impacts can be avoided or mitigated through the selection of an appropriate plant palette that does not include species identified as invasive or otherwise undesirable. The proposed plant palette for the Project contains no federal- or state-listed invasive plants. **(See EIR Appendix G)**. One species within the proposed plant palette (*Aptenia cordifolia*) was determined to be

potentially invasive based on the list contained in *Invasive Plants of California Wildlands* (Bossard et al. 2000). However, the palette specifically prohibits the use of *Aptenia cordifolia* in areas adjacent to wildlands. Rather, planned uses for the species are restricted to interior portions of the site. Since the species spreads vegetatively rather than through seed dispersal, use of the species within interior portions of the development would pose minimal risk in regards to establishment within wildland areas. **(EIR at 5.3-52)**. Mitigation Measure 3-7 will be incorporated to place restrictions on homeowners through the use the covenants, codes, and restrictions, which will be regulated through the homeowner's association to prohibit the use of known invasive plants. **(*Id.*)**. By restricting the use of recognized invasive species by homeowners, the inadvertent introduction of invasive species can be avoided. Mitigation Measure 3-8 will impose controls on activities during the construction process that could result in the transport of invasive species onto the site on vehicles and construction equipment, including the thorough washing of vehicles and equipment before they reach the site. Straw bales, erosion control products, and other potential invasive plant nexuses must be certified "weed free", in addition to a number of other requirements. **(*Id.*)**. Implementation of Mitigation Measures 3-7 to 3-8 will reduce impacts in this area to less than significant levels.

c. Jurisdictional Areas and Riparian Habitats .

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Finding: Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-3, 3-6 and 3-11. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be

implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-3 *To mitigate for potential impacts to hydrological processes and subsequent degradation of habitat for the federally endangered San Bernardino kangaroo rat and other sensitive species, all roadway crossings or other improvements proposed within critical habitat for the species shall be designed in such a manner as to not substantially alter the natural flow regimes through impacted sensitive habitat areas. These designs shall include, but shall not necessarily be limited to, the installation of appropriate culverts and stream crossings that allow for natural flow and uninhibited downstream hydrological processes. Design of these improvements shall be undertaken in consultation with the US Fish and Wildlife Service and other responsible agencies. This measure shall be implemented to the satisfaction of the Community Development Director prior to the issuance of grading permits.*

3-6 *To mitigate impacts to 168.4 acres of Riversidean sage scrub (RSS) and 26.4 acres of riparian plant communities, the project applicant shall do one of the following, or a combination thereof, prior to the issuance of grading permits: 1) acquire offsite permanent mitigation lands of like habitat as determined by the California Department of Fish and Game (CDFG); and/or 2) pay appropriate in-lieu fees to an appropriate permanent mitigation land bank as determined by CDFG. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions, such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands for riparian habitat shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). Mitigation lands for RSS shall be acquired at a replacement ration of 1:3 (one acre replaced for every three acres impacted). This measure shall be implemented to the satisfaction of the Community Development Director.*

3-11 *Two known wildlife corridors are present on the project site and may be impacted by the proposed project unless mitigation is incorporated: 1) the unnamed tributary of Cable Creek that flows in an east-to-west direction in the northern third of the project site (referred to here as the Northern Corridor); and 2) the outwash of Cable Creek adjacent to the Interstate 215 freeway that is proposed to be crossed by the secondary access road (referred to here as the Southern Corridor). For these corridors, the following must occur:*

***Northern Corridor:** 1) Native vegetation within this corridor must be restored, enhanced and maintained to the maximum extent allowed by the Fire Protection Plan; 2) riparian vegetation that provides high-quality foraging opportunities, cover, and other habitat values shall be the preferred vegetation type in this area, unless specifically prohibited by the Fire Protection Plan; 3) this area shall be the preferred location for the planting of replacement native trees as outlined in the tree replacement requirements of Mitigation*

Measure 3-11, unless specifically prohibited by the Fire Protection Plan; 4) the corridor shall be maintained free of fences, walls, or other obstructions; 5) any lighting associated with the project in this area, including street lights and residential lights, shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas; 6) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 7) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.

Southern Corridor: *1) Any bridge, culvert, or other road crossing structure shall be designed in such a manner as to allow for the maintenance of natural flow through the structure and downstream of the structure, as conditioned by the US Fish and Wildlife Service during the Section 7 permitting process; 2) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 3) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.*

These measures shall be incorporated into site development plans and must be reviewed and approved prior to the issuance of grading permits. This measure does not preclude the requirement of additional mitigation that may be initiated by the US Fish and Wildlife Service, the US Army Corps of Engineers, the Regional Water Quality Control Board, or the California Department of Fish and Game during the regulatory permitting process. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding: The Project would impact areas under the jurisdiction of the Corps, RWQCB, and CDFG. The Project applicant would be required to apply for relevant regulatory permits related to such impacts. The jurisdictional delineations prepared for the Project site determined that 15.85 acres are subject to U.S. Army Corps jurisdiction, and 26.65 acres are subject to CDFG jurisdiction. Impacts to U.S. Army Corps jurisdictional waters are limited to 10.56 acres, and 12.76 acres of CDFG jurisdictional areas. (EIR Appendix D8). Approximately 6.2 acres of the identified jurisdictional areas are in a potential seasonal wetland in the southern third of the site near the San Andreas Fault **(EIR Figure 5.3-3)**, which is accounted for in all of the above acreage calculations. All 6.2 acres will be lost due to development of the Project. **(**These 6.2 acres of seasonal wetland was identified as a "problem area" because while hydrophytic vegetation and wetland hydrology were present, no apparent hydric soil indicators were present

during the delineation. The approximate boundary or this potential seasonal wetland was therefore delineated based primarily on vegetation and hydrology criterion. A subsequent study of the seasonal wetland system will be conducted prior to the permitting process to verify that the feature is indeed a wetland system and to provide the additional data needed on current condition and function of the wetlands for determining wetland mitigation. With the completion of the draft 401 permit, the applicant will confer with the Water Quality Control Board regarding the adequacy of the existing CEQA documentation, and if warranted, subsequent CEQA documentation will be prepared. **(Id.)**.

The wetlands quantities listed consider all of the identified jurisdictional areas located within the Project development footprint and consider all grading and slopes proposed for development. **(EIR at 5.3-52)**. The Project applicant would be required to acquire a number of wetlands permits prior to Project implementation. These permits would include a Section 404 permit from the Corps, a Section 401 permit from the RWQCB, and a Section 1602 permit from CDFG. A Habitat Mitigation and Monitoring Plan will be prepared as part of the Section 404 permit. **(EIR at 5.3-53)**. Since the Project would impact more than 0.5 acres of Corps jurisdictional areas, the Project would be required to obtain a Section 404 Individual Permit rather than apply for clearance under the Nationwide Permit. Consultations with the USFWS under Section 7 of the ESA would also be required, as portions of the Project site are within critical habitat for SBKR. Each of these agencies would impose mitigation measures to offset the loss of jurisdictional and habitat areas. **(EIR at 5.3-53)**. In anticipation of those agency requirements, Mitigation Measures 3-3, 3-6 and 3-11 are recommended to reduce the Project's impacts in this regard to less than significant levels. **(*Id.*)**. The mitigation requires the adoption of BMPs to avoid direct and indirect impacts to remaining habitat areas, and also imposes specific design requirements to lessen additional impacts to offsite areas and to provide for the continued movement of animals through the area. The mitigation also requires the purchase of offsite mitigation lands and/or the payment of in-lieu fees. Finally, the mitigation also requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition. **(*Id.*)**. The Project applicant has identified areas of potential riparian

mitigation lands containing suitable riparian habitat along the alluvial fans and foothills of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication and management would ensure the long-term conservation status of these sensitive habitat types in the San Bernardino Valley. **(*Id.*)**. All mitigation for impacts to CDFG jurisdictional water will be biologically equivalent or superior in terms of value and function to offset the impacts to CDFG jurisdictional water including seasonal wetland, drainages and springs. The final requirements for mitigation will result from the 1602 Streambed Alteration Permit application process. As stated above, the City and the applicant will confer with CDFG once a draft 1602 permit is available, regarding the adequacy of the CEQA evaluation and to determine if additional CEQA documentation is needed.. It can therefore be concluded that Mitigation Measures 3-3, 3-6 and 3-11 are feasible, and would thus mitigate the Project's impacts to federally-protected wetlands and riparian habitats to less than significant levels.

d. Wildlife Corridors.

Potential Significant Impact: The EIR evaluated and concluded that the Project could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Finding: Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to affect wildlife movement and wildlife nursery sites is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-9 to 3-12. Raptor foraging habitat and nesting birds would not be affected. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-9 Implementation of Mitigation Measure 3-4 to mitigate potential impacts to sensitive species in Cable Creek shall also be applied to Impact 5.3-4.

3-10 With regard to the protection of nesting birds, one of the following must occur: 1) Construction should occur outside of the avian nesting season (approximately February

15 through August 31); or 2) If construction must occur during the nesting season, then a preconstruction nesting bird survey of the site shall be conducted by a qualified biologist no more than 14 days prior to construction activities. If active nests are found onsite, then they must be avoided by an appropriate buffer until any young birds have fledged and the nest has completed its cycle, as determined by a qualified biologist. If construction occurs outside of the avian nesting period, then construction may commence without further impediment, commensurate with other regulatory and mitigation requirements. This measure shall be implemented to the satisfaction of the Community Development Director.

3-11 Two known wildlife corridors are present on the project site and may be impacted by the proposed project unless mitigation is incorporated: 1) the unnamed tributary of Cable Creek that flows in an east-to-west direction in the northern third of the project site (referred to here as the Northern Corridor); and 2) the outwash of Cable Creek adjacent to the Interstate 215 freeway that is proposed to be crossed by the secondary access road (referred to here as the Southern Corridor). For these corridors, the following must occur:

***Northern Corridor:** 1) Native vegetation within this corridor must be restored, enhanced and maintained to the maximum extent allowed by the Fire Protection Plan; 2) riparian vegetation that provides high-quality foraging opportunities, cover, and other habitat values shall be the preferred vegetation type in this area, unless specifically prohibited by the Fire Protection Plan; 3) this area shall be the preferred location for the planting of replacement native trees as outlined in the tree replacement requirements of Mitigation Measure 3-11, unless specifically prohibited by the Fire Protection Plan; 4) the corridor shall be maintained free of fences, walls, or other obstructions; 5) any lighting associated with the project in this area, including street lights and residential lights, shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas; 6) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 7) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.*

***Southern Corridor:** 1) Any bridge, culvert, or other road crossing structure shall be designed in such a manner as to allow for the maintenance of natural flow through the structure and downstream of the structure, as conditioned by the US Fish and Wildlife Service during the Section 7 permitting process; 2) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 3) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.*

These measures shall be incorporated into site development plans and must be reviewed and approved prior to the issuance of grading permits. This measure does not preclude

the requirement of additional mitigation that may be initiated by the US Fish and Wildlife Service, the US Army Corps of Engineers, the Regional Water Quality Control Board, or the California Department of Fish and Game during the regulatory permitting process. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding: The Project would result in impacts to an area that is used by a number of species for nursery sites, foraging, and movement. The Project site also provides habitat for nesting birds and marginally suitable habitat for foraging raptors. **(EIR at 5.3-53)**. There is substantial evidence to indicate that the Project site serves as a corridor for a wide variety of wildlife species. Such areas are usually considered significant when they are determined to be of regional importance or otherwise contribute to regional conservation goals. The Project site can be considered to be composed of two principal parts in regard to wildlife movement. The first component is Cable Creek, which serves as an obvious corridor since it contains perennial water, adequate cover and food resources, and allows for the unimpeded movement of animals between higher and lower elevations. The riparian areas of Cable Creek are not planned for development, so the use of this corridor by wildlife would not be significantly impacted as a result of the proposed Project. ***(Id.)***. The exception to this is at the southern end of the site, where the outwash of Cable Creek would be crossed by the secondary access road. This roadway and associated culverts and drainage improvements could create a barrier to wildlife where currently no barrier exists. However, the roadway would be relatively narrow and can be designed in such a manner so that wildlife movement is not substantially impeded. In addition, the roadway would be constructed in USFWS-designated critical habitat for SBKR. ***(Id.)***. Furthermore, as part of the consultation process, USFWS would impose mitigation aimed at reducing the impact of the roadway on SBKR. These requirements would likely result in a positive benefit for other wildlife species as well. Therefore, mitigation required as part of this process would reduce the Project's impact to wildlife movement within Cable Creek to less than significant levels. **(EIR at 5.3-54)**.

In anticipation of these agency requirements, Mitigation Measures 3-9 and 3-12 will be incorporated to reduce the Project's impacts in this regard to less than significant levels, and include specific design requirements aimed at

allowing the unrestricted movement of wildlife within the lower portion of Cable Creek. **(*Id.*)**. With implementation of these measures, the Project's impact in regard to the secondary access road crossing at Cable Creek would be less than significant. The second component relating to wildlife movement deals with wildlife movement across the site in an east-to- west direction and vice-versa. While the Cable Creek corridor on the western side of the site provides movement along a relatively narrow corridor in a north-to-south direction, the Project site itself provides lateral movements through a much wider area and across the base of the mountain front. **(*Id.*)**. This impact could be considered significant, because the Project would effectively create a substantial barrier to wildlife movement across a large area. This potential impact can be mitigated by retaining and/or improving existing areas on the Project site that are conducive to wildlife movement. The large tributary that crosses the northern third of the site provides the most effective avenue for wildlife movement across the site. **(EIR Figure 5.3-2).** This is due to the fact that the areas on both sides of the property at this point are essentially natural in composition and therefore allow animals to move across the site without having to navigate substantial human-made barriers. The tributary also affords movement into and out of Cable Creek and thus to areas both to the north and south of the site. Other portions of the Project area, especially the southern two-thirds of the site, do not offer these benefits. Those areas are somewhat blocked on the west by existing development, and they do not contain streams or other features that would be attractive to wildlife in terms of movement. **(EIR at 5.3-54)**. Retaining and/or improving this corridor would represent the greatest benefit to wildlife in terms of lateral movement across the site. The tributary offers specific characteristics, such as cover and foraging resources which make it especially suitable for wildlife movement. **(*Id.*)**.

In response to EIR comments received from CDFG, a barrier will also be constructed that will isolate Cable Creek from the development of the Project, and ensure that the biological integrity of Cable Creek as riparian habitat and a wildlife corridor is maintained. Care will be taken in selecting the barrier in an effort to preclude creating an attractive nuisance that could attract domestic dogs and cats and other small mammals that constitute a food source for top predators. **(EIR at 5.3-61)**. The barrier will be installed

at the outer limits of the California Walnut Woodland that surrounds Cable Creek at its interface with the RSS Habitat on the hillsides above the canyon bottom. This will provide a buffer of approximately 300 feet inside the barrier fence that will be located on either side of Cable Creek. This combination of a barrier and buffer should protect the natural resources associated with the use of Cable Creek as well as the wildlife movement corridor that found in association with Cable Creek. The applicant also evaluated the possibility of not developing north of Cable Creek and constructing a barrier on the south side of Cable Creek, isolating the riparian, RSS and chaparral habitats north of Cable Creek from the development. However, this would result in the loss of 24 estate lots from the development, and would not be economically viable as the result of the substantial infrastructure that is required for the development of the site, The project requires substantial infrastructure costs in terms of utilities, fire suppression, and roadways, in addition to the amenities included in the overall Specific Plan. Specifically, the project must acquire and develop both primary and secondary access roads, water tanks for fire suppression, utilities including water, sewer and electricity, as well as include fire protection and fire barriers at substantial cost to the project. These costs are in addition to mitigation requirements and the acquisition of mitigation lands. The infrastructure requirements create a substantial burden on the project and decrease the "per lot" ratio of return substantially with the elimination of each lot. Elimination of the 24 lots does not reduce the overall burdens of infrastructure costs and mitigation requirements for the Project, but reduces the rate of return by 9%.

In sum, with implementation of the barrier and Mitigation Measures 3-9 to 3-12, the Project's impact to wildlife corridors would be less than significant.

Wildlife Nursery Sites: There is substantial evidence to indicate that the site provides habitat that is suitable for use as a wildlife nursery site. **(*Id.*)**. Based on a number of observations over the years, the use of the site as a nursery site by mule deer is reasonably well established. Other species may utilize the site for this purpose as well, but this has not been observed or confirmed. Regardless, development of the Project site would disallow its continued use as a nursery site by mule deer. In

determining whether or not the loss of this nursery site would constitute a significant impact, the species making use of the site must be considered. If a sensitive or listed species were known to use the area as a nursery site, then the loss of the site would be more problematic than if it were used by more common species. For this site, no sensitive or listed species has been observed using the site for nursery purposes. Mule deer are the only species that have been positively confirmed to use the area for this purpose, though it is likely that a number of other species, such as small mammals and birds, use the site for this purpose as well. None of these species, however, is a listed or sensitive species. **(EIR at 5.3-55)**. Mule deer is a common species that is not regionally or locally threatened or endangered. The species occurs in great quantities throughout the region and western North America. Statewide, CDFG considers mule deer to be common and abundant. In 2008, CDFG issued 237,083 deer hunting tags statewide and an estimated 29,612 animals were harvested. In Deer Hunt Zone D14, (the CDFG management zone in which the Project is located), CDFG and USFS consider mule deer populations to be stable or slightly declining. It is therefore reasonable to conclude that mule deer populations within the San Bernardino Mountains will be stable or perhaps even increase over the next several years. **(*Id.*)**. CDFG manages mule deer through a number of means, the most well known of which is hunting. Hunting is used as a tool to control species populations and to avoid overstocking within particular areas. The proposed Project site is located within CDFG Deer Hunt Zone D14, which is a zone that covers all of the San Bernardino Mountains portion of the SBNF as well as some peripheral areas. For at least the last decade, CDFG has maintained a hunt tag quota of 3,000 for Zone D14. This overall stability in CDFG's management of mule deer in the San Bernardino Mountains is consistent with the agency's determination that the mule deer population in the area is relatively stable. **(*Id.*)**. Considering the overall abundance and the relative stability of mule deer populations in the area, it is reasonable to conclude that the loss of the nursery area on the Project site would be unlikely to result in anything but a negligible decline in the overall population of mule deer in the region, or even in this portion of the San Bernardino Mountains. The Project site is surrounded on three sides by the SBNF, which provides substantial open space opportunities for use as alternative nursery sites by mule

deer. In addition, the Project would continue to maintain Cable Creek as an undisturbed perennial water source and wildlife corridor. Since a lack of perennial water is a major limiting factor in the maintenance of mule deer populations, the conservation of this watercourse would provide a substantial benefit to mule deer. Accordingly, the loss of this nursery site for mule deer would be less than significant. However, to avoid direct impacts to mule deer during the fawning season, Mitigation Measure 3-12 is recommended to lessen the potential for impacts to mule deer during initial grubbing and vegetation clearing, and includes specific requirements for scheduling vegetation clearing outside of the mule deer fawning season. **(*Id.*)**.

Nesting Birds: The Project site provides suitable habitat for a wide variety of nesting bird species. **(EIR at 5.3-56)**. Breeding season typically runs from mid-February through late August. Ideally, ground-disturbing activities should take place outside of the breeding season, and doing so would reduce the Project's impact to nesting birds to less than significant levels. **(*Id.*)**. If this is not possible and it is necessary to conduct ground-disturbing activities during the breeding season, then appropriate pre-construction surveys should be initiated in accordance with Mitigation Measure 3-10 to determine the presence or absence of nesting birds prior to construction. **(*Id.*)**. Compliance with Mitigation Measure 3-10 would reduce the Project's impact to less than significant.

Raptor Foraging Habitat: The Project site lacks expansive grassland habitat and is for the most part dominated by dense Riversidean sage scrub and chaparral. **(*Id.*)**. These habitats do not provide particularly favorable conditions for foraging raptors due to the lack of prey visibility. It is estimated that suitable raptor foraging habitat is restricted to 12.5 acres of open grassland habitat.. It can therefore be concluded that the site provides only marginally suitable foraging habitat for raptors and that these species would be more likely to rely on other areas for the majority of their foraging. Accordingly, the Project would not result in a significant impact to raptor foraging habitat. **(EIR at 5.3-56)**.

e. Conflict with Local Policy, Ordinance or Habitat Conservation Plan.

Potential Significant Impact: The EIR evaluated and concluded that the Project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Finding: Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the City finds that the potential for the Project to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or to conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-13 to 3-14. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-13 Significant tree resources that are removed from the site during project development shall be replaced at a 1:1 ratio or at the exchange ratios specific below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. For California black walnut (Juglans californica var. californica), all specimens of the species shall be regarded as significant, regardless of size or height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. For purposes of replacement ratios, the following exchange ratios shall be used: 1) one 36-inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent to one replacement tree; 3) 10 five-gallon trees are equivalent to one replacement tree; and 4) 15 one-gallon trees are equivalent to one replacement tree.

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the

removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

3-14 Prior to the commencement of ground-disturbing activities, the developer shall retain the services of qualified specialists, approved by the City, to oversee the long-term effectiveness of the biological resources mitigation required in this EIR. When appropriate, the services of these specialists may be combined so long as the person(s) so employed possess the requisite training and skills necessary to effectively carry out their duties to professional standards. Those specialists shall conduct reviews of the project site for a minimum of five years, as measured from the day of beginning of initial ground disturbance. Reviews shall be conducted, as applicable, on a monthly basis for the first year following initiation, on a quarterly basis during the second and third years, and on an annual basis during the fourth and fifth years. The intensity of monitoring may be increased or the monitoring period extended if the City or relevant Responsible Agency (i.e., CDFG, USFWS, RWQCB, etc.) determines that conditions on the ground warrant such action. The qualified specialists to be retained and the nature of their duties are as follows:

Biologist: A qualified biologist shall monitor the effectiveness of Mitigation Measures 3-1, 3-2, 3-4, 3-6, 3-10, 3-11, 3-12, and 3-14.

Noxious/Invasive Plant Control Specialist: A person who is qualified in the field of noxious plant management and control shall monitor the effectiveness of Mitigation Measures 3-7 and 3-8.

Arborist: A certified arborist shall monitor the effectiveness of Mitigation Measure 3-13.

Hydrologist/Stormwater Control Specialist: A qualified hydrologist and/or stormwater control specialist shall monitor the effectiveness of Mitigation Measures 3-3, 3-4, and 3-6.

Following each monitoring session, these specialists shall file brief reports with the Community Development Director concerning the effectiveness of the prescribed mitigation. The specialist shall identify and call out any corrective actions required to assure that the purposes of the mitigation are being effectively pursued. The developer shall comply with any corrective measures so prescribed. Monitoring may cease if the qualified specialist determines that the terms of the mitigation have been satisfactorily

implemented and that further monitoring is no longer required. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding: The City of San Bernardino has adopted a tree ordinance that regulates the removal and replacement of native and nonnative trees that are impacted by development. City General Plan policies and goals would also apply to the site. **(EIR at 5.3-56)**. Development of the Project would result in the removal of approximately 2,400 trees. The majority of native trees are located within and around Cable Creek or in the northern portion of the site, and are not within the development footprint. **(See EIR Table 5.3-3; Figure 5.1-1)**. These trees would not be impacted by the Project. Of the approximately 2,400 trees within the development footprint, only about 220 of these (less than 1 percent) are native species, mostly walnut and sycamore. Impacts to California Walnut Woodland will be limited to 2.1 acres as the Project is currently proposed, and there are sufficient acres of California Walnut Woodland in the area to adequately mitigate for the loss of the 2.1 acres of this sensitive habitat.. The majority of the trees requiring removal are part of a remnant eucalyptus plantation (approximately 2,170 trees). The remaining nonnative trees that would be removed consist of approximately 10 ornamental nonnative trees. **(EIR at 5.3-56)**. Eucalyptus presents a specific problem for this site because they are nonnative and present a severe fire hazard. A great many of the trees are in poor condition and were classified as hazard trees in the arborist reports within the EIR. Eucalyptus trees are extremely flammable and in many areas are considered nuisance species. The Fire Protection Plan prepared for the Project mandates that all eucalyptus on the site be removed. These trees were originally planted as part of a cultivated eucalyptus plantation, primarily for the purpose of fuel wood production. Since tree plantations are specifically exempted from the mitigation requirements of the City of San Bernardino Tree Ordinance, replacement of these trees is not required. **(EIR at 5.3-57)**. While eucalyptus can provide suitable nesting locations for raptors and other birds, their marginal biological value must be weighed against the hazards they present to public safety and their ability to carry wildfire to developed areas and surrounding wildlands. Based on these considerations, the removal of the eucalyptus on the Project site can be considered an overall benefit to the area, and therefore a less than significant impact.

Conversely, native trees provide specific natural resource value in that they provide nesting habitat for raptors and cover and foraging habitat for other avian species, and they are important components of the natural ecosystem. **(*Id.*)** The trees are also aesthetically pleasing and therefore constitute an important resource in this regard. The City's Tree Ordinance requires that "significant" trees be mitigated. In determining what constitutes a significant tree, the initial arborist report prepared for the site determined that healthy, structurally sound, native and ornamental trees over 20 feet in height be considered significant. Approximately 220 trees on the site met these criteria during the 1998 tree inventory. The removal of these trees during Project development would be considered a potentially significant impact, and thus subject to the mitigation requirements of the City's Tree Ordinance. **(*Id.*)** Since the initial inventory of trees on the site is a over 12 years old and the exact count of significant trees may have changed, Mitigation Measure 3-13 is incorporated to require an updated inventory of tree resources within the Project footprint. Mitigation Measure 3-13 requires that specific management recommendations contained in the arborist reports be implemented. These recommendations include protocols for removal and relocation of native trees, tree protection during construction, and the preservation of specific trees on the Project site. Performance measures are provided to mandate replacement ratios and the types and sizes of specimens required to meet the terms of the mitigation. Specifically, all trees will be replaced at a 1:1 ratio, with a minimum of 220 trees replaced. All tree replacement will be done in compliance with recommendations set forth in the two arborist reports prepared for the Project, and as directed by the City's Heritage Tree Ordinance.. Measures are also included to mandate improvements to tree resources in specific areas of the site. **(*Id.*)** Implementation of Mitigation Measure 3-13 would comply with the City of San Bernardino Tree Ordinance and would reduce the Project's impacts in this regard to less than significant levels.

City of San Bernardino General Plan: The City's General Plan provides a number of goals and policies directed toward the conservation of biological resources. The goals and policies generally center around three

principal areas: 1) General conservation goals and special requirements for development within Biological Resource Management Areas ("BRMAs") (Goal 12.1); 2) Protection of riparian areas (Goal 12.2); and 3) The conservation of open space and other priority areas (Goal 12.3).

General Plan Goal 12.1 contains policies that require developments to be designed in a manner that is sensitive to unique biological resources, and it also prescribes specific conditions for developments proposed within BRMAs. According to Figure NRC-2 of the General Plan, the project site is located within a BRMA. To be consistent with the General Plan, projects in BRMAs must submit biological resource assessments and other information that identifies the proposed project's impacts on sensitive biological resources. **(EIR at 5.3-57)**. The Spring Trails Project site has been the subject of numerous technical studies over the last decade. As such, the Project is consistent with this requirement. Projects within BRMAs are required to identify mitigation measures to eliminate significant adverse impacts to sensitive biological resources. **(*Id.*)**. As discussed above, a number of mitigation measures have been identified for the Project, and upon implementation of these measures no significant impacts remain. Therefore, the Project is consistent in this regard as well. Projects within BRMAs are required to define a plan to monitor the effectiveness of prescribed mitigation. The establishment of such a monitoring program is prescribed as Mitigation Measure 3-14 for this Project, which includes requirements for annual surveys for a minimum of five years after project development, actions to be taken if certain performance measures are not met, and methods for overseeing the monitoring program. **(EIR at 5.3-58)**. With implementation of Mitigation Measure 3-14, the Project is consistent with this policy of the General Plan. Finally, the policies within Goal 12.1 require that projects consider and discuss the restoration of significant habitats. While the General Plan is not particularly clear on this issue, it appears that the intent of the policy is to provide for the restoration of habitats that have been degraded or otherwise historically altered through human activity. This policy does not particularly apply to this Project, since the bulk of the habitat on the site is intact and is not degraded. **(*Id.*)**. Regardless of the policy's intent, the Project as designed and mitigated would improve specific areas of habitat within the Project area. Most notably, the mitigation prescribed for wildlife

corridor conservation also includes requirements to improve habitats in those areas. Improvements include the planting and maintenance of additional native vegetation to enhance wildlife foraging and movement areas. In addition, the most significant habitat on the Project site, the riparian areas of Cable Creek, would be preserved and would not be impacted by the Project's development. Finally, the Project applicant would be required to purchase offsite mitigation lands or pay in-lieu fees for the permanent preservation of sensitive wildlife habitat within the region. **(*Id.*)**. Based on these considerations, it is thus reasonable to conclude that the Project meets and exceeds the overall goals of the policy.

General Plan Goal 12.2 contains policies that pertain to the conservation of riparian resources. The goal also contains directives on what activities are specifically allowed to occur within riparian areas. **(*Id.*)**. The General Plan specifies that development and grading within 50 feet of riparian corridors is prohibited unless no feasible alternative exists. In the case of the Spring Trails Project, the riparian corridor of Cable Creek lies outside of the Project footprint. **(*Id.*)**. In regard to the hiking and equestrian trail that is planned for this area, Mitigation Measure 3-4 (discussed above) imposes specific restrictions on the trail's proximity to the creek as well as other design requirements to protect riparian resources. Two other riparian corridors on the site would be spanned by roadways. However, Mitigation Measure 3-11 for these bridges and/or culverts will minimize impacts to riparian areas, and requires the enhancement of the large area of riparian vegetation that crosses the northern third of the site. These enhancements would allow for the onsite conservation of this area and provide opportunities for wildlife movement within this corridor. **(*Id.*)**. Based on each of these mitigation requirements, together with other Project design features, the Project would be in compliance with all General Plan policies relating to the conservation of riparian areas.

General Plan Goal 12.3 provides directives as to types of habitats that are considered a high priority for long-term preservation. The goal specifically calls out the City's desire to preserve the riparian corridor of Cable Creek. Since the Project would permanently conserve the Cable Creek corridor, the Project is consistent with the General

Plan in this regard. **(*Id.*)**. The plan also specifies other high priority habitat types, including endangered species habitat, alluvial scrub vegetation, riparian vegetation, and native walnut woodlands. The Spring Trails Project would provide for the conservation of each of these resource types, either through onsite conservation and/or enhancement, or through the purchase and dedication of offsite mitigation lands. **(EIR at 5.3-59)**. Therefore, it can be determined that the Project is consistent with the General Plan in this regard. In sum, incorporation of Mitigation Measures 3-13 to 3-14 will reduce impacts in this area to less than significant levels.

2. **Cultural Resources.**

a. Archeological Resources.

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5.

Finding: Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measures 4-1 to 4-3. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

4-1 Preconstruction archaeological testing by a qualified archaeologist is required to evaluate the significance of historic Cable Canyon Ranch. A qualified archaeologist must be present for grubbing, devegetation, and demolition of the spring, remnant stone structure, and fence to protect resources that may be revealed by these activities. Subsequent to vegetation removal but before construction, the archaeologist will perform controlled mechanical excavation inside and outside the house area to locate features present below the ground surface. Once located, the archaeologist should develop a formal treatment plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include formal evaluation and significance assessment of each feature and the project catalog and be filed with the City, the San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.

4-2 If testing determines that the Cable Canyon Ranch complex meets significance criteria, then preconstruction archaeological data recovery excavations by a qualified archaeologist is required to mitigate the adverse impacts of construction on historic Cable Canyon Ranch. The archaeologist should develop a formal data recovery plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include the project catalog and be filed with the City, the San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.

4-3 Construction grading in and around the Cable Canyon Ranch complex must be monitored by a qualified archaeologist to ensure that any subsurface features or refuse deposits that were not located during previous phases of archaeological work are found and evaluated. The City should refuse to issue a final occupancy permit until all mitigation is demonstrated to have been performed, including curation of the project documents and artifacts.

Facts in Support of the Finding: Eight (8) historical archeological resources were recorded within the Project area. **(EIR at 5.4-12)**. A spring reported to have associated water features was noted in earlier surveys, but obscured by vegetation in recent surveys. Most of the resources do not meet significance criteria under CEQA. **(EIR Table 5.4-1)**. However, some sites have potential to have subsurface components that would yield information new to history. These sites require further investigation. Should those investigations yield CRHR-eligible archaeological materials, then destruction of those resources as a result of Project construction would be a significant impact. The potentially significant resources are expected subsurface privies and trash features associated with Cable Canyon Ranch, in addition to both surface and possibly subsurface water features associated with the Cable Canyon Ranch spring. **(EIR at 5.4-12)**. Mitigation through archaeological data recovery as prescribed by Mitigation Measures 4-1 to 4-3 would reduce impacts in this area to less than significant.

b. <u>Paleontological Resources of Unique Geological Feature</u>.

Potential Significant Impact: The EIR evaluated and concluded that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Finding: Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measure 4-4. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

4-4 Cultural resources sensitivity training is required for all earth-moving personnel. This training will review the types of archaeological and paleontological resources that might be found, along with laws for the protection of resources. In the event of an unanticipated discovery, all work must halt within a 30-foot radius of the find. Work may not continue until the find has been evaluated by a qualified archaeologist or paleontologist, depending on the nature of the discovery. All discoveries require scientific samples and documentation, including a final report.

Facts in Support of the Finding: According to the Cogstone Study **(EIR Appendix E)**, there are several sedimentary formations that are old enough to contain the remains of extinct Pleistocene animals; however, these sediments are so coarse that they are not conducive to the preservation of significant fossil resources. **(EIR at 5.4-13)**. Additionally, the survey found no signs of any paleontological resources within the Project area. However, an unanticipated discovery of paleontological resources during grading and excavation of the site could occur and result in paleontological resource impacts if not mitigated. Therefore, Mitigation Measure 4-4 will be incorporated to require cultural resources training for all earth-moving personnel, and will reduce impacts in this area to a less than significant level.

c. Disturbance of Human Remains.

Potential Significant Impact: The EIR evaluated and concluded that the Project could disturb human remains, including those interred outside of formal cemeteries.

Finding: Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measures 4-5 and 4-6. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

4-5 The applicant shall implement one of the mitigation measures outlined below to address

anomalies found at the presumed location of the Meyers Family Cemetery. The applicant shall consult with the Meyers family descendents in the selection of the appropriate mitigation options for the Meyers Family Cemetery in conjunction with the proposed development. It shall be a high priority to implement an option that most closely meets the desires of the family to the extent feasible under the final approved development and grading plans. In the event the final development and grading permits do not require grading or other disturbance of the anomaly sites, one of the following mitigation measures shall be implemented:

1. *The burial site anomalies/remains shall remain undisturbed. This can be accomplished either by complete avoidance of the project area or alternatively by "capping" the site. Capping the site would involve scraping existing vegetation and providing up to two feet of compacted fill material over the site. No activity under this option shall excavate lower than one foot below grade to remove existing vegetation or soil. Replacement vegetation may be placed for future open space such as a park. Plans to cap the site shall be prepared and reviewed/approved by a certified archaeologist prior to the disturbance of the cemetery site surface. In addition, a covenant in the deed shall restrict any future excavation within 25 feet of the anomalies.*

2. *The applicant shall coordinate with the Meyers family to facilitate excavation of the anomalies to determine if they represent coffins and, if so, to coordinate reburial at a private or public cemetery to be determined by the family. Under this option, preconstruction archaeological testing by a qualified archaeologist is required. The archaeological testing must consist of mechanical excavation of overburden and hand excavation near the anomalies to determine if they represent coffins. The excavation shall occur under the supervision of a certified archaeologist and a Meyers family representative. If the anomalies are demonstrated not to contain coffins, no further work will be required. If coffins are present, the family shall determine the desired deposition. This may include transfer of the undisturbed coffins for reburial or option 3 below. The applicant shall be responsible for the transport of relocating the remains for the family. If desired by the family, the applicant shall also be responsible for funding a family memorial plaque near to the original burial site. In the event the site is not avoided as part of the final development and grading permits, and testing demonstrates that coffins are, in fact, present, the applicant shall implement option 2 or option 3 below:*

3. *A qualified archaeologist shall develop a formal treatment plan (plan of work including research questions to be answered). The excavation team shall include a qualified osteologist. Excavation may include mechanical excavation of overburden and hand excavation of human skeletal materials. The treatment plan should include an agreement with the Meyers family as to the disposition of any human skeletal remains. A final report shall include formal evaluation and the project catalog and be filed with the City and the San Bernardino Archaeological Information Center. The site record should also be updated.*

4-6 If human remains are discovered at any time, the applicant shall follow guidelines addressed in California Health and Safety Code Section 7050.5. This requires that work in the vicinity must halt and the county coroner must be notified immediately. If the remains are determined to be Native American, the coroner will contact the Native American Heritage Commission. All discoveries require verification and documentation, including a final report.

Facts in Support of the Finding: The Native American Heritage Commission was contacted, and no sacred land was identified on the Project site. **(EIR at 5.4-13)**. However, the Meyer Family Cemetery site has been located using geophysical investigation, and two graves appear to be present. It is unknown whether the rectangular areas represent intact graves or removal excavations. Human skeletal remains are considered significant under CEQA for potential to yield information new to history, and the Project site requires further investigation. **(*Id.*)**. Should those investigations yield CRHR-eligible archaeological materials, any destruction of those resources as a result of Project construction would be a significant impact. Thus, mitigation through archaeological data recovery as prescribed by Mitigation Measures 4-5 and 4-6 will be incorporated in order to reduce impacts to less than significant.

d. Cumulative Impacts.

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in cumulative impacts to Cultural Resources.

Finding: Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measures 4-1 to 4-6, as discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing potentially significant cumulative impacts to a less than significant level:

Facts in Support of the Finding: Future construction projects in the City of San Bernardino are required to undergo environmental review. **(EIR at 5.4-14)**. If there is a potential for significant impacts on cultural or paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. **(*Id.*)**. Neither the Project nor cumulative development in accordance with

the City's General Plan is expected to result in significant impacts to cultural or paleontological resources, provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are unique archaeological or historical resources and appropriate mitigation is implemented prior to grading. **(*Id.*)**. Implementation of the appropriate mitigation measures would reduce cumulative impacts to a less than significant level.

3. **Geology and Soils.**

a. Exposure of People or Structures to Potential Adverse Effects.

Potential Significant Impact: The EIR evaluated and concluded that the Project could expose people or structures to potential adverse effects from rupture of a known earthquake fault, strong ground shaking, or seismic-related ground failure such as liquefaction and settlement.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, but can be mitigated to a less than significant level through the implementation of Mitigation Measures 5-1 to 5-3. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

5-1 Prior to recordation of final maps, additional fault studies shall be conducted to the satisfaction of the geotechnical consultant of record on the project and the City Engineer. These studies shall include:

1. Trenching across Splay E to locate the splay and gauge its activity in order to determine the required width of setbacks from the splay.

2. A trench across Splay A in the western part of the site to confirm the location of the splay in that part of the site and to aid in determining the width of required setbacks from the splay.

3. A trench between Splays A and B in the central part of the site. If the geotechnical consultant recommends expanded or modified setbacks from faults based on the findings of such additional studies, then the project will be required to comply with such setbacks, and any lots that would not be developable according to the development standards of the Specific Plan will be eliminated prior to recordation of TTM 15576 or the associated phase of TTM 15576.

5-2 Prior to recordation of final maps, a detailed design-level geotechnical investigation report shall be prepared and submitted with engineering grading plans to further evaluate liquefaction, seismic settlement, lateral spreading, subsidence, collapsible soils, corrosive soils, slope stability including earthquake-induced landslides, and other geotechnical constraints and provide site-specific recommendations to address such conditions, if determined necessary. The geotechnical reports shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. The project will be required to comply with any recommendations that are made in the report of such investigation.

5-3 For each phase of the project, at the completion of grading and before project construction begins, final geotechnical testing for corrosive soils and expansive soils shall be conducted. A final geotechnical report for the relevant phase shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. Such report shall contain recommendations to address corrosive soils and expansive soils, as determined necessary. The project will be required to comply with any recommendations that are made in the report of such investigation.

Facts in Support of the Finding: Five splays, or lineaments, of the San Andreas Fault have been identified onsite. Four of these splays are within Alquist-Priolo Fault Zones. **(EIR 5.5-22)**. Fault trenching studies onsite found evidence that three lineaments, A, B, and C, are active splays of the fault. The onsite segments of Lineaments A, B, and C are within an Alquist-Priolo Earthquake Fault Zone that covers much of the southern half of the site. The fourth lineament, lineament E, is within a second Alquist-Priolo Earthquake Fault Zone near the northwest corner of the site and part of the fifth lineament, lineament D, partially runs through the eastern edge of the Project site, not in an Alquist-Priolo Fault Zone. **(EIR Figure 5.5-3)**. Lineament E and D are not thought to be an active fault splays. Setbacks extending 50 feet from each side of the three active lineaments have been designated so that no structures would be built in the setbacks. Pursuant to Mitigation Measure 5-1, additional investigation will be conducted to confirm findings in the geotechnical studies prepared for the Project, and trenching on the western part of Lineament A where trenching studies were not done previously in 1995. In addition, setbacks recommended by the Project geotechnical consultant would be incorporated into the project design; compliance with such recommendations would be required conditions of approval by the City of San Bernardino.

The San Andreas Fault passes through the Project site, and several other faults in the region could potentially generate strong ground shaking at the site. **(EIR at 5.5-23)**. The intensity of ground shaking used for the purpose of structural design is derived from the California Building Code ("CBC"), which contains seismic safety requirements for structures that will be adhered to for this Project. Seismic safety provisions in the CBC are developed with the intent that most structures would remain standing during and after an earthquake so that occupants would be able to evacuate, although many structures would be expected to be substantially damaged in a strong earthquake and would require repairs before they would be habitable again. **(*Id.*)**.

The potential for liquefaction on most of the Project site is considered to be low due to older alluvial/colluvial soils underlying the bulk of the site, plus the depth of groundwater, which is thought to be more than 50 feet below ground surface under most of the site. **(*Id.*)** There are two limited areas of the site that are or may be susceptible to liquefaction: the lower parts of the Cable Canyon and Meyers Canyon drainages in the southern part of the site; and an isolated part of the eastern part of the site along the northeast side of the San Andreas Fault, where groundwater was found at 20 feet bgs in two borings. **(*Id.*)** The site plan almost entirely avoids placing homes over recent alluvium in the Cable Canyon and Meyers Canyon drainages. The geotechnical feasibility study for the Project recommends removal of loose or soft earth materials and undocumented fill to a depth of two to five feet below existing grades or two feet below the bottom of proposed footing depths, whichever is greater. **(EIR at 5.5-24)**. Deeper removals are anticipated in isolated areas of the site, including the areas susceptible to liquefaction. Additionally, the Project site is not within a liquefaction hazard zone identified in the City of San Bernardino's General Plan. **(*Id.*)**

The subsurface soils under most of the site are relatively dense and thus are not expected to be prone to substantial seismic settlement. **(*Id.*)** Near-surface soils may be settlement prone; however, near-surface soils under the sites of homes, roads, and other improvements would be removed and replaced with compacted fill. Seismic settlement may pose a hazard where loose soils have been found near the San Andreas Fault. **(*Id.*)** However,

development in this area would be limited to nonstructural improvements, and settlement-prone soils may be overexcavated to limit seismic settlement. In sum, incorporation of Mitigation Measures 5-1 to 5-3 will reduce impacts from rupture of a known earthquake fault, strong ground shaking, or seismic-related ground failure such as liquefaction and settlement to less than significant levels.

4. **Hazards and Hazardous Materials.**

a. Risk of Fire.

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, because the Project site is in a very high fire hazard zone and could expose structures and/or residents to fire danger. Two lots (Lots 30 and 233) would not have sufficient space for fuel modification. However, this impact can be mitigated to a less than significant level through the implementation of Mitigation Measures 6-1 to 6-7. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

6-1 The Fire Protection Plan shall be approved by the City of San Bernardino Fire Department prior to commencement of grading. The Fire Marshal shall have the authority to modify, increase, or reduce the necessary size and location of any of the recommended Fire Management Zones and setbacks, based on a lot-by-lot inspection at time of grading. A minimum of 170 feet of fuel modification plus enhanced structural treatments listed in the Fire Protection Plan are needed to provide a safe buffer between the wildland and the structures.

6-2 Prior to introduction of combustible materials on any lot, the developer or builder shall clear all flammable vegetation, including weeds to four inches in height or below (leave enough site. The builder shall maintain each site in this condition until the homeowner takes responsibility and installs irrigation and fire-resistive landscaping as approved by the Homeowners Association. All landscaping must be in compliance with the guidelines in the approved Fire Protection Plan. All manufactured slopes, internal common areas, and open spaces shall comply with the criteria set forth in the Fire Protection Plan and shall not have any vegetation of the type prohibited in this plan (undesirable plant list).

6-3 The Homeowners Association shall assure that all fuel modification on private lots is in accordance with the requirements in the plan.

6-4 An annual inspection of the property for compliance with the approved plan shall be done by the Homeowners Association with a written letter of compliance sent to the San Bernardino Fire Department. Every five years, an approved Wildland Fire Protection consultant funded by the HOA shall inspect the site and a report shall be submitted to the San Bernardino Fire Department.

Onsite Roadway Vegetation

6-5 Vegetation shall be modified and/or cleared, either by the Landscape Maintenance District or the Homeowners Association on each side of any onsite road in accordance with the approved Fire Protection Plan.

SCE Easement

6-6 If the project is built with the Southern California Edison 115 kV transmission lines remaining aboveground, all flammable vegetation within the SCE overhead electric line easement shall be removed, on an ongoing basis, except for that needed for erosion control and soil stability.

Lots 30 and 233

6-7 Development of Lots 30 and 233 shall only occur when the following conditions are met. No development shall occur without the review and approval of the San Bernardino Fire Chief.

- *The onsite fuel modification shall consist of irrigated "Zone A" and "Zone B" that will remain within the Spring Trails property. An irrigated "Zone A" shall be a non-combustible setback zone within the pad area between the residential structure and the wildland urban interface area, traditionally the furthest portion of the pad. "Zone B" shall be a landscaped irrigated zone beyond "Zone A" and terminating at the project boundary, with non-combustible construction which will act as a "heat-sink" from an impending wild fire. "Zone C" shall extend offsite as fuel modification. "Zone C" will be a temporary off-site fuel modification until the adjoining property is, or will be, developed. If this is the scenario, an easement will be required for maintenance of the "Zone C." If the adjoining property is developed prior to the development of the Spring Trails project, then the off-site fuel modification will not be required for Lots 30 and 233. The total fuel modification distance for lots 30 and 233 will be a minimum of 170 feet.*

- *For Lot 30, Zone A shall have a minimum/maximum distance of 20 feet, Zone B shall have a minimum distance of 88 feet and a maximum distance of 113 feet, and*

Zone C shall have a minimum distance of 37 feet and a maximum distance of 62 feet (a total of 15,469 square feet).

- *For lot 233, Zone A shall have a minimum/maximum distance of 20 feet, Zone B shall have a minimum distance of 68 feet and a maximum distance of 112 feet in width, and Zone C shall have a minimum distance of 43 feet and a maximum distance of 80 feet (a total of approximately 20,706 square feet).*

Facts in Support of the Finding: The high fire risk associated with the natural features and conditions of the site causes the proposed development to be at a high fire risk and the impacts would be potentially significant. **(EIR at 5.6-14)**. The entire Spring Trails Project site and the adjacent 26.4-acre annexation area is in a very high fire hazard severity zone as identified in the California Fire Plan. **(EIR at 5.6-10)**. The City's General Plan also identifies areas of very high and high fire hazards in the areas immediately adjacent to the Project site. Since the Project site has not yet been annexed to the City, the portions of the fire hazard zones that would lie across the Project site and the adjacent 26.4-acre annexation area are not indicated in the General Plan. **(*Id.*)** Periodic wildfire is a normal part of the environment in those areas along the front of the San Bernardino and San Gabriel mountains and in the adjacent San Bernardino National Forest, which surround the northern, western, and eastern portions of the site. When the winds are high, there is a risk of the fire spreading out of control and burning the Project residences and existing residences in the adjacent 26.4- acre annexation area. The residences in the 26.4-acre annexation area would be subject to all applicable rules and regulations regarding fire safety found in the San Bernardino Municipal Code. **(*Id.*)**

A fire risk analysis for the Project was performed **(EIR Appendix G)**, which concluded that due to the steep terrain, highly flammable chaparral vegetation of the foothills of the San Bernardino Mountains, and exposure to high-velocity winds, the site has high susceptibility to fire. **(EIR at 5.6-10)**. Construction of the Project would expose future residents and structures to potentially dangerous wildfire(s) from the wildland to the northeast, northwest, and/or the southwest. The northeast exposure is a mix of chaparral and a few larger trees with a topography that is primarily upslope from the structures, with only a small amount level or downslope. This area is at risk for fire mainly when a northeast (Santa Ana) wind passes. The

topography and fuel would otherwise drive fires away from the Project area. **(*Id.*)** The southeast exposure also consists of mixed chaparral. However, it has no real northern aspects to the topography that would increase fuel loading, and also has no wind shelter. **(EIR at 5.6-11)**. Additionally, this area does not tend to have the old-growth, closed-canopy fuel type found in the other areas adjacent to the Project site. Areas within this exposure immediately to the east of the project site that may contain fuels are either in the drainage bottom or would be graded and replanted with appropriate vegetation. Fuels that would remain after Project development would be mostly in the downstream drainage of Meyers Canyon and outside of the fuel modification zones that would be created. **(*Id.*)** A northeast wind event would take fire away from the structures in this area. The only potential wind-driven fire in this area that would pose a significant risk would be from a heat-generated onshore wind. While these winds may prevail in this area, they tend to be less intense and generally higher in moisture content. The southwest exposure runs across a combination of developed and open, undeveloped land. Fires originating offsite in this area would be fueled by mixed native/nonnative grass and shrublands. The fire would approach the Project site from the southwest and could spread and intensify if it reached the tree canopies under future conditions if vegetation is not managed. **(*Id.*)** Compliance with current City standards for weed abatement and brush clearance should keep this area safe. The southwest exposure only presents fire issues during a southwest wind event, which, like the southeast exposure, tends to be less intense and generally higher in moisture content. The northwest exposure is the most significant risk to the Project. During a northeast wind, the Cable Creek drainage and Cable Canyon Creek will channel winds and fire down to the area below the Project site. **(*Id.*)** This drainage is deep and full of native and nonnative vegetation that has survived through all of the recorded fire history because it tends to receive natural irrigation year-round. However, the vegetation on the sides of the drainage is primarily northern mixed chaparral and Riversidian sage scrub, both of which provide substantial fuel beds. **(*Id.*)** In addition to the topography and vegetation of the area, two prevailing wind events common to the area also contribute to the fire risk. The Santa Ana winds and winds produced by the thermal heating in the Mojave Desert would both be

channeled by canyons in the area, increasing and concentrating the effects of these winds. **(*Id.*)**

Fire risk factors were modeled to predict possible wildland fire behavior that could occur at the Project site based on characteristic features, including topography, vegetation, and weather. **(EIR at 5.6-11)**. The worst-case scenario is a fire with Santa Ana winds reaching 70 miles per hour and a combination of dead and live fuels that would cause the hottest, fastest-moving fire. **(EIR Tables 5.6-1; 5.6-2)**. The maximum anticipated flame lengths would be approximately 100.3 feet. **(*Id.*)** This type of fire occurs in the fall in chaparral vegetation, with approximately 16 tons per acre, at 6 to 10 feet in depth, producing 8,000 British thermal units per pound (BTU/lb) of fuel. Additionally, under worst-case scenario conditions, fire would spread at a rate of 40 feet per second (27.2 miles per hour), and spotting distances would reach approximately 1.4 miles. **(EIR at 5.6-12)**.

Fuel Modification Plan: The Project site has a combination of high risk (number of ignitions), high hazard (intensity of fire), and high value (proposed development), requiring significant mitigation measures in order to reduce fire risk. **(*Id.*)** A fuel modification zone would be required to reduce impacts of fire on the Project. Fuel modification areas are designed to gradually reduce fire intensity and flame lengths from advancing fire by placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other on the perimeter of all structures and adjacent open space areas. **(*Id.*)** Three fuel modification zones have been established within the fuel modification area:

- *Fuel Modification Zone A (flat): Noncombustible construction* This applies to the 20 to 35 feet of the flat area setback zone near noncombustible construction only. Fuel Modification Zone A should be maintained by the homeowner or the HOA. At no time should the Fuel Modification Zone A be less than 20 feet.

- *Fuel Modification Zone B (wet zone): 100 percent removal of undesirable plant species.* This applies to the first 50 to 200 feet from Fuel Modification Zone A. Fuel Modification Zone B shall be permanently irrigated; fully landscaped with approved drought-

tolerant, deep-rooted, moisture-retentive material such as container shrub material; or hydroseeded per a plant list approved by the SBFD. All undesirable plants must be removed. A complete list of undesirable plant species is supplied in the *Spring Trails Fire Protection Plan*. Hand-seeding of bare areas may need to be performed six months after the hydroseeding establishment period. Fuel Modification Zone B would be maintained by the homeowner, HOA, or landscape maintenance district (LMD) as appropriate.

- *Fuel Modification Zone C (dry zone): 50 percent thinning of native shrubs.* The area 40 to 185 feet from a structure would be Fuel Modification Zone C. This zone would be a non-irrigated area and would require the removal of all flammable undesirable species as listed in the *Spring Trails Fire Protection Plan*. Specimen trees should be retained as directed by the owner's representative but must be thinned a minimum of 50 percent. This zone also requires the removal of all low-hanging foliage within three times the height of the understory shrubs or 10 feet, whichever is greater, along with dead or broken branches. All accumulated plant debris on the ground would be removed. Fuel Modification Zone C area should be maintained by the LMD.

(See EIR Figures 5.6-1; Figure 5.6-2).

Additionally, buildings not on the wildland interface/fuel modification zones would be set back from the adjacent property lines or any natural area adjacent to the homes by a 25- to 50-foot building setback. This zone would have no combustible construction allowed within it. **(EIR at 5.6-13)**.

Systems Approach: The concept behind this and most other fuel modification plans is to create a fuel modification zone in which the fire is systematically deprived of available fuel to reduce the size of the flame and the amount of heat that would be generated. **(*Id.*)** The maximum flame length of 100 feet is achieved at the junction of the wildland and Fuel Modification Zone C. For this reason, Fuel Modification Zone C is a minimum of 100 feet in width (measured on the flat plane not less than 100 feet regardless of the slope). Fuel Modification Zone C

would have 50 percent of the available fuel that was in the wildland. **(*Id.*)** It would also have little to no dead materials or fine fuels. This would reduce flame lengths to a manageable size. When the flame front arrives at the junction of Fuel Modification Zones B and C, it should be reduced by 50 percent. Fuel Modification Zone B is a minimum of 50 feet in width and it is irrigated. The combination of the distance and the heat sink effect of the moist vegetation should keep flames from reaching the Fuel Modification Zone A/B junction. In the event that they do, however, a minimum 20-foot setback zone (Fuel Modification Zone A) is established with no combustible construction being allowed in this fuel modification zone at any time. Additionally, advanced construction features would be used to prevent convection or radiant heat from igniting the structure. **(*Id.*)** In areas where fuels, topography, slope, and aspect align, additional depth has been added to the fuel modification zones. This occurs on the upper portions of the project, where vegetation is below the structures, and on the east side of the project, where canyon winds may be channeled and thus intensified. **(*Id.*)** The final area for an increased fuel modification zone is on the east side of the project, located on the only cul-de-sac where total alignment can occur. **(EIR at 5.6-14; Figures 5.6-1; 5.6-2)**.

Construction Phasing Management Plan: All vegetation management would be done on private lots prior to work beginning on those lots and prior to any combustible construction materials being brought onsite. **(EIR at 5.6-14)**. Vegetation management in all common areas, parks, construction sites, medians, planters, roadsides, etc., would be done as required in this plan at the start of the construction phase and continued throughout the Project. **(*Id.*)** Adequate fuel breaks acceptable to the San Bernardino Fire Department would be created around all grading, materials storage areas, laydown areas, site work, and other construction activities in areas adjacent to the vegetation. **(*Id.*)**

Public Education: In addition to the built-in fuel modification zones and construction techniques, the active participation of the homeowners is necessary to adequately protect Spring Trails. **(*Id.*)** Accordingly, the Specific Plan requires the following:

- The fire threat, fuel modification zone requirements, maintenance responsibilities, protection plans, approved plant palette, list of unacceptable plants, preventative measures, and evacuation routes shall be disclosed to potential homebuyers prior to the sale of any residence and readily available to homeowners upon request. **(*Id.*)**

The HOA would sponsor annual clinics conducted by fire professionals to educate residents on the fire threat, fuel modification zone requirements, maintenance responsibilities, protection plans, landscaping requirements, preventative measures, and evacuation routes. **(*Id.*)**

With the implementation of Mitigation Measures 6-1 to 6-7, impacts from wildfire risk will be reduced to less than significant.

b. High Winds.

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in exposure of people or structures to a significant risk of loss, injury, or death involving high winds.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, because the Project site is in a very high fire hazard zone and could expose structures and/or residents to fire danger. Two lots (Lots 30 and 233) would not have sufficient space for fuel modification. However, this impact can be mitigated to a less than significant level through the implementation of Mitigation Measures 6-8 and 6-9. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

6-8 The development of Spring Trails shall follow development guidelines outlined in the San Bernardino General Plan for high wind areas (Policies 10.10.1 through 10.10.8). The building plans must be approved by the building official.

- *Policy 10.10.1: Ensure that buildings are constructed and sited to withstand wind hazards.*
- *Policy 10.10.2: Require that development in the High Wind Hazard Area, as designated in Figure S-8 [of the San Bernardino General Plan], be designed and constructed to withstand extreme wind velocities.*
- *Policy 10.10.3: Periodically review the structural design requirements for wind in the Building Code to reflect wind conditions and property damage experienced as well as advances to current construction technology.*

- *Policy 10.10.4: Require that structures be sited to prevent adverse funneling of wind onsite and on adjacent properties.*
- *Policy 10.10.5: Require that multi-story residential, commercial, and industrial buildings be designed to prevent wind tunnel effects around their base and in passageways.*
- *Policy 10.10.6: Construct public infrastructure (lighting poles, street lights, bridges, etc.) to withstand extreme wind velocities in High Wind Hazard areas.*
- *Policy 10.10.7: Maintain police, fire, medical, and other pertinent programs to respond to wind-caused emergencies.*
- *Policy 10.10.8: Initiate a review of the wind hazard potential as it applies to various parts of the City and, if merited, tailor the design standards accordingly.*

6-9 Implementation of Mitigation Measure 2-1 (Section 5-2, Air Quality) would reduce construction-related wind-blown dust impacts.

Facts in Support of the Finding: The Project would construct residential homes in an area exposed to high winds. Although the City of San Bernardino General Plan has not officially designated the Project site or the adjacent 26.4-acre annexation area in the High Wind Area because they are not within the City limits, its location falls in line with areas along the foothills that have been designated in this area. **(EIR at 5.6-14)**. Areas exposed to high winds can potentially experience health and safety issues related, but not limited, to air quality, soil erosion, motor-vehicle accidents due to decreased visibility, wind-driven property damage, and exacerbation of fire hazards. **(*Id.*)** Project-related construction activities, particularly during site preparation such as grading, could potentially expose soils to wind erosion. This creates potential for windblown dust and soil to migrate offsite, adversely affecting adjacent properties during periods of high wind conditions. Furthermore, windblown dust, particularly during Santa Ana wind conditions, could reduce visibility along I-215, a heavily traveled highway approximately 0.7 mile southwest of the site, affecting travel and increasing the probability of motor-vehicle accidents. In addition to reduced visibility, high winds could also result in property damage and harm to surrounding residences from wind-driven debris picked up from loose onsite construction materials. **(*Id.*)** Winds would not only have the potential to impact the surrounding area during Project development, but also the proposed residences and land uses onsite. **(EIR at 5.6-21)**. Winds have been measured and have the potential to reach in

excess of 90 to 100 miles per hour. Winds at these speeds could potentially cause damage to the homes and land uses proposed on the Project site. Damage could be caused to roofs, fences, windows, and landscaping. Moreover, high winds are a main contributing factor for the high fire risk hazard in the area. **(*Id.*)** Santa Ana wind conditions significantly increase the fire hazard in the area when combined with the fuels present due to the low moisture content and low relative humidity. **(*Id.*)** Implementation of Mitigation Measures 6-8 and 6-9 will reduce impacts related to high winds to less than significant levels.

c. Hazardous Emissions.

Potential Significant Impact: The EIR evaluated and concluded that if the Project is built within the Southern California Edison 115 kV transmission lines remaining aboveground, the lines would potentially expose construction workers and residents to hazards of electric shock and/or electric and magnetic fields.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, but can be mitigated to a less than significant level through the implementation of Mitigation Measure 6-10. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

6-10 If the project is built with the Southern California Edison 115 kV transmission lines remaining aboveground, the development plans shall be drawn to accommodate SCE safety measures including:

- *Operators of construction equipment with overhead lift capability, cranes, backhoes, and similar equipment shall abide by state safety clearances and undergo SCE-approved safety training, as needed, before operating the equipment onsite.*

- *Near residences, a safety strip meeting SCE standards shall be required beside the SCE right-of-way.*

- *Easements shall be employed as needed to prevent damage to the towers, shield residents from harm, and guarantee SCE maintenance access.*

Facts in Support of the Finding: The Preferred Development Plan assumes that the SCE overhead electric lines that traverse the western portion of the site would be located above-ground. **(FEIR Figure 3-**

8). While consideration that the overhead electric lines may be undergrounded in considered in the Alternative Development Plan, undergrounding the size of SCE lines in question here is not currently feasible. The Preferred plan accommodates the lines above ground as proposed for the site. **(FEIR Figure 3-8 and 3-8a)**. The Preferred Development Plan for Spring Trails is the same as the alternative plan in every respect, except for the treatment of the land beneath the aboveground electric lines and the number of residential lots. **(Figure 3-8 and 3-8a)**. In the Preferred Development Plan, underneath the central portion of the electric line easement, the land use is designated as Open Space-Controlled. The northern portion of the electric line easement is designated as residential; however, development is not permitted within the electric line easement. **(*Id.*)**. The SCE easement will be landscaped in accordance with the approved Fire Protection Plan for Spring Trails. If permitted by SCE, a park and/or equestrian/pedestrian trail may be located under the electric lines as a permitted use; however, they are not assumed in the design of the Preferred Development Plan. **(*Id.*)**. The Preferred Development Plan and the Alternative Development Plan with underground electric lines presents potential hazards related to proximity to future residential uses:

- Although SCE makes provision for earthquakes in the design and construction of overhead transmission lines, extreme seismic shaking and earth rupture on the San Andreas fault may snap lines or topple towers, resulting in live power to the ground.

- During construction, accidental contact with the towers or wires is possible.

- Resident youths may be tempted to play on or climb the towers.

- Residents may be exposed to electric and magnetic fields (EMF). **(*Id.*)**.

These lines would pose both construction and operational risks to workers or residents on the site. Contact with the wires by an elevated excavator arm, raised bucket, or other equipment designed for overhead work would have potentially fatal consequences. There is also the risk that

residents may be tempted to climb on or vandalize the supporting towers. Though slight, the risk of electrical shock because of such activity does exist. Worker and residents would also be susceptible to electromagnetic fields (EMFs) because of the location of the lines on the project site. The SCE easement does not cross into the adjacent 26.4-acre annexation area. **(*Id.*)**. The Alternative Project proposes to relocate the 115 kV lines underground prior to site development; therefore, the risks associated with electrical shock and physical contact with the lines would be eliminated. If the 115kV lines cannot be relocated underground, then the Project would be built to accommodate the overhead electric lines, as described above. **(FEIR at 3.3, Figure 3-8 and 3-8a)**. The concern with proximity to electric transmission lines is exposure of residents to electric and magnetic fields (EMFs). Since EMF emission is not reduced when transmission lines are undergrounded, this would be a concern in both development scenarios. **(*Id.*)**. Over the past 30 years researchers have studied the potential effects of EMF exposure both nationally and internationally in an effort to determine whether EMF exposure is carcinogenic. EMFs are everywhere in modern society, and there is no evidence that living near electric transmission lines is any more detrimental to human health than living in a modern house. **(*Id.*)**. Notwithstanding, Mitigation Measure 6-10 will be incorporated to ensure that impacts related to the potential presence of overhead electric lines will be less than significant.

5. **Land Use and Planning.**

a. Conflict with Habitat Conservation Plan.

Potential Significant Impact: The EIR evaluated and concluded that the Project could conflict with the adopted U.S. Fish and Wildlife Service San Bernardino Kangaroo Rat Critical Habitat.

Finding: Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measure 3-2. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-2 *To mitigate for impacts to unoccupied critical habitat of the federally endangered San Bernardino kangaroo rat, the project applicant shall acquire offsite permanent mitigation lands of like habitat quality as determined by the US Fish and Wildlife Service (USFWS) during the Section 7 consultation process. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). This measure does not preclude the imposition of additional mitigation requirements that may be initiated by the USFWS during the Section 7 consultation process. This measure shall be implemented to the satisfaction of the Community Development Director.*

Facts in Support of the Finding: Approximately 3.9 acres of habitat for this federally endangered species would be modified, which conflicts with the policies of the USFWS-designated critical habitat. **(EIR at 5.8-47)**. No San Bernardino kangaroo rats have been observed on the Project site, but development of the area must follow the policies of the habitat plan. Portions of the secondary access road alignment at the southern end of the site are located within USFWS-designated critical habitat for the San Bernardino kangaroo rat **(see EIR Figure 5.3-4)**. Even though repeated surveys in the area have been negative for the presence of the San Bernardino kangaroo rat, the presence of critical habitat requires consultation with the USFWS under Section 7 of Federal Endangered Species Act. The USFWS would impose mitigation to offset these impacts. **(EIR at 5.8-47)**. In anticipation of those agency-imposed requirements, and as discussed previously, Mitigation Measure 3-2 has been incorporated into the Project to reduce the Project's impacts in this regard to less than significant levels.

6. **Public Services.**

a. Fire Protection and Emergency Services.

Potential Significant Impact: The EIR evaluated and concluded that development of the Project could result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to

maintain acceptable service ratios, response times or other performance objectives for fire protection services.

Finding: Impacts to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, as the Project will introduce 304 residences and about 1,015 residents into a very high fire hazard severity zone in the San Bernardino County Fire services area, thereby increasing the requirement for fire protection facilities and personnel. However, this impact can be mitigated to a less than significant level through implementation of Mitigation Measure 12-1. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

12-1 *Prior to issuance of building permits, the developer shall participate on a fair-share basis in funding the continued operation and maintenance of the Verdemont Fire Station. A one-time fair-share contribution equivalent to the Community Facilities District Number 1033 "in-lieu fee" established by Resolution Number 2004-107 of the Mayor and Common Council would mitigate the long-term impact of the project on emergency services of the Fire Department. As an alternative, an irrevocable agreement to annex the project site to Community Facilities District Number 1033 would satisfy this obligation.*

Facts in Support of the Finding: The Project would include 304 homes, four parks, and roadways for site and internal access to the roughly 353-acre Project site. The Project is expected to add about 1,015 residents to the site. **(EIR at 5.12-3)**. Therefore, Project development is expected to result in an increase in calls for San Bernardino Fire Department ("SBFD") fire and emergency medical services. At Project completion, SBFD response time to emergency calls to the farthest part of the site from the Verdemont Fire Station is expected to be 12 to 13 minutes. This is seven to eight minutes more than the standard SBFD response time of five minutes. After a reduction in staff from four to three firefighters, staffing at the station was recently restored to four firefighters. The addition of the Spring Trails development to the area served by the Verdemont Fire Station may result in increased demand on emergency fire services. **(*Id.*)**. To offset the additional demand caused by new development projects, the City requires a fair-share contribution from new developments to help fund ongoing operation and maintenance of the Verdemont Fire Station. **(EIR at 5.12-4)**. The response force (three fire engines, one aerial ladder truck, and a chief officer with a minimum of fifteen personnel) needed to effectively combat a structure fire

would need to be capable of being assembled at points within the Project site. The third engine and aerial ladder truck to complete an effective response would come from a station farther away: from Fire Station 227 at 282 West 40th Street (6.75 miles from Project entrance) or from SBCoFD Station 2 in Devore (3.75 miles from project entrance). San Bernardino County Fire Department Station 2 has daily staffing of three full-time firefighters supplemented by a company of paid call firefighters as needed, and is equipped with one type 1 (structure) engine, one type 3 (wildland) engine, and one type 5 patrol vehicle. **(*Id.*)**. While the San Bernardino County station is physically closer, additional time and effort would be required to coordinate with the County, which could delay the response. Either would come with a minimum of three firefighters. The aerial ladder truck, with four firefighters, would come from Fire Station 224 located at 2641 E Street (7.85 miles from Project entrance. **(EIR Figure 5.12-1)**. A fire battalion chief would also be dispatched.

In the event of a major wildfire on or threatening the site, additional firefighting resources would be brought to the area. Other City fire stations would respond as needed. **(EIR at 5.12-4)**. The SBFD has five type 3 (wildland) engines, which are deployed at Fire Stations 225, 226, 227, 228, and 323. The three closest fire stations to this Project have wildland engines. In addition, there is a county/CAL FIRE station nearby in Lytle Creek (Fire Station 20) and a new county fire station will be built as part of a new development in the southern Lytle Creek area, south of the Glen Helen Regional Park in Devore. **(*Id.*)**. The new station is dependent on development in the area and may be delayed with changes in the housing market. Vegetation fires result in a multiagency response, which would include CAL FIRE and the USFS. A fire protection/fuel modification plan has been required for the Project. **(EIR Appendix G)**. The fire plan is designed to reduce the risks related to the high fire potential of the site. Topography, vegetative, weather, and structural components were used to analyze the setting and provide measures for reducing risks. It also meets the fire safety standards of the Foothill Fire Zone Overlay District (FF District) Standards (Chapter 15.10 of the San Bernardino Municipal Code), Building Safety Enhancement Area Building Standards (Chapter 15.11 Municipal Code), City of San Bernardino Development Code (Chapter 19.15), and City Fire Code

(Chapter 15.16). The fire protection plan divides the Project site into three zones, Fuel Modification Zone A (flat, noncombustible construction), Fuel Modification Zone B (wet zone, 100 percent removal of undesirable plant species), and Fuel Modification Zone C (dry zone, 50 percent thinning of the native shrubs). **(EIR Figures 5.6-1and 5.6-2)**. The fire protection plan also includes vegetation management guidelines, the allowed and undesirable plant palettes, planting maintenance and spacing guidelines, a construction management plan, infrastructure/structural construction features and requirements, and a compliance matrix to be used by the developer, residents, and the homeowners association of Spring Trails to reduce fire risks. The minimum fire flow required for this project is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) pressure for a minimum duration of four hours. Fire hydrants are required at a spacing of no more than 300 feet. **(EIR at 5.12-4)**. Water for fire flow would be provided by expanding and improving the offsite water system, and by onsite reservoirs and transmission lines. **(EIR Figures 3-10 and 3-11)**. The Project would use infrastructure at pressure zones at elevations of 2,100 feet, 2,300 feet, 2,500 feet, 2,700 feet, and 3,000 feet. The Project site falls in the 2,300, 2,500, 2,700, and 3,000 zones. Fire-flow storage required for each of the three onsite pressure zones is 360,000 gallons. **(EIR at 5.12-7)**. Project water system improvements would be sized to provide required fire flow in addition to meeting project water demands. Pumping stations would be designed with 100 percent redundancy in the event that one or more of the pumping units fails, and equipped with onsite generators that can operate in a blackout or emergency condition. The four occupied, multiple-acre lots within the 26.4-acre annexation area would continue to be serviced by the City of San Bernardino Fire Department. **(*Id.*)**. Implementation of Mitigation Measure 12-1 will reduce impacts to fire protection and emergency services to a less than significant level.

7. **Traffic and Circulation.**

a. Substantial Increase in Traffic.

Potential Significant Impact: The EIR evaluated and concluded that development of the Project could cause an increase in traffic which is substantial in relation to the existing traffic load and

capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Finding: Impacts to Traffic and Circulation are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, because the Project would generate 3,149 average daily trips, 247 morning peak hour, and 333 evening peak hour trips to the Project area, thereby contributing to existing and future unacceptable levels of service at the Palm Avenue/I-215 ramps intersections and at the Palm Avenue/Kendall Drive intersection. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measures 14-1 to 14-4. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

14-1 *If at the time combustible materials are placed on the project site the Palm Avenue/Kendall Drive intersection has not been improved, the project shall be responsible for funding and constructing the dual westbound left turn lane intersection improvements at Palm Avenue/ Kendall Drive. All improvements to this intersection must be completed to the satisfaction of the Director of Public Works/Civil Engineering prior to issuance of occupancy permits.*

14-2 *The easterly (primary) project access road between Little League Drive and the project site shall be constructed and paved to meet the City of San Bernardino Fire Department's minimum standards prior to placement of combustible materials on the project site. The access road shall be designed and constructed to meet the City of San Bernardino Public Works/Engineering Division's design standards prior to issuance of occupancy permits. Concurrently, the segment of Little League Drive north of Meyers Road shall be improved to Public Works Department design standards.*

14-3 *The westerly (secondary) project access road shall be constructed and paved to meet the City of San Bernardino Fire Department's minimum standards prior to placement of combustible materials on the project site. The access road shall be designed and constructed to meet the City of San Bernardino Public Works/Engineering Division's design standards prior to the issuance of occupancy permits.*

14-4 *Prior to the issuance of grading permits, the project applicant shall prepare a construction traffic plan that shall be approved by the City of San Bernardino Public Works/Engineering Division. The construction traffic plan shall:*

- *Prohibit project construction traffic from using the Kendall Drive/Palm Avenue intersection during the morning peak hour (7:00 AM and 9:00 AM) and the evening peak hour (4:00 PM and 6:00 PM)*

- *Establish truck haul routes on the appropriate transportation facilities.*
- *Provide Traffic Control Plans (for detours and temporary road closures) that meet the minimum Caltrans, City, and County criteria.*
- *Minimize offsite road closures during the peak hours.*
- *Keep all construction-related traffic onsite at all times.*

Facts in Support of the Finding: The City of San Bernardino has an acceptable intersection Level of Service ("LOS") standard of D or better. All area intersections are currently operating at an acceptable LOS. **(EIR Table 5.14-2)**.

Operational Phase: Spring Trails would include the development of 304 single-family detached houses, with the final phase of construction to be completed by year 2013. **(EIR at 5.14-42)**. The analysis in this report quantifies the impacts of 329 single-family units, and therefore slightly overstates the actual impact anticipated for the 304-unit single-family residential development. The traffic generated by Spring Trails would increase the number of trips on local roadways and freeways, thereby worsening the LOS on these systems. **(*Id.*)**. The following intersections would operate at unacceptable levels of service during AM and PM peak hours:

- I-215 northbound ramps and Palm Avenue;
- I-215 southbound ramps and Palm Avenue;
- Palm Avenue and Kendall Drive

Without roadway improvements, these Project area intersections would have unacceptable levels of service (E or worse). **(EIR at 5.14-43)**. However, interchange improvements to the Palm Avenue and I-215 ramps intersection are included in the SANBAG Nexus Study funded by the City of San Bernardino Regional Circulation System Fee. **(*Id.*)**. These improvements would improve the LOS to B during morning peak hour traffic on the northbound ramp, to D during evening peak hour traffic on the northbound ramp, and to C during both morning and evening peak hour traffic on southbound ramps. Development impact fees paid by the Project applicant would contribute to the Regional Circulation System Fee. Improvements to the Palm Avenue/Kendall Drive intersection are not included in a City plan or program.

(*Id.*). If the necessary improvements to this intersection are not in place at the time the Spring Trails Project is completed, a significant impact would result.

Construction Phase: Construction traffic would contribute to deficiencies at the Palm Avenue/I-215 northbound and southbound ramps intersections during morning and evening peak hours (7:00 to 9:00 AM and 4:00 to 6:00 PM respectively), resulting in a significant impact. **(*Id.*)**. However, implementation of Mitigation Measures 14-1 to 14-4 will reduce impacts to less than significant during both the operational and construction phases of the Project.

8. **Utilities and Service Systems.**

a. Construction of New Water or Wastewater Treatment Facilities.

Potential Significant Impact: The EIR evaluated and concluded that development of the Project would require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; and would not have sufficient water supplies available to serve the project from existing entitlements and resources, and new and/or expanded entitlements would be needed.

Finding: Impacts to Utilities and Service Systems are discussed in detail at Section 5.15 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, because the Project would use 529 acre-feet of water per year ("AFY"), 79 AFY more than the 2005 Urban Water Management Plan ("UWMP") projections, thus increasing water demand on the San Bernardino Basin, and requiring the construction of additional water distribution infrastructure, including reservoirs, pump stations, and water mainlines that are not part of a Capital Improvements Plan. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measure 15-1. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

15-1 *Completion of the Phase II Verdemont water delivery infrastructure improvements shall be verified by the SBMWD prior to issuance of occupancy permits for Spring Trails. The offsite improvements as shown in Table 5.15-13, include the east reservoir, east pump station, and east 20-inch transmission main. The project applicant shall contribute fair-share funding for the improvements through development impact fees or through an alternate financial arrangement with the SBMWD. A funding and phasing program for the improvements shall be in-place (e.g., Capital Improvements*

Program) or negotiated with the project applicant prior to issuance of building permits.

Facts in Support of the Finding: Although the Project site would be designated as Residential Low in the General Plan, water demand for the Project site is based on average density over the entire Project site area (352.8 acres). Considering the overall Spring Trails development of 304 residential dwelling units on 352.8 acres of land, the average parcel size for the entire development is estimated at 0.87 units per acre. **(EIR at 5.15-12)**. Proposed development plans indicate that individual parcels would range in size from 10,000 to over 600,000 square feet, averaging 27,337 square feet or 0.62 acres. Hence, this development would fall under the Residential Estate category with an average water demand of 0.93 gpm per acre. **(*Id.*)**. Based on a total development of 353 acres, rather than 85 percent buildout under the existing General Plan, the average annual water demand is estimated at 328 gpm, or 529 afy. (EIR Table 5.15-10). The assumptions made by the City's General Plan for residential land uses of the Project site were used in determining water demand in the 2005 UWMP. **(EIR Table 5.15-8)**. The UWMP assumes a demand of 450 afy for the Project site. The projected water demands of the Spring Trails Project are higher by 79 afy (17.5 percent). **(EIR Table 5.15-11)**. The two projected water demands assume that buildout of the site under either the Spring Trails or General Plan projection would occur at the same time. **(EIR at 5.15-13)**. Maximum daily demand flows can be used to determine the amount of onsite water storage needed for the Project. During days of high demand and peak hours, the water demand for the site would increase. Between average days and high demand days, the gpm rate would increase by a factor of 1.73, resulting in a total rate of 568 gpm on high demand days. Between high demand days and peak hours, the gpm rate would increase by a factor of 2, resulting in a peak hour demand rate of 1,136 gpm. **(*Id.*)**.

Spring Trails would require the construction of new water supply infrastructure. SBMWD has begun planning for infrastructure expansion in the Verdemont area that would accommodate Spring Trails. This expansion, the Verdemont infrastructure improvements, would occur in two phases and is needed to serve the 2,300- foot pressure zone. These improvements were analyzed for

environmental impacts in 2007. A mitigated negative declaration was approved by the SBMWD Board of Water Commissioners in April of 2007. Funding for these improvements was approved by the City, is included in SBMWD's Capital Improvements Program, and is incorporated into the 2009–2010 City budget. **(EIR at 5.15-14)**.

The second phase for the Verdemont infrastructure improvements would connect the 2,100-foot pressure zone to the 2,300-foot pressure zone and is necessary to bring water supply to the Spring Trails site. These improvements would be required for supplying water and maintaining appropriate water storage for the Spring Trails project. Currently, there is no funding planned for these improvements. **(EIR at 5.15-15)**. In addition to the proposed Verdemont infrastructure improvements, the Spring Trails plan includes onsite infrastructure improvements to be completed by the developer. **(EIR Figure 3-10)**. The onsite improvements would need to be constructed and funded by the developer prior to the development of the site. **(EIR at 5.15-15)**. The pipelines within the development are considered distribution lines for all practical purposes. The pipelines that connect pump stations to the reservoirs would be a minimum of 20 inches in diameter. **(*Id.*)**. All looping lines would be 12 inches in diameter and other distribution pipelines would be 8 inches in diameter. The Phase I and Phase II improvements would need to be included in the SBMWD Capital Improvements Plan (CIP) and incorporated into the City's budget. Phase I improvements were included in the 2009–2010 City Budget, but the Phase II improvements were not. **(*Id.*)**. Funding for the offsite improvements in the CIP would come from developer impact fees, which would be paid in part (fair share) by the developer. The existing and planned infrastructure would have enough capacity to support the Project. **(*Id.*)**.

Fire flow for Spring Trails would need to meet a requirement of 1,500 gpm with a four hour duration, as indicated by the San Bernardino Fire Department. SBMWD would be able to meet this demand once the proposed infrastructure in the 2,300-foot zone is completed. The same pipelines that would supply the site with domestic water would also be used for fire suppression through connections with fire hydrants. **(EIR at 5.15-16)**.

2009 was the third consecutive drought year for California, and the impacts were seen through changes to water allocations of SWP water. **(*Id.*)**.In April 2011, CDWR increased water allocations to 80 percent of the requested amounts. SBVMWD, the SWP contractor for the San Bernardino Valley, is included on this list of contractors and should receive 82,080 acre-feet in 2011, 80 percent of its entitlement. Projected SWP reliability throughout future years is uncertain. **(*Id.*)**. Ultimate contract amounts total 4.2 million afy, but yearly deliveries are only a fraction of this amount. SBMWD and other water agencies reliant on some portion of SWP water should reduce their dependence on this source of water and focus on alternative technologies, conservation efforts, and storage activities to guarantee water supply in the future. The BHG Basin is the most important source of water for the SBMWD. Approximately 1.5 million acre-feet of groundwater in the basin is extractable. **(*Id.*)**. In 2008, the cumulative change in groundwater storage since 1934 was a negative 354,595 acre-feet. **(EIR Table 5.15-2)**. The last year the basin had a positive cumulative change was 1998 (74,083 afy). The increasing urban growth in the San Bernardino Valley would only create a greater demand on the BHG Basin water supply; water levels are most likely to continue dropping unless greater conservation efforts are enforced. **(EIR at 5.15-17)**.

Spring Trails Specific Plan includes a number of design guidelines and practices that would improve onsite water conservation. **(*Id.*)**. Some of these guidelines and practices include:

- Required diversion of stormwater runoff into onsite detention basins to enable recharge;
- Recommended collection of rainwater and additional stormwater runoff by diverting runoff to pervious surfaces or bioswales to reduce unnecessary runoff;
- Required use of high efficiency, xeriscape irrigation systems to reduce the amount of water devoted to landscaped areas;
- Includes bubbler irrigation and low-angle, low-flow nozzles on sprayheads;
- Required installation of properly programmed EvapoTranspiration-based controllers on

homeowners' properties with the appropriate information for the homeowners;
- Required installation of motion sensors and other similar irrigation technology to ensure that landscaping is watered only as needed;
- Required planting of plant species that are drought tolerant, heat resistant, and hardy;
- Prohibition of the use of large turf areas in landscaping by substituting water-conserving native groundcovers or perennial grasses, shrubs, and trees;
- Recommended construction of trails with pervious materials such as earth or decomposed granite;
- Required grouping of plants with similar water requirements together, a technique known as hydrozoning;
- Recommended mulching of planting beds and apply compost and environmentally friendly fertilizers to promote healthy topsoil, maximize plant growth, reduce plant replacement, and reduce the need for longer or more frequent irrigation run times.

The following practices are recommended for buildings:

- Required installation of water-efficient faucets and appliances in residences;
- Required installation of sensor-operated faucets in nonresidential buildings;
- Recommended use of toilets that use less than 1.6 gallons per flush, waterless urinals in nonresidential buildings, and faucets and showerheads that use less than 2.5 gallons per minute.

The implementation of these practices would help to reduce the amount of water by reducing the water used by each residence and through controlling water loss in public areas by using water-smart landscaping and reclamation techniques. **(EIR at 5.15-18).**

In sum, the required funding by the Applicant of the Phase II Verdemont infrastructure improvements prior to issuance of occupancy permits, as required by Mitigation Measure 15-1, will reduce impacts in this area to less than significant.

9. **Forest Resources.**

a. Loss of Forest Land.

Potential Significant Impact: The EIR evaluated and concluded that development of the Project would result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Finding: Impacts to Forest Resources are discussed in detail at Section 5.17 of the Draft EIR. Based on the entire record, the City finds that this impact is potentially significant, because the Project would remove 220 native trees, requiring replacement of trees per the City's tree ordinance. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measure 3-13 for Biological Resources, as described above. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

Facts in Support of the Finding: Implementation of the Project would involve the removal of approximately 2,400 trees within the development footprint. Approximately 220 of these are native species and 2,170 are eucalyptus. **(EIR at 5.17-5)**. The areas of Cable Creek, Cable Canyon, and Meyer Creek contain the majority of native trees and are considered forest land. **(EIR Table 5.3-3)**. However, the Project would be required to comply with the City's Tree Ordinance, which would require replacement of any removed native trees. **(EIR at 5.17-5)**. Native species of trees within this affected area would have the potential to be impacted by development from direct removal of forest resources and indirectly from forest resources removed as a result of fuel modification activities. Areas within Fuel Modification Zone B would require removal of all undesirable plant species, while areas within Zone A would require a 50 percent thinning of native species. **(EIR at 5.17-6)**. The City's Tree Ordinance requires that "significant" trees be mitigated. In determining what constitutes a significant tree, the initial arborist report prepared for the Project determined that healthy, structurally sound native and ornamental trees over 20 feet in height would be considered significant. **(*Id.*)**. Approximately 220 trees on the site met these criteria during the 1998 tree inventory. Thus the removal of these

trees during Project development would be considered a potentially significant impact and thus subject to the requirements of the City's Tree Ordinance. To ensure that removed native trees are adequately replaced and to comply with the City's Tree Ordinance, impacts to forest resources are considered potentially significant without incorporation of Mitigation Measure 3-13. **(*Id.*)**.

Eucalyptus trees present a particular problem for this site because they are nonnative and a severe fire hazard. **(*Id.*)**. Eucalyptus can also be considered an invasive species. They were formerly included on List A of invasive species by the California Exotic Pest Plant Council (CalEPPC). List A of the Exotic Pest Plants of Greatest Ecological Concern in California consists of the most invasive wildland pest plants, documented as aggressive invaders that displace natives and disrupt natural habitats. The list highlights the nonnative plants that are serious problems in wildlands such as national forests. **(*Id.*)**. The Project site shares its northern border with the San Bernardino National Forests and the eucalyptus trees are a potential threat to native plant communities in the national forest. The 1999 CalEPPC exotic pest plant list was updated by the California Invasive Plant Council in 2006, and the status of blue gum eucalyptus changed to "moderate." The USDA Forest Service identifies the blue gum eucalyptus as highly flammable and recommends the tree not be planted near homes and other structures. **(*Id.*)**. Lastly, Section 12220(g) of the PRC defines "forest land" as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. **(EIR at 5.17-7)**. The land where the eucalyptus trees are currently located cannot be identified as forest land because it cannot and has not supported 10 percent native tree cover. Furthermore, Section 4793(f) of the PRC defines "forest land conservation measures" as measures designed to protect, maintain, or enhance the forest resource system, including soil and watershed values, diversity of forest species, and protection of a forest stand from fire. **(*Id.*)**. These measures include thinning, shaded fuel breaks, and other land treatments or forest resource improvement projects consistent with PRC Section 4794. Based on these considerations, the removal of the eucalyptus from the

Project site can be considered an overall benefit in protecting the adjacent native forest stands from fire and in maintaining a diversity of native species; therefore, it is a less than significant impact to forest resources. With incorporation of Mitigation Measure 3-13, impacts to native trees will also be less than significant.

C. **Impacts Analyzed in the EIR and Determined to be Significant and Unavoidable.**

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, based upon information in the EIR and in the administrative record. These impacts are considered significant and unavoidable despite the imposed mitigation measures, which will reduce impacts to the extent feasible.

1. **Air Quality.**

a. Conflict With Air Quality Plan-Construction.

Potentially Significant Impact: The EIR concluded that the Project will conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan ("AQMP") because construction-related air pollutant emissions would exceed the SCAQMD regional and local emission thresholds.

Finding: Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Mitigation measures applied for short-term construction activities of the Project would lessen impacts from construction-related air pollutant emissions. However, based on the entire record, the City finds that this conflict with the SCAQMD Air Quality Management Plan is potentially significant and cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan remains significant and unavoidable. The following mitigation measures will mitigate impacts to Air Quality to the extent feasible:

2-1 Ongoing during grading and construction, the construction contractor shall implement the following measures in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District Rule 403 to further reduce PM_{10} and $PM_{2.5}$ emissions. To assure compliance, the City shall verify that these measures have been implemented during normal construction site inspections:

- *During all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering as quickly as possible. This would achieve a minimum control efficiency for PM_{10} of 5 percent.*

- *During all construction activities, the construction contractor shall sweep streets with Rule 1186–compliant, PM_{10}-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.*

- *During active debris removal and grading, the construction contractor shall suspend grading operations when wind speeds exceed 25 miles per hour. This would achieve an emissions control efficiency of 98 percent for PM_{10} under worst-case wind conditions.*

- *During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other suitable means. This would achieve a control efficiency for PM_{10} of 91 percent.*

- *During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day. This would achieve an emissions reduction control efficiency for PM_{10} of 61 percent.*

- *During active debris removal, the construction contractor shall apply water to disturbed soils at the end of each day. This would achieve an emissions control efficiency for PM_{10} of 10 percent.*

- *During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour. This would achieve a control efficiency for PM_{10} of 57 percent.*

- *The construction contractor shall apply chemical soil stabilizers to reduce wind erosion. This would achieve a control efficiency of up to 80 percent.*

2-2 *During all grading activities, the daily area disturbed shall be limited to a maximum of 35 acres.*

2-3 *Ongoing during grading and construction, the construction contractor shall implement the following measures to further reduce construction exhaust emissions of NOx. To assure compliance, the City shall verify that these measures have been implemented during normal construction site inspections:*

- *The Project Applicant shall specify in the construction bid that construction contractors are required to use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.*

- *The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.*

- *The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes.*

Facts in Support of the Finding: There are two key indicators of a project's consistency with an AQMP: 1) Whether the project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of the AAQS or interim emission reductions in the AQMP; and 2) Whether the project would exceed the assumptions in the AQMP. The AQMP strategy is, in part, based on projections from local general plans. **(EIR at 5.2-12)**. Long-term emissions from the Project would not exceed the SCAQMD thresholds for regional emissions **(EIR Table 5.2-8)** and would therefore not contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the AQMP. Therefore, the Project's operation-related emissions result in a less than significant air quality impact. Thus, the Project would be consistent with the AQMP under the first indicator with regard to long-term emissions. **(*Id.*)**. However, with respect to short-term emissions, this Project would not be consistent with the AQMP under the first indicator, because short-term construction emissions of NO_X, PM_{10}, and $PM_{2.5}$ associated with the project would exceed the SCAQMD regional and localized significance thresholds, which are the basis for determining if a project would cumulatively contribute to the regional nonattainment designations of the South Coast Air Basin. **(See EIR Table 5.2-7)**. The South Coast Air Basin is designated by the state and EPA as nonattainment for O^3, PM_{10}, and $PM_{2.5}$. **(EIR at 5.2-12)**. The Project would be considered consistent with the AQMP under the second indicator, because the proposed development under the Spring Trails Specific Plan is consistent with the City of San Bernardino General Plan, and thus would not exceed the assumptions in the AQMP, which is based in part, on local general plan projections. **(EIR at 5.2-14)**. However, since both indicators would not be met, both Project and cumulative level impacts are considered significant and unavoidable, due to the Project's inconsistency with the AQMP.

b. Cumulatively Considerable Increase of Criteria Pollutant-Construction.

Potentially Significant Impact: The EIR concluded that the Project's construction activities will result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

Finding: Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project will generate short-term emissions that exceed SCAQMD's regional significance thresholds for NOx, PM_{10}, and $PM_{2.5}$, and would significantly contribute to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM_{10} and $PM_{2.5}$). Fugitive dust mitigation measures applied for short-term construction activities of the Project would lessen impacts from construction-related air pollutant emissions. However, based on the entire record, the City finds that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment remains significant and unavoidable. Mitigation Measures 2-1 to 2-3 (listed above) will mitigate Air Quality impacts related to criteria pollutants to the extent feasible.

Facts in Support of the Finding: Construction activities produce combustion emissions from various sources, such as onsite heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Grading activities produce fugitive dust emissions (PM_{10} and $PM_{2.5}$) from soil-disturbing activities. **(EIR at 5.2-15)**. Exhaust emissions from construction activities onsite would vary daily as construction activity levels change. Construction activities associated with new development occurring in the Project area would temporarily increase localized PM_{10}, $PM_{2.5}$, VOC, NOx, and CO concentrations in the Project vicinity and regional emissions within the South Coast Air Basin. ***(Id.)***. The primary source of construction-related CO, SOx, VOC, and NOx emissions is gasoline- and diesel-powered heavy-duty mobile construction equipment. Primary sources of PM_{10} and $PM_{2.5}$ emissions would be clearing activities, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces. In addition, architectural coating operations can also generate substantial VOC emissions. Project-related construction air pollutant emissions would occur from

construction of the Project. Emissions from construction activities were calculated on a daily basis and were compared to the SCAQMD's maximum daily regional emissions thresholds, which revealed that grading activities would result in air pollutant emissions that exceed the SCAQMD regional significance thresholds for NOx, PM_{10}, and $PM_{2.5}$. **(EIR Table 5.2-7)**. All other analyzed pollutants were found to be less than the SCAQMD's significance thresholds. The primary source of NOx emissions would be from construction equipment exhaust during grading operations. NOx is a precursor to both the formation of O^3 and particulate matter (PM_{10} and $PM_{2.5}$). The primary sources of PM_{10} and $PM_{2.5}$ would be fugitive dust during grading and clearing during these operations. Emissions of PM_{10} and $PM_{2.5}$ that exceed the SCAQMD's regional significance threshold would significantly contribute to the particulate matter (PM_{10} and $PM_{2.5}$) nonattainment designations of the South Coast Air Basin. Consequently, emissions of NOx, PM_{10}, and $PM_{2.5}$ that exceed the SCAQMD regional significance thresholds would significantly contribute to the O^3 and particulate matter (PM_{10} and $PM_{2.5}$) nonattainment designations of the South Coast Air Basin. **(EIR at 5.2-15)**. Both Project and cumulative level impacts would be significant relative to the Project's consistency with the SCAQMD's regional significance thresholds for NOx, PM_{10}, and $PM_{2.5}$, and the Project's contribution to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM_{10} and $PM_{2.5}$).

Mitigation Measures 2-1 and 2-2 would reduce PM_{10} and $PM_{2.5}$ emissions from Project-related construction activities to below the SCAQMD regional thresholds. Similarly, Mitigation Measure 2-3 would reduce NOx emissions during construction activities by approximately 31 percent or approximately 149 pounds per day. **(EIR at 5.2-30)**. However, NOx emissions from Project-related construction activities would continue to exceed the SCAQMD regional thresholds. **(EIR Table 5.2-13)**. Consequently, Project and cumulative level impacts would remain significant and unavoidable.

c. Exposure of Sensitive Receptors-Construction.

Potential Significant Impact: The EIR concluded that the Project's construction activities will expose sensitive receptors to substantial pollutant concentrations.

Finding: Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project's construction activities could expose offsite sensitive receptors to substantial pollutant concentrations of PM_{10} and could expose the existing onsite receptor to substantial pollutant concentrations of both PM_{10} and $PM_{2.5.}$ Based on the entire record, the City finds that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project's construction activities to expose sensitive receptors to substantial pollutant concentrations remains significant and unavoidable. Mitigation Measures 2-1 to 2-3 (listed above) will reduce the concentration of air pollutants at nearby sensitive land uses to the extent feasible.

Facts in Support of the Finding: Project emissions would exceed the screening level criteria for LSTs of NOx, PM_{10} and $PM_{2.5}$ during Project-related grading activities. **(EIR Table 5.2-9)**. The maximum emissions of CO from Project-related construction activities would not exceed the LST screening level criterion, and would therefore not result in substantial CO pollutant concentrations at nearby sensitive receptors. **(EIR at 5.2-16)**.

Because emissions of NOX, $PM_{10,}$ and $PM_{2.5}$ would exceed the LST screening level criteria for a five-acre site during grading operations, concentrations generated by Project-related construction activities during grading were modeled at nearby sensitive receptors surrounding the site. **(EIR at 5.2-17)**. The maximum concentrations for NOx, $PM_{10,}$ and $PM_{2.5}$ would occur during the overlap of mass grading and trenching operations. **(See EIR Figures 5.2-1 through 5.2-3)**. The highest concentration of NOx offsite is 120 µg/m3. **(EIR Figure 5.2-1)**. However, the offsite areas that would be exposed to this concentration level do not have any sensitive receptors. **(EIR at 5.2-18)**. This concentration, when converted to parts per million (ppm), would result in a concentration level of approximately 0.1 ppm. At the highest concentration, construction-related emissions of NOx would not exceed the LST of 0.18 ppm. Additionally, areas with elevated NOx concentrations would occur primarily in the southern portion of the Project site and therefore the existing onsite residence would not be exposed to elevated levels of NOx. Therefore, Project-related construction activities would not expose off- and

onsite sensitive receptors to substantial pollutant concentrations of NOx. ***(Id.)***.

The concentration of $PM_{2.5}$ would be below the LSTs at the surrounding offsite receptors, but would exceed the LSTs at the existing onsite receptor. **(EIR Figure 5.2-3)**. In addition, construction activities would generate substantial concentrations of PM_{10} at the existing onsite residence and the surrounding offsite receptors. **(EIR Figure 5.2-2)**. Consequently, the Project would expose sensitive receptors to substantial concentrations of PM_{10} and $PM_{2.5}$ during grading activities, with Project level impacts being potentially significant.

Mitigation Measures 2-1 through 2-3 would reduce regional construction emissions and therefore reduce localized concentrations of air pollutant emissions during construction activities. With the implementation of mitigation, construction emissions of NOX would be reduced to below the LST screening level criteria; however, PM_{10} and $PM_{2.5}$ would continue to exceed the LST screening level criteria. **(EIR Table 5.2-14)**. Implementation of Mitigation Measures 2-1 and 2-2 would reduce the concentration of PM_{10} and $PM_{2.5}$ at the existing sensitive receptors. **(EIR Figures 5.2-4 and 5.2-5)**. The concentration of $PM_{2.5}$ would fall below the AAQS, and therefore localized air quality impacts from construction-related $PM_{2.5}$ would be reduced to less than significant. The concentration of PM_{10} would also be reduced to below the AAQS at the offsite receptors. However, concentrations of PM_{10} would continue to exceed the AAQS at the existing onsite receptor. Consequently, even with incorporation of mitigation measures, PM_{10} generated during grading activities would continue to exceed the AAQS, and therefore generate substantial concentrations of air pollutants at sensitive receptors, resulting in a significant and unavoidable Project-level impact for PM_{10}.

d. Cumulative Impacts-Construction.

Potential Significant Impact: The EIR concluded that the Project's contribution to cumulative construction-related air quality impacts would be significant.

Finding: Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project's contribution to cumulative construction-related air quality impacts

would be significant. Based on the entire record, the City finds that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to contribute to cumulative construction-related air quality impacts remains significant and unavoidable. Mitigation Measures 2-1 to 2-3 (listed above) will reduce the concentration of air pollutants at nearby sensitive land uses to the extent feasible.

Facts in Support of the Finding: The South Coast Air Basin is in nonattainment for O^3 and particulate matter (PM_{10} and $PM_{2.5}$). **(EIR at 5.2-27)**. Construction of cumulative Projects will further degrade the regional and local air quality. Air quality will be temporarily impacted during construction activities. Mitigation Measures 2-1 to 2-3 would assist in mitigating these cumulative impacts, and can be applied to all similar cumulative projects. However, even with the implementation of mitigation measures, Project-related construction emissions would still exceed the SCAQMD significance thresholds for NOx, PM_{10} and $PM_{2.5}$, and cumulative emissions would result in greater exceedances. Therefore, the Project's contribution to cumulative construction-related air quality impacts will remain significant and unavoidable. **(*Id.*)**.

2. **Noise.**

a. Substantial Temporary or Periodic Increase in Ambient Noise.

Significant Unavoidable Impact: The EIR concluded that the Project will cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding: Impacts related to Noise are discussed in detail in Section 5.10 of the Draft EIR. Mitigation measures applied for construction activities of the Project would lessen noise impacts. However, based on the entire record, the City finds that construction activities will substantially elevate the ambient noise environment at noise-sensitive uses for a substantial period of time, and cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project remains significant and unavoidable. The following mitigation measures will mitigate construction noise impacts to the extent feasible:

10-1 The construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.

10-2 The construction contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.

10-3 The construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from offsite residential receptor locations as is feasible.

10-4 Construction activities, including haul trucks and deliveries, shall be limited to between 7:00 AM to 7:00 PM Monday through Saturdays, except on federal holidays.

10-5 The project applicant shall post a sign, clearly visible onsite, with a contact name and telephone number of the project applicant's authorized representative to respond in the event of a noise complaint.

10-6 The construction contractor shall install temporary sound blankets at least six feet in height along the boundaries of the onsite residence.

Facts in Support of the Finding: Two types of short-term noise impacts could occur during construction: First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads; and/or short-term noise impacts could occur during site preparation, grading, and/or physical construction. **(EIR at 5.10-30)**. Mitigation Measures 10-1 through 10-6 would reduce noise generated by construction activities to the extent feasible. However, due to the number of soil haul trips that would be required, amount of heavy construction equipment needed, and duration of construction activities, this impact would remain significant and unavoidable. **(*Id.*)**.

The transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. Even though there would be a relatively high single-event noise exposure potential with passing trucks, the expected number of workers and trucks is small relative to the background traffic. Truck trips would be spread throughout the workday. **(*Id.*)**. Therefore, these impacts are less than significant at noise receptors along the construction routes. However, the number of truck trips associated with soil haul operations would be high, and would increase the number of trucks on the local roadways during construction of the access roads due to amount of soil that would be transported. While truck trips associated with soil haul operations would last for only a three-month period, as shown in the table, soil haul trips would

substantially increase the ambient noise environment along the roadway. **(EIR Table 5.10-11).** Consequently, truck trips associated with soil haul operations would result in significant noise impacts for the noise-sensitive uses along the roadway during grading activities. **(EIR at 5.10-30)**.

Onsite project-related construction noise would generate noise levels ranging from 45 dBA Leq to 91 dBA Leq at the surrounding noise-sensitive receptors and between 73 dBA Leq to 80 dBA Leq at the existing onsite residence. **(EIR Table 5.10-12)**. Average noise levels would be lower than maximum noise levels, and would range from 38 dBA Leq to 70 dBA Leq at the nearby offsite noise-sensitive receptors and 53 dBA Leq to 60 dBA Leq at the existing onsite residence. **(EIR Table 5.10-13)**. Roadway-related construction noise would generate noise levels ranging from 50 dBA Leq to 88 dBA Leq at the surrounding noise-sensitive receptors. **(EIR Table 5.10-14)**. Average noise levels of each construction phase would be lower than maximum noise levels, and would range from 45 dBA Leq to 65 dBA Leq at the nearby noise-sensitive receptors. **(EIR Table 5.10-15)**. Construction activities would elevate ambient noise levels during the daytime at the residences surrounding the Project site and the proposed access roadways. **(EIR at 5.10-35)**. The City allows for noise from construction activities, but limits it to the least noise-sensitive portions of the day. The Project would comply with the City's Municipal Code, as specified in Section 8.54.070. Construction activities would not occur in the evening or late night hours when people are more sensitive to noise. **(*Id.*)**. While maximum construction-generated noise would substantially increase the ambient noise environment, average construction-generated noise levels (i.e., noise levels that would be experienced by noise-sensitive receptors the majority of the time) would be much lower. Construction of the offsite portions of the access roads would last approximately three to six months; however, overall project-related construction activities would take approximately three years to complete. **(*Id.*)**. Because of the extended duration of construction activities and intensity of noise produced from heavy construction equipment running continuously, project-related construction activities would result in significant noise impacts at the surrounding existing residential uses.

3. **Traffic.**

a. Exceed Level of Service Standard.

Significant Unavoidable Impact: The EIR concluded that the Project will exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Finding: Impacts related to Traffic are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the City finds that Project-related trip generation in combination with existing and proposed cumulative development would result in designated roads and/or highways exceeding the San Bernardino Association of Governments' Congestion Management Plan ("CMP") service standards. No funding program is currently available for the proposed Caltrans/SANBAG I-215 and I-15 freeway mainline improvements, and no mitigation measures are available to reduce this impact. Accordingly, the potential for the Project to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways remains significant and unavoidable.

Facts in Support of the Finding: The traffic analysis for Spring Trails was completed in accordance with the definition of deficiency of the San Bernardino County CMP. **(EIR at 5.14-43)**. For freeway facilities, the definition of deficiency is based on maintaining a level of service standard of LOS E or better, except where an existing LOS F is already identified. There are two roadways identified in the CMP that would be impacted by project traffic:

- I-215 freeway
- I-15 freeway

Four segments of these two freeways are expected to have an LOS of F during morning peak hours with or without the Project in year 2035, and six segments are expected to have an LOS of F during evening peak hours with or without the Project in year 2035. **(EIR Table 5.14-5)**. All of these segments, except the northbound and southbound segments of I-15 between Sierra Avenue and Glen Helen Parkway, are included in the Caltrans improvement plans for the Devore interchange. **(EIR at 5.14-43).** With improvements, four of these freeway segments would operate at acceptable levels. However, the following freeway segments would continue to operate at an unacceptable LOS for year 2035 with improvements:

- The I-215 freeway segment between Palm Avenue and Devore Road (northbound and southbound);
- The I-215 freeway segment between Devore Road and I-15 (northbound) • The I-15 freeway segment between Glen Helen Parkway and Sierra Avenue (northbound and southbound); and
- The I-15 freeway segment between I-215 and Glen Helen Parkway (northbound) **(EIR Table 5.14-8)**.

Spring Trails would generate traffic that would contribute to the unacceptable levels of service on these freeway segments. Additionally, mainline improvements to the I-15 and I-215 in the Project area are not included in a fee program at this time. **(EIR at 5.14-44)**. As a result these impacts are significant and unavoidable, and cannot be mitigated.

b. Cumulative Impacts.

Significant Unavoidable Impact: The EIR concluded that the Project will result in cumulatively significant traffic impacts.

Finding: Impacts related to Traffic are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the City finds that the Project will result in cumulatively significant traffic impacts. No funding program is currently available for the proposed Caltrans/SANBAG I-215 and I-15 freeway mainline improvements which would mitigate this impact, which will remain significant and unavoidable.

Facts in Support of the Finding: The Project would result in both Project-specific and cumulative potentially significant traffic impacts. **(EIR at 5.14-44)**. The local roadways would experience growth in average daily trips as a result of not only this Project, but other growth in the area. Recommended intersection and freeway segment improvements would improve cumulative traffic conditions based upon the East Valley Traffic Model and Project-specific projections. **(*Id.*)**. However since some of these improvements are not funded at this time, cumulative impacts would be significant and unavoidable.

4. **Greenhouse Gas Emissions.**

a. Generation of Greenhouse Gas Emissions.

Significant Unavoidable Impact: The EIR concluded that the Project will generate greenhouse gas ("GHG") emissions, either directly or

indirectly, that may have a significant impact on the environment.

Finding: Impacts related to GHG emissions are discussed in detail in Section 5.16 of the Draft EIR. Mitigation measures applied during both construction and operations of the Project would reduce GHG emissions to the extent feasible. However, based on the entire record, the City finds that Project-related GHG emissions would significantly cumulatively contribute to global climate change in California, and that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment remains significant and unavoidable. The following mitigation measures will mitigate impacts from GHG emissions to the extent feasible:

Construction

16-1 *Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses recycled materials for at least 5 percent of construction materials. Recycled materials may include salvaged, reused, and recycled content materials. Recycled and/or salvaged building materials shall be shown on building plans submitted to the City.*

16-2 *Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses 20 percent locally manufactured and produced building materials, which are defined as materials manufactured or produced within 500 miles of the project.*

16-3 *Prior to the issuance of building permits, applicants for Spring Trails shall prepare a construction waste management plan to reduce construction debris and material by diverting at least 50 percent of the total of all project-related nonhazardous construction and debris from landfills to recycling or reuse operations (based on the C&D requirements of Section 6-3.602 of the City of Ontario Municipal Code). The construction waste management plan shall identify the amount of construction debris by type that would be generated and the maximum weight of each material type that can feasibly be diverted from landfills.*

16-4 *Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses insulation with at least 75 percent recycled content, such as cellulose, newspaper, or recycled cotton.*

16-5 *Applicants for new development proposals in Spring Trails shall require the construction contractor to provide carpooling for workers to and from the work site on days that construction activities require 200 or more workers. These requirements shall be demonstrated to the Development Services Director prior to the issuance of grading permits and shall be noted on the grading plan cover sheet and discussed at all pregrade meetings.*

Operation

Energy Efficiency

16-6 *Prior to the issuance of a building permit, residential development plans shall be required to demonstrate that the overall project exceeds 2008 Building and Energy Efficiency Standards (Title 24) for energy efficiency by 15 percent. Design strategies to meet this standard may include maximizing solar orientation for daylighting and passive heating/cooling, installing appropriate shading devices and landscaping, and utilizing natural ventilation. Other techniques include installing insulation (high R value) and radiant heat barriers, compact fluorescent and/or light emitting diode bulbs, low-e window glazing or double-paned windows, energy-efficient appliances (e.g., Energy Star appliances), cool roofs, and cool pavement.*

16-7 *Applicants shall provide all homeowners with information regarding energy-efficiency rebate programs offered by utility providers and government agencies.*

Water Conservation and Efficiency

16-8 *Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that all toilets, urinals, sinks, showers, and other water fixtures installed onsite shall be ultra-low-flow water fixtures that exceed the Uniform Plumbing Code. Examples are: 1.28 average gallons per flush high efficiency toilets, 2 gallon per minute (gpm) efficient bathroom faucets, 2.2 gpm efficient kitchen faucets, and 2.2 gpm efficient shower heads.*

16-9 *Mulch planting beds and apply compost and environmentally friendly fertilizers to promote healthy topsoil, maximize plant growth, and reduce plant replacement in the Spring Trails community parks and landscaping. This also reduces the need for longer or more frequent irrigation run times.*

Forest Resources

3-12 *Significant tree resources that are removed from the site during project development shall be replaced at a 1:1 ratio or at the exchange ratios specified below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. The following exchange ratios shall be used: 1) one 36-inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent to one replacement tree; 3) ten 5-gallon trees are equivalent to one replacement tree; and 4) fifteen one-gallon trees are equivalent to one replacement tree.*

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Development Services Director.

Facts in Support of the Finding: The proposed Project is not a regionally significant project pursuant to SCAG's Intergovernmental Review criteria and the CEQA Guidelines. The development contemplated by the Spring Trails Specific Plan would contribute to global climate change through direct emissions of GHG from onsite area sources, offsite energy production required for onsite activities and water use, and vehicle trips generated by the Project. **(EIR at 5.16-10)**. Construction activities would consume fuel and result in the generation of GHG emissions. Construction of the Project is anticipated to commence year 2012, until the anticipated completion year 2015. Construction-related GHG emissions would cease upon completion of the construction phase of individual development projects. Emissions from construction activities were calculated on an annual basis based on the construction phasing and equipment list provided by the applicant. **(EIR Table 3-4)**. Construction emissions associated with the Project are amortized based on a 30-year project lifetime and included in the Project's GHG emissions inventory. **(EIR Table 5.16-3)**. Fossil fuels used by construction equipment would generate GHG emissions. To reduce these, California has adopted a low carbon fuel standard. The low carbon fuel standard would reduce the carbon content of fuel of both gasoline and diesel fuel, thereby reducing GHG emissions from fuel from construction equipment by 10 percent. **(EIR at 5.16-11)**. The standard went into effect in year 2010 and requires transportation fuel sold in California to have a 10 percent

reduction in average carbon intensity by year 2020. The compliance path of the 10 percent reduction target would be incremental and would be "back-loaded"—that is, more reductions would be required in the last five years than the first five years. **(*Id.*)**. Construction activities would commence after 2010 and would therefore incrementally benefit from this statewide GHG reduction requirement. However, due to the scale of the development activities associated with the Project, emissions would be potentially cumulatively significant without implementation of mitigation measures to reduce carbon emissions. **(*Id.*)**.

Approximately 220 native trees within the boundaries of the Project site meet the definition of forest resource. The loss of these forest resources would remove carbon sinks as the forest land is converted to new development associated with the Spring Trails Specific Plan. **(*Id.*)**. Trees and other vegetation remove CO2 emissions through the photosynthesis process by uptaking CO2 and emitting oxygen. The current inventory (2002–2004) in California shows forests as a carbon sink of 4.7 MM Tons of CO2e. However, carbon sequestration has declined since 1990 and BAU for 2020 assumes no net emissions from forest resources. **(*Id.*)**. Loss of forest resources to development increases GHG emissions levels as less carbon is sequestered (i.e., stored as plant material). Additionally, wildfires also contribute to GHG emissions. Removal of the 220 native trees would result in a loss of forest resources and therefore a loss of potential carbon sequestration. These trees are required to be replaced in accordance with the City's Municipal Code Section 19.28.090. Mitigation Measure 5.3-11 requires that these trees are replaced at a 1:1 ratio (or at the exchange ratios specified in the mitigation measure). Because the trees would be replaced, the carbon sequestration loss from these forest resources is considered nominal and no significant impact would occur; this sector is not included in the GHG emissions inventory. **(EIR at 5.6-12).**

For the operations phase, the Project's GHG emissions are separated into emission sources for the applicable GHG emissions Sectors established by CARB. **(*Id.*)**. Transportation Sector emissions are produced from vehicular travel to and from the Project site. Electricity Sector sources are indirect GHG emissions from the energy (purchased energy and energy from water use) that is

produced offsite. Recycling and Waste Sector includes emissions associated with waste disposal generated by the Project. **(*Id.*)**. Area sources (Commercial and Residential Sector emissions sources) are owned or controlled by the project (e.g., natural gas combustion, boilers, and furnaces) and produced onsite. The emissions estimates for the Project do not take into account the GHG emission reductions associated with changes to the Building and Energy Efficiency standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, California low carbon-content fuel legislation, changes in the Corporate Average Fuel Economy (CAFE) standards (Pavley), and other early action measures in the Scoping Plan to reduce GHG emissions. **(EIR Table 5.16-4)**. Hence, the emissions inventory represents the project's BAU emission scenario. The largest source of emissions is from the Transportation Sector. While development patterns can influence travel behavior and travel modes, these emissions are indirect sources of GHG, not directly controlled by applicants for new development in the proposed Spring Trails Specific Plan. **(EIR at 5.6-12).** Project-related Electricity Sector emissions (water and purchased energy) represent the second largest proportion of emissions associated with the project due to the anticipated average square footage of the single-family dwellings units that would be developed on each lot. Average lot size would be approximately 27,337 square feet (0.6 acre), with the largest lot at 13.9 acres and the smallest lot at 10,800 square feet (0.2 acre). **(*Id.*)**. These two sectors are followed by area sources associated with the Commercial and Residential Sector and Recycling and Waste. These direct sources of emissions can be controlled by new development by ensuring that structures are built efficiently to reduce demand on energy use, that nonpotable/recycled water is used where available to reduce demand of potable water use, and that recycling is available onsite to decrease the amount of waste sent to landfills. **(*Id.*)**.

The Project would generate a net increase of approximately 9,748 MTons of GHG per year or 9.4 MTons per service population based on a net increase of 1,035 people. **(EIR Table 5.16-4)**. There is currently no threshold adopted by SCAQMD for development projects that defines at which point GHG emissions generated by a project becomes significant. However, SCAQMD's Working Group for a

GHG Significance Threshold has proposed a threshold of 3,000 MTons. Consequently, the total increase in GHG emissions onsite from the Project is considered to be substantial in the absence of mitigation. In order to determine whether GHG emissions associated with the Project are significant, a consistency analysis with transportation and nontransportation GHG reduction strategies was conducted. **(EIR at 5.16-13).**

Almost half of the increase in GHG emissions due to the Project is from transportation sources. The Project is inconsistent with several transportation strategies aimed at reducing vehicle miles traveled (VMT) by incorporating mixed-use or locating within ½ mile of services and transit. **(EIR Table 5.16-5)**. Therefore, the Project's transportation sources are considered to substantially contribute to GHG emissions in California. The Project's non-transportation sector GHG emissions would potentially significantly contribute to the State's GHG emissions inventory. **(EIR Table 5.16-4)**. Even with implementation of mitigation, this impact will remain significant and unavoidable.

D. **Additional Topics Required by CEQA.**

1. **Significant Irreversible Environmental Effects.**

CEQA mandates that any significant irreversible environmental changes that would be involved in the Project be addressed as part of the EIR process. (CEQA Guidelines 15126(c)). An impact would fall into this category if: the project would involve a large commitment of nonrenewable resources; the primary and secondary impacts of the project would generally commit future generations to similar uses; the project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or the proposed consumption of resources is not justified.

In the case of the proposed Project, implementation would involve a long-term irreversible change to the existing environmental conditions, resulting in the following significant irreversible environmental effects:

- Implementation of the Project would include construction activities that would entail the commitment of nonrenewable and/or slowly renewable energy resources, human resources, and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, and water.

- An increased commitment of social services and public maintenance services (e.g., police, fire, schools, libraries, and sewer and water services) would also be required. The

energy and social service commitments would be long-term obligations in view of the low likelihood of returning the land to its original condition once it has been developed.

- An increase in Project-related vehicle trips would accompany Project-related population growth. Over the long term, emissions associated with such vehicle trips would continue to contribute to the South Coast Air Basin's nonattainment designation for ozone (O3) and particulate matter (PM2.5 and PM10).

- Project-generated vehicle trips would increase emissions of greenhouse gases (GHG) to levels that are above the California Air Resource Board thresholds for both buildout year 2013 and future year 2030. Vehicle-related GHG emissions would cause significant and unavoidable impacts.

2. **Growth Inducing Impacts.**

CEQA requires a discussion of ways in which a project could be growth-inducing. The CEQA Guidelines, specifically Section 15126.2(d), identify a project as growth-inducing if it fosters economic or population growth, or the construction of additional housing either directly (such as by proposing new homes and businesses, or indirectly (such as through extension of roads or other infrastructure) in the surrounding environment. Impacts related to growth inducement would also be realized if a project provides infrastructure or service capacity which accommodates growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The Spring Trails Project would be built in an area that presently does not have any public infrastructure such as water and wastewater pipelines; onsite roads; or electrical, natural gas, or telecommunication utilities. The 304-unit residential development plan would require the expansion of these public infrastructure services. The surrounding community of Devore has limited infrastructure to support the expansion of these services. For example, the water and wastewater infrastructure must be expanded in the community of Devore before it can be expanded to the Spring Trails site. Roadway improvements, electrical service, natural gas service, and telecommunication systems must be expanded in the area connecting the project to existing development as well.

The expansion of onsite infrastructure for Spring Trails would not itself induce growth in the area, since it would be used solely by residences in Spring Trails, but the expansion of infrastructure in the community of Devore may cause indirect growth, such as on the 26.4-acre County area being annexed with the Project site. Additional development in Devore could be supported by the expansion of infrastructure in this area, allowing for development that would not otherwise be supported. The expansion of infrastructure in Devore is being completed to serve the Spring Trails development and other development in the area, so the Project is not the sole reason for the expansion. However, the approval of the Spring Trails development would guarantee the completion of all required infrastructure improvements in the surrounding area and on the Project site, since these expansions are necessary for project operation.

The 26.4-acre annexation area is in San Bernardino County and in the City of San Bernardino's unincorporated sphere of influence. The site is currently subject to County of San Bernardino's General Plan and Zoning Code. Under the County's General Plan, the northern portion of the 26.4-acre annexation area is designated as Rural Living (RL-5), which allows up to one dwelling unit per five acres, and the southern portion of the annexation area is designated as Single Residential (RS-1), which allows up to one dwelling unit per acre. Since the 26.4-acre annexation area is within the City of San Bernardino's SOI, the annexation area is currently prezoned by the City as Residential Estate (RE), allowing one dwelling unit per acre. Annexation into the City would allow some land owners within the 26.4-acre area to develop their property at densities greater than what is currently permitted under the County's General Plan.

The public services that would serve the Spring Trails Project, including police, fire protection, school, and library services, would require varying degrees of expansion. The San Bernardino City Fire Department and the San Bernardino County Fire Department would service the site during a fire emergency. The nearest City fire station (232) would increase its staffing levels from three to four to service the site. Any expansion of police services would be financed through the law enforcement developer fees charged to the Project applicant. According to the San Bernardino Police Department, the Spring Trails Project would cause a slight increase in police service calls.

The Project is anticipated to generate 101 elementary school students, 52 middle school students and 59 high school students, based upon the estimated population growth resulting from the additional residential units. (FEIR at pg. 3-22). The Project will be required to pay school impact fees to the San Bernardino City Unified School District pursuant to Education Code Section 17620 and Government Code Section 65995 to offset the additional students entering the District. Payment of fees to a school district, under Senate Bill 50, is considered full mitigation for a project's impacts on public schools. (DEIR at 5.12-12). Furthermore, the nearest high school (Cajon High School) and the nearest middle school to the Project (Cesar Chavez Middle School) have more than sufficient additional capacity for any new students generated by the Project. It should be noted that the nearest high school (North Verdemont Elementary School) has capacity for an additional 82 students. (DEIR at 5.12-11).

The Project will also be required to pay additional fees for library services. The Project will add an estimated 1,015 persons upon full build-out. (FEIR at3-23). A library system is considered adequate if the system can provide two volumes per persons. Because the library system is well established, with the additional population anticipated from the Project, the library would only be required to add an additional 26 items to remain adequate. The City's Library Facilities Fee of $596.63 per residential unit is sufficient to supply the additional items and maintain a less than significant impact on libraries (DEIR at 5.12-13).

The fees that are required to be paid as part of the Project are sufficient to meet Project demands and any additional impacts that are placed on services, including the services of fire, police, library, and school facilities. The fees would be applied to all existing and future development in the area and thus benefit not just the Project, but the overall community through

expanded and increased services. The increase in services for the area may encourage other development in the area and act as an inducement to future growth.

Spring Trails includes residential development that would provide housing for employees of the San Bernardino area. The City of San Bernardino is considered to be jobs-rich, with a projected jobs-to-housing balance of 2.00 in 2035 (without project). Jobs in the City of San Bernardino are expected to grow from 81,115 jobs in 2000 to 157,088 jobs in 2035. With the proposed Project, the jobs-to-housing balance would be 1.99 in 2035. This would create a more balanced jobs-to-housing ratio. The Project would not create a need for additional housing, nor would it create a demand for jobs.

The approval of Spring Trails would require the approval of discretionary actions that may set precedents for future projects with similar characteristics. Spring Trails would require approval of: A General Plan Amendment (GPA–02-09) to approve the annexation of the site and change the site's land use designation; a Development Code Amendment (DCA 12-10) to recognize the Spring Trails Specific Plan as a Special Purpose District; a Specific Plan (SP 10-01); a Tentative Tract Map (TTM 15576); and a Development Agreement with the City. The approval of these actions change the existing restrictions on growth set by the general plan and zoning laws, which may encourage growth of a similar manner in the areas surrounding Spring Trails or other undeveloped areas near or in the City of San Bernardino.

If additional development were allowed in the vicinity of the project, it would cause additional environmental impacts. However, future projects would need to complete environmental review, and discretionary approval would need to be given to projects following review by the Common Council. Spring Trails would not change the existing protocol for project approval, and would not provide precedents or make it more likely for other projects to gain approval of similar applications.

Based on the foregoing, the Project should not result in unforeseen nor unmitigable growth-inducing impacts.

E. **Project Alternatives**.

Section 21100 of the Public Resources Code and Section 15126 of the State CEQA Guidelines require an EIR to identify and discuss a No Project/No Development Alternative as well as a reasonable range of alternatives to the proposed Project that would feasibly attain most of the basic Project objectives, and would avoid or substantially lessen any of the significant environmental impacts.

"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian" (*CEQA Guidelines*, Section 15021(d)).

The EIR analyzed the following four (4) alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in

Section II.D above. The No Project alternative is presented consistent with the requirements of the CEQA Guidelines §15126.6. The remaining alternatives were selected based on their ability to fulfill the basic Project Objectives and their capability for reducing significant impacts of the proposal. Alternatives selected for evaluation are described below.

1. **No Project/No Development Alternative.**

For the purposes of the DEIR Alternatives Analysis, the No Project Alternative is considered to be equivalent to a "No Build" scenario. That is, if the Project or some similar development proposal is not implemented on the subject site, there are no other known or probable scenarios for the subject property, in which case the site would likely remain in its current state for the foreseeable future, and no discretionary approvals would be required.

The No Project/No Development Alternative would preserve the existing physical conditions of the Project site. It assumes there would be no development of any type nor would development occur under existing land use designation parameters. This alternative would preserve the site for open space and would preclude the development of the site under the City or County General Plan land use designations. The low-density residential development and Spring Trails Specific Plan would not be implemented, and supporting infrastructure (i.e., roads and utility infrastructure) would not be built. With this alternative, the site would remain open for future land use proposals.

The No Project/No Development Alternative would avoid impacts related to air quality, biological resources, cultural resources, geological resources, greenhouse gas emissions, hazards (wind, hazardous materials), hydrology and water quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems. Compared to the proposed Project, impacts would be similar for mineral resources. It would not reduce impacts to hazards directly related to fire since the site would remain undeveloped. The groves of eucalyptus trees represent a high fire hazard for the site. This project would not extend water improvements to the project site that would benefit firefighting for the site and also benefit surrounding residences. Overall, this alternative would reduce environmental impacts relative to the proposed Project and would reduce the following significant impacts of the proposed Project to less than significant:

- Air Quality (construction-related pollutant emissions)
- Greenhouse Gas Emissions (traffic-related greenhouse gas emissions)
- Noise (construction-related noise near sensitive receptors)
- Transportation and Traffic (project's contribution to CMP freeway segment unacceptable level of service)

The No Project/No Development Alternative would not achieve the Project Objective of developing the Site as envisioned by the City's 2005 General Plan (Objective 1). The site is designated for residential development and is included in the City's General Plan Housing Element. The City has a limited base of available high-quality, low density residential development based upon a review of the MLS listings for the City as well as under General Plan designation areas for low density residential development. Such high-quality, low density housing is desirable to attract and retain top quality candidates for positions at the University and

other institutions. According to the City of San Bernardino Housing Element Adopted June 20, 2011, approximately one-third of the City's housing stock is between 30 and 49 years old, with an additional 35.3 percent over 50 years old. (Pages 3-25 and 3-26). Only 2,720 housing units were constructed between the years of 2000-2005, during the height of the housing boom. (Housing Element Adopted June 20, 2011, Table H-12). The household composition of the City shows that 82% of the City's households are moderate to very-low income, while only 18% are above moderate income. (Id. Chart 4, pg. 3-17). There are few other proposed single-family residential developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan. Such a need is identified generally in Housing Element policy 3.1.1, which states: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, indentifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

Nor would the alternative provide any of the amenities of the proposed Project, and thus would not be able to meet Objectives 2, 3, 4 and 5. Housing Element policy 3.1.1 further encourages the development of a variety of housing, including high-quality, low-density housing, stating: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." City does not have a large variety of high-quality, low-density housing and the proposed project would provide additional variety as anticipated in the Housing Element Policy 3.1.1. The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, indentifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

In addition, the site in its current state does not provide access for community recreational uses and does not provide access to hiking or equestrian trails, despite its proximity to the San Bernardino National Forest. The Proposed Project provides additional recreational opportunities for the community, such as public and private parks, equestrian trails, and hiking trails.

Project Objectives 2, 4, 5, 6, and 8 would be met under the No Project/No Development Alternative. Although the No Project/No Development Alternative would not include the construction of roadways, it would not interfere with the existing roadway system in the area and would essentially meet Objective 2 because it would not interfere with the surrounding community. The No Project/No Development Alternative would be consistent with land use policies of the surrounding San Bernardino National Forest (Objective 5). Since the Project site would be undeveloped, it would not be required to meet land use development policies of the SBNF, and it would be consistent with SBNF land use plans. Since the No Project/No Development Alternative precludes development of the site, it would not create a development footprint and would maintain open space, allowing it to meet Objective 6. Objective 7 would also be met, because the No Project/No Development Alternative would avoid all significant environmental impacts of construction and long-term improvements of the proposed Project.

Finding: Based on the entire record, the City finds that the No Project/No Development Alternative would not fully meet the basic Project Objectives. Accordingly, the City rejects the No Project/No Development Alternative.

2. **No Project/Existing County General Plan Alternative.**

Under the No Project/Existing County General Plan Alternative, the Project site would not be annexed to the City of San Bernardino, and it would be developed in accordance with the land use designations and related overlay constraints included in the County of San Bernardino General Plan and Zoning Ordinance. The general plan (2007) designates the southern portion of the project site (approximately 190.6 acres) as Residential Estate (RL-5), with a minimum lot size of five acres, and the northern portion (approximately 160 acres) as private unincorporated land in the San Bernardino National Forest.

The 26.4-acre area to be annexed with the Project site (though not part of the proposed site plan) would be designated RS-1, with a minimum lot size of one acre. However, since the Existing County General Plan Alternative would not involve annexation to the City, the 26.4-acre area would not become a county island, and is therefore not considered part of this Project alternative.

Site grading and home construction would be limited to the RL-5 portion of the site (the approximately 190.6-acre southern half). With a minimum lot size of five acres, a maximum of 38 homes could be developed, resulting in a gross density of 0.20 units/acres for the 190.6 acres. Earthwork would be substantially reduced for this alternative. Only a portion of each five-acre lot for each residential unit developed under the County General Plan would be graded. The size of the graded area would depend on the individual house size and amount of driveway/access road needed to serve the house.

This alternative assumes that primary access would be provided from the existing Meyers Road, and secondary or emergency access could be provided by Martin Ranch Road. The development of new roads would not be required to provide access to the 38 homes. Development would most likely be concentrated within the area of fewest constraints, primarily the area characterized with slopes less than 15 percent.

The No Project/Existing County General Plan Alternative would comply with County development restrictions, including zoning overlay areas for Fire Safety, Geological Hazards, and Open Space. According to the San Bernardino County Hazards Overlay Map, the southern portion of the project site is within Fire Safety Area 3 (FS3), which covers areas generally south of FS1 (the northern portion of the site, which is within the San Bernardino National Forest) and areas within the wildland-urban interface. As outlined in Section 82.13.030, "Fire Safety Areas," of the San Bernardino County Municipal Code, FS1 includes areas in the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading, contributing to high fire hazard conditions. FS3 includes lands just to the south of the mountain FS1 area. These lands are primarily within the wildland-urban interface of the Valley Region and consist of varying terrain, from relatively flat to steeply sloping hillside areas. Development in

FS3 is prone to wildfire primarily because of its proximity to FS1 zones. FS3 areas are also subject to Santa Ana wind conditions that have the potential to dramatically spread wildland fires. The Geological Hazards Overlay Zone map also shows the site in landslide and earthquake fault zones.

The No Project/Existing General Plan Alternative would reduce impacts related to air quality, biological resources, cultural resources, geological resources, greenhouse gas emissions, hazards, hydrology and water quality, noise, public services, transportation and traffic, and utilities and service systems (solid waste and wastewater). Compared to the proposed Project, impacts would be similar, although slightly reduced, for land use and planning, mineral resources, and population and housing. Utility and service impacts directly related to population-based demand factors (water supply, solid waste generation, and wastewater generation) would be substantially reduced for this alternative in comparison to the proposed Project. The infrastructure to serve the project site under the No Project/Existing County General Plan Alternative would not be guaranteed, however, as the City would not have jurisdiction over the site. The 38 units under this alternative, however, would be unlikely able to amortize the major infrastructure upgrades—particularly for domestic water delivery and storage—that would be required to adequately provide water and fire flow requirements to the Project. (DEIR 7.5.18, page 7-17).

Similarly, it would not provide the benefit to other area residents associated with these improvements under the proposed Project. Overall, this alternative would reduce environmental impacts relative to the proposed Project and would reduce the following significant impacts of the proposed Project to less than significant:

- Air Quality (construction-related pollutant emissions)
- Greenhouse Gas Emissions (traffic-related greenhouse gas emissions)
- Transportation and Traffic (project's contribution to CMP freeway segment unacceptable level of service)

The No Project/Existing General Plan Alternative, the City could not ensure that the Project would achieve Objective 1 as it would have no control or oversight over the development of the lots. The Project site is located within the City's sphere of influence and is designated in the City's 2005 General Plan as Residential Estates that entail lots of 1 acre per residence. If the site is constructed under the County General Plan, it would not be annexed to the City and would be consistent with the County land use designation consisting of 5 acre residential lots. A Specific Plan would not be required for the build-out of the 38 lots and therefore the design criteria and guidelines included in the Specific Plan setting forth strict guidelines to ensure "high quality design" (Specific Plan, page 4-1) would not be implemented as part of the Project. Nor would the landscaping, sidewalk and other criteria that are implemented as part of the Specific Plan to "integrate areas of development with open space areas in a manner that provides a natural transition between the two elements" (*Id.*) be required under the County Code.

The Proposed Project includes 304 lots that will average one acre per lot throughout the development by clustering the lots and ensuring substantial open space is preserved. The extent to which the No Project/Existing General Plan Alternative could achieve Objectives Nos. 2, 3

and 4 would be largely dependent on the potential financial return on 38 homes and the ability to fund amenities (including hiking, equestrian, and bicycles trails) and required infrastructure to assure a high quality development. The additional requirements for parks found within the City's Code would not be required, and hiking, equestrian and bicycle trails would not be required under the County's General Plan and thus may not be considered as part of the overall development.

The cost to construct Project access roadways, site grading, and infrastructure and building construction would be partially financed through or balanced by the property sales on the Project site. It is uncertain whether Objective 8 could be achieved and a reasonable return on investment achieved. Since the No Project/Existing General Plan Alternative would have fewer residential units, the total construction and operation costs may not be offset by the property sales, and this Project Objective would not be met. The inclusion of fewer amenities would offset some of the cost for roadways, water, sewer, fire control and other required improvements for the Project, but would lessen the benefit of the Project to the surrounding community. Furthermore, the City would not benefit from the development through the collection of Development Impact Fees, Library Fees, and infrastructure improvements that would be paid under the proposed Project. Instead, the County would be the recipient of any such fees and the beneficiary of any property tax increases resulting from the improvements. It is also unlikely that Objective 2 could be achieved under the No Project/Existing General Plan Alternative, because the description and analysis above assumed that this alternative would be served by existing Project-area access roads. Access via Meyers Road is opposed by the surrounding community, and would be perceived as not preserving the integrity of the Verdemont community.

Project objective Nos. 4 through 7 could be achieved under the No Project/Existing General Plan Alternative. Development would be avoided in the San Bernardino National Forest and increase the buffer between forest-owned land and developed areas relative to the proposed Project. It would maximize open space and would be designed to respect natural conditions, including wildland fires, flooding, and seismic hazards (Objectives 5 and 6). Construction-related measures to mitigate noise and air quality impacts as well as long-term operational mitigation measures of the proposed Project could be assumed to also apply to this alternative, thereby achieving Project Objective No. 7.

Finding: Based on the entire record, the City finds that the No Project/Existing General Plan Alternative would not fully meet the basic Project Objectives. The City therefore rejects the No Project/Existing General Plan Alternative.

3. **Alternative Site Plan.**

A conceptual Alternative Site Plan was developed to evaluate the potential to modify the proposed Project to minimize or eliminate the significant impacts of the project (construction-related air quality and noise impacts). Since this alternative also reduces the number of housing units, it was also intended to reduce long-term operational, significant unavoidable greenhouse gas emission (GHG) impacts. The approach taken to reduce these impacts was to prepare a concept that would reduce the size of the area graded and the corresponding volume of

earthwork. Based on the opportunity to reduce the development footprint, another objective of this alternative was to minimize other environmental impacts to the extent possible.

This conceptual site design would have a total onsite development footprint of 137.6 acres (123.8 graded acres and 13.8 acres of fuel modification area), a reduction of 43 percent from the proposed Project's onsite development area of 241.5 acres. Assuming the same development density as the proposed Project (1.27 du/ac), this alternative would yield 175 single-family homes. This results in a slightly greater percentage of a 46% overall reduction in the number of houses.

Onsite circulation would remain essentially the same, with the exception of some road adjustments on the western portion of the site and the removal of one of two roads that connect the northern quarter of the site with the reservoir tank. Project access would remain the same as with the proposed project. The primary access road would enter the site on the southeast as an extension of Verdemont Drive, and the secondary access road would enter the site from the southwest and connect to the frontage road along I-215.

The Alternative Site Plan would reduce, but not eliminate the short-term air quality and noise impacts. It would have similar greenhouse gas emission impacts as the proposed Project, and would be inconsistent with the transportation strategies of reducing VMT. Cultural Resources, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, and Population and Housing impacts would also be similar. All other impacts (aesthetics, biological resources, geology and soils, hydrology and water quality, public services, recreation, transportation and traffic, utilities and service systems, and forest resources) would be lessened in comparison to the proposed Project.

The Alternative Site Plan has the potential to attain most of the proposed Project's objectives, but would not fully realize the anticipated development of infrastructure and high-quality housing needs of the City.

The 43% reduction in the number of units and reduction in overall project scope would impact the ability to achieve Project objectives 2, 3 and 8 as the overall construction of infrastructure and payment of fees would also be reduced by the same approximate percentage. From the economic standpoint of the City, the proposed Project, as opposed to the alternative, will pay substantial fees that will benefit the City, including Development Impact Fees, School Fees, Library Fees permitting fees, public services fees, and related development fees that provide additional benefit both to the community by increasing the funding and services available, but also to the City. For example, the Project will be required to pay additional fees to support police services in the amount of $183,506.18 and to pay library fees in the amount of $181,375.52, The Project provides additional property taxes that will also contribute to public services. These fees are outlined in the findings and further identified in the EIR. The Project will also provide the opportunity for construction jobs in the community for a substantial period of time, depending on how quickly the proposed Project is built out.

The 43% reduction in units also makes it infeasible from the developer's standpoint to create an attractive, viable project and realize a reasonable return on investment as stated in

Objective 8. Although the overall fees that will be paid to the City will be reduced, the Project still requires substantial infrastructure costs in terms of utilities, fire suppression, and roadways, in addition to the amenities included in the overall Specific Plan. Under this Alternative, the cost per residence increases substantially with the reduction in the overall number of units, resulting in a 37% increase in cost per unit to construct while the potential sale price for each unit would remain steady. With fewer units, the cost to provide and construct infrastructure in addition to the proposed residential units would not be balanced by project revenues. The Project as proposed includes major infrastructure improvements, including the construction of two offsite access roads, extension of domestic water service and three water reservoirs, and extension of sewer service to the site. These infrastructure improvements are necessary in order to implement and adequately manage the wildfire managements plan and buffer areas, as well as to service the proposed residential units under both this Alternative as well as the proposed Project. Both the proposed Project and the Alternative Site Plan would also include and require costly mitigation programs, including a comprehensive tree replacement program. These costs are not reduced proportionately with the reduction of the number of units as the infrastructure is still necessary for the remaining development. The financial viability of this alternative is infeasible considering these costs.

Finding: Based on the entire record, the City finds that the Alternative Site Plan Alternative would not fully meet the basic Project Objectives. The City therefore rejects the Alternative Site Plan Alternative.

4. **Reduced Daily Grading Alternative.**

The Reduced Daily Grading Alternative was defined and evaluated for its potential to reduce air quality impacts. The air quality impacts of the proposed project pertain to the emission of NOX from construction activities at a local and regional level. The primary source of NOX emissions is vehicle emissions, particularly heavy construction equipment. The Reduced Daily Grading Alternative assumes that both the number of acres graded per day and the number of construction vehicles onsite per day would be reduced by 75 percent. This would make the grading phase approximately four times as long as would be under the proposed Project.

The Reduced Daily Grading Alternative would grade the project site over a period of 12 months rather than 3 months. The 12-month schedule would likely be extended even more due to rainy season interruptions. All of the listed equipment would be reduced from eight to two, with the exception of the water trucks. Site development after grading would be the same as the proposed Project, and other project characteristics would be the same. The total number of units built would be 304, and site access and circulation would be the same as under the proposed Project.

The Reduced Daily Grading Alternative would substantially reduce construction-related air quality impacts. Daily NO_X emissions would be reduced from 740 to 181 pounds per day, but would still exceed the significance threshold of 100 pounds per day. Impacts to noise and traffic during construction would be worsened by the Reduced Daily Grading Alternative because of the extended construction period. Hydrology and water quality impacts would also be worse, because sediment runoff would increase during the longer construction period. Other

construction-related impacts would be similar to the proposed Project, and long-term operational impacts would be the same as for the proposed Project.

The Reduced Daily Grading Alternative would implement the same proposed site plan and Specific Plan as the proposed Project, and would attain most the proposed Project objectives. Extending the construction grading activities over a year, however, could jeopardize the economic viability of the Project and a reasonable return on investment for both the City and the developer (Objective 8). This Alternative would require a greater dedication of the City's resources to verify permit requirements for a longer period of time. The payment of development fees would also be extended as such fees would only be required as certain stages of development would be met. Furthermore, the number of jobs for construction workers would decrease. From the developer's standpoint, the length of time necessary to complete the grading would greatly exceed any cost savings as well as limit the number of jobs created as a result of the project build-out as the grading schedule, equipment mix, and workers included in the proposed Project description are based on typical construction activities. The extended schedule would likely result in costly inefficiencies. Under the mitigation requirements for the Project, timing of grading and construction affects the potential biological impacts resulting from the project, as is identified in the EIR.

Where construction schedules must be drawn out, other phases must be delayed and the potential for repeated studies and other requirements increases. This increases costs to both the City and the developer as greater resources from both will be required, makes effective construction phasing and planning difficult, and the extended construction period would also limit the Project's ability to minimize environmental impacts associated with construction of improvements (Objective 7).

Finding: Based on the entire record, the City finds that the Reduced Daily Grading Alternative would not fully meet the basic Project Objectives. The City therefore rejects the Reduced Daily Grading Alternative.

5. **Environmentally Superior Alternative.**

Section 15126.6(e)(2) of the State *CEQA Guidelines* requires the identification of the environmentally superior alternative. The No Project/No Development and the No Project/Existing General Plan alternatives would be the environmentally superior alternatives of the Project alternatives evaluated. The elimination or substantial reduction of units developed and natural area disturbed would reduce environmental impacts. Neither of these alternatives would result in any significant, unavoidable impacts.

The State *CEQA Guidelines* also require the identification of another environmentally superior alternative if the No Project Alternative is the environmentally superior alternative. Of the remaining project alternatives, Alternative 3 – Alternative Site Plan Alternative is considered environmentally superior.

The Alternative Site Plan Alternative would eliminate 129 lots and reduce site development by 43%. This would, in turn, reduce each of the significant, unavoidable impacts

identified for the project as proposed, including short-term, construction-related air quality and noise impacts and long-term greenhouse gas emission impacts. The overall reduction of the development footprint and anticipated reduction in earthwork quantities would reduce, but not eliminate the significant air quality and noise impacts. Although it would reduce greenhouse gas emissions by approximately 43 percent, it would still emit a substantial amount of greenhouse gases and would have similar impacts. The Alternative Site Plan would be able to meet the majority of the project objectives. The Alternative Site Plan would also reduce a number of impacts, but not all, that were identified as potentially significant in this DEIR but have been reduced to less than significant. Specifically, the Alternative Site Plan would reduce aesthetic, biological, geology and soils, hydrology and water quality, public services, recreation, transportation and traffic, utilities, and forest resource impacts. However, the Alternative Site Plan Alternative is not financially feasible based upon the additional burden placed upon the Project to develop infrastrature, including water and sewer capacity, to provide protective measures, water towers, buffer zones and infrastructure for wildfire protection, and the implementation of recreational and trail uses. The cost per residence increases substantially with the reduction in the overall number of units, resulting in a 37% increase in cost per unit to construct while the potential sale price for each unit would remain steady. With fewer units, the cost to provide and construct infrastructure in addition to the proposed residential units would not be balanced by project revenues. These features benefit the community as a whole and provide protection from fire, floods and landslides to existing residents. They add substantial cost to the project that the Alternative Site Plan Alternative does not support economically.

F. **Statement of Overriding Considerations.**

The City of San Bernardino adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1) Air Quality;
2) Noise;
3) Traffic and Transportation; and
4) Greenhouse Gas Emissions.

This section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts, and to determine whether the impacts are acceptably overridden by the Project benefits. If the City finds that the previously stated major project benefits outweigh the unavoidable significant adverse environmental impacts noted above, the City may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

The City's findings set forth in the preceding sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed three alternatives to determine whether there are

reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above, and the City makes the following finding:

Finding: Having considered the unavoidable adverse impacts of the Project, the City hereby determines that all feasible mitigation has 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 finds that economic, social and other considerations of the Project related to provision of housing outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, the City has balanced the benefits of the Project against its unavoidable environmental impacts, and has indicated its willingness to accept those effects.

The City further finds that the Project's benefits are substantial and override each unavoidable impact of the Project. These benefits include substantial infrastructure that the Project will directly and indirectly, through funding mechanisms, provide. These benefits include the following, which are laid out in greater detail in the findings:

- The water supply system for the area will be augmented to provide water to the new residents, but will also provide improved service to those existing residents in the area currently on City water.
- Three onsite reservoirs will be constructed to provide better service and fire protection to the area.
- Offsite improvements to the water supply system include a series of pump stations and transmission lines within the Verdemont community.
- Improved fuel modification zones will provide protection to both the proposed community as well as to the existing structures in the area.
- Project would be required to pay development impacts fees for law enforcement, schools, library, fire, traffic and other related fees that will supplement the City's funds and provide the necessary public services to the Project.
- Traffic improvements, including dual left turn lanes at the intersection of Palm Avenue and Kendall Drive.

In particular, the Project scope includes substantial infrastructure improvements for water storage and delivery systems that will not only serve the Project itself, but also benefit the larger community. The additional water storage and delivery systems will provide for more effective wildfire controls for existing residents as well as the proposed Project given the additional safety and setback measures that are incorporated into the Project. The water infrastructure will also provide a source potable water for existing residents as well as a water source for

firefighting personnel in the event of a wildfire. The Project components related to fire hazards and safety, including construction, buffer zones, and other features will also provide additional benefits to those residents already located in the area as a means of preventing the spread of any wildfires through the area.

Storm drainage improvements will also provide additional benefits related to the existing flood and erosion conditions prevalent in the area. The area and existing residents have faced historical issues with flooding, landslides and wildfires which will be substantially improved with the implementation of the proposed Project. Funding mechanisms and impact fees that will be generated as part of the project will assist in roadway improvements and as well general fund contributions through property tax that can assist in funding necessary police, fire and safety services for the area.

From an economic standpoint, the project will pay substantial fees that will benefit the City, including Development Impact Fees, School Fees, Library Fees permitting fees, public services fees, and related development fees that provide additional benefit both to the community by increasing the funding and services available, but also to the City. For example, the Project will be required to pay additional fees to support police services in the amount of $183,506.18 and to pay library fees in the amount of $181,375.52, The Project provides additional property taxes that will also contribute to public services. These fees are outlined in the findings and further identified in the EIR. The Project will also provide the opportunity for construction jobs in the community for a substantial period of time, depending on how quickly the proposed Project is built out. The Project provides additional social benefits to the community and City as well. The Project will dedicate more than 245 acres of permanent open space, including natural open space, controlled open space and parks, on site. The parks that are proposed as part of the Project will include shade structures, tot lots, gardens, observation points, and other related features and offer opportunities for the community that are not currently present in the area. The Project also provides an interconnected trail system that would include community trails for bicycle and pedestrian use, equestrian trails, and hiking trails. These proposed trails would substantially increase the recreational opportunities currently available in the City.

Furthermore, the City has a limited base of available high-quality, low density residential development based upon a review of the MLS listings for the City as well as under General Plan designation areas for low density residential development. Such high-quality, low density housing is desirable to attract and retain top quality candidates for positions at the University and other institutions. According to the City of San Bernardino Housing Element Adopted June 20, 2011, approximately one-third of the City's housing stock is between 30 and 49 years old, with an additional 35.3 percent over 50 years old. (Pages 3-25 and 3-26). Only 2,720 housing units were constructed between the years of 2000-2005, during the height of the housing boom. (Housing Element Adopted June 20, 2011, Table H-12). The household composition of the City shows that 82% of the

City's households are moderate to very-low income, while only 18% are above Moderate income. (*Id.* Chart 4, pg. 3-17). There are few other proposed developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan. Such a need is identified generally in Housing Element policy 3.1.1, which states: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, indentifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

Additional benefits are as follows:

1. **Findings Related to Traffic and Transportation Impacts.**

a. Increased Traffic.

There are two roadways identified in the CMP that would be impacted by Project traffic: I-215 freeway and I-15 freeway. Four segments of these two freeways are expected to have an LOS of F during morning peak hours with or without the project in year 2035, and six segments are expected to have an LOS of F during evening peak hours with or without the Project in year 2035. All of these segments, except the northbound and southbound segments of I-15 between Sierra Avenue and Glen Helen Parkway, are included in the Caltrans improvement plans for the Devore interchange.

With improvements, two of these freeway segments would operate at acceptable levels. However, six freeway segments would continue to operate at an unacceptable LOS for year 2035:

- The I-215 freeway segment between Palm Avenue and Devore Road (northbound and southbound)
- The I-215 freeway segment between Devore Road and I-15 (northbound)
- The I-15 freeway segment between Glen Helen Parkway and Sierra Avenue (northbound and southbound).
- The I-15 freeway segment between I-215 and Glen Helen Parkway (northbound).

Spring Trails would generate traffic that would contribute to the unacceptable levels of service on these freeway segments. Additionally, mainline improvements to the I-15 and I-215 in the Project area are not included in a fee program at this time. There are no feasible mitigation measures to reduce the significant impacts, which will remain significant and unavoidable. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by the Project benefits described in Section II.D of this document, as well as the local and regional benefits that will be realized under the Development Agreement, described in Section II.B of this document.

b. Cumulative Impacts.

Development of the Project will contribute incrementally to Traffic and Transportation impacts that are cumulatively considerable, significant, and unavoidable when considered within the context of traffic that will be generated by other known or probable developments, as discussed above. This is a cumulatively considerable impact that cannot be mitigated to a less than significant level. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by Project benefits described in Sections II.B and II.D of this document.

2. **Findings Related to Air Quality Impacts.**

a. Construction Emissions.

The Project is not consistent with the applicable air quality management plan because construction-related air pollutant emissions would exceed the SCAQMD's regional and localized emission thresholds. Mitigation measures used to control construction and operational emissions would reduce Project and cumulative level impacts, but they would remain significant and unavoidable.

Construction activities associated with the proposed Project would generate short-term emissions that exceed SCAQMD'S regional significance thresholds for NOx, PM_{10}, and $PM_{2.5}$, and would significantly contribute to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM_{10} and $PM_{2.5}$). Construction activities associated with grading operations could expose sensitive receptors to substantial pollutant concentrations of PM_{10} at the existing onsite residence and the surrounding offsite residences. Mitigation measures would reduce the Project's construction-related impacts, but the project- and cumulative-level impacts would remain significant and unavoidable.

However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by Project benefits described in Sections II.B and II.D of this document.

b. Cumulative Impacts.

The South Coast Air Basin is in nonattainment for O^3 and particulate matter (PM_{10} and $PM_{2.5}$). Construction of cumulative projects will further degrade the regional and local air quality. Air quality will be temporarily impacted during construction activities. Even with the implementation of mitigation measures, Project-related construction emissions would still exceed the SCAQMD significance thresholds for NOx, PM_{10} and $PM_{2.5}$, and cumulative emissions would result in greater exceedances. These are cumulatively considerable air quality impacts which cannot be mitigated to a less-than-significant level. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document.

3. **Findings Related to Noise Impacts.**

Project-related construction activities would result in temporary noise increases at the existing onsite residence and surrounding noise-sensitive receptors due to the length of the construction period, that is, approximately three years. Mitigation would reduce the Project's impact on local sensitive receptors, but this impact would remain significant and unavoidable. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document.

4. **Findings Related to Greenhouse Gas Emissions.**

Project-related construction activities would generate 5,660 metric tons (MTon) of CO2e and operational activity would generate about 9,559 MTons of CO2e. Mitigation measures would reduce GHG emissions from construction activities, area sources, energy use, and waste and recycling activities to levels that are less than significant; however, the vehicle GHG emissions would not be reduced to less-than-significant levels, and Project-generated vehicle emissions of GHG would create significant and unavoidable impacts. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The Project benefits include substantial infrastructure that the Project will directly and indirectly, through funding mechanisms, provide. In particular, the Project scope includes substantial infrastructure improvements for water storage and delivery systems that will not only serve the Project itself, but also benefit the larger community. The additional water storage and delivery systems will provide for more effective wildfire controls for existing residents as well as the proposed Project given the additional safety and setback measures that are incorporated into the Project. The water infrastructure will also provide a source potable water for existing residents as well as a water source for firefighting personnel in the event of a wildfire. The Project components related to fire hazards and safety, including construction, buffer zones, and other features will also provide additional benefits to those residents already located in the area as a means of preventing the spread of any wildfires through the area.

Storm drainage improvements will also provide additional benefits related to the existing flood and erosion conditions prevalent in the area. The area and existing residents have face historical issues with flooding, landslides and wildfires which will be substantially improved

with the implementation of the proposed Project. Funding mechanisms and impact fees that will be generated as part of the project will assist in roadway improvements and as well general fund contributions through property tax that can assist in funding necessary police, fire and safety services for the area.

The proposed Project will also provide additional recreational sources for the community, creating hiking, equestrian and biking trails throughout the site and connecting an area that currently does not offer such sources of recreation to the residents of the City.

Furthermore, a base of high-quality low density residential development is important for the ability of the City's institutions to hire and retain top quality candidates for positions at the University and other institutions. There are few other proposed developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan.

In addition to the safety, recreational, social and housing features that the project will provide, the Project will offer employment during the construction phases and provide revenue from the additional property taxes that the Project will generate. The Project will be required to pay additional fees to support police services in the amount of $183,506.18, pay schools fees, pay library fees in the amount of $181,375.52, improvement existing roadways and provide additional access points that otherwise may not occur, as well as pay other City development fees. The payment of fees and additional services benefit both the Project and the surrounding community.

As the CEQA Lead Agency for the proposed Project, the City of San Bernardino has reviewed the Project description and the Project alternatives as presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, the City finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. The City also finds that a reasonable range of alternatives was considered in the EIR and this document, Section IV.E above, and finds that approval of the Project is appropriate.

The City has identified economic and social benefits, important policy objectives and local and regional benefits that will result from approval of the Development Agreement, as discussed in Sections II.B and II.D above, which result from implementing the Project. The City has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. The City finds that the substantial social and economic benefits that will result from the Project override the unavoidable environmental effects of the Project.

VI. ADOPTION OF A MONITORING PLAN FOR THE CEQA MITIGATION MEASURES

Section 21081.6 of the Public Resources Code requires this City to adopt a monitoring or reporting program (MMRP) regarding the changes in the Project. The MMRP is adopted because it fulfills the CEQA mitigation monitoring requirements:

a) The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and

b) Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.

VII. APPROVING THE PROJECT

Based on the entire record before the San Bernardino Common Council, including the Findings and all written and oral evidence presented, the San Bernardino Common Council hereby approves the Project with all the mitigation measures and the Mitigation Monitoring and Reporting Program, as set forth in this Resolution.

VIII. REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the Clerk of the County of San Bernardino within five (5) working days of final Project approval.

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I certify that this Resolution was duly passed and adopted by the San Bernardino Common Council on the ____ day of _____ 2012.

IX. REGARDING CONTENTS AND CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of San Bernardino, Community Development Department, 300 N. "D" Street, Third Floor, San Bernardino, California 92418. The custodian for these records is _____. This information is provided in compliance with Public Resources Code section 21081.6.