

**CEQA FINDINGS OF FACT  
REGARDING THE  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE  
OAK GLEN CREEK SPECIFIC PLAN, CASE NO. 16-048/SP  
STATE CLEARINGHOUSE NO. 2016051024**

**Exhibit A**

**I. BACKGROUND**

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA.

**A. PROJECT SUMMARY**

The proposed project is a Specific Plan. The reason for using a Specific Plan for the project site is to restrict the types of land uses permitted on the property, ensuring greater compatibility with surrounding residential uses. The Oak Glen Creek Specific Plan provides a road map for the City of Yucaipa and future users to follow, detailing the land uses, improvement requirements, design details, and development review criteria that development proposals must comply with prior to operating. Although a Specific Plan graphically displays or delineates some of the criteria that must be met, it does not contain the level of detail normally associated with a site plan or subdivision application. Subsequent development approvals would be necessary from the City's Community Development Department, the Planning Commission and/or, if necessary, City Council prior to requesting building permits for construction.

**Project Location**

The City of Yucaipa is in the eastern portion of the San Bernardino Valley at the foot of the San Bernardino Mountains. Yucaipa is bordered by the City of Calimesa and unincorporated Riverside County to the south; the City of Redlands and unincorporated San Bernardino County to the west, which includes the community of Mentone; and the foothills of the San Bernardino Mountains to the north and east in unincorporated San Bernardino County. The San Bernardino National Forest runs along the City's northeast border. The Crafton Hills run along the City's northwest boundary, separating the City from Mentone and Redlands.

The Oak Glen Creek Specific Plan site is approximately 115.6 acres in the central-northern portion of Yucaipa. The entire site is approximately 4.7 miles northeast of Interstate 10 (I-10), which runs northwest-southeast along the southwest boundary of the City and provides regional access to the site. Local access is provided by Oak Glen Road, Bryant Street, and 2nd Street.

The project site is irregularly shaped and bounded by Oak Glen Road to the north, Bryant Street to the east, generally 2nd Street and existing single-family residences to the west, and a natural slope to the south that abuts single-family residences.

## **Land Use Summary**

The Oak Glen Creek Specific Plan is a long-term guide for development of the project site to accommodate three major components—the Residential District (47.7 acres), the Open Space District (57.6 acres), and the Innovation District (6.7 acres). A land use summary is provided in Table 1, *Oak Glen Creek Specific Plan Land Use Summary*.

**Table 1 Oak Glen Creek Specific Plan Land Use Summary**

Land Use	Allowed Uses	Net Acres	Potential Buildout (SF or Units)	Population and Employment
Residential District	Single family residential	47.7	200 units	570 residents
Innovation District	Government Facilities, Institutional, Office, and Medical uses	6.7	20,000 SF	42 employees
Open Space District	Drainage, Recreational and Open Space uses	57.6	NA	NA
Roadways	2nd Street and internal roadways	3.7	NA	NA
<b>TOTAL</b>		<b>115.6 acres</b>	<b>200 units and 20,000 SF</b>	<b>570 residents, 42 employees</b>

Notes: SF = square feet

The primary need for the project is flood attenuation and sediment reduction to alleviate existing downstream flooding along Wilson Creek thus providing protection for private properties, roadways, and other public infrastructure. The proposed realignment of Wilson Creek and channelization of Oak Glen Creek into a retention basin would increase stormwater retention capability, increase groundwater recharge, and improve downstream water quality. As a result of the basin improvements, portions of the site would be removed from the Federal Emergency Management Agency flood hazard zones, and the San Bernardino County Flood Control District (SBCFCD) would no longer need to maintain additional acreage for flood control purposes. The development of the Residential and Innovation districts north of Oak Glen Creek would require a change in ownership from the SBCFCD and City of Yucaipa to provide for development by private owners and/or other public agencies. The balance of the land in the Open Space District would continue to be owned and maintained by SBCFCD. The SBCFCD and the Yucaipa Valley Water District, which has a well site on the property, would continue to maintain ownership of portion of the property affected by Oak Glen Creek. However, the City of Yucaipa would also be responsible for the portions of Oak Glen Creek with recreation-related uses and facilities, principally at the eastern end of Oak Glen Creek.

Over all, buildout of the Specific Plan area would allow approximately 200 single-family residential units and 20,000 square feet of nonresidential development; flood control improvements (i.e., detention basin) and open space would be in the southern portion of the site.

## **Discretionary Actions**

Implementation of the project within the City of Yucaipa will require several discretionary actions by the City, including:

- Certification of the Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of Findings of Fact
- Adoption of the Oak Glen Creek Specific Plan

## **B. STATEMENT OF PROJECT OBJECTIVES**

The statement of objectives sought by the project and set forth in the EIR is provided as follows:

1. Provide for future development opportunities through the construction and installation of street, utility, and storm drain improvements.
2. Capitalize on the project location to provide an opportunity for the development of residential, institutional, office, and medical uses, including public and private educational facilities.
3. Provide additional opportunities for local employment that reduce the need to travel out of town for jobs.
4. Develop flood control improvements and a retention basin that include the realignment of Wilson Creek and the improvement of Oak Glen Creek.
5. Develop portions of the area affected by Wilson Creek and Oak Glen Creek for combined drainage facilities and recreational features.
6. Design a safe and efficient circulation system that adequately supports the anticipated level of vehicular, pedestrian, and bicycle traffic in and around the project site and is compatible with existing neighborhoods.
7. Provide infrastructure systems that extend and connect to existing streets and trails.
8. Provide for the transition of ownership from public agencies and private owners to private business entities and institutional users.
9. Contribute significant property tax revenue to the City of Yucaipa.

## **C. ENVIRONMENTAL REVIEW PROCESS**

The FEIR includes the DEIR dated December 2016, written comments on the DEIR that were received during the public review period, and written responses to those comments and changes to the DEIR (hereinafter referred to collectively as the FEIR). In conformance with CEQA, the State CEQA Guidelines, and the City of Yucaipa CEQA Guidelines, the City of Yucaipa (Lead Agency) conducted an extensive environmental review of the proposed project.

- Completion of an Initial Study (IS)/Notice of Preparation (NOP) on August 12, 2011 for the Wilson Creek Business Park Specific Plan. The City of Yucaipa determined that an EIR would be required for the Wilson Creek Business Park Specific Plan and initially circulated a NOP for the Wilson Creek Business Park Specific Plan, for a 30-day public review period from August 12, 2011 to September 12, 2011. The NOP was sent to all responsible agencies, trustee agencies, and the Office of Planning Research (OPR) and posted at the San Bernardino County Clerk-Recorder's office and on the City's website on August 12, 2011. The City also held a public

scoping meeting on August 18, 2011. Since the initial circulation of the NOP in 2011, the Wilson Creek Business Park Specific Plan was substantially modified. The proposed project is now titled Oak Glen Creek Specific Plan. Based on the project changes and the time elapsed since initial release of the NOP in 2011, the City determined that the NOP be recirculated with the modified project description.

- Completion of a NOP on May 6, 2016 for the Oak Glen Creek Specific Plan. The City of Yucaipa issued a second NOP on May 6, 2016 for the newly proposed Oak Glen Creek Specific Plan. The 30-day public review period extended from May 6, 2016, to June 6, 2016. The NOP was sent to all responsible agencies, trustee agencies, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the San Bernardino County Clerk-Recorder's office and on the City's website on May 6, 2016. Additionally, notices were mailed to nearby property owners and interested parties. The NOP is provided in Appendix A of the DEIR.
- Completion of the scoping process where the public was invited by the City to participate in a public scoping meeting that was held during the NOP review period to solicit additional suggestions on the scope of the DEIR. Attendees were provided an opportunity to identify verbally or in writing the issues they felt should be addressed in the DEIR. The scoping meeting was held on May 19, 2016, at the Yucaipa City Hall, 34272 Yucaipa Boulevard, Yucaipa, CA 92399. The notice of the public scoping meeting was included in the NOP.
- Preparation of a DEIR, which was made available for a 45-day public review period beginning December 5, 2016, and ending January 19, 2017. The scope of the DEIR was determined based on comments received in response to the NOP and comments received at the scoping meeting conducted by the City on May 19, 2016. Section 2.2 of the DEIR describes the issues identified for analysis in the DEIR. The complete DEIR consists of the analysis of the Oak Glen Creek Specific Plan and all referenced appendices. The Notice of Availability (NOA) for the DEIR was sent to all responsible agencies, trustee agencies, organizations, and interested persons. Additionally, notices were mailed to nearby property owners and interested parties. The Notice of Completion (NOC) was sent to the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the San Bernardino County Clerk-Recorder's office and published in the Yucaipa/Calimesa News Mirror on December 5, 2016. Copies of the DEIR were made available for public review at the City of Yucaipa Community Development Department and Yucaipa Branch Library. The DEIR was also made available on the City's website.
- Preparation of a Final EIR (FEIR), including comments, the responses to comments on the DEIR, and revisions to the DEIR. The FEIR was released for a 10-day agency review period on October 30, 2017 prior to certification of the FEIR in compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines). The FEIR was also made available on the City of Yucaipa's website. Hardcopies of the FEIR were made available for public review at the City of Yucaipa Community Development Department.
- Planning Commission hearing held on November 15, 2017 in the Yucaipa City Council Chambers, at 34272 Yucaipa Boulevard, Yucaipa, CA 92399. Notice of the Public Hearing was

posted on one-eighth page advertisement in the Yucaipa/Calimesa News Mirror on November 3, 2017. Additionally, a notice of time, place, and purpose of the aforementioned meeting was provided on November 2, 2017 in accordance with CEQA and the City's Municipal Code. The DEIR, FEIR, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at this hearing.

- Preparation of a Revised Final EIR (RFEIR), including comments, the responses to comments on the DEIR, and revisions to the DEIR. The RFEIR was released for a 10-day agency review period on February 15, 2017 prior to certification of the RFEIR in compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines). The FEIR was also made available on the City of Yucaipa's website. Hardcopies of the RFEIR were made available for public review at the City of Yucaipa Community Development Department.
- City Council hearing held on February 26, 2018 in the Yucaipa City Council Chambers at 34272 Yucaipa Boulevard, Yucaipa, CA 92399. Notice of the Public Hearing was posted on one-eighth page advertisement in the Yucaipa/Calimesa News Mirror on February 16, 2018. Additionally, a notice of the time, place and purpose of the aforementioned meeting was provided on February 15, 2018 in accordance with CEQA and the City's Municipal Code. The RFEIR, staff report, and Resolutions, which include Finding and evidence, both written and oral, were presented to and considered by the City Council at this hearing and adoption of the Resolutions recommending approval on February 26, 2018.

#### **D. RECORD OF PROCEEDINGS**

- For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:
  - The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project.
  - The DEIR, FEIR, and RFEIR for the proposed project.
  - All written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
  - All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
  - All written and verbal public testimony presented during a noticed public hearing for the proposed project.
  - The Mitigation Monitoring and Reporting Program
  - The reports and technical memoranda included or referenced in the FEIR and RFEIR.
  - All documents, studies, EIRs, or other materials incorporated by reference in the DEIR, FEIR, and RFEIR.

- The Resolutions adopted by the City of Yucaipa in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City of Yucaipa, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

## **E. CUSTODIAN AND LOCATION OF RECORDS**

The documents and other materials that constitute the administrative record for the City of Yucaipa's actions related to the project are at the City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, CA 92399. The City's Community Development Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **II. FINDINGS OF FACTS**

The City of Yucaipa, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the DEIR and RFEIR.

Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
  2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

## **A. FORMAT**

This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts.

This remainder of this section is divided into the following subsections:

**Section B**, Summary of Impacts Determined to Be Less Than Significant, presents the impacts of the proposed project that were determined in the EIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations. CEQA Guidelines Section 15091 does not require findings on impacts that are less than significant; but to fully account for all such effects identified in the EIR a summary of these impacts are provided.

**Section C**, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the proposed project that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

**Section D**, Findings on Significant Unavoidable Impacts, presents significant impacts of the proposed project that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings. For this project, no significant unavoidable impacts were identified.

**Section E**, Findings on Project Alternatives, presents alternatives to the project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

## **B. SUMMARY OF IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

This section identifies impacts of the proposed project determined to have no impact or be less than significant without implementation of project-specific mitigation measures. Support for these less than significant environmental impacts is fully discussed in the topical subsections of Chapter 5, *Environmental Analysis*, and Chapter 8, *Impacts Found Not to Be Significant*, of the DEIR. This determination assumes compliance with existing regulations as detailed in each respective topical section of Chapter 5 and Chapter 8 in the DEIR.

- a) **Aesthetics – Impact 5.1-1, 5.1-2, and 5.1-3:** Buildout of the Oak Glen Creek Specific Plan would alter the visual appearance of the project site, but would not have a substantial adverse effect on scenic vistas or the visual character of the project area (Impact 5.1-1). The project also would not alter scenic resources within a state scenic highway (Impact 5.1-2). The project would introduce new sources of light and glare; however, compliance with lighting standards and regulations would minimize impacts to less than significant levels (Impact 5.1-3).
- b) **Agriculture and Forestry Resources – Impact 8.1a, 8.1b, and 8.1c:** There is no prime farmland, farmland of statewide importance, or unique farmland onsite (Impact 8.1a). Additionally, no areas in the City of Yucaipa, including the project site, are under Williamson Act contracts (Impact 8.1b). The site is not zoned for forest land, timberland, or timberland production and thus, the project would not result in the loss of forest land (Impact 8.1c).
- c) **Air Quality – Impact 5.2-1, 5.2-3, 5.2-5, and 8.2e:** The project is consistent with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (Impact 5.2-1). Long-term criteria air pollutant emissions associated with the project would not exceed SCAQMD's regional operational significance threshold (Impact 5.2-3). Operation of land uses accommodated by the proposed project would not expose offsite sensitive receptors to

substantial pollutant concentrations (Impact 5.2-5). The project also would not generate objectionable odors that may affect a substantial number of people (Impact 8.1e).

- d) **Biological Resources – Impact 8.3e and 8.3f:** The City of Yucaipa is not a part of any habitat conservation plan (HCP) or natural community conservation plan (NCCP) and thus, the project would not conflict with any HCP/NCCP (Impact 8.3e). Development in accordance with the Specific Plan would be required to comply with the City’s plant protection and management ordinance, and thus would not conflict with any ordinances/policies protecting biological resources (Impact 8.3f).
- e) **Cultural Resources – Impact 5.4-3 and 5.4-4:** Development in accordance with the Oak Glen Creek Specific Plan would not adversely affect paleontological resources or a unique geologic feature (Impact 5.4-3). Grading activities could potentially disturb human remains outside of formal cemeteries, if present, but compliance with existing regulations would ensure that impacts are less than significant (Impact 5.4-4).
- f) **Geology and Soils – Impact 5.5-1, 5.5-2, 5.5-3, 5.5-4, 5.5-5, and 8.4e:** The proposed project would not be exposed to hazards associated with fault rupture of concealed faults underlying the project site (Impact 5.5-1). and would not expose people and structures to adverse seismic effects. The project would be required to adhere to California Building Code regulations and Construction General Permit requirements, and implement applicable best management practices that would reduce impacts from seismic ground shaking (Impact 5.5-2); seismic-related ground failure, including liquefaction (Impact 5.5-3); landslide hazards (Impact 5.5-4); and soil erosion (Impact 5.5-5). Future development within the Specific Plan would connect to sewer service systems and would not utilize septic tanks (Impact 8.4e).
- g) **Hazards and Hazardous Materials – Impact 5.7-2, 5.7-3, 5.7-4, 8.5e, 8.5f, and 8.5g:** The project site is within one-quarter mile of existing and proposed schools; however, the proposed project would not emit substantial quantities of hazardous emissions and use of hazardous materials onsite would be regulated by existing local, state, and federal regulations (Impact 5.7-2). The site is not listed as a hazardous site on any hazardous materials database (Impact 5.7-3). The project site is designated in either High or Very High Fire Hazard Zones; however, compliance with the California Fire Code requirements and the design standards within the Oak Glen Creek Specific Plan would reduce fire hazards (Impact 5.7-4). The proposed project is not located within two miles of public airports (Impact 8.5e) or private airstrips (Impact 8.5f). The proposed project would not physically interfere with an adopted emergency response plan/ emergency evacuation plan (Impact 8.5g).
- h) **Hydrology and Water Quality – Impact 5.8-1, 5.8-2, 5.8-3, 5.8-4, 8.6i, and 8.6j:** Construction and operation of the proposed project may increase short- and long-term pollutant concentration runoff and alter the water quality of storm runoff; however, compliance with the Construction General Permit, the San Bernardino County National Pollutant Discharge Elimination System Permit, and implementation of best management practices during construction activities and operation would reduce impacts to less than significant (Impact 5.8-1). The project would not interfere with groundwater recharge (Impact 5.8-2). Development pursuant to the proposed project would increase the amount of impervious surfaces on the site and increase surface water flows; however, the proposed project would implement an onsite

stormwater system and detention basin to manage surface water flows (Impact 5.8-3). Implementation of the project would also remove the site from 100-year flood hazard zones designated by the Federal Emergency Management Agency (Impact 5.8-4). The project would not expose people or structures to flooding hazards from levee or dam failure (Impact 8.6i) or inundation hazards from seiche, tsunami or mudflow (Impact 8.6j).

- i) **Land Use and Planning – Impact 5.9-1, 8.7a, and 8.7c:** The project would be consistent with the City of Yucaipa General Plan policies (Impact 5.9-1). The project would not physically divide an established community (Impact 8.7a). The proposed project would not conflict with any HCP or NCCP (Impact 8.7c).
- j) **Mineral Resources – Impact 8.8a and 8.8b:** The project site is not designated as a regionally significant mineral resource zone (Impact 8.8a) and is not a locally important mineral resource recovery site (Impact 8.8b).
- k) **Noise – Impact 5.10-3, 5.10-4, 8.9e and 8.9f:** The proposed project would not cause a substantial noise increase related to traffic on local roadways in the City of Yucaipa (Impact 5.10-3). Compliance with the City’s Municipal Code would ensure that onsite operational phase noise levels would not substantially increase the noise environment (Impact 5.10-4). The project would not expose people to aircraft noise at nearby public airports (Impact 8.9e) or private airstrips (Impact 8.9f).
- l) **Population and Housing – Impact 5.11-1, 8.10b, and 8.10c:** The proposed project would introduce up to 200 single-family homes and 570 residents; however, the growth is within the Southern California Association of Governments’ projections and would not substantially affect the jobs-housing ratio (Impact 5.11-1). The project also would not displace a substantial number of housing (Impact 8.10b) or a substantial number of people (Impact 8.10c).
- m) **Public Services – Impact 5.12-1, 5.12-2, 5.12-3, and 5.12-4:** Project impacts on services provided by the Yucaipa Fire Department/California Department of Forestry and Fire Protection (Impact 5.12-1); Yucaipa Police Department/San Bernardino Sheriff’s Department (Impact 5.12-2); Yucaipa-Calimesa Joint Unified School District (Impact 5.12-3); and Yucaipa Branch Library/San Bernardino County Library System (Impact 5.12-4) would be less than significant.
- n) **Recreation – Impact 5.13-1 and 5.13-2:** The project would introduce 570 additional residents that would increase the use of existing parks and recreational facilities, but the project would not substantially deteriorate existing facilities in the project vicinity, and instead, would develop new multipurpose trails to expand existing recreational facilities (Impact 5.13-1). The proposed project would create passive open space and multipurpose trails; the construction of which would not create an adverse physical effect on the environment (Impact 5.13-2).
- o) **Transportation and Traffic – Impact 5.14-2, 5.14-3, 8.11b, 8.11c, and 8.11d:** Project-related trip generation, in combination with existing and proposed cumulative development would not result in designated road and/or highways exceeding the County Congestion Management Agency Service Standards (Impact 5.14-2). The proposed project would not conflict with adopted policies, plans or programs for transit, bicycle and pedestrian facilities (Impact 5.14-3).

Buildout of the Specific Plan also would not result in any air traffic pattern changes (Impact 8.11c); create hazards due to design features (Impact 8.11c); or result in inadequate emergency access (Impact 8.11d).

- p) **Utilities and Service Systems – Impact 5.16-1, 5.16-2, 5.16-3, 5.16-4, 8.12a, 8.12f, and 8.12g:** Project-generated wastewater would be adequately collected and treated by the Yucaipa Valley Water District (Impact 5.16-1). Water demands of the project would be adequately served by existing and water delivery infrastructure would be constructed to meet project needs (Impact 5.16-2). The proposed project would increase impervious surfaces and increase stormwater runoff; however, the proposed detention basin would assist in flood control and storm drainage in the project area (Impact 5.16-3). Demand for electricity and natural gas would also be adequately served by Southern California Edison and Southern California Gas Company (Impact 5.16-4). Wastewater treated by the Yucaipa Valley Water District would not exceed the wastewater treatment requirements of the Regional Water Quality Control Board (Impact 8.12a) County of San Bernardino Solid Waste Management Division landfills would have sufficient capacity to serve the proposed project (Impact 8.12f) and the proposed project would comply with federal, state, and local requirements related to solid waste disposal (Impact 8.12g).

## C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. The City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” This is referred to herein as “**Finding 1.**”

### 1. Air Quality

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**Impact 5.2-2: Construction activities associated with the proposed project would generate short-term emissions of NO<sub>x</sub> in exceedance of SCAQMD’S NO<sub>x</sub> threshold criteria. [Thresholds AQ-2 and AQ-3]**

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Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, and in particular, starting on page 5.2-20 of the DEIR.

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. Site preparation activities produce fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) from grading and excavation. Exhaust emissions from construction onsite would vary daily.

Construction activities would temporarily increase coarse and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), volatile organic compounds (VOC), nitrous oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), and carbon monoxide (CO) regional emissions in the Southern California Air Basin (SoCAB). Construction activities associated with buildout of the proposed project could occur over an approximately two-year period. Buildout of the proposed project would likely consist of multiple individual projects, each having its own construction timeline and activities. For purposes of the analysis, the maximum daily emissions are based on a very conservative scenario, where several construction projects in the

Residential District and Innovation District occur at the same time in Year 2017, and all construction phases occur at the same time. The air quality modeling analysis provided in Table 5.2-8, *Estimate of Regional Construction Emissions*, of the DEIR included an estimate of maximum daily construction emissions. The analysis showed that construction activities associated with the project could potentially exceed the South Coast Air Quality Management District's (SCAQMD) regional thresholds for NO<sub>x</sub>. The primary source of NO<sub>x</sub> emissions is vehicle and construction equipment exhaust. NO<sub>x</sub> is a precursor to the formation of both ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Project-related emissions of NO<sub>x</sub> would contribute to the O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> nonattainment designations of the SoCAB. Therefore, project-related construction activities would result in potentially significant regional air quality impacts.

**Mitigation Measure(s):**

2-1 During project-related construction activities for projects associated with the Residential District and Innovation District, construction contractor(s) shall use equipment that meets the certified emission standards of the United States Environmental Protection Agency (EPA), according to the following:

- Project-related off-road diesel powered construction engines shall achieve the EPA Tier 4 emissions standards for construction equipment greater than 50 horsepower unless it can be demonstrated, to the satisfaction of the City of Yucaipa City Engineer, that Tier 4 equipment is not readily available for a required piece of equipment. The emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by California Air Resources Board (CARB) regulations.
- If Tier 4 equipment is not readily available for the equipment, Tier 3 equipment shall be used for equipment over 50 horsepower. The emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations.

Prior to issuance of grading permits, the property owner/developer shall provide a note on plans indicating that during grading and construction, EPA Certified Tier 4 and/or Tier 3 engines shall be used. During construction, the construction contractor(s) shall maintain a list of all construction equipment onsite for verification by the City of Yucaipa Community Development Department. The construction equipment list shall state the makes, models, and numbers of the equipment; that the equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations; and that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule 2449.

**Finding:**

**Finding 1** – As shown in Table 5.2-12, *Estimate of Regional Construction Emissions, Mitigated*, in the DEIR, implementation of Mitigation Measure 2-1 would reduce construction-related NO<sub>x</sub> emissions during development of the Residential and Innovation districts to below the SCAQMD regional significance threshold for NO<sub>x</sub>. Therefore, project and cumulative impacts identified under Impact 5.2-2 would be reduced to less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

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**Impact 5.2-4: Construction activities related to buildout of the Residential and Innovation districts in the Oak Glen Creek Specific Plan could expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-4]**

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Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, and in particular, starting on page 5.2-22 of the DEIR.

Development of the proposed project could expose sensitive receptors to elevated pollutant concentrations during construction activities if it would cause or contribute significantly to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects. Construction localized significance thresholds (LSTs) are based on the size of the project site, distance to the nearest sensitive receptor, and Source Receptor Area. The proposed Specific Plan area has surrounding sensitive receptors within 82 feet (25 meters) of its boundaries.

The air quality modeling analysis identified the maximum daily construction emissions (pounds per day) generated during onsite construction activities compared with the SCAQMD's LSTs in Table 5.2-10, *Localized Construction Emissions*, of the DEIR. The maximum daily NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> construction emissions generated from onsite construction-related activities associated with the proposed Open Space District would be less than their respective SCAQMD LSTs. For the Residential and Innovation districts, the maximum onsite NO<sub>x</sub> and CO construction-related emissions would also not exceed the LSTs. However, PM<sub>10</sub> and PM<sub>2.5</sub> emissions generated during the overlap of various construction phases would exceed the SCAQMD LSTs. Therefore, project-related construction activities associated with the Residential and Innovation districts have the potential to expose sensitive receptors to substantial concentrations of criteria air pollutant emissions and result in a significant impact.

**Mitigation Measure(s):**

Mitigation Measure 2-1 would also apply to this impact.

2-2                      During construction activities for projects in the Residential District and Innovation District, the construction contractor(s) shall use construction equipment fitted with Level 3 diesel particulate filters (DPF) for all construction equipment of 50 horsepower or more. Prior to issuance of any construction permits, the property owner/developer shall ensure that all construction plans submitted to the City of

Yucaipa Community Development Department, or designee, clearly show the requirement for Level 3 DPF for construction equipment over 50 horsepower.

2-3 Prior to issuance of grading, demolition, or building plans, whichever occurs first for projects associated with the Residential District and Innovation District, the property owner/developer shall submit a dust control plan that implements the following measures during ground-disturbing activities—as well as the existing requirements for fugitive dust control under South Coast Air Quality Management District Rule 403—to further reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions:

- Following all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering.
- During all construction activities, the construction contractor shall sweep streets with Rule 1186–compliant, PM10-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
- 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 shall tarp materials with a fabric cover or other cover that achieves the same amount of protection.
- 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.
- During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.

The City of Yucaipa Community Development Department shall verify compliance during normal construction site inspections.

**Finding:**

**Finding 1** – As shown in Table 5.2-13, *Localized Construction Emissions, Mitigated*, in the DEIR, implementation of Mitigation Measures 2-1 through 2-3 would minimize localized construction-related PM<sub>10</sub> and PM<sub>2.5</sub> emissions during development of the Residential and Innovation Districts to below the SCAQMD LSTs for PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, project and cumulative impacts identified under Impact 5.2-4 would be reduced to less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

## 2. Biological Resources

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**Impact 5.3-1: Development in accordance with the Specific Plan would involve substantial habitat modification that would adversely impact various sensitive and special-status species. [Threshold B-1]**

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Support for this environmental impact conclusion is fully discussed in Section 5.3, *Biological Resources*, and in particular, starting on page 5.3-22 of the DEIR.

The project's impacted area totals approximately 90 acres of the project site. The remaining approximately 25 acres of the project site would be avoided or conserved as open space and natural habitat. The project proposes to avoid a total of 7.4-acres and conserve a total of 18.3-acres through recordation of a conservation easement.

### **Sensitive Plant Species**

Parry's spineflower was the only sensitive plant species that was observed onsite during the focused plant surveys and is listed as California Rare Plant Rank 1B.1 (1B denotes a rare, threatened, or endangered species in California; 0.1 means seriously threatened in California).

Overall, sensitive plant surveys resulted in the detection of 11,253 Parry's spineflower individuals occupying 1.2 acres of coastal scrub, chaparral, and grassland habitats within the project site. Project-related impacts would result in the removal of 8,080 Parry's spineflower individuals within 0.89 acre of onsite habitat (0.31 acre would be avoided). Therefore, impacts to this species would be potentially significant.

### **Sensitive Wildlife**

*Endangered Wildlife Species* – Although no threatened or endangered wildlife species were identified onsite during focused survey efforts, the project site has suitable foraging habitat for the following sensitive bird species: Cooper's hawk (SWL), sharp-shinned hawk (SWL), ferruginous hawk (SWL), northern harrier (CSC), white-tailed kite (SFP), prairie falcon (SWL), golden eagle (SFP/SWL), California horned lark (SWL), and southern California rufous-crowned sparrow (SWL).<sup>1</sup> Impacts to onsite foraging habitat for these species would be considered adverse, but would not appreciably affect the overall population of these species given the large amount of similar suitable foraging habitat in the vicinity of the project site and region. Additionally, development of the proposed Specific Plan would include conservation of approximately 18.3 acres of onsite foraging habitat for these birds as open space and natural habitat, within the onsite mitigation parcel. Therefore, these impacts would be considered less than significant.

*Special Status Species: San Diego Pocket Mouse* – The northwestern San Diego pocket mouse (CSC) is the only special status wildlife species observed onsite. Impacts to these individuals would be considered adverse, but would not appreciably affect the overall population of this species given the large amount of similar suitable habitat in the vicinity of the project site and beyond. Additionally, as previously stated, the proposed Specific Plan would include approximately 18.3 acres of potentially suitable habitat for northwestern San Diego pocket mouse, within the onsite mitigation parcel as

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<sup>1</sup> SWL = State Watch List; CSC = California Species of Concern; SFP = State Fully Protected.

open space and natural habitat. Thus project-related impacts to this species are considered less than significant.

*Migratory Birds/Raptors* – No active bird/raptor nests or burrowing owls were documented within or immediately adjacent to the project site. However, the onsite vegetation communities represent suitable nesting habitat for common and sensitive resident and migratory bird/raptor species with the potential to occur within the project site. The loss of an active nest of common or sensitive bird species would be considered a violation of the California Department of Fish and Wildlife (CDFW) Code, Sections 3503, 3503.5, and 3513, and the federal Migratory Bird Treaty Act (MBTA). Therefore, the loss of any bird species nest is considered a potentially significant impact.

**Mitigation Measure(s):**

3-1 **Burrowing Owl 30-Day Preconstruction Surveys.** A 30-day burrowing owl preconstruction survey shall be conducted prior to the initiation of ground-disturbing activities to ensure protection for this species and compliance with the conservation goals outlined by the California Department of Fish and Wildlife (CDFW). The survey shall be conducted in compliance with CDFW 2012 guidelines. A report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation ground disturbing activities. If burrowing owls are not detected during the clearance survey, no additional mitigation is required.

If burrowing owls are detected onsite during the preconstruction survey, a burrowing owl relocation and mitigation plan which includes project specific avoidance and minimization measures shall be developed based on the CDFW 2012 guidelines and approved by CDFW and USFWS prior to grading or construction. The plan shall include the following:

1. Avoidance and minimization measures, including the following, at minimum:
  - a. Non-Disturbance Buffer. Fencing or flagging shall be installed at a 250-foot radius from the occupied burrow to create a buffer area where no work activities may be conducted. The non-disturbance buffer and fence line may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., conducted September 1 through January 31).
  - b. Monitoring. If construction activities occur within 500 feet of the occupied burrow during the nesting season (February 1 to August 31), a qualified biologist shall monitor to determine whether these activities have the potential to adversely affect nesting efforts, and shall implement measures to minimize or avoid such disturbance.
2. A relocation plan if construction activities occur during the non-breeding season (occupied burrows may not be disturbed during the nesting season (February 1 to August 31) to avoid take under the Migratory Bird Treaty Act and California Fish and Game Code). The plan would:

- a. Include detailed methods and guidance for passive relocation of burrowing owls.
  - b. Describe monitoring and management of the replacement burrow site(s) and provide a reporting plan. The objective shall be to manage the sites for the benefit of burrowing owls, with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years and minimizing weed cover.
  - c. Ensure that a minimum of two suitable, unoccupied burrows are available off site for every burrowing owl or pair of burrowing owls to be passively relocated.
3. Compensatory mitigation of habitat, within the onsite mitigation parcel or appropriate offsite mitigation site, if occupied burrows or territories occur within the permanent impact footprint. Ratios typically include a minimum of 19.5 acres per nesting burrow lost; however, habitat compensation ratios and location will be approved by CDFW and detailed in the burrowing owl relocation and mitigation plan.

3-2

**Sensitive Plant Species Mitigation Plan.** Prior to grading or construction, the City of Yucaipa shall develop a Sensitive Plant Species Mitigation Plan to mitigate for the loss of 8,080 (0.89 acre) of Parry's spineflower plants through on-site preservation of habitat supporting 3,173 Parry's spineflower individuals (0.31 acre) within the 18.3-acre onsite mitigation area, introduction of Parry's spineflower within the onsite mitigation parcel, off-site acquisition of habitat, enhancement, creation, and/or dedication of habitat, payment of fees into a mitigation bank, or other appropriate measures to address the functions and values being impacted.

The plan will be prepared by a qualified restoration ecologist with experience developing mitigation plans for special-status plant species. The mitigation strategy will be developed in consultation with the Rancho Santa Ana Botanic Gardens or another qualified entity that has experience with the species. This mitigation plan will provide, at a minimum, the following information: (1) collection/salvage measures for seed and topsoil, to retain the seed bank and maximize success likelihood; (2) details regarding the transfer and/or temporary storage of seed and topsoil; (3) a suitable site location to function as the recipient site; (4) detailed site preparation and introduction techniques; (5) schedule for salvage and seeding; (6) a description of supplemental irrigation, if used; (7) success criteria; and (8) a detailed monitoring program, commensurate with the plan's goals. The onsite mitigation parcel/s shall be protected with a deed restriction or conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and California Department of Fish and Wildlife. The mitigation parcel/s shall be monitored and maintained by a qualified biologist for five years or until the goals of the mitigation plan have been met.

3-3

**Federal Migratory Bird Treaty Act.** Mitigation for potential direct/indirect impacts to common and sensitive passerine and raptor species will require compliance with the federal Migratory Bird Treaty Act (MBTA). Construction outside the nesting season (between September 1 and January 31) does not require pre-removal nesting bird surveys. If construction is proposed between February 1 and August 31, a qualified biologist must conduct a nesting bird survey(s) no more than 14 days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the project site. Note that any nest permanently vacated for the season would not warrant protection pursuant to the MBTA.

The survey(s) will focus on identifying any raptors and/or passerines nests that are directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present or that the young have fledged shall be submitted to the CDFW and City of Yucaipa prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur.

3-4

**Noise Reduction.** If a) nesting birds are found onsite during pre-construction surveys and b) construction related impacts occur between January 31 and September 15, an acoustical consultant shall evaluate the construction equipment/phases and estimate noise levels anticipated during clearing, grubbing and grading activities. The acoustical consultant shall identify appropriate measures for reducing construction noise levels to below 60 dB(A) hourly Equivalent Continuous Noise Level or prevent any increases in the ambient noise levels at nesting location if existing noise levels are 60 dB(A) hourly or greater. Noise reduction measures may include operational adjustments, including:

- Stationary construction noise sources such as generators or pumps should be located at least 100 feet from sensitive land uses, as feasible.
- Construction staging areas should be located as far from noise sensitive land uses as feasible.
- During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.
- Idling equipment shall be turned off when not in use.

- Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.

If noise reduction measures are required, bi-weekly monitoring of the nesting species shall be conducted by the qualified biologist to observe if the birds are being affected by construction activities. The acoustical consultant shall confirm through noise measurements that the noise reduction measures are effective at preventing noise levels in excess of 60 dB(A) hourly or an increase in ambient noise levels. Noise reduction measures are not required from September 16 through January 31.

**Finding:**

**Finding 1** – Implementation of existing regulations and Mitigation Measures 3-1 through 3-4 would reduce impacts to sensitive species to less than significant levels. Although burrowing owl was not detected onsite during focused survey efforts, Mitigation Measure 3-1 requires a 30-day burrowing owl preconstruction survey to ensure protection for this species and compliance with the conservation goals as outlined by the CDFW. The survey shall be conducted in compliance with CDFW guidelines, and a report of the findings prepared by a qualified biologist shall be submitted to CDFW and the City of Yucaipa prior to initiation of ground disturbing activities. A sensitive plant species mitigation plan would help offset impacts to approximately 0.89 acre of Parry’s spineflower plants. Compliance with the MBTA would require implementation of nesting bird surveys and construction outside of the breeding season, and noise reduction measures would further reduce impacts to nesting birds. Overall, impacts to sensitive species would be minimized upon implementation of these mitigation measures. Therefore, project and cumulative impacts identified under Impact 5.3-1 would be reduced to less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

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**Impact 5.3-2: Buildout in accordance with the Oak Glen Creek Specific Plan would impact approximately 90 acres of sensitive vegetation communities, including alluvial fan sage scrub, sycamore riparian woodland, and southern cottonwood riparian woodland. [Threshold B-2]**

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Support for this environmental impact conclusion is fully discussed in Section 5.3, *Biological Resources*, and in particular, starting on page 5.3-26 of the DEIR.

The proposed project would impact approximately 90 acres of mapped vegetation types within the proposed development footprint, which includes an additional 0.34 acre outside of the Specific Plan boundary. The proposed basin design includes construction of an access road and associated grading that extends outside of the Specific Plan boundary in the northern portion of the site and south of Oak Glen Road. This area is approximately 0.34 acre and contains Riversidean alluvial fan sage scrub habitat (see Figure 5.3-5, *Impacted Vegetation Communities*, in the DEIR). Table 5.3-4, *Impacts to Vegetation Communities*, in the DEIR, summarizes the impacts from project development to the vegetation communities within and outside of the Oak Glen Creek Specific Plan Boundary.

Three sensitive plant communities were documented onsite—Riversidean alluvial fan sage scrub, southern sycamore riparian woodland, and southern cottonwood riparian woodland. Project development would impact 0.34 acre of alluvial fan sage scrub outside of the Specific Plan boundary and 24.85 acres within the Specific Plan boundary, 1.70 acre of southern sycamore riparian woodland, and 0.67 acre of southern cottonwood riparian woodland. Impacts to sensitive vegetation communities are potentially significant.

**Mitigation Measure(s):**

3-5            **Sensitive Habitat Mitigation Plan.** Mitigation for impacts to alluvial fan sage scrub habitat within the project footprint shall be accounted for through the on-site preservation, restoration, and/or enhancement and long-term management of an onsite mitigation parcel. Mitigation for impacts to alluvial safe scrub habitat will be implemented at a minimum 1:1 ratio or greater, as determined in consultation with the California Department of Fish and Wildlife (CDFW). The onsite mitigation parcel shall be protected with a conservation easement recorded in favor of the Inland Empire Resource Conservation District, or other local conservation entity approved by the U.S. Army Corps of Engineers and CDFW. Residual impacts that cannot be mitigated on-site shall be accomplished with off-site acquisition, preservation, rehabilitation, restoration, enhancement, and long-term management of alluvial fan sage scrub habitat at the Oak Glen Creek Flood Corridor Area upstream (east) of the project site between Bryant Street and Pendleton Road.

The City shall prepare a Sensitive Habitat Mitigation Plan for CDFW review and concurrence prior to grading or construction of the proposed project. The City shall be responsible for funding and implementing the plan. The goal of the Sensitive Habitat Mitigation Plan will be to compensate for the impacts to 25.19 acres of alluvial fan sage scrub through off-site acquisition of habitat; preservation, enhancement, creation, and/or dedication of habitat at the onsite mitigation parcel; payment of fees into a mitigation bank; or other appropriate measures to address the functions and values being impacted.

The content of the Sensitive Habitat Mitigation Plan will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program if appropriate; provide a schedule for implementation, maintenance, and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long-term preservation.

**Finding:**

**Finding 1** – Implementation of the required sensitive habitat mitigation plan would offset impacts to approximately 90 acres of sensitive vegetation onsite (alluvial fan sage scrub, southern cottonwood riparian woodland, and southern sycamore riparian woodland). Therefore, project and cumulative impacts identified under Impact 5.3-2 would be reduced to less than significant

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

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**Impact 5.3-3: The proposed project would impact 9.81 acres of jurisdictional waters, including 1.68 acres of Waters of the United States and 8.13 acres of Waters of the State. [Threshold B-3]**

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Support for this environmental impact conclusion is fully discussed in Section 5.3, *Biological Resources*, and in particular, starting on page 5.3-27 of the DEIR.

Although no wetlands or vernal pools were identified onsite, the proposed project would impact resources regulated by the Army Corps of Engineers (Corps) and CDFW through direct removal, filling, hydrological interruption, or other means. There is a total of 2.19 acres of jurisdictional Waters of the U.S. and 13.81 acres of jurisdictional waters of the State within the Specific Plan area. Using GIS data of the proposed project's grading footprint and the jurisdictional waters footprint are listed in Table 5.3-5, *Impacts to Jurisdictional Resources*, and shown in Figure 5.3-6, *Impacted Jurisdictional Resources*, in the DEIR. In total the proposed project would impact a total of 1.68 acres of jurisdictional Waters of the U.S. and 8.13 acres of Waters of the State. Impacts would be potentially significant.

**Mitigation Measure(s):**

3-6            **Jurisdictional Resources.** Prior to issuance of a grading permit, the applicant shall obtain a Section 404 permit authorization from the U.S. Army Corps of Engineers (Corps), a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Impacts to Corps and CDFW resources would require mitigation through on-site habitat creation, restoration, enhancement, and/or preservation and long-term management within the constructed basin at a minimum 1:1 ratio in order for impacts to achieve no net loss of jurisdictional resources, as determined by a qualified restoration specialist in consultation with the regulatory agencies. The lake/emergent wetland is anticipated to be between 3.5 and 4 acres in size. If there are any residual impacts to streambeds and riparian habitat that cannot be mitigated on-site, these impacts shall be mitigated off-site at a minimum ratio of 1.5:1 at the City's El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW (e.g., mitigation banks or in lieu fee programs).

Specific mitigation and the specific location of mitigation lands shall be determined in consultation with the appropriate regulatory agencies in accordance with the requirements of the federal CWA, federal wetland policies, and California Fish and Game Code.

3-7            **Habitat Mitigation Monitoring Plan.** The City shall prepare a Habitat Mitigation Monitoring Plan (HMMP) for regulatory agencies review and concurrence. Impacts

to U.S. Army Corps of Engineers (Corps) and California Department of Fish and Wildlife (CDFW) resources shall be mitigated on-site or within the same watershed, if feasible. The goal of the HMMP will be to re-create the functions and values of the habitat being affected. These mitigation requirements will be outlined in the HMMP prepared for this project, with monitoring requirements and specific criteria to measure the success of the restoration. Guidelines for the HMMP shall include but not be limited to:

- The mitigation site(s) shall have been evaluated and selected on the basis of their suitability for use as riparian mitigation areas.
- The mitigation shall provide procedures to prepare soils in the mitigation area, provide detailed seeding/planting mixtures, provide seeding/planting methods, appropriate irrigation and other procedures that will be used for successful revegetation.
- Impacts to jurisdictional waters and wetlands shall be avoided to the extent feasible in the design phase of the project.
- Specific mitigation ratios and performance criteria shall be stated in the HMMP.
- Maintenance and monitoring requirements shall be established, including quarterly and annual monitoring reports to the Corps and CDFW.

The content of the HMMP will address the responsibilities and qualifications of the personnel to implement and supervise the plan; incorporate pertinent site selection criteria; provide for the site preparation and planting implementation program; provide a schedule for implementation, maintenance, and monitoring; detail maintenance plan and guidelines; detail the monitoring plan; and address long term preservation.

3-8            **Urban Runoff.** To reduce the potential for the indirect impacts from urban runoff, the project applicant shall implement the best management practices required by the National Pollutant Discharge Elimination System, administered by the Regional Water Quality Control Board.

3-9            **Storm Water Pollution Prevention Plan.** The City shall ensure that 1) the work limits are staked, fenced, and/or marked, with materials clearly visible to construction personnel to prevent encroachment upon sensitive vegetation communities; 2) no construction access, parking, or storage of equipment or materials will be permitted outside of these marked areas; 3) access roads and work areas shall be periodically sprayed with water to reduce the potential for dust accumulation on the leaves of adjacent sensitive vegetation communities not proposed for impacts; and 4) erosion and sediment control BMPs (i.e., silt fences, straw wattles, sand bags, etc.) should be implemented and installed during the proposed project to comply with all measures proposed in the Storm Water Pollution Prevention Plan.

## **Finding:**

**Finding 1** – Per Mitigation Measure 3-6, implementation of habitat creation, restoration, enhancement, and/or preservation and long-term management within the proposed basin, El Dorado Ranch Park, Oak Glen Creek Flood Corridor Area, or other off-site location approved by the CDFW (e.g., mitigation banks or in lieu fee programs) would reduce impacts to jurisdictional resources to less than significant levels. Mitigation Measure 3-7 requires the City to prepare a habitat mitigation monitoring plan, and Mitigation Measures 3-8 and 3-9 require implementation of a project-specific stormwater pollution prevention plan and associated BMPs. Therefore, project and cumulative impacts identified under Impact 5.3-3 would be reduced to less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

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**Impact 5.3-4: Development in accordance with the Specific Plan would affect wildlife movement and potentially impede the use of wildlife corridors for migratory species. [Threshold B-4]**

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Support for this environmental impact conclusion is fully discussed in Section 5.3, *Biological Resources*, and in particular, starting on page 5.3-27 of the DEIR.

Implementation of the proposed project would result in a temporary direct impact to wildlife movement within Wilson and Oak Glen Creeks. The project site represents a wildlife movement corridor/route between the upstream reaches of Wilson and Oak Glen Creeks and downstream confluence of Wilson Creek and Gateway Wash. Specifically, the project site is traversed by both Wilson and Oak Glen Creeks, and no onsite barriers exist that would preclude movement through the site. Any project design features which would restrict, reduce, or impede wildlife movement through the project site within Wilson or Oak Glen Creeks would represent a significant impact. For example, the proposed project would create a substantial new source of lighting that could increase ambient lighting above current levels. Project-related lighting could impede wildlife movement, breeding, nesting, and/or foraging behavior of common and/or sensitive species within the project site open space areas; thus, impacts are potentially significant.

## **Mitigation Measure(s):**

3-10 **Wildlife Corridor Design and Urban Wildlands Interface Guidelines.** The following mitigation measures will be incorporated into final project designs to ensure the maintenance of habitat connectivity and reduce indirect impacts to wildlife movement associated with the proposed project:

- Wildlife movement routes through the project within both Wilson and Oak Glen Creeks will be maintained.
- No features will be used that would impede movement through the site by amphibians, reptiles, and small/large mammals.

- Realigned drainage features will have earthen bottoms, to the greatest extent feasible.
- Stormwater treatment systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant material, or other elements that could degrade or harm downstream biological or aquatic resources.
- Night lighting associated with the proposed development that is adjacent to the realigned movement routes would be directed away to reduce potential indirect impacts to wildlife species.
- The landscape plans for the development shall avoid the use of invasive species for the portions of the development areas adjacent to the movement routes.
- Onsite culvert design will be consistent with existing structures at the confluence of Wilson Creek/Oak Glen Road and Oak Glen Creek/Bryant Street.

3-11

**Lighting Plan.** Lighting plans shall ensure that 1) direct lighting is shielded from residential areas and other light sensitive receptors; 2) direct lighting is shielded to the specific location intended for illumination (e.g., roads, walkways, or recreation fields); 3) non-essential lighting and stray light spillover is minimized; 4) low intensity lamps are used except when high intensity illumination is required, such as for a recreational field; and 5) night lighting shall not be used during the course of construction unless determined to be absolutely necessary. If night lighting is necessary, the lights shall be shielded to minimize temporary lighting of neighboring properties and realigned wildlife movement routes through the project site.

**Finding:**

**Finding 1** – To minimize impacts to wildlife movement, project designs detailed in Mitigation Measure 3-10 would ensure maintenance of habitat connectivity by maintaining existing wildlife movement routes through the site, requiring earthen bottoms in the realigned creeks, installing stormwater treatment systems, etc. Additionally, Mitigation Measure 3-11 requires implementation of a lighting plan that shields lighting from residential areas and other sensitive uses and minimizes nonessential lighting and stray light spillover. Therefore, project and cumulative impacts identified under Impact 5.3-4 would be reduced to less than significant

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

### 3. Cultural Resources

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**Impact 5.4-1: Development of the project site could impact undisturbed historical resources. [Threshold C-1]**

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Support for this environmental impact conclusion is fully discussed in Section 5.4, *Cultural Resources*, and in particular, starting on page 5.4-10 of the DEIR.

The field surveys yielded four cultural resources on the project site, including a historical trash scatter, a historical glass scatter, a historical rock and dirt berm, and a historical rock and concrete wall. All four of the historical resources found during the field survey were considered ineligible for listing on the CRHR, with the exception of the trash scatter (P-36-023366). There is potential for intact subsurface components to be found near the trash scatter during grading and excavation activities. Therefore, further archaeological testing, including shovel test pits, would be required to determine eligibility of the trash scatter if the project area is changed.

The two historic-period residences at 11568 and 11648 2nd Street were determined to have been heavily altered, lack distinction, and are ineligible for historic listing. More specifically, there is no evidence to suggest that the two residences are associated with events that have made a significant contribution to the broad patterns of American history (National Register of Historic Places (NRHP)/California Register of Historic Resources (CRHR) Criterion 1). Research also failed to show that the houses are specifically associated with the lives of persons important to our past or that persons of significant regional or national stature can be linked to them (NRHP/CRHR Criterion 2). The residences are not indicative of the distinctive characteristics of a type, period, region, or method of construction, and do not represent the work of a master, possess high artistic values, or represent a significant or distinguishable entity whose components may lack individual distinction (NRHP/CRHR Criterion 3). The houses have no potential to yield information beyond that which has already been recorded (NRHP/CRHR Criterion 4).

The residences do retain a measure of integrity of setting and location, but severe alterations have compromised any integrity of design, materials, workmanship, feeling, and association they may have once had. Because of failure to meet any of the four criteria above combined with diminished integrity, the residences at 11568 and 11648 2nd Street are not eligible for the NRHP or CRHR, and as such are not recommended historic properties under Section 106 of the National Historic Preservation Act, or historical resources under CEQA.

The remaining portion of the project site to be developed has areas that could not be effectively surveyed due to dense vegetation cover. Further, the project site may have undiscovered tribal cultural resources that are listed or eligible for listing in the CRHR or local register of historical resources. Procedures related to the potential discovery of these resources are detailed in Section 5.15, *Tribal Cultural Resources*, in the DEIR and require the future developer/owner to establish protocols and stipulations in consultation with the project archaeologist, City, and interested tribe(s). Therefore, development of the project site could impact undisturbed historical resources and impacts would be potentially significant.

### **Mitigation Measure(s):**

4-1 Prior to any earth-disturbing activities, including brushing, mowing, grading, addition of soils, and any other construction or preparation for construction activities and prior to the issuance of grading permits, the future developer of the project site shall provide letters to the City of Yucaipa from a qualified archaeologist and paleontologist who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the developer has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities.

In the event archaeological or paleontological resources are discovered during ground-disturbing activities, including brush clearance, grading, and other such activities, a professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources within 50 feet of the discovery until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological or paleontological monitor has evaluated discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act (CEQA). If archaeological or paleontological resources are recovered, they shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials, such as the San Bernardino County Museum or the University of California, Riverside, or any other local museum or repository willing to and capable of accepting and housing the resource. If no museum or repository willing to accept the resource is found, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or the archaeologist on call shall contact the applicable Native American tribal contact(s). If requested by the Native American tribe(s), the developer or archaeologist on call shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe, etc.).

### **Finding:**

**Finding 1** – Mitigation Measure 4-1 would reduce potential project level and cumulative impacts associated with historical resources under Impact 5.4-1 to a level that is less than significant, and no significant unavoidable adverse impacts would occur.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

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**Impact 5.4-2: Archaeological resources would potentially be impacted during site clearance, grading, and any other earth disturbing activity on the project site. [Threshold C-2]**

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Support for this environmental impact conclusion is fully discussed in Section 5.4, *Cultural Resources*, and in particular, starting on page 5.4-10 of the DEIR.

No prehistoric sites are known within the project site. However, given the presence of two nearby, ephemeral water sources (Oak Glen and Wilson Creeks) and the prehistory of the area, there is a possibility that the project area may contain significant subsurface archaeological resources. Section 5.15, *Tribal Cultural Resources*, in the DEIR details procedures related to the potential discovery of these resources and require the future developer/owner to establish protocols and stipulations in consultation with the project archaeologist, City, and interested tribe(s). Four historic resources and two historic-period residences were observed and formally recorded in the project area. The project area is also considered to have moderate sensitivity for additional historical archaeological resources. Therefore, there remains a possibility that the development of the project site through grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to archaeological resources are potentially significant.

**Mitigation Measure(s):**

Mitigation Measure 4-1 would also apply to this impact.

**Finding:**

**Finding 1** – Implementation of Mitigation Measure 4-1 would reduce potential project level and cumulative impacts to archaeological resources under Impact 5.4-2 to less than significant levels, and no significant unavoidable adverse impacts would occur.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

**4. Greenhouse Gas Emissions**

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**Impact 5.6-1: Development of the Residential District and Innovation District in the Oak Glen Creek Specific Plan would exceed the screening criteria of the Yucaipa Climate Action Plan and require implementation of 100 points of GHG reduction measures. [Thresholds GHG-1 and GHG-2]**

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Support for this environmental impact conclusion is fully discussed in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-21 of the DEIR.

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, the GHG chapter measures a project's contribution to the cumulative environmental impact. The City of Yucaipa has adopted a Climate Action Plan (CAP) to ensure GHG emissions reductions are implemented community-wide for the City to achieve the GHG reduction goals of Assembly Bill (AB) 32. In addition to the City's CAP, other applicable plans adopted for the purpose

of reducing GHG emissions include CARB's Scoping Plan and SCAG's 2016 RTP/SCS. A consistency analysis with these plans is presented below:

### **City of Yucaipa Climate Action Plan**

The City's CAP requires a quantified evaluation of GHG emissions. For projects that exceed 3,000 MTCO<sub>2e</sub>, the City requires implementation of additional GHG reduction measure identified in the City's screening tables for residential and nonresidential development (see Appendix C of the CAP).

Development under the Specific Plan would contribute to global climate change through direct emissions of GHG from onsite area sources and vehicle trips generated by the project, and indirectly through offsite energy production required for onsite activities, water use, and waste disposal. Annual GHG emissions were calculated for construction and operation of the project. Construction emissions were amortized into the operational phase in accordance with SCAQMD's proposed methodology. The total GHG emissions associated with the proposed project are shown in Table 5.6-5, *Annual Operational Phase GHG Emissions*, in the DEIR. The net GHG emissions of 4,374 MTCO<sub>2e</sub> from project-related operational activities would exceed the screening threshold of 3,000 MTCO<sub>2e</sub> in the City's CAP. The CAP includes screening criteria to be applied to future development projects through the screening tables. These screening tables include various design and construction measures for residential, nonresidential, and mixed-use projects that would contribute to reducing GHG emissions when incorporated. Numeric values are assigned to each of these measures and per the CAP, development projects that achieve at least 100 points would be considered consistent with the CAP. Therefore, the project's cumulative contribution to the long-term GHG emissions would be considered potentially significant without implementation of 100 points identified in the CAP screening tables.

### **CARB Scoping Plan**

The CARB Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require the City to adopt policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the state agencies outlined in the Scoping Plan result in GHG emissions reductions at the local level. As a result, local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that would affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the LCFS and changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley California Advanced Clean Cars program). The proposed project is required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32.

The project GHG emissions include reductions associated with statewide strategies that have been adopted since AB 32. However, the Scoping Plan itself is not directly applicable to the proposed project. The proposed project would not conflict with the statewide programs adopted to achieve the statewide GHG reduction targets outlined in the Scoping Plan.

## **SCAG's Regional Transportation Plan/Sustainable Communities Strategy**

SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) identifies that land use strategies that focus on new housing and job growth in areas served by high quality transit and other opportunity areas would be consistent with a land use development pattern that supports and complements the proposed transportation network. The RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with the RTP/SCS, but provides incentives for consistency to governments and developers. The proposed project would not interfere with SCAG's ability to implement the regional strategies outlined in the 2016-2040 RTP/SCS. Therefore, no impact would occur.

### **Mitigation Measure(s):**

- 6-1 Prior to the issuance of construction permits, applicants for development projects in the Residential District and Innovation District in the Oak Glen Specific Plan area shall incorporate design and construction measures into their respective projects that achieve a cumulative minimum of 100 points based on the appropriate screening tables (Tables 1 and 2) and methodology in Appendix C of the City of Yucaipa Climate Action Plan. Applicants shall provide documentation to the City of Yucaipa Community Development Department that verifies the measures to be implemented, to the City's satisfaction, and demonstrates achievement in meeting the minimum 100-point screening requirement, or the applicable screening requirement in effect at the time a project is initiated. The implementation measures proposed shall be noted on building plan check submittals to the City of Yucaipa.

### **Finding:**

**Finding 1** – Implementation of Mitigation Measure 6-1 would require implementation of a total of 100 points identified in Table 5.6-7, *Screening Table for GHG Implementation Measures for Residential Development*, and 5.6-8, *Screening Table for GHG Implementation Measures for Commercial Development*, in the DEIR, which are reproduced from Tables 1 and 2 of the CAP Appendix C. Mitigation Measure 6-1 would ensure that development of the Residential Districts and Innovation Districts would be consistent with the City of Yucaipa CAP and the City would achieve the community-wide GHG reduction target for year 2020. Therefore, project and cumulative impacts under Impact 5.6-1 would be reduced to less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

## 5. Hazards and Hazardous Materials

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**Impact 5.7-1:** Construction and operation of the proposed project could involve the transport, use, and/or disposal of hazardous materials; however, compliance with federal, state, and City regulations would ensure impacts are minimized. [Thresholds H-1 and H-2]

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Support for this environmental impact conclusion is fully discussed in Section 5.7, *Hazards and Hazardous Materials*, and in particular, starting on page 5.7-20 of the DEIR.

The construction and operation of the project site may involve the transport, use, disposal, and/or accidental upset of hazardous materials.

### Construction

Potentially hazardous materials used during construction include substances such as paints, sealants, solvents, adhesives, cleaners, and diesel fuel. There is potential for these materials to be spilt or to create hazardous conditions. As identified above, the City maintenance yard at 11377 2nd Street was identified as have a LUST in 1997. However, the site received regulatory closure over 20 years ago and only soil was reported as being impacted. Therefore, the presence of residual petroleum hydrocarbon today would likely be very low. If the maintenance yard is redeveloped and stained soil or odors are detected onsite, soil would be required to be tested for total petroleum hydrocarbon prior to grading activities; and if detected, removed in accordance with the Department of Toxic Substance Control (DTSC) requirements.

To prevent hazardous conditions, existing local, state, and federal laws are to be enforced at the construction sites, and any existing contaminated sites are required to be documented and remediated under the supervision of DTSC before construction activities begin.

### Operation

After construction, the proposed mix of land uses on the project site could include residential; institutional, office, medical, and professional related uses; and flood control improvements and passive recreational uses. These uses would use minimal amounts of hazardous materials, limited mostly to materials such as cleaners and paint.

All new developments that would handle or use hazardous materials would be required to comply with regulations and standards established by the EPA, the State of California, San Bernardino County, and the City of Yucaipa. Therefore, transport, use, and/or disposal of hazardous materials during operations of the project would have less than significant impacts.

### Mitigation Measure(s):

7-1 If the City maintenance yard located at 11377 2nd Street is redeveloped for residential uses and stained soil or odors are detected onsite, the project applicant shall test the soils for total petroleum hydrocarbon prior to grading activities. If significant levels of petroleum hydrocarbons are detected, the soil shall be investigated and potentially removed in accordance with Department of Toxic Substance Control guidance.

**Finding:**

**Finding 1** – Mitigation Measure 7-1 would require soil testing at the maintenance yard prior to grading to ensure no significant amounts of petroleum hydrocarbon remain onsite. If detected, the soil would be investigated and potentially removed, thus, no significant hazards would impact future residents of the Residential District. Project and cumulative impacts under Impact 5.7-1 would be less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

**6. Noise**

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**Impact 5.10-1: Construction activities would result in temporary noise increases in the vicinity of the proposed project. [Threshold N-3]**

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Support for this environmental impact conclusion is fully discussed in Section 5.10, *Noise*, and in particular, starting on page 5.10-16 of the DEIR.

Two types of temporary noise impacts could occur during construction of these land uses. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of temporary noise impact is related to demolition, site preparation, grading, and building construction. Construction is performed in distinct steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics.

Most of the project site is currently undeveloped, but several noise-sensitive receptors—residences, churches, parks, and schools—are near the project site and along its boundaries. The average noise levels that would be experienced by the nearest sensitive receptors over the course of construction are shown in Table 5.10-9, *Specific Plan Average Construction Noise Levels*, in the DEIR. The highest noise levels experienced during project construction would be 74 dBA  $L_{eq}$  at the residences south of Oak Glen Creek during construction of the basin improvements, and 73 dBA  $L_{eq}$  at the residences west of 2nd Street during demolition, site preparation, grading, and paving of the Residential and Innovation districts. These levels are approximately 14 to 20 dBA above the ambient noise levels. Therefore, construction of individual developments associated with implementation of the proposed project would temporarily increase the ambient noise environment in the vicinity of the project site. Basin activities are anticipated to last approximately 9 months, and construction of the residential and non-residential land uses would last from 12 to 18 months. However, the actual construction timeline may vary based on market demand. Given the proximity of noise-sensitive receptors to construction activities associated with the Open Space (basin improvements), Residential, and Innovation districts and the prolonged periods of time that sensitive receptors would be exposed to elevated noise levels, construction noise impacts associated with implementation of the Oak Glen Creek Specific Plan are potentially significant.

### **Mitigation Measure(s):**

10-1 From the outset and throughout the entire demolition, grading, and construction phase of project development, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:

- Construction activity shall be limited to the daytime hours between 7 am and 7 pm, as prescribed in the municipal code.
- A sign shall be posted at the entrance to the job site, clearly visible to the public, with the name and telephone number of the contractor's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City of Yucaipa Community Development Department.
- All internal combustion engines on construction equipment and trucks shall be fitted with properly maintained mufflers that are no less effective than the original equipment installed by the equipment manufacturer.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
- Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
- Construction traffic shall be limited to the haul routes established by the City of Yucaipa so as to minimize pass-bys of residential or other noise-sensitive areas around the project site.

The conditions above shall be included on the permit applicant drawings with verification by the City of Yucaipa Community Development Department Plan Check staff. Additionally, all the above conditions shall be verified in the field by the Community Development Department field inspection staff at the project site.

### **Finding:**

**Finding 1** – Mitigation Measure 10-1 would reduce potential noise impacts during construction by limiting construction noise to the least noise-sensitive portions of the day and by implementing construction best-management practices to minimize noise intrusions on the adjacent sensitive receptors. With mitigation, project and cumulative construction noise impacts under Impact 5.10-1 would be less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measure above. The City of Yucaipa hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore, adopted.

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**Impact 5.10-2: Buildout of the individual land uses and projects for implementation of the Oak Glen Creek Specific Plan would expose sensitive uses to strong levels of groundborne vibration. [Threshold N-2]**

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Support for this environmental impact conclusion is fully discussed in Section 5.10, *Noise*, and in particular, starting on page 5.10-18 of the DEIR.

The potential vibration impacts resulting from construction and operation of the Oak Glen Creek Specific Plan are addressed below.

### **Operational Phase Transportation-Related Vibration Impacts**

The Residential District and Innovation District would not include any known transportation-related sources of substantial long-term vibration. Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that the highest traffic-generated vibrations are along freeways and state routes. Typically, trucks do not generate high levels of vibration because they travel on rubber wheels and do not have vertical movement, which generates ground vibration. Because vibration dissipates rapidly with distance, transportation routes in the Specific Plan are not expected to generate excessive vibration at either offsite receptors or in the Specific Plan area (at subsequent developments).

### **Construction Vibration Impacts**

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Average vibration levels during the Residential District, Innovation District and basin construction would not exceed the annoyance threshold of 78 VdB at any of the nearest sensitive receptors. Receptors that are farther than 1,000 feet from the center of the construction zone would experience lower vibration levels than those at the residences west of 2nd Street and south of Oak Glen Creek. Vibration from construction activities rarely reaches the levels that can damage structures, but can achieve the audible and perceptible ranges in buildings close to the construction site. However, groundborne vibration is almost never annoying to people who are outdoors, so it is usually evaluated in terms of indoor receivers. Construction vibration levels are dependent upon construction details, which have not yet been developed at this programmatic stage. However, generalized results for area-wide construction vibration effects can be calculated.

#### *Vibration Annoyance*

Construction vibration is measured based on the average distance from indoor vibration-sensitive uses to construction activities because it is the vibration levels that would be experienced by the sensitive uses the majority of the time.

Construction annoyance levels at the nearest sensitive receptors during the construction of the basin improvements are shown in Table 5.10-11, *Average Construction Vibration Levels, Basin Improvements*, in the DEIR. As shown in Table 5.10-11, average vibration levels during the basin construction would not exceed the annoyance threshold of 78 VdB at any of the nearest sensitive receptors. Receptors that are farther than 1,000 feet from the center of the construction zone would experience lower vibration levels than those at the residences west of 2nd Street.

Table 5.10-12, *Average Construction Vibration Levels, Residential and Innovation Districts*, in the DEIR shows construction annoyance levels for the nearest sensitive receptors during construction of the Residential Districts or Innovation Districts. As shown in Table 5.10-12, average vibration levels during the Residential District and Innovation District construction would not exceed the annoyance threshold of 78 VdB at any of the nearest sensitive receptors. Receptors that are farther than 1,000 feet from the center of the construction zone would experience lower vibration levels than those at the residences south of Oak Glen Creek.

Since construction would be required to comply with the construction hours in the municipal code, and average vibration levels would not exceed the annoyance threshold at any sensitive receptors during either the basin improvements or construction of the Residential Districts and Innovation Districts, vibration annoyance impacts would be less than significant.

#### *Structural Damage*

For the structural damage vibration assessment, vibration impacts are based on peak vibration levels (rather than average vibration levels); and therefore, impacts are based on the closest distance the equipment would be operating to the nearest structure. During construction of the basin improvements, the residences south of Oak Glen Creek would be as little as 10 feet from the boundary of construction activities. During construction of the Residential and Innovation Districts, the residences west of 2nd Street would be approximately 25 feet from the edge of the construction site. At 10 feet, the buildings would experience vibration levels in excess of the 0.200 in/sec structural damage threshold when vibratory rollers or other heavy equipment (large bulldozers, loaded trucks) operate near the construction boundary. At 25 feet, the residences would be susceptible to levels in excess of the threshold when vibratory rollers operate near the construction boundary. At distances of 30 feet or more, no standard construction equipment operating would generate vibration levels in excess of the threshold for structural damage (that is, 0.200 in/sec). Construction-generated vibration levels at surrounding structures could potentially exceed the threshold for structural damage.

#### **Mitigation Measure(s):**

Mitigation Measure 10-1 would also apply to this impact.

10-2 For demolition, construction, grading, foundation, and erection activities that would use vibration-producing equipment within 100 feet of existing, offsite buildings, the following mitigation measure shall be implemented by the construction contractor in close coordination with City staff so that alternative construction techniques are undertaken.

- Implement Mitigation Measure 10-1.
- The use of vibratory rollers shall be minimized, to the extent feasible, within 50 feet of residential properties.

- The use of large bulldozers,<sup>2</sup> excavators, graders, front-end loaders, and loaded trucks shall be minimized, to the extent feasible, within 30 feet<sup>3</sup> of residential properties.
- Where feasible, all stationary vibration-generating equipment shall be located as far away as possible from neighboring property lines.
- Grade-surface irregularities shall be minimized on construction sites.
- Prior to the start of construction activities, City staff shall meet with the construction contractor to discuss feasible alternative methods to reduce vibration impacts for all construction activities that would occur within 100 feet<sup>4</sup> of existing, offsite buildings. During the preconstruction meeting, the construction contractor shall identify feasible construction methods not involving vibration-intensive equipment or activities.
- Prior to the start of construction activities, the constructor contractor shall document all feasible reduced-vibration alternative methods identified in the preconstruction meeting on the construction drawings submitted during plan check for building permits. The constructor contractor shall implement these reduced-vibration methods during excavation, grading, and construction for work conducted within 100 feet<sup>5</sup> of offsite buildings.

All the above conditions shall be included on the permit applicant drawings with verification by the Community Development Department Check staff. Additionally, all the above conditions shall be verified in the field by the Community Development Department field inspection staff at the project site.

### **Finding:**

**Finding 1** - Mitigation Measures 10-1 and 10-2 would reduce potential vibration-related architectural damage impacts during construction by implementing construction best-management practices to minimize vibration levels at the adjacent sensitive receptors. Mitigation Measure 10-2 would also require implementation of additional control measures for large construction equipment operating within 100-feet of structures. With mitigation, project and cumulative construction vibration architectural damage impacts under Impact 5.10-2 would be less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

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<sup>2</sup> “Large” bulldozers are considered to be above an operating weight of 85,000 pounds (e.g., Caterpillar D8-class or larger); “medium” bulldozers are considered to be in the operating weight range of 25,000 to 60,000 pounds (e.g., Caterpillar D6- or D7-class); and “small” bulldozers are considered to be in the operating weight range of 15,000 to 20,000 pounds (e.g., Caterpillar D3-, D4-, or D5-class).

<sup>3</sup> Measured from the nearest equipment placement to the nearest residential structure.

<sup>4</sup> Measured from the center of the project site.

<sup>5</sup> Measured from the center of the project site.

## 7. Transportation and Traffic

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### Impact 5.14-1: Project-related trip generation would impact levels of service for the existing area roadway system. [Threshold T-1]

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Support for this environmental impact conclusion is fully discussed in Section 5.14, *Transportation and Traffic*, and in particular, starting on page 5.14-19 of the DEIR.

The project would modify the existing network, with four access points along Oak Glen Road and Bryant Street. 2nd Street would be extended south beyond Amber Leaf Way but would not connect to Persimmon Avenue. Sunnyside Drive would continue and extend south beyond Oak Glen Road. A driveway along Oak Glen Road immediately east of the Oak Glen Creek would provide access to a portion of the Innovation District. A driveway along Bryant Street at the prolongation of Eucalyptus Avenue would provide access for a portion of the Innovation District. Each of the four access points (two streets and two driveways) would have a single outbound lane serving left, thru, and right lanes.

#### Existing with Project

The existing with project scenario is provided to disclose the project-level impacts of the project compared to existing environmental conditions rather than a future baseline. The intersection level of service analysis for the existing conditions without and with the Specific Plan is summarized below in Table 5.14-5, *Existing With- and Without-Project Intersection LOS Analysis*, in the DEIR. Figures 4-4 and 4-5 of the TIA (see Appendix J of the DEIR) include the existing with project traffic volumes for study area intersections. Significant traffic impacts are identified at the following intersection for the existing with project conditions:

- Intersection #5: 2nd Street & Oak Glen Road

This intersection would operate at LOS F during the AM and PM peak hours with the project, which is below City standards. Without mitigation, this would be a significant impact. All other intersections are anticipated to operate at LOS C or better during both peak periods.

#### Project Opening Year 2018

The project opening year 2018 scenario is provided to disclose the project-level impacts of the project compared to the environmental conditions when the project would be operational rather than the existing baseline. Yucaipa's roadway system considered for the analysis of the year 2018 configuration is presented in Figure 5.14-4, *2018 Roadway Configuration and Intersection Control*, in the DEIR. The intersection level of service analysis for the project opening year without and with the Oak Glen Creek Specific Plan is summarized in Table 5.14-7, *Year 2018 With and Without Project Intersection LOS Analysis*, in the DEIR. Figures 5-2, 5-3, 5-4, and 5-5 of the TIA (Appendix J in the DEIR) include the 2018 traffic volumes for study area intersections without and with project. The table shows a comparison between the project opening year without and with the project and identifies potential impacts. Significant traffic impacts are identified at the following intersection for the Opening Year (2018) with project scenario:

- Intersection #5: 2nd Street & Oak Glen Road

This intersection would operate at LOS F in the AM and PM peak hours with the project, which is below City standards. Without mitigation, this would be a significant impact. All other intersections are anticipated to operate at acceptable LOS during both peak periods.

### **General Plan Horizon Year 2040**

Trips generated by cumulative projects have been incorporated into the without project and with project analysis scenarios. Yucaipa's roadway system for the analysis of the year 2040 configuration is presented in Figure 5.14-5, *2040 Roadway Configuration and Intersection Control*, in the DEIR. Figures 6-2, 6-3, 6-4, and 6-5 of the TIA (Appendix J in the DEIR) include the 2040 traffic volumes for study area intersections without and with project. The intersection level of service analysis for the general plan horizon year of 2040 is summarized in Table 5.14-8, *General Plan Horizon Year 2040 With- and Without-Project Intersection LOS Analysis*, in the DEIR, to evaluate cumulative impacts without and with the Oak Glen Creek Specific Plan. The table shows a comparison between the without and with project and identifies potential impacts. Significant traffic impacts are identified at the following intersections:

- Intersection #5: 2nd Street & Oak Glen Road
- Intersection #13: Bryant Street & Date Street

### **Summary**

The impact analysis for existing, 2018, and 2040 conditions identified significant traffic impacts with the project at the following intersections:

- Intersection #5: 2nd Street & Oak Glen Road (Existing Plus Project, Opening Year 2018, and General Plan Horizon Year 2040)
- Intersection #13: Bryant Street & Date Street (General Plan Horizon Year 2040 only)

Without mitigation, impacts would be potentially significant.

### **Mitigation Measure(s):**

- 14-1            **2nd Street and Oak Glen Road.** Prior to the issuance of the first building permit for the residential portion of the Specific Plan, the project applicant shall install a traffic signal at the intersection of 2nd Street and Oak Glen Road. The project would be responsible for its fair share contribution of 77 percent toward this improvement; therefore, the first project applicant shall be entitled to reimbursement for any portion of the improvement exceeding their fair share responsibility.<sup>6</sup> This improvement shall be implemented prior to first home occupancy.

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<sup>6</sup> Fair share contributions are based on existing volumes, project volumes, and total traffic volumes at the intersections. The fair share calculation is based on the percentage of project traffic at the intersection calculated by IBI Group.

14-2 **Bryant Street and Date Street.** Prior to issuance of any building permit, the project applicant shall provide fair share funding for the installation of a traffic signal at Bryant Street & Date Street. The project would have an indirect impact on the intersection and would be responsible for its fair share contribution of 11 percent toward this improvement. The timing of implementation of the improvements shall be determined by the City and be completed in the timeframe necessary to avoid the identified significant cumulative impacts, which would occur between 2018 and 2040.

**Finding:**

**Finding 1** – Mitigation Measure 14-1 and 14-2 would reduce potential project-level (existing with project and opening year 2018 scenarios) and cumulative (general plan horizon year 2040 scenario) impacts associated with the intersection of 2nd Street and Oak Glen Road and the intersection of Bryant Street and Date Street to a level that is less than significant. Table 5.12-8, *Intersection LOS with Mitigation*, in the DEIR, shows the intersection delays and LOS without and with mitigation. With mitigation, both intersections would operate at acceptable LOS. Therefore, no significant unavoidable adverse impacts relating to traffic remain and project level and cumulative traffic impacts under Impact 5.14-1 are less than significant.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

**8. Tribal Cultural Resources**

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**Impact 5.15-1: Tribal cultural resources could be adversely affected by ground disturbing activities including, but not limited to, grading, brush clearing, and trenching impacted by grading activities associated with the proposed project. [Threshold TCR-1]**

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Support for this environmental impact conclusion is fully discussed in Section 5.15, *Tribal Cultural Resources*, and in particular, starting on page 5.15-7 of the DEIR.

In accordance with AB 52 and SB 18 requirements, the City sent invitation letters to representatives of the Native American contacts provided by the Native American Heritage Commission (NAHC) on July 8, 2016, formally inviting tribes to consult with the City on the Oak Glen Creek Specific Plan. Response letters were received from the Colorado River Indian Tribes, Soboba Band of Luiseño Indians, Morongo Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians (see Appendix D4 of the DEIR). No response was received from the San Manuel Band of Mission Indians prior to the circulation of the DEIR.

***San Manuel Band of Mission Indian*** sent a response letter to the City on December 15, 2016. The City of Yucaipa staff consulted with Joan Schneider from the San Manuel on December 19, 2016 to discuss the Tribe's concerns about the Specific Plan and the DEIR. The tribe requested recognition of the Serrano in the DEIR in the ethnography section. The consultation concluded with the tribe requesting mitigation related to archaeological monitoring, treatment, and disposition of cultural resources.

***The Colorado River Indian Tribes*** sent a response letter to the City on August 1, 2016. The tribes are concerned about the removal of artifacts from the project area and corresponding destruction of the tribes' footprint on this landscape. The Colorado River Indian Tribes request that all prehistoric cultural resources, both known and undiscovered sites, be avoided if feasible. If infeasible, the tribes request that the resources be left in situ or reburied in a nearby area after consultation. Additionally, the tribes request to be contacted within 48 hours if any human remains or objects subject to the provisions of the Native American Graves Protection and Repatriation Act, or cultural resources (e.g., sites, trails, artifacts) are identified during ground disturbance. The Colorado River Indian Tribes conclude that they do not have any specific comments on the proposed project and instead defer to the comments of other affiliated tribes.

***The Soboba Band of Luiseño Indians*** sent two response letters to the City on August 8, 2016. One letter confirmed receipt of the City's project notification per AB 52 and requested to initiate formal consultation. The other letter was in response to the City's SB 18 consultation opportunity in which the letter concluded that although the project site is outside the existing Soboba reservation, the project does fall within the bounds of Soboba's tribal traditional use areas and is considered to be culturally sensitive. The Soboba Band of Luiseño Indians requested formal consultation and to continue being a consulting tribal entity for the project; to provide Native American monitoring during any ground disturbing activities, including surveys and archaeological testing; and that proper procedures related to cultural artifacts and human remains be taken. As requested, the City of Yucaipa consulted with the Soboba Band of Luiseño Indians on August 30, 2016. The consultation concluded with the tribe requesting mitigation related to archaeological monitoring, treatment and disposition of cultural resources, and discovery of human remains.

***The Morongo Band of Mission Indians*** sent a response letter to the City on August 16, 2016. The tribe stated that the project site is outside of their current reservation boundaries but within an area considered to be a traditional use area or one in which the tribe has cultural ties (i.e., Cahuilla or Serrano territory). The tribe requested imposing standard development conditions related to cultural and archaeological resources and buried cultural materials on the proposed project. The Morongo Band of Mission Indians also requested a thorough records search at one of the California Historical Resources Information System Archaeological Information Centers, that a copy of the search results be provided to the tribe, and that a comprehensive archaeological survey be conducted on the project site and any areas of potential effect within the site with a tribal monitor present during the initial pedestrian survey. The tribe requested copies of the completed record search and archaeological survey, which the City provided via email on August 17, 2016. A follow-up email was sent to the tribe on August 31, 2016, asking if the materials requested met the tribe's needs for consultation. On October 26, 2016, the tribe requested archaeological monitoring by a Morongo tribal monitor as a project condition, and the City provided a draft condition for the tribe to review and approve. This concluded consultation with the Morongo Band of Mission Indians.

***The Twenty-Nine Palms Band of Mission Indians*** sent a response letter to the City on September 22, 2016. The tribe stated that they currently have no interest in the project as there are no cultural resources that pertain to the Twenty-Nine Palms Band of Mission Indians.

A Sacred Lands File search was requested from NAHC as a part of the Cultural Resources Assessment prepared by Cogstone. The NAHC responded that there were no known sacred lands

within a one-mile radius of the proposed project area (see Appendix C of Cogstone's report). Based on recommendations made by NAHC, Cogstone subsequently sent letters and maps to six Native American contacts requesting any information related to cultural resources heritage sites within or immediately adjacent to the project area as part of the previous Wilson Creek Business Park Specific Plan project. No responses were received.

While the NAHC did not identify known sacred lands within a half mile of the City, during the General Plan Update a representative from the Morongo Band of Mission Indians and the San Manuel Band of Mission Indians had identified that there are tribal cultural resources in the City of Yucaipa.

During site reconnaissance and records search, no prehistoric sites were found within the vicinity of the project site. However, given the presence of two ephemeral water sources (Oak Glen Creek and Wilson Creek) and the prehistory of the area, there is a possibility that the project area may contain significant subsurface archaeological resources.

Therefore, there remains a possibility that the development of the project site through brush clearing, grading and excavation activities could impact previously undisturbed archaeological resources. Thus, impacts to tribal cultural resources are potentially significant.

**Mitigation Measure(s):**

Mitigation Measure 4-1 would also apply to this impact.

15-1            Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the future developer shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the project. The developer shall make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject to future development, erosion or flooding.

15-2            **Archaeological Monitoring.** At least 30-days prior to application for a grading permit and before any brush clearance, grading, excavation and/or ground disturbing activities on the site take place, the future developer shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

1. The project archaeologist, in consultation with interested tribes, the developer and the City of Yucaipa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and

cultural activities that will occur on the project site. Details in the AMP shall include:

- a. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling;
- b. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the onsite Native American Tribal Monitor for the proposed project);
- c. The protocols and stipulations that the developer, City, Tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation

Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.

15-3

**Treatment and Disposition of Cultural Resources.** In the event that Native American cultural resources are inadvertently discovered during the course of any ground disturbing activities, including but not limited to brush clearance, grading, trenching, etc., for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries:

1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Yucaipa with evidence of same:

- a. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing basic analysis, and other analyses as recommended by the project archaeologist and approved by consulting tribes have been completed; all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality;
- b. A curation agreement with an appropriate qualified repository within San Bernardino County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation:
- c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the San Bernardino County Museum by default;
- d. At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes.

15-4

**Discovery of Human Remains.** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the San Bernardino County Coroner and the City of Yucaipa Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the

disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains shall be overseen by the MLD to determine the most appropriate means of treating the human remains and any associated grave artifacts.

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the San Bernardino County Museum.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

15-5 During construction activities, the project applicant shall allow archaeological monitors of Native American tribes to access the project site on a volunteer basis to monitor grading and excavation activities.

**Finding:**

**Finding 1** – Mitigation Measures 4-1 and 15-1 through 15-5 would reduce potential impacts associated with tribal cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse project or cumulative impacts relating to tribal cultural resources have been identified.

The City hereby makes Finding 1: *Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR.* These changes are identified in the form of the mitigation measures above. The City of Yucaipa hereby finds that implementation of the mitigation measures is feasible, and the measures are; therefore, adopted.

**D. FINDINGS ON SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The DEIR concluded that development of the proposed project would not result in any significant unavoidable adverse impacts.

**E. FINDINGS ON PROJECT ALTERNATIVES**

**FINDINGS ON ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS**

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the EIR.

## 1. Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines §15126[5][B][1]). In general, any development of the size and type proposed by the project would have substantially the same impacts on air quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems. Without a site-specific analysis, impacts on aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality cannot be evaluated. These impacts were found to be less than significant or less than significant with mitigation incorporated. Therefore, another location would not avoid or substantially lessen the effects of the project.

Moreover, the location of the project is a critical component of the proposed project since the Oak Glen Creek Specific Plan includes implementation of regional flood control improvements at the confluence of Oak Glen Creek and Wilson Creek. Wilson Creek is one of two regional drainage systems that convey stormwater runoff from the San Bernardino Mountains through the City to Live Oak Creek west of Interstate 10 on the west side of the City. Oak Glen Creek is a significant tributary to Wilson Creek and forms a confluence with Wilson Creek within the Specific Plan area.

The City of Yucaipa is highly dependent on Wilson Creek and Oak Glen Creek to provide drainage and flood control protection for a large part of the community, much of which lies in the 100-year flood plain as identified by the Federal Emergency Management Agency. However, at this time, Wilson Creek and its tributaries have limited capacity in some areas, creating a need for additional flood control improvements to reduce and/or eliminate potential flood risk. Therefore, a major purpose of the proposed project is to develop flood control improvements and a retention basin onsite to control flooding and protect downstream areas of the City consistent with the City's Master Plan of Drainage.

The San Bernardino County Flood Control District (SBCFCD) operates flood control facilities in Yucaipa that intercept and convey flood flows through and away from developed areas of the City. The SBCFCD and the City of Yucaipa have collaborated on past flood control projects, including a series of retention/desilting basins and levees recently constructed on Oak Glen Creek directly east of the project site across Bryant Street. However, flooding during peak storm flows continues to be an issue downstream of the project site, and additional drainage improvements are needed to control stormwater flows.

The Oak Glen Creek Specific Plan includes the realignment of Wilson Creek and Oak Glen Creek and the construction of a retention/settlement basin within the onsite drainage course. This major improvement would capture and detain flood flows to greatly reduce or eliminate downstream flooding and channel erosion. Moreover, the improvement is anticipated to facilitate groundwater recharge as well as preserve downstream natural habitat. Additionally, the flood control improvements would remove the balance of the property from the floodplain to allow development.

Therefore, while it is possible to develop the proposed Residential District and Innovation District components of the Specific Plan elsewhere in the City of Yucaipa, the flood control basin is necessary at this specific location where Wilson Creek and Oak Glen Creek converge. Therefore, no other sites were considered for further alternatives analysis.

## **2. No Basin Improvements Alternative**

The vast majority of land within the Specific Plan area is under the ownership of the SBCFCD. As described above, a critical component of the proposed project is the realignment of Wilson Creek and Oak Glen Creek and creation of the retention/settlement basin within the onsite drainage course to capture and detain flood flows. Without implementation of these regional flood-control improvements, the parcels would not be removed from the floodplain and these parcels would continue to remain under SBCFCD's ownership. Additionally, this alternative would not create an interconnected system of trails identified in the General Plan. Without the regional flood control improvements, only the City yard and one parcel under private ownership are outside the confluence of the Oak Glen Creek and Wilson Creek drainages. The City yard would continue to operate in the same location in this alternative. The other privately owned parcel is within the 100-year flood plain, which would also limit development on this site. This parcel is approximately 3.95 acres and consists of a single-family dwelling. Assuming 7,000-square-foot lots, this parcel could accommodate a maximum of 24 residential units. However, because this alternative does not implement the critical goals and objectives related to flood control and basin recharge, an alternative that reduced the size or eliminated the basin was considered and rejected.

## **3. Alternative Basin Designs**

Since the start of the proposed project in 2011, the retention basin has gone through a number of designs and evaluated based on their ability to meet project objectives, hydraulic performance, groundwater recharge, multi-functionality, operation and maintenance, and to reduce environmental impacts. The following design parameters were considered in designing the alternative basin designs: flow rates, bulking factor, Wilson Creek channel improvement requirements, basin inlet sizing, maintenance road widths, and 2nd Street extension requirements. In total, six alternative basin designs were evaluated by the City in order to weigh the project objectives, including potential impacts to jurisdictional waters. The designs have subtle differences in basin footprint, depth of the recharge pond, and basin side slopes and all six alternatives would impact greater than 0.5-acre of non-tidal waters of the United States and/or more than 300 linear feet of stream bed requiring an Individual Permit under Section 404(d) from the Army Corps of Engineers (Corps). The alternatives analysis evaluated opportunities to limit environmental impacts to jurisdictional waters/lands in order to identify the environmentally friendly alternative. As identified in the alternatives analysis, the basin alternatives would impact between 1.05-acres and 1.30-acres of Corps jurisdictional waters. The difference in environmental impacts of these six different basin designs would be nominal. Additionally, the ultimate basin concept was based on Alternative 6, which had the least environmental impacts. Thus, an alternative basin design was considered and rejected from further analysis.

#### 4. Alternative Land Use Mixes

Based on the preliminary environmental review and public comments received on the original Notice of Preparation for the previously analyzed Wilson Creek Business Park Specific Plan in 2011, the City evaluated the potential market demand for alternative land uses mixes and the relative environmental impacts of land use options. Thus, an alternatives feasibility study was prepared for the project site in December 2012 and analyzed the environmental impacts of the following four alternative land use mixes in comparison to the Wilson Creek Business Park Specific Plan.

- **Alternative 1, High-Tech Manufacturing, Office/Medical and Schools:** Encompasses up to 490,000 square feet of light industrial and office park uses and includes a K–6 school (3.5 acres) and a K–12 school/satellite campus (10 acres). Both schools in this alternative are north of Oak Glen Creek.
- **Alternative 2, Single Family Residential:** The entire site exclusive of the retention basin would be developed as single-family homes at a density comparable to surrounding residential uses (approximately 200 homes).
- **Alternative 3, Light Industrial/Manufacturing and Schools:** Includes up to 445,000 square feet of manufacturing/light industrial building space and a K–6 school (3.5 acres) and a K–12 school/satellite campus (10 acres). In comparison to Alternative 1, the K–12 school would be sited on the south side of Oak Glen Creek and accessed from Bryant Street.
- **Alternative 4, Light Industrial/Manufacturing, School & Open Space:** Same as Alternative 3 except that it eliminates the 10-acre, K–12 school/satellite campus south of Oak Glen Creek and maintains this portion of the site as open space.

These four alternatives were analyzed for economic feasibility based on market demands during 2012. The economic analysis report found that the vacancy rate for industrial uses in the region was somewhat high, but not alarmingly so. It also found that the vacancy rate for office uses in the region was very high. Absorption-rate potential was estimated to be highest for light industrial uses and lowest for office park uses. All four of these findings were interpreted to indicate that light industrial uses were a more economically viable use of the project site than office uses.

The economic analysis report also determined that an office-only development scenario would generate the most jobs in the long run (820 to 1,147 jobs), but that the scenario would take the longest to build out (27 to 39 years). The scenario that would build out fastest (5 to 8 years) consisted of a mix of office, light industrial, and manufacturing uses where flexibility would be allowed in the final proportion of each allowed use. That scenario had the second highest number of projected jobs at buildout (494 jobs). A scenario with only manufacturing and light industrial uses had a similar absorption rate, but was estimated to generate fewer jobs (416 jobs). In summary, a mix of land uses on the project site was preferable. In the short term and midterm, the project would benefit from a higher amount of light industrial/manufacturing jobs as part of that land use mix.

As previously stated, these alternative land use mixes were chosen based on economic feasibility and market demands at the time the alternative feasibility study was prepared in 2012. The land use mixes were mainly driven by institutions and companies (i.e., private charter schools and manufacturing

companies) that were interested in developing in Yucaipa. Since then, economic development opportunities in Yucaipa have transitioned toward residential development. A modified version of Alternative 2 was selected as the proposed project. Therefore, Alternatives 1, 3, and 4 were not selected for further analysis given that they were not as economically viable.

**FINDINGS ON ALTERNATIVES SELECTED FOR FURTHER ANALYSIS**

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects of the project.

- No Project/No Development Alternative
- Existing General Plan Alternative
- Reduced Development Footprint Alternative

Table 2, *Buildout Statistical Summary*, provides a statistical analysis of general buildout projections determined by the three land use alternatives and the proposed project. It is important to note that these are not growth projections. That is, they do not anticipate what is likely to occur by a certain time horizon, but provide a buildout scenario that would only occur if the project area were to develop to the maximum capacities yielded by the land use alternatives. The following statistics were developed as a tool to better understand the difference between the alternatives analyzed in the DEIR.

**Table 2 Buildout Statistical Summary**

Buildout	Proposed Project	No Project/No Development Alternative	Existing General Plan Alternative	Reduced Development Footprint Alternative
Open Space (Acres) <sup>1</sup>	57.6	115.6	53.8	75.1
Residential Units	200	0	65	157
Nonresidential Square Feet	20,000	0	500,000	20,000
Population <sup>2</sup>	570	0	185	447
Employment <sup>3</sup>	42	0	1,052	42

Table 3, *Comparison of Traffic and Utility Impacts*, quantifies the proposed project and three alternative’s impacts on traffic and utilities and service systems (i.e., wastewater, water supply, and solid waste).

**Table 3 Comparison of Traffic and Utilities Impacts**

Impact	Proposed Project	No Project/No Development Alternative	Existing General Plan Alternative	Reduced Development Footprint Alternative
Average Daily Trips	2,102	0	4,674	1,657
Wastewater Generation <sup>1</sup> (gallons per day)	27,134	0	49,379	21,653
Water Supply Demand <sup>2</sup> (gallons per day)	178,325	0	360,437	142,485
Solid Waste Generation <sup>3</sup> (tons per year)	308	0	623	246

<sup>1</sup> Wastewater generation rates for single-family residential use is 127.45 gallons per unit per day and for institutional uses is 82.19 gallons per thousand square feet per day.

<sup>2</sup> Water demand rate is 291.38 gallons per service population (residents and employees).

<sup>3</sup> Solid waste generation rate is 0.504 tons per service population.

### 1. No Project/No Development Alternative

The No Project/No Development Alternative assumes that the Oak Glen Creek Specific Plan would not be adopted and no development would occur onsite. The majority of the project site is in a 100-year flood hazard zone designated by the Federal Emergency Management Agency. This alternative assumes that the City does not implement the regional flood control improvements onsite; thus, the site would stay within the flood hazard zone and remain vacant and undeveloped. As shown in Table 2, buildout of the No Project/No Development Alternative would maintain existing conditions onsite. There would be no residential or nonresidential development nor any associated residents and employees.

#### Conclusion

Under the No Project/No Development Alternative, impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, GHG emissions, noise, public services, transportation and traffic, utilities and service systems, and tribal cultural resources would be reduced in comparison to the proposed project. Land use and planning impacts would be similar to the proposed project under this alternative. However, this alternative would increase hazards and hazardous materials and hydrology and water quality impacts compared to the proposed project.

While this alternative would reduce impacts on almost all topical areas, the No Project/No Development Alternative would not meet any of the project goals or objectives. The project site would remain undeveloped and natural. As a result, this alternative would not develop flood control improvements (Objectives #1 and #3) or multi-purpose trails (Objectives #4, #5, and #7). This alternative would also not provide a development concept that attracts a variety of residential, institutional, office, and medical uses and provides job opportunities for City residents (Objectives #2, #3, and #8) and would not integrate the site with adjoining land use and infrastructure systems (Objectives #6 and #7). Lastly, this alternative would not generate significant property tax revenue for the City of Yucaipa (Objective #9).

**Finding:**

This alternative is rejected because it would not accomplish any of the project objectives. While it would reduce impacts to many topical areas by keeping the site in its natural state, one of the main project objectives is to implement flood control improvements to the Oak Glen Creek/Wilson Creek area to address existing flooding hazards downstream of the project site. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make this project alternative infeasible for the reasons identified in the FEIR.

**2. Existing General Plan Alternative**

The project site is designated Institutional (IN), Rural Residential (RL-1), and Single Residential (RS-72C) in the City of Yucaipa General Plan. The buildout assumptions for the project area in the General Plan were based, in part, on the previous plan for the Wilson Creek Business Park for the approximately 95-acre portion of the site. The previous project on the eastern 95 acres consisted of two primary components: 1) flood control improvements to Wilson Creek and Oak Glen Creek and 2) up to 500,000 square feet of institutional use in a campus business park setting. This plan for the business park was incorporated into the City's land use plan during the recent General Plan Update in 2016. Additionally, the proposed project, now titled Oak Glen Creek Specific Plan, has an expanded project boundary and includes additional area west of 2nd Street (approximately 20 acres), which was considered for residential uses.

Buildout of this alternative would include the flood control improvements along the southern portion of the site to provide proper drainage of Wilson Creek and Oak Glen Creek through the site. Implementation of these improvements would take the site out of public ownership to allow private development of residential and institutional uses, as designated in the City's General Plan. The site would be developed based on the existing General Plan designations with no Specific Plan adoption. Overall, buildout would allow development of up to 65 single-family residential homes and 500,000 square feet of institutional use. This alternative would introduce approximately 185 residents and 1,052 employees.

**Conclusion**

The Existing General Plan Alternative would reduce impacts to cultural resources, geology and soils, land use and planning and public services. However, it would increase impacts to aesthetics, air quality, biological resources, GHG emissions, operational noise, transportation and traffic, and utilities and service systems. Impacts to hazards and hazardous materials, hydrology and water quality, construction noise, and tribal cultural resources would be similar to the proposed project.

While this alternative would generally increase impacts to the majority of topical areas, it would meet most of the project objectives. For example, it would provide the required infrastructure to attract a variety of residential and institutional uses (Objectives #1, 2, and 8), introduce substantial employment opportunities for City residents (Objective #3), and integrate the site with adjoining uses and infrastructure systems (Objectives #6 and 7). As stated above, this alternative would also implement the required flood control improvements to provide proper drainage through the site and introduce open space and passive recreational features in the drainage areas (Objectives #4 and 5).

This alternative would generate similar or slightly more property tax revenue for the City of Yucaipa depending on the market demand (Objective #9).

**Finding:**

This alternative is rejected because it would generally increase impacts to the majority of topical areas and because it would develop fewer residential units and substantially more nonresidential development (135 fewer units and 480,000 additional nonresidential square feet). The current market demand in the City of Yucaipa leans towards residential development; therefore, development of fewer residences and substantially more nonresidential (i.e., institutional) uses would not be an economically feasible alternative. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative for the reasons identified in the FEIR.

**3. Reduced Development Footprint Alternative**

The Reduced Development Footprint Alternative would reduce the footprint of the Residential District along Oak Glen Street from approximately 35 acres to 17.5 acres. As shown on Figures 5.3-4, *Impacted Sensitive Plants*, and 5.3-5, *Impacted Vegetation Communities*, of the DEIR, the northern Specific Plan area supports Parry’s spineflower and the majority of alluvial fan sage scrub (AFSS) onsite. By reducing the development footprint in this district, impacts to these sensitive species would be greatly reduced. Under the Oak Glen Creek Specific Plan, this Residential District would allow up to 143 units. Avoiding the majority of AFSS and Parry’s spineflower in this area would reduce residential development to approximately 100 units. Note that no changes would be made to the smaller Residential District west of 2nd Street.

Flood control improvements in the southern portion of the site would be developed similar to the proposed Oak Glen Creek Specific Plan, and the Open Space District would be expanded from 57.6 to 75.1 acres to incorporate the 17.5 acres of avoided Parry’s spineflower and AFSS areas. As detailed in Table 2, buildout of this alternative would allow 157 residences and 20,000 square feet of nonresidential development, and introduce up to 447 residents and 42 jobs.

**Conclusion**

The Reduced Development Footprint Alternative would reduce impacts to all environmental topical areas with the exception of land use and planning, which would have a similar impact to the proposed project.

This alternative would be able to meet most of the project objectives. The alternative would provide future development and employment opportunities by required roadways and infrastructure systems to attract the development of residential, institutional, office, and medical uses (Objectives #1, 2, 3 and 8). Flood control improvements in the southern portion of the site would also be implemented, and open space would be preserved for drainage and passive recreational use (Objectives #4 and 5). And this alternative would integrate the site with adjoining uses and infrastructure systems (Objectives #6 and 7). However, this alternative would not generate as much property tax revenue for the City of Yucaipa due to the reduction in residential development (Objective #9).

**Finding:**

This alternative is rejected because the reduction in residential development would not generate as much property tax revenue for the City of Yucaipa compared to the proposed project. Because the proposed project does not result in any significant and unavoidable impacts, this alternative also does not eliminate any significant and unavoidable impacts. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the FEIR.

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