

CHAPTER 9 Changes to the Draft EIR

9.1 FORMAT OF TEXT CHANGES

Text changes are intended to clarify or correct information in the Draft EIR in response to comments received on the document, or as initiated by Lead Agency staff. Revisions are shown in Section 9.2 (Text Changes) below as excerpts from the Draft EIR text, with a ~~line-through~~ deleted text and a double underline beneath inserted text. In order to indicate the location in the Draft EIR where text has been changed, the reader is referred to the page number of the Draft EIR.

9.2 TEXT CHANGES

This section includes revisions to text, by Draft EIR Section, that were initiated either by Lead Agency staff or in response to public comments. The changes appear in order of their location in the Draft EIR.

Page 2-2, Section 2.4, second paragraph

In addition to the City, there are also federal, state, and regional responsible agencies that have discretionary authority over specific aspects of the proposed project. These could include, but are not necessarily limited to, the following:

- **South Coast Air Quality Management District**—Authority to Construct and an Operating Permit for operation of on-site mechanical equipment
- **Regional Water Quality Control Board**—National Pollutant Discharge Elimination System (NPDES) Permit under Section 402 of the federal Clean Water Act and approval of the Water Quality Management Plan and Certificate of Waste Discharge
- **California Department of Fish and Game**—Application for Sections 1600–1616 Lake and Streambed Alteration Agreement

Pages 2-6 through 2-40, Table 2-1

Table 2-1 Summary of Environmental Impacts and Project Requirements/Mitigation Measures				
Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation	Cumulative Impact
Aesthetics				
...				
<p>Impact 4.1-3 Implementation of the proposed project would <u>not</u> create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. This is a potentially significant impact. Project requirements PR4.1A, PR4.1B, and PR4.1C would reduce this impact to a less than-significant level. <u>ensure this impact remains less than significant.</u></p>	<p><u>PS/LTS</u></p>	<p>PR4.1A All parking lot and other security lighting shall be directed away from surrounding land uses and towards the specific location intended for illumination. State-of-the-art fixtures shall be used, and all lighting shall be shielded to minimize the production of glare and light spill onto surrounding uses. A lighting design plan shall be submitted to the City for approval at plan check.</p> <p>PR4.1B Landscape illumination and exterior sign lighting shall follow the City's Municipal Code and Development Code guidelines and be accomplished with low-level unobtrusive fixtures.</p> <p>PR4.1C Design of the proposed structure shall include the use of textured or other non-reflective exterior surfaces and non-reflective glass.</p>	<p>LTS</p>	<p>LTS</p>
Air Quality				
...				
<p>Impact 4.2-2 Development of the proposed project would not <u>could</u> expose sensitive receptors to substantial pollutant concentrations due to project-generated toxic air emissions. This is considered a less than significant impact. <u>This is a potentially significant impact.</u> Compliance with mitigation measures MM4.2-2(a) through MM4.2-(b) would reduce this impact to <u>less than significant.</u></p>	<p><u>LTSPS</u></p>	<p>None required. MM4.2-2(a) <u>The owner/operator of the distribution center shall ensure that one of the following is implemented, pursuant to California Air Resources Board regulations:</u></p> <p><u>A. A minimum of 11 percent of the truck fleet accessing the site be equipped with or retrofitted to accommodate a diesel particulate filter of 80 percent reduction or better</u></p> <p><u>B. The facility operator must become a Smart Way Partner upon the start of operation and require that at least 90 percent of all truck trips will be carried by Smart Way carriers with a minimum fuel efficiency increase of 10 percent</u></p> <p><u>C. All trucks serving the project be a 2007 model year or newer</u></p> <p>MM4.2-2(b) <u>Trucks queuing to exit the site shall not idle along the northern property boundary. Instead, queuing shall follow the truck</u></p>	<p>LTS</p>	<p>LTS</p>

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		route to and from the southern loading dock area.		
...				
<p>Impact 4.2-5 Construction of the proposed project would not could violate an air quality standard or contribute substantially to an existing or projected air quality violation. <u>This is a potentially significant impact.</u> Compliance with the identified project requirements PR4.2B through PR4.2D <u>and implementation of mitigation measures MM4.2-5(a) through MM4.2-5(d)</u> would ensure <u>reduce</u> this impact would remain <u>to less than significant.</u></p>	<p><u>LTSPS</u></p>	<p>PR4.2B As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</p> <ul style="list-style-type: none"> ■ Limiting the amount of area disturbed during site grading to 10 acres per day or less ■ Application of soil stabilizers to inactive construction areas <u>according to manufacturer's recommendations</u> ■ Quick replacement of ground cover in disturbed areas ■ Watering of exposed surfaces three <u>four</u> times daily ■ Watering of all unpaved haul roads three <u>four</u> times daily ■ Covering all stock piles with tarp ■ Reduction of vehicle speed on unpaved roads ■ Post signs on site, limiting traffic on unpaved roads to 15 miles per hour or less ■ Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent <u>paved roads (using sweepers that comply with SCAQMD Rules 1186 and 1186.1)</u> ■ Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas ■ Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip ■ <u>Appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of</u> 	<p><u>LTS</u></p>	<p><u>SU</u></p>

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		<p><u>issues related to PM₁₀ generation</u></p> <ul style="list-style-type: none"> ■ <u>Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph</u> ■ <u>Prohibit truck idling in excess of 5 minutes</u> <p>PR4.2C The developers shall require by contract specifications that all diesel-powered equipment used be retrofitted with after-treatment products, including diesel oxidation catalysts (that reduce NO_x emissions by at least 40 percent) and other technologies available, to the extent that they are readily available and cost effective in the South Coast Air Basin when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of San Bernardino.</p> <p>PR4.2D The developers shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NO_x diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin at the time construction activities commence. This requirement shall not apply to diesel-powered trucks traveling to and from the project site. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of San Bernardino.</p> <p><u>MM4.2-5(a) The developer shall develop a construction schedule approved by the City such that the grading/excavation period results in a maximum on-site cut and fill equal to 4,375 cubic yards or less per day, with a maximum export of 65 truck loads per day.</u></p> <p><u>MM4.2-5(b) All roadways, driveways, and sidewalks to be paved and building pad shall be completed as soon as possible. If building pad is to be left uncompleted for more than 14 days, seeding or soil binders shall be applied. Prior to paving, site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</u></p> <p><u>MM4.2-5(c) Excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</u></p>		

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		<u>MM4.2-5(d) The mass grading/excavation phase shall not overlap with fine grading and/or trenching activity phases.</u>		
<p>Impact 4.2-6 Operation of the proposed project would violate an air quality standard or contribute substantially to an existing or projected air quality violation. This is considered a significant impact. Compliance with the identified project requirement PR4.2B and mitigation measures MM4.2-6(a) through MM4.2-6(e) would reduce this impact, but not to a less-than-significant level. Therefore, this is considered a <i>significant and unavoidable</i> impact.</p>	S	<p>MM4.2-6(a) As allowed by Caltrans, the project applicant shall provide a sidewalk on Palm Avenue to connect the project site to the bus stop on West Kendall Drive. The sidewalk would pass under I-215; therefore, this mitigation measure would require an encroachment permit from Caltrans for construction activities within the Caltrans right-of-way.</p> <p>MM4.2-6(b) Bicycle racks shall be incorporated into the project design and employee bathrooms shall be designed to include at least one shower.</p> <p>MM4.2-6(c) The project site shall utilize a parking program that encourages carpooling. Employees will be required to pay for parking on site. Employees who carpool or use electric vehicles (EVs) or compressed natural gas (CNG) vehicles will be given a discount on the parking fee. Preferential parking spaces shall also be designated for employees who carpool, and use EVs/CNG Vehicles.</p> <p>MM4.2-6(d) Operation of the project shall include a shuttle that provides service to nearby food establishments during lunch hours, and shuttle service to the adjacent residential neighborhood during the morning and evening commute hours.</p> <p>MM4.2-6(e) The project shall include employee services on site, including lunch vending machines or other lunch option, an ATM, and childcare services.</p> <p><u>MM4.2-6(f) Operator of the project shall place signage on site reminding drivers that idling of diesel powered vehicles is limited to 5 minutes.</u></p> <p><u>MM4.2-6(g) A computerized tracking system will be available in the entrance kiosk to minimize arrival processing time for delivery truck check-ins; and at least one truck gate to the site shall be open 24 hours each weekday, with federal holidays exempted.</u></p>	SU	SU

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<p>Impact 4.2-7 Operation of the proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). This is considered a significant impact. Implementation of mitigation measures MM4.2-6(a) through MM4.2-6(eg) would reduce these emissions, but not to less than significant. Therefore, this impact would be considered <i>significant and unavoidable</i>.</p>	S	MM4.2-6(a) through MM4.2-6(eg) would also apply to this impact.	SU	SU
<p>Impact 4.2-8 Construction activities associated with development of the proposed project would generate emissions that would result in an exceedance of localized significance thresholds for PM₁₀ and PM_{2.5} established by the SCAQMD, and, therefore, would expose sensitive receptors to substantial pollutant concentrations. This is considered a significant impact. Compliance with project requirements PR4.2B through PR4.2D and implementation of mitigation measures <u>MM4.2-3(a) through MM4.2-3(c), MM4.2-5(a) through MM4.2-5(d), and MM4.2-8</u> would reduce this impact, but not to a less-than-significant level. Therefore, this impact would be considered <i>significant and unavoidable</i>.</p>	S	<p>MM4.2-8 The developer shall require by contract specifications that construction equipment be EPA Tier 2 rated or higher- <u>emissions standards according to the following schedule adopted by other lead agencies in the south Coast Air Basin:</u></p> <ul style="list-style-type: none"> ■ <u>April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by California ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by California ARB regulations.</u> ■ <u>January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by California ARB. Any 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 California ARB regulations.</u> ■ <u>Post-January 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emissions standards, where available. In addition, all construction equipment</u> 	SU	SU

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		<p>shall be outfitted with BACT devices certified by California ARB. <u>Any 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 California ARB regulations.</u></p> <ul style="list-style-type: none"> ■ <u>A copy of each unit's certified tier specification, BACT documentation, and California ARB or AQMD operating permit shall be provided to the contractor at the time of mobilization of each applicable unit of equipment and kept on record at the project site during construction activities.</u> <p>PR4.2B through PR4.2D, <u>MM4.2-3(a) through MM4.2-3(c)</u>, and <u>MM4.2-65(a) through MM4.2-65(ed)</u> would also apply to this impact.</p>		
...				
Biological Resources				
<p>Impact 4.3-1 The proposed project could have a substantial adverse impact on species identified as candidate, sensitive, or special status. This is a potentially significant impact. However, implementation of mitigation measures MM4.3-1 through MM4.3-48 would reduce this impact to <i>less than significant</i>.</p>	PS	<p><u>MM4.3-1 Update protocol level surveys for the federally threatened coastal California gnatcatcher and for the federally endangered San Bernardino kangaroo rat: Prior to the issuance of any grading permits for the project and within 30 days of any ground-disturbing activities, the project applicant shall retain a qualified, permitted biologist(s) familiar with California gnatcatcher and San Bernardino kangaroo rat to conduct protocol level surveys for each species in suitable habitat on the site. If neither California gnatcatcher nor San Bernardino kangaroo rat are found then no compensation measures would be required. If either species is discovered on the site, then the following mitigation measures shall apply.</u></p> <p><u>MM4.3-2 If California gnatcatcher or San Bernardino kangaroo rat is discovered to occupy the site, then to the extent feasible, habitat for these species shall be avoided through the establishment of a buffer area of 200 feet. Such areas shall be flagged, and encircled with an exclusionary fence. These areas shall be preserved in a conservation easement or other acceptable agreement with a USFWS and/or CDFG approved agency. Any such agreements shall be conducted in coordination with the USFWS and/or CDFG.</u></p> <p>If impacts on California gnatcatcher or San Bernardino kangaroo rat or</p>	LTS	LTS

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		<p><u>their occupied habitat are unavoidable, then formal consultation with the USFWS pursuant to either Section 7 (with federal nexus) or Section 10 (without federal nexus) of FESA, and with CDFG pursuant to the CESA would be required. Specific mitigation measures would be developed as a part of the agency consultation, but would include a combination of on-site avoidance and preservation, and/or creation and preservation of off-site habitat, or payment into an off-site mitigation bank. The mitigation ratio for compensation of suitable habitat lost will not be less than 1:1, and an additional 1:1 for the loss of Critical Habitat.</u></p> <p>MM4.3-13 Thirty days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub on the project site, the project Applicant shall retain a qualified biologist to perform pre-construction surveys and monitor construction activities. The biologist must be knowledgeable of coastal California gnatcatcher and other listed species' biology and ecology, and must be permitted to conduct surveys for these species. The project Applicant shall submit the biologist's name, contact information, and work schedule for the project to the USFWS and CDFG (Wildlife Agencies). The biologist shall perform the following duties:</p> <ol style="list-style-type: none"> a. Conduct a pre-construction meeting to ensure that construction crews are informed of the approved limits of disturbance and of the sensitive animals and habitats in the vicinity. b. Train all contractors and construction personnel on the biological resources associated with the project. At a minimum, training shall include (1) the purpose for resource protection; (2) a description of sensitive species and their habitats; (3) environmentally responsible construction practices; (4) the protocol to resolve conflicts that may arise at any time during the construction process; and (5) the general provisions of the FESA and CESA, the need to adhere to the provisions of the FESA and CESA, and the penalties associated with violation of the FESA and CESA. c. Be on site during initial clearing/grubbing, grading, and/or construction activities within sensitive habitat to be impacted, or within 500 feet of habitats to be avoided, and periodically monitor these activities to ensure they do not exceed the fenced 		

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		<p>construction limits (refer to MM4.3-24). If a violation is observed, then the biologist shall immediately notify the on-site construction superintendent who shall temporarily divert or halt work in the area of impact. Within 24 hours of its occurrence, the project Applicant and the biologist shall confer with the Wildlife Agencies to ensure the proper implementation of species and habitat compensation.</p> <p>d. Submit weekly letter reports (including photographs of the impact areas) to the project Applicant and the Wildlife Agencies during clearing/grubbing, grading, and/or construction activities within sensitive habitat to be impacted, or within 500 feet of habitats to be avoided. The weekly reports shall document that authorized impacts were not exceeded, that work did not occur within the 500-foot setback (except as authorized by the Wildlife Agencies), and that general compliance with all conditions occurred. The reports shall also outline the duration of any coastal California gnatcatcher monitoring (refer to MM4.3-35 and MM4.3-46), the location of construction activities, the type of construction which occurred, and equipment used. If coastal California gnatcatcher surveys are conducted, then these reports shall specify numbers, locations, and sex of gnatcatchers (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatcher. Raw field notes should be available upon request by the Wildlife Agencies.</p> <p>e. Submit a final report to the project Applicant and the Wildlife Agencies within 60 days of project completion, that includes construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded, and that general compliance with all conditions were achieved.</p> <p>MM4.3-24 Prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub on the project site, the project Applicant shall retain a qualified biologist to supervise the installation of temporary construction fencing, with silt barriers, along the approved limits of disturbance, including construction staging areas</p>		

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		<p>and access routes, to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided.</p> <p>...</p> <p>MM4.3-35 Fourteen days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub, and that are scheduled to occur between September 1 and February 14 (outside of the coastal California gnatcatcher breeding season), the project Applicant shall retain a biologist qualified and permitted to conduct pre-construction coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. At that time, the biologist shall also coordinate with the Wildlife Agencies on appropriate bird “flushing” procedures, if necessary.</p> <p>...</p> <p>MM4.3-46 Fourteen days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub, and that are scheduled to occur between February 15 and August 31 (during the coastal California gnatcatcher breeding season), the project Applicant shall retain a biologist qualified and permitted to conduct coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. Seven days prior to clearing/grubbing, grading, and/or construction activities, the biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatchers, nest building activities, egg incubation activities, or brood rearing activities on, or within 500 feet of, the proposed construction site. The last of the surveys shall be conducted on the day immediately prior to the land disturbance. Additional surveys shall be conducted once a week during project construction throughout the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies.</p> <p>...</p> <p>MM4.3-57 <i>Nonlisted Sensitive Plant Species</i>. Due to potentially suitable habitat present within the project site for two nonlisted</p>		

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		<p>sensitive plant species, the project Applicant shall retain a qualified biologist or botanist to conduct a pre-construction survey of the area within the footprint of impact, and extended 50 feet outside of the impact area. The survey shall be conducted according to applicable CNPS and CDFG protocols, during the species blooming period or, if applicable and appropriate, immediately prior to the onset of project-related disturbances. The purpose of the pre-construction survey shall be to locate any special-status plant species that have a moderate or greater potential to occur within or directly adjacent to the proposed area. These surveys shall be restricted to habitat types that could support special-status plant species that have the potential to occur within the proposed project's impact area, including the following plant species:</p> <p>...</p> <p>MM4.3-68 <i>Nonlisted Sensitive Wildlife Species</i>. Due to potentially suitable habitat present within the project site for ten nonlisted sensitive wildlife species, the project Applicant shall retain a qualified biologist to conduct a pre-construction survey of the area within the footprint of impact, and extended 50 feet outside of the impact area. The survey shall be conducted according to any available CDFG protocols, prior to the onset of project-related disturbances. The purpose of the pre-construction survey shall be to locate any special-status wildlife species that have a moderate or greater potential to occur within or directly adjacent to the proposed project's impact area, and would not be mobile enough to avoid construction activities. These surveys shall include the following species:</p> <ul style="list-style-type: none"> ■ <u>Northern harrier</u> ■ <u>Cooper's hawk</u> ■ <u>Red-tailed hawk</u> ■ <u>Ferruginous hawk</u> ■ <u>Peregrine falcon</u> ■ <u>American kestrel</u> 		

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		<ul style="list-style-type: none"> ■ Bell's sage sparrow ■ California horned lark ■ Northwestern San Diego pocket mouse ■ Pallid San Diego pocket mouse ■ San Diego black-tailed jackrabbit ■ San Diego desert woodrat ■ Los Angeles pocket mouse ■ <u>Coast (San Diego) horned lizard</u> ■ Orange-throated whiptail ■ Rosy boa <p>If no nonlisted sensitive wildlife species are determined to be within or directly adjacent to the proposed project's impact area, then no further mitigation would be necessary and impacts related to nonlisted sensitive wildlife species are considered less than significant. If nonlisted sensitive wildlife species are determined to be present within or directly adjacent to the proposed project's impact area, and cannot be avoided, the following mitigation shall be implemented to reduce impacts to a less-than-significant level:</p> <p>a. <u>Replacement of coastal sage scrub habitat described under MM4.3-9 will provide replacement habitat concurrently for the above species.</u></p> <p>b. A mitigation report shall be submitted to the CDFG that includes, at a minimum, a description of methodology, including dates of field visits; the names of survey personnel with résumés; a list of references cited and persons contacted; and a map showing the location(s) of any nonlisted sensitive wildlife species observed within or adjacent to the project site.</p> <p>b.c. Five days prior to grading of the project site, sensitive rodent and reptilian species shall, to the extent possible, be passively relocated to suitable adjacent habitat. Collection and relocation of wildlife shall only occur with the proper scientific collection and</p>		

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		handling permits. ed. The mitigation report shall also detail the relocation and avoidance strategy and shall be submitted to the CDFG, and, if required, the USFWS for comments prior to project implementation.		
Impact 4.3-2 The proposed project could have a substantial adverse impact on riparian habitat or other sensitive natural community. This is a potentially significant impact. However, implementation of mitigation measure MM4.3-7 9 would reduce this impact to <i>less than significant</i> .	PS	MM4.3-79 To compensate for losses of sensitive on-site habitat resources, the Applicant shall do one or more of the following, which shall be approved by the USFWS as full mitigation for loss of habitat prior to grading activities: <ol style="list-style-type: none"> Purchase mitigation credits at a USFWS approved mitigation bank at ratios of no less than 4:1 Preserve, create, restore, and/or enhance coastal sage scrub habitat within other properties or approved mitigation programs available at the time of grading A combination of the above 	LTS	LTS
Impact 4.3-3 The proposed project would not could have a substantial adverse impact on federally protected wetlands. This impact is considered a potentially significant impact. However, implementation of mitigation measures MM4.3-10 and MM4.3-11 would reduce this impact to less than significant.	LTSPS	None required. MM4.3-10 Prior to the issuance of any grading permits, <u>the project applicant shall apply for and receive a Certificate of Waste Discharge from the RWQCB for the removal of the wash.</u> MM4.3-11 Prior to the issuance of any grading permits, <u>the project applicant shall apply for a Sections 1600-1616 Lake and Streambed Alteration Agreement from the CDFG for the removal of the wash. If the CDFG determines that a Sections 1600-1616 Lake and Streambed Alteration Agreement is not required, then no further mitigation measures would be required. If the CDFG does require a Sections 1600-1616 Lake and Streambed Alteration Agreement, payment of fees to cover the cost of the agreement, and compliance with the conditions of the agreement will be required. These conditions will likely include will likely include measures to preserve and/or replace habitat of similar or better quality at an on-site, or if on-site preservation is not feasible, at a CDFG approved off-site location.</u>	LTS	LTS

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<p>Impact 4.3-5 The proposed project could have a substantial adverse impact on an MBTA-protected occupied nest, or substantial interference with roosting and foraging opportunities for migratory species, sensitive avian species, or raptors. This is a potentially significant impact. Implementation of mitigation measure MM4.3-812 would reduce this impact to <i>less than significant</i>.</p>	PS	<p>MM4.3-812 If the proposed project’s construction phase occurs during the avian breeding season (generally February 1 through August 15), then within 30 days of the onset of construction activities, surveys for nesting special status and/or migratory avian species and raptors will be conducted on the affected portion of the project site, following USFWS and/or CDFG guidelines.</p> <p>...</p>	LTS	LTS
...				
Public Services				
<p>Impact 4.10-1 Implementation of the proposed project could increase the demand for fire protection services, but would not require the construction of new or physically altered facilities to accommodate the increased demand for service and maintain acceptable response times. <u>This is a potentially significant impact.</u> Further, implementation of <u>Compliance with</u> project requirements PR4.10A through and PR4.10CB and implementation of mitigation measure <u>MM4.10-1</u> would ensure that <u>reduce</u> this impact would remain to <u>less than significant</u>.</p>	<u>LTSPS</u>	<p>PR4.10A The project developer shall comply with all regulations of California Health and Safety Code Sections 13000 et seq. and SBFDF requirements pertaining to fire protection systems, such as the adequate provision of smoke alarms, fire extinguishers, building access, emergency response notification systems, fire flows, and hydrant pressure and spacing.</p> <p>PR4.10BMM4.10-1 The project developer shall pay the development impact fee of \$0.002 per square foot as required by the City to off-set potential cost impacts to the San Bernardino Fire Department. In addition, prior to the issuance of building permits, the developer shall participate on a fair-share basis in funding the continued operation and maintenance of Station No. 232. A one-time fair-share contribution equivalent to the Community Facilities District No. 1033 “in-lieu fee” established by Resolution No. 2004-107 of the Mayor and Common Council will mitigate the long-term impact of the project on emergency services of the Fire Department. As an alternative, an irrevocable agreement to annex the project site to Community Facilities District No. 1033 would satisfy this obligation.</p> <p>PR4.10CB The project developer shall comply with all applicable San Bernardino Municipal Code provisions regarding building design and project construction, including City Code 15.16.155, which requires that automatic sprinkler systems be installed in all new buildings having a floor area of more than 5,000 sf.</p>	LTS	LTS

Table 2-1 Summary of Environmental Impacts and Project Requirements/Mitigation Measures

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s) and/or Code Requirements	Level of Significance After Mitigation	Cumulative Impact
<p>Impact 4.10-2 Construction and operation of the proposed project would increase the demand for police protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand for service or maintain acceptable response times. Further, implementation of project requirements PR4.10DC through PR4.10FE would ensure that this impact would be <i>less than significant</i>.</p>	<p>LTS</p>	<p>PR4.10DC The developer shall ensure all vehicles associated with construction and everyday operation of the facility follow all applicable parking rules and regulation established in the area.</p> <p>PR4.10ED The project developer shall pay the development impact fee of \$0.005 per square foot as required by City to assist the funding for the San Bernardino Police Department.</p> <p>PR4.10FE The developer shall include adequate lighting, fencing, electronic gates, cameras, controlled ingress and egress to parking lots and building, and security minded landscaping to reduce criminal activity. The developer shall also contact the Western District of the San Bernardino Police Department and receive a CPTED assessment, which looks at site designs and security plans, prior to project approval.</p>	<p>LTS</p>	
<p>Transportation/Traffic</p>				
<p>Impact 4.11-1 The proposed project would add traffic volumes to intersections that would be potentially significant; however, implementation of mitigation measure MM4.11-1(a) and MM4.11-1(b) would bring the level of service of study area intersections to an acceptable level, and the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system or an applicable congestion management program. This impact would be <i>less than significant</i>.</p>	<p>PS</p>	<p>...</p> <p>MM4.11-1(b) <i>Measures designed to mitigate Operation related transportation/traffic impacts for Opening Year and Future traffic conditions; Applicant shall pay either a regular traffic impact fee or contribute a fair share, to be determined by the City, for all improvements:</i></p> <ul style="list-style-type: none"> ■ Palm Ave. & I-215 NB Ramps: Install a traffic signal at this location. <u>Include coordination with the existing signal at Kendall Drive/Little League Drive and Palm Avenue as well as for the signal to be installed at the I-215 Southbound Ramps and Palm Avenue.</u> (For both Opening Year 20402014 and Future 20302035 Conditions) ■ Palm Ave. & I-215 SB Ramps/Kendall Ave.: Install a traffic signal at this location. (For both Opening Year 20402014 and Future 20302035 Conditions) ■ Palm Ave. & Industrial Pkwy.: Restripe the southbound approach of Palm Avenue to provide a left-turn lane and a shared right/through lane at Industrial Parkway, and a shared through/left lane and a right-turn lane on the westbound approach of Industrial Parkway at Palm Avenue. Install a traffic signal that includes a 	<p>LTS</p>	<p>LTS</p>

Table 2-1 Summary of Environmental Impacts and Project Requirements/Mitigation Measures

<i>Impact(s)</i>	<i>Level of Significance Prior to Mitigation</i>	<i>Mitigation Measure(s) and/or Code Requirements</i>	<i>Level of Significance After Mitigation</i>	<i>Cumulative Impact</i>
		westbound right-turn phase on Industrial Parkway concurrent with the southbound left-turn phase on Palm Avenue at this location. (For Future 2030 <u>2035</u> Condition Only) ■ Palm Ave./Institution Rd. & Cajon Blvd.: Install a traffic signal at this location. (For Future 2030 <u>2035</u> Condition Only) ...		
...				

Page 4.1-53, Impact 4.1-3

Impact 4.1-3 Implementation of the proposed project would not create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. ~~This is a potentially significant impact. Project requirements PR4.1A, PR4.1B, and PR4.1C would reduce this impact to a less than significant level.~~ ensure this impact remains less than significant.

Page 4.2-1, third paragraph

No comment letters related to ~~aesthetics~~ air quality were received in response to the notice of preparation (NOP) circulated on August 3, 2007, for the proposed project.

Pages 4.2-19 to 4.2-20, last paragraph

LSTs, which are voluntary, only apply to CO, NO₂, PM₁₀, and PM_{2.5} emissions during construction and operationally activities at the discretion of the lead agency. Screening-level analysis of LSTs is only recommended for project sites that are 5 acres or less. The SCAQMD recommends that any project over 5 acres should perform air quality dispersion modeling to assess impacts to nearby sensitive receptors. As the total size of the project site is approximately 38.4 acres, dispersion modeling was performed for CO, NO_x, PM₁₀, and PM_{2.5} emissions during construction of the proposed project using the AERMOD dispersion model. A screening level dispersion model (SCREEN3) was used to evaluate operational emissions of the criteria pollutants. NO_x to NO₂ conversion was accounted for during the modeling to determine the maximum NO₂ concentrations at the nearest sensitive receptors. Dispersion modeling can be done on a voluntary basis by public agencies to determine whether or not a project may generate significant adverse localized air quality impacts. ~~LSTs have been established by the SCAQMD only for construction of projects and do not apply to emissions during operation as localized concentration cannot be properly quantified during operation due to the variable locations of mobile sources, which make up the largest source of criteria air pollutants during operation of the proposed project. Only CO concentrations at roadway intersection with an adverse LOS may be quantified, and the methodology for this is described below.~~

Page 4.2-20, first full paragraph

Localized CO Pollutant Concentrations for Operation

As noted previously, LSTs, which are voluntary, only apply to CO, NO₂, PM₁₀, and PM_{2.5} emissions at the discretion of the lead agency. The SCAQMD recommends that ambient air quality effects of traffic emissions be evaluated using the CALINE4 dispersion model ...

Page 4.2-22, third paragraph

As described previously, LSTs were developed in response to the SCAQMD Governing Board's Environmental Justice Enhancement Initiative (I-4). LSTs are only applicable for construction emissions of CO, NO_x, PM₁₀, and PM_{2.5}. LSTs do not apply to emissions during operation of the proposed project. Thresholds of significance for localized concentrations were developed by comparing the highest ambient air quality measurements between 2006 and 2008 (as shown in Table 4.2-1 [Summary of Ambient Air Quality in the Proposed Project Vicinity]) to the most stringent air quality standards (as shown in Table 4.2-3 [National and California Ambient Air Quality Standards]). The difference is the maximum concentration of criteria air pollutants that the proposed project would be able to create without causing an exceedance in the ambient air quality standard. Therefore, the following LSTs apply to construction and operational activities of the proposed project:

- 17 ppm for 1-hour CO concentrations
- 7 ppm for 8-hour CO concentrations
- 0.08 ppm for 1-hour NO₂ concentrations

As the Basin is in serious non-attainment for PM₁₀, the SCAQMD has established the following LSTs for PM₁₀ and PM_{2.5} concentrations during construction and operational activities:

- 10.4 µg/m³ for 24-hour PM₁₀ concentrations (Construction)
- 2.5 µg/m³ for 24-hour PM₁₀ (Operational)
- 10.4 µg/m³ for 24-hour PM_{2.5} concentrations
- 2.5 µg/m³ for 24-hour PM_{2.5} (Operational)

Page 4.2-23, Impact 4.2-2

Impact 4.2-2 Development of the proposed project ~~would not~~ could expose sensitive receptors to substantial pollutant concentrations due to project-generated toxic air emissions. ~~This is considered a less than significant impact. This is a potentially significant impact. Compliance with mitigation measures MM4.2-2(a) through MM4.2-(b) would reduce this impact to less than significant.~~

Pages 4.2-23 to 4.2-24, last paragraph

The HIRAs for the proposed project are included as Appendix C of this EIR and include The results of the revised analysis are summarized here and detailed in the *Palm-Industrial Distribution Center Health Risk Assessment Revised Modeling Memorandum* (August 2011) and included as Appendix C1 of this EIR. The memorandum includes detailed descriptions of the calculation methodology used. In order to evaluate the potential cancer risks posed by DPM resulting from the operation of the proposed project, an HIRAs ~~were~~ was prepared for the proposed project. As previously stated, the primary cancer-causing TAC emission sources at the proposed project are diesel transport trucks. DPM in the exhaust from delivery trucks serving the warehouse facility were calculated using the California Air Resources Board's model EMFAC2007 Version 2.3 for On-Road Heavy-Heavy-Duty Diesel Trucks, for the South Coast Air Basin

for the years 2013 through 2040. The AERMOD dispersion model was then used to estimate concentrations of DPM resulting from the operational activities associated with the proposed project. For the calculation of the cancer risk at residential ~~and sensitive~~ receptors, the duration of exposure to project emissions was assumed to be 24 hours per day, 365 days per year, for 70 years. For the worker receptors, the duration of exposure was assumed to be ~~248~~ 240 hours per day, ~~365~~ 240 days per year, for 40 years. ~~For schools the duration of exposure was assumed to be 9 hours per day, 200 days per year.~~ ~~Although worker and students are only exposed for 40 and 9 years respectively,~~ the HRA results for these receptors are still expressed in terms of the incremental cancer risk over a 70-year period. To obtain the chronic non-cancer hazard index, the annual DPM concentration is divided by the OEHHA DPM chronic REL of 5.0 $\mu\text{g}/\text{m}^3$. The thresholds or significance determined by SCAQMD for cancer risk is 10 in 1 million and the chronic hazard index due to a new project is 1.

As stated in the HRAs memorandum, the maximum cancer risk predicted at a residence near the project site was ~~1.27~~ 21.68 in 1 million, located north of Kendall Drive between Palm Avenue and Olive Avenue, while the maximum cancer risk predicted at the Crestview Baptist Church and Palm Elementary School were ~~0.08~~ 1.17 and ~~0.04~~ 0.4 in 1 million, respectively. In addition, the maximum cancer risk predicted for on- and off-site worker receptors near the project site was ~~3.78~~ 8.79 in 1 million, located along the fenceline between the project site and the Denny's Restaurant to the west. Without mitigation the maximum residential impacts exceed the SCAQMD threshold of 10 in a million.

~~Since the diesel particulate cancer risk was predicted to be less than 10 in 1 million at all receptors, the estimated cancer risk is below the threshold of significance determined by the SCAQMD. Also, a~~ At the point of maximum impact, the AERMOD model predicts the chronic non-cancer hazard index for DPM associated with the proposed project to be ~~0.0048~~ 70.11988, which is substantially lower than the 1.0 threshold of significance used by SCAQMD. The point of maximum impact (PMI) is the worker exposure at fenceline between the project site and the Denny's Restaurant. Since the DPM chronic hazard index is less than 1.0 at the PMI, the chronic hazard index would be less than 1.0 at all receptors including residents.

With the implementation of mitigation as defined below, the maximum cancer risk for residential receptors can be reduced to between 9.98 and 6.72 in a million. As the implementation of mitigation would reduce impacts from the proposed project would not result in exposure of receptors above to below the thresholds of significance established by SCAQMD for cancer risk and chronic non-cancer health risks, this impact would be **less than significant**. No mitigation is required.

The following mitigation measures shall be implemented to reduce operational DPM emissions. Mitigation measure MM4.2-2(a) Items A and C will reduce risk by reducing the diesel emissions generated by each truck trip, while MM4.2-2(a) Item B will reduce risk by reducing the amount of fuel consumed by each truck and thereby reducing the particulates generated.

MM4.2-2(a) *The owner/operator of the distribution center shall ensure that one of the following is implemented pursuant to California Air Resources Board regulations:*

A. *A minimum of 11 percent of the truck fleet accessing the site be equipped with or retrofitted to accommodate a diesel particulate filter of 80 percent reduction or better*

B. The facility operator must become a Smart Way Partner upon the start of operation and require that at least 90 percent of all truck trips will be carried by Smart Way carriers with a minimum fuel efficiency increase of 10 percent

C. All trucks serving the project be a 2007 model year or newer

MM4.2-2(b) Trucks queuing to exit the site shall not idle along the northern property boundary. Instead, queuing shall follow the truck route to and from the southern loading dock area.

In addition to the mitigation measures outlined above, potential risk can be reduced for facility-owned trucks by making sure that if the vehicle fleet is not comprised of 2007 or newer models, the facility owner should apply in good faith for funding to replace/retrofit their trucks. Funding programs may include but are not limited to Carl Moyer, VIP, and Proposition 1B. Should funds be awarded, they should be accepted and used to retrofit/replace older trucks in the vehicle fleet. While this will further reduce risk, it has not been included in the quantified reductions.

Page 4.2-26, Impact 4.2-5

Impact 4.2-5 Construction of the proposed project ~~would not~~ could violate an air quality standard or contribute substantially to an existing or projected air quality violation. This is a potentially significant impact. Compliance with the identified project requirements PR4.2B through PR4.2D and implementation of mitigation measures MM4.2-5(a) through MM4.2-5(d) would ensure reduce this impact would remain to less than significant.

Page 4.2-27, fourth full paragraph

On-site and off-site emissions of criteria pollutants from construction activities were estimated using the construction module of URBEMIS 2007. Equipment exhaust emissions were determined using the URBEMIS 2007 default values for horsepower and load factors. URBEMIS 2007 default equipment assumptions do not take into account equipment to manage large amounts of cut and fill. Therefore the default equipment assumptions were also used adjusted to accommodate the substantial cut and fill activities anticipated during construction. Estimated maximum emissions from the proposed project construction are shown in Table 4.2-9 (Estimated Peak Daily Construction Emissions in Pounds per Day) and are compared with the SCAQMD's thresholds of significance. Detailed modeling output files and calculation worksheets are provided in Appendix B. These calculations for the unmitigated emissions assume that construction activities would begin in the third or fourth quarter of 2011 and would last for a total of 22 months.

Page 4.2-28, project requirement PR4.2B

PR4.2B *As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:*

- *Limiting the amount of area disturbed during site grading to 10 acres per day or less*

- *Application of soil stabilizers to inactive construction areas according to manufacturers recommendations*
- *Quick replacement of ground cover in disturbed areas*
- *Watering of exposed surfaces ~~three~~ four times daily*
- *Watering of all unpaved haul roads ~~three~~ four times daily*
- *Covering all stock piles with tarp*
- *Reduction of vehicle speed on unpaved roads*
- *Post signs on site, limiting traffic on unpaved roads to 15 miles per hour or less*
- *Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent paved roads (using sweepers that comply with SCAQMD Rules 1186 and 1186.1)*
- *~~Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas~~*
- *Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip*
- *Appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation*
- *Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph*
- *Prohibit truck idling in excess of 5 minutes*

Pages 4.2-28 to 4.2-29, last paragraph

Approximately 200,000 cubic yards of soil would be exported off site to either the SANBAG grade separation project adjacent to the project site or one of the three servicing landfills identified in Section 4.12 (Utilities/Service Systems). The remainder of 1.4 million cubic yards of excavated soil would be balanced on site. Export of the soil off site would require approximately 57 round-trip truck trips per day for approximately 160 days during mass site grading, as each truck would have a capacity of 20 cubic yards. Table 4.2-9 (Estimated Peak Daily Construction Emissions in Pounds per Day) shows the emissions generated by project construction.

Construction Phase	Peak Day Emissions in Pounds per Day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5} ^a
Mass Grading ^a	4	32	18	0	63	14
Fine Grading ^b	4	30	17	0	12	4
Trenching	2	15	9	0	1	1
Construction	9	71	104	0	4	3
Paving	4	16	11	0	1	1
Architectural Coating ^c	61	0	3	0	0	0
Maximum Daily Emissions	61	71	104	0	63	14

Table 4.2-9 Estimated Peak Daily Construction Emissions in Pounds per Day

Construction Phase	Peak Day Emissions in Pounds per Day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5} ^a
SCAQMD Thresholds	75	100	550	150	150	55
Significant Impact?	No	No	No	No	No	No
UNMITIGATED						
Mass Grading ^a	<u>12.29</u>	<u>111.30</u>	<u>58.78</u>	<u>0.05</u>	<u>1,023.88</u>	<u>217.71</u>
Fine Grading ^a /Trenching	<u>4.55</u>	<u>37.30</u>	<u>21.41</u>	<u>0</u>	<u>167.82</u>	<u>36.34</u>
Construction	<u>9.38</u>	<u>71.07</u>	<u>104.12</u>	<u>0.19</u>	<u>4.10</u>	<u>3.32</u>
Paving	<u>43.50</u>	<u>16.17</u>	<u>10.97</u>	<u>0.01</u>	<u>1.25</u>	<u>1.13</u>
Architectural Coating ^b	<u>68.01</u>	<u>0.02</u>	<u>3.34</u>	<u>0.01</u>	<u>0.04</u>	<u>0.02</u>
Maximum Daily Emissions	<u>68.01</u>	<u>111.30</u>	<u>104.12</u>	<u>0.19</u>	<u>167.82</u>	<u>217.71</u>
SCAQMD Thresholds	75	100	550	150	150	55
Significant Impact?	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
MITIGATED						
Mass Grading ^a	<u>10.26</u>	<u>96.97</u>	<u>48.98</u>	<u>0.06</u>	<u>146.35</u>	<u>33.85</u>
Fine Grading ^a /Trenching	<u>4.32</u>	<u>34.78</u>	<u>20.80</u>	<u>0.00</u>	<u>101.68</u>	<u>22.43</u>
Construction ^c	<u>8.54</u>	<u>63.67</u>	<u>96.21</u>	<u>0.19</u>	<u>3.75</u>	<u>2.99</u>
Paving ^c	<u>3.44</u>	<u>16.02</u>	<u>10.91</u>	<u>0.01</u>	<u>1.25</u>	<u>1.13</u>
Architectural Coating ^{b,c}	<u>63.56</u>	<u>0.17</u>	<u>2.97</u>	<u>0.00</u>	<u>0.04</u>	<u>0.02</u>
Maximum Daily Emissions	<u>63.56</u>	<u>96.97</u>	<u>96.21</u>	<u>0.06</u>	<u>146.35</u>	<u>33.85</u>
SCAQMD Thresholds	75	100	550	150	150	55
Significant Impact?	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

SOURCE: URBEMIS 2007. Calculation sheets are provided in Appendix B.

- a. Assumes watering of the project site would occur four times per day.
- b. Assumes Low-VOC coating and 80 percent reduction from URBEMIS estimate.
- c. Although the activities for these phases are not adjusted in the remodeling, the extension of the Mass Grading phase moves these phases to a later year, thus resulting in reduced emissions based on the URBEMIS modeling.

As shown in Table 4.2-9, ~~all construction emissions would be less than significant unmitigated emissions, even with the incorporation of the project requirements, would exceed the SCAQMD thresholds for PM₁₀, PM_{2.5}, and NO_x emissions.~~ Emissions of PM₁₀ and PM_{2.5} are reduced to below SCAQMD significance thresholds during site mass grading by implementation of project requirement PR4.2B and mitigation measures MM4.2-5(a) through MM4.2-5(d). Project requirements PR4.2C and PR4.2D would further reduce NO_x emissions, ~~although these emissions fall below SCAQMD thresholds of significance to below the regulatory threshold.~~ Therefore, construction emissions of criteria pollutants would be ***less than significant***.

The following mitigation measures shall be incorporated to reduce fugitive dust emissions from fugitive dust to below SCAQMD threshold levels.

- MM4.2-5(a) The developer shall develop a construction schedule approved by the City such that the grading/excavation period results in a maximum on-site cut and fill equal to 4,375 cubic yards or less per day, with a maximum export of 65 truck loads per day.
- MM4.2-5(b) All roadways, driveways, and sidewalks to be paved and building pad shall be completed as soon as possible. If building pad is to be left uncompleted for more than 14 days, seeding or soil binders shall be implemented. Prior to paving, site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
- MM4.2-5(c) Excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- MM4.2-5(d) The mass grading/excavation phase shall not overlap with fine grading and/or trenching activity phases.

Pages 4.2-32, immediately following mitigation measure MM4.2-6(b)

- MM4.2-6(c) The project site shall utilize a parking program that encourages carpooling. ~~Employees will be required to pay for parking on site.~~ Employees who carpool or use electric vehicles (EVs) or compressed natural gas (CNG) vehicles will be given a discount on the parking fee. Preferential parking spaces shall also be designated for employees who carpool, and use EVs/CNG Vehicles.
- ...
- MM4.2-6(e) The project shall include employee services on site, including lunch vending machines or other lunch option, an ATM, and childcare services.
- MM4.2-6(f) Operator of the project shall place signage on site reminding drivers that idling of diesel powered vehicles is limited to 5 minutes.
- MM4.2-6(g) A computerized tracking system will be available in the entrance kiosk to minimize arrival processing time for delivery truck check-ins; and at least one truck gate to the site shall be open 24 hours each week/day, with federal holidays exempted.

Pages 4.2-32, Impact 4.2-7

Impact 4.2-7 **Operation of the proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified non-attainment under an applicable federal or state ambient air quality standard (ozone, PM₁₀, and PM_{2.5}). This is considered a significant impact. Implementation of mitigation measures MM4.2-6(a) through MM4.2-6(eg) would reduce these emissions, but not to less than significant. Therefore, this impact would be considered *significant and unavoidable*.**

A significant impact may occur if a project would add a cumulatively considerable contribution of a federal or state non-attainment pollutant. ...

As discussed previously in Impact 4.2-5 and shown in Table 4.2-9, construction-related daily emissions associated with project development would not exceed any SCAQMD significance thresholds. Therefore, the proposed project would not result in a cumulatively considerable impact during construction. However, operation of the proposed project would generate emissions that would exceed the thresholds of significance recommended by the SCAQMD for NO_x, as discussed in Impact 4.2-6. Therefore, the emissions generated by operation of the proposed project would be cumulatively considerable and would constitute a substantial contribution to an existing or projected air quality violation. As described above in Impact 4.2-6, compliance with mitigation measures MM4.2-6(a) through MM4.2-6(eg) would reduce these emissions, but not to a less-than-significant level.

Pages 4.2-33 to 4.2-34, Impact 4.2-8

Impact 4.2-8 **Construction and operational activities associated with development of the proposed project would generate emissions that would result in an exceedance of localized significance thresholds for PM₁₀ and PM_{2.5} established by the SCAQMD, and, therefore, would expose sensitive receptors to substantial pollutant concentrations. This is considered a significant impact. Compliance with project requirements PR4.2B through PR4.2D and implementation of mitigation measures MM4.2-3(a) through MM4.2-3(c), MM4.2-5(a) through MM4.2-5(d), and MM4.2-8 would reduce this impact, but not to a less-than-significant level. Therefore, this impact would be considered *significant and unavoidable*.**

As described above, the emissions from project construction and operational activities were estimated using the URBEMIS 2007 emissions model. Construction emissions related to development of the proposed project are shown in Table 4.2-9. For the purpose of this analysis, all emissions shown in Table 4.2-9 are assumed to originate from the project site, such as use of diesel-powered construction equipment. The on-site project combined construction emissions were then used in a dispersion model to estimate associated concentrations at the closest off-site sensitive receptors.

Table 4.2-10 shows the estimated daily operational emissions for the proposed project. The emissions are estimated to result from both truck and passenger car access to the site as well as the onsite daily operation of the building. The anticipated operational emissions were evaluated at a screening level using SCREEN3 to determine localized significant impacts to nearby sensitive receptors. The nearest sensitive receptor is greater than 100 meters to the northeast therefore a distance of 100 meters or more was used for reporting operational emissions.

As mentioned above, LSTs have been developed by the SCAQMD to determine maximum allowable concentrations of criteria air pollutants during construction and operation of the proposed project. ~~As stated above, LSTs have been established by the SCAQMD only for construction of projects and do not apply to emissions during operation.~~ For projects greater than 5 acres in total area, dispersion modeling is done to determine worst-case pollutant concentration at sensitive receptors associated with construction of the project.

The analysis with respect to operational emissions used the peak daily emissions as presented in Table 4.2-10 to evaluate impacts with respect to nearby receptors. Based on the analysis the unmitigated project emissions none of the criteria pollutants would exceed the localized significance thresholds established by the SCAQMD for operational activities, as shown in Table 4.2-12a (Total Operational Emissions and Localized Significance Thresholds). With the implementation of mitigation anticipated to reduce Cancer Risk (MM4.2-2(a) through MM4.2-2(b)), the emissions of PM_{10} with respect to operational activities are anticipated to be further reduced.

Table 4.2-12a Total Operational Emissions and Localized Significance Thresholds

Receptor Distance (m)	CO	CO	NO ₂	PM _{2.5}	PM ₁₀	PM ₁₀	PM ₁₀	PM ₁₀
	1-hr	8-hr	1-hr	24-hr	24-hr	Red. A	Red. B	Red. C
100	3.18	4.53	0.0965	0.1189	0.7900	0.3700	0.3700	0.2500
200	3.20	4.54	0.1004	0.0012	0.0100	0.0000	0.0000	0.0000
500	3.18	4.53	0.1099	0.0000	0.0000	0.0000	0.0000	0.0000
800	3.10	4.47	0.1075	0.0000	0.0000	0.0000	0.0000	0.0000
1,000	3.08	4.46	0.1069	0.0000	0.0000	0.0000	0.0000	0.0000
SCAQMD Threshold	20	9	0.18	2.5	2.5	2.5	2.5	2.5
Significant?	No	No	No	No	Yes	No	No	No

Localized concentrations from construction activities were estimated, as discussed above in the Analytic Method section and assume implementation of project requirements PR4.2B through PR4.2D and mitigation measures MM4.2-5(a) through MM4.2-5(d). Total worst-case localized construction emissions for the proposed project, after implementation of PR4.2B through PR4.2D, the project requirements and mitigation measures, are included in Table 4.2-12b (Total Construction Emissions and Localized Significance Thresholds) and compared to LSTs for SRA 34, the source receptor area that includes the City of San Bernardino.

Table 4.2-12b Total Construction Emissions and Localized Significance Thresholds

Pollutant	Averaging Time	Standard	Maximum Modeled Concentration
CO	1-Hour	17 ppm	4.20 ppm 1140.60 $\mu\text{g}/\text{m}^3$ / 0.9973 ppm
	8-Hour	7 ppm	4.43 ppm 345.42 $\mu\text{g}/\text{m}^3$ / 0.3099 ppm
NO ₂	1-Hour	0.08 ppm	2.88 ppm 88.76 $\mu\text{g}/\text{m}^3$ / 0.0472 ppm
PM ₁₀	24-Hour	10.4 $\mu\text{g}/\text{m}^3$	12.06 $\mu\text{g}/\text{m}^3$ 61.93 $\mu\text{g}/\text{m}^3$
PM _{2.5}	24-Hour	10.4 $\mu\text{g}/\text{m}^3$	1.77 $\mu\text{g}/\text{m}^3$ 19.49 $\mu\text{g}/\text{m}^3$

SOURCE: PBS&J 2011; AERMOD (Lakes Environmental Software version 6.0) SCAQMD 2003, Localized Significance Threshold Methodology (calculation data sheets provided in Appendix B)

As shown in Table 4.2-12, localized CO 1-hour concentrations, CO 8-hour concentrations, and NO₂ 1-hour concentrations, and PM_{2.5} 24-hour concentrations would not exceed SCAQMD thresholds during project construction. However, even with the implementation of project requirements PR4.2B through

PR4.2D, the proposed project would exceed the SCAQMD threshold for PM₁₀ and PM_{2.5} during project construction. Mitigation measure MM4.2-8 requires all construction equipment to be EPA Tier 2 rated equipment. This mitigation measure would reduce the maximum modeled concentration of PM₁₀ to ~~12.05~~57.78 µg/m³; and PM_{2.5} to 11.88 µg/m³. ~~However, these concentrations would still exceed the significance threshold.~~ The closest sensitive receptors to the project site would be the residential uses to the north of the project site. These uses could be exposed to criteria pollutant concentrations that exceed the SCAQMD's localized significance thresholds. As no further feasible mitigation is available to reduce these concentrations, this impact would be **significant and unavoidable**.

MM4.2-8 *The developer shall require by contract specifications that construction equipment be EPA Tier 2 rated or higher; ~~emissions standards according to the following schedule adopted by other lead agencies in the south Coast Air Basin:~~*

- April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by California ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by California ARB regulations.
- January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by California ARB. Any 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 California ARB regulations.
- Post-January 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emissions standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by California ARB. Any 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 California ARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and California ARB or AQMD operating permit shall be provided to the contractor at the time of mobilization of each applicable unit of equipment and kept on record at the project site during construction activities.

Pages 4.2-35 to 4.2-36, last paragraph

Threshold	Would the project expose sensitive receptors to substantial pollutant concentrations?
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HRAs were performed to estimate the potential health risks associated with TACs generated by operation of the proposed project and are included as Appendix C of this EIR. As discussed previously, the significance of cumulative air quality impacts is typically determined according to the project-specific impact methodology recommended by the SCAQMD, and as discussed in Impact 4.2-2, the maximum cancer risk ~~predicted at was for a residence near the project site was 1.27~~ at 21.68 in 1 million. ~~The~~

~~receptor is located north of Kendall Drive between Palm Avenue and Olive Avenue, while the maximum cancer risk predicted at a sensitive receptor near the project site was 0.08 in 1 million at the Crestview Baptist Church and 0.01 in 1 million at Palm Elementary School, and the maximum cancer risk predicted at an offsite worker receptor near the project site was 3.78 in 1 million, located along the fenceline between the project site and the Denny's Restaurant to the west. With the implementation of mitigation measures MM4.2-2(a) through MM4.2-2(b), maximum cancer risk is reduced to 9.98 or below.~~

In addition, the HRA results for the proposed project indicate the worst-case, chronic, non-cancer HI for DPM associated with the construction activities for the proposed project is ~~0.0048711988~~ at the fenceline between the project site and the Denny's Restaurant, which is less than one, the threshold value at or above which additional analysis and mitigation are deemed necessary by the SCAQMD. ...

Page 4.3-9, last paragraph

Coastal California Gnatcatcher (*Poliophtila californica californica*). The coastal California gnatcatcher is listed as threatened by the USFWS. Critical habitat is designated for this species, and the project area lies within a critical habitat unit. The coastal California gnatcatcher is an obligate resident of southern California coastal sage scrub communities near arid hillsides, mesas, and washes. ...

Page 4.3-10, last paragraph

San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*). The San Bernardino kangaroo rat is listed as endangered by the USFWS. Critical habitat is designated for this species, and the project area lies within a critical habitat unit. The San Bernardino kangaroo rat prefers alluvial scrub/coastal sage scrub habitats, on gravelly and sandy soils adjoining river and stream terraces, and on alluvial fans. ...

Page 4.3-15, bulleted items

Taking into account the on-site habitat, elevation, and habitat requirements/restrictions of each species, the following 10 of the 35 sensitive wildlife species listed in Appendix A of Appendix D1 has a *moderate* or greater potential to occur within the project site:

- **Species Observed:** The following nonlisted special-status or otherwise protected species were observed during surveys conducted for the project:
 - > northern harrier (*Circus cyaneus*)
 - > Cooper's hawk (*Accipiter cooperii*)
 - > red-tailed hawk (*Buteo jamaicensis*)
 - > ferruginous hawk (*Buteo regalis*)
 - > peregrine falcon (*Falco peregrinus*)
 - > American kestrel (*Falco sparverius*)
 - > Bell's sage sparrow (*Amphispiza belli belli*)

- > California horned lark (*Eremophila alpestris actia*)
- **High Potential to Occur:**
 - > coast (San Diego) horned lizard (*Phrynosoma blainvillii*)
- **Moderate Potential to Occur:**
 - > ~~Bell's sage sparrow (*Amphispiza belli belli*)~~
 - > ~~California horned lark (*Eremophila alpestris actia*)~~
 - > northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
 - > pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*)
 - > San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)
 - > San Diego desert woodrat (*Neotoma lepida intermedia*)
 - > Los Angeles pocket mouse (*Perognathus longimembris brevinasus*)
 - > orange-throated whiptail (*Aspidoscelis hyperythra*)
 - > rosy boa (*Charina trivirgata*)

Pages 4.3-22, first paragraph

The City of San Bernardino General Plan Goal 12.1 (Natural Resources) addresses the conservation and enhancement of San Bernardino's biological resources. A biological technical report was prepared by LSA Associates that determined that the site does not support any federal or state listed plant or wildlife species; however, the site does support habitat for federally listed California gnatcatcher and other resident and migratory bird species protected by the Migratory Bird Treaty Act. In Section 4.3.7 (Project Impacts and Mitigation Measures) of the chapter, there are mitigation measures designed to offset the impacts to biological resources. Implementation of mitigation measures MM4.3-1 through MM4.3-8~~12~~ will balance the preservation of plant and wildlife habitats and therefore would not conflict with the goals and policies designed to protect biological resources.

Pages 4.3-23 to 4.3-26, Impact 4.3-1

Impact 4.3-1 **The proposed project could have a substantial adverse impact on species identified as candidate, sensitive, or special status. This is a potentially significant impact. However, implementation of mitigation measures MM4.3-1 through MM4.3-4~~8~~ would reduce this impact to *less than significant*.**

Endangered, Threatened, and Sensitive Species

Listed Species

No federally or state-listed threatened or endangered species were observed within the project site during the general biological field surveys of the entire property, or USFWS protocol-level surveys conducted in 2007 within habitat surveyed for the federally threatened coastal California gnatcatcher and trapped for the federally endangered San Bernardino kangaroo rat. However, the project site lies within the boundaries of Critical Habitat for both California gnatcatcher, and San Bernardino kangaroo rat, even if unoccupied by the species. As discussed in the “Wildlife” subsection of Section 4.3.4 (Special-Status Biological Resources), a single federally listed species was identified as having a moderate or higher potential for occurring within the project site: the coastal California gnatcatcher. Although protocol-level surveys conducted in 2007/08 confirmed the absence of gnatcatchers on the project site (see Appendix D1), suitable habitat remains under current conditions, and individuals in the local area could use the on-site habitat as temporary foraging and dispersal habitat. The protocol surveys conducted for this species and the San Bernardino kangaroo rat are over three years old and would therefore be considered out of date by the agencies. ~~This~~ These species could therefore be present within the habitat that occurs on the project site and/or immediate vicinity during construction. Any impacts to ~~this~~ these species would be considered significant. Implementation of the avoidance and minimization measures proposed within mitigation measures MM4.3-1 through MM4.3-46 would substantially reduce the risk of potential direct impacts and inadvertent “take” of coastal California gnatcatcher individuals during project construction to **less than significant**. In addition, implementation of MM4.3-79 would provide for compensation of the loss of habitat potentially used by gnatcatchers for foraging and dispersal.

MM4.3-1 Update protocol level surveys for the federally threatened coastal California gnatcatcher and for the federally endangered San Bernardino kangaroo rat: Prior to the issuance of any grading permits for the project and within 30 days of any ground-disturbing activities, the project applicant shall retain a qualified, permitted biologist(s) familiar with California gnatcatcher and San Bernardino kangaroo rat to conduct protocol level surveys for each species in suitable habitat on the site. If neither California gnatcatcher nor San Bernardino kangaroo rat are found then no compensation measures would be required. If either species is discovered on the site, then the following mitigation measures shall apply.

MM4.3-2 If California gnatcatcher or San Bernardino kangaroo rat is discovered to occupy the site, then to the extent feasible, habitat for these species shall be avoided through the establishment of a buffer area of 200 feet. Such areas shall be flagged, and encircled with an exclusionary fence. These areas shall be preserved in a conservation easement or other acceptable agreement with a USFWS and/or CDFG approved agency. Any such agreements shall be conducted in coordination with the USFWS and/or CDFG.

If impacts on California gnatcatcher or San Bernardino kangaroo rat or their occupied habitat are unavoidable, then formal consultation with the USFWS pursuant to either Section 7 (with federal nexus) or Section 10 (without federal nexus) of FESA, and with CDFG pursuant to the CESA would be required. Specific mitigation measures would be developed as a part of the agency consultation, but would include a combination of on-site avoidance and preservation, and/or creation and preservation of off-site habitat, or payment into an off-site mitigation bank. The mitigation ratio

for compensation of suitable habitat lost will not be less than 1:1, and an additional 1:1 for the loss of Critical Habitat.

For preconstruction avoidance, the following mitigation measures shall apply.

MM4.3-43

Thirty days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub on the project site, the project Applicant shall retain a qualified biologist to perform pre-construction surveys and monitor construction activities. The biologist must be knowledgeable of coastal California gnatcatcher and other listed species' biology and ecology, and must be permitted to conduct surveys for these species. The project Applicant shall submit the biologist's name, contact information, and work schedule for the project to the USFWS and CDFG (Wildlife Agencies). The biologist shall perform the following duties:

- a. Conduct a pre-construction meeting to ensure that construction crews are informed of the approved limits of disturbance and of the sensitive animals and habitats in the vicinity.*
- b. Train all contractors and construction personnel on the biological resources associated with the project. At a minimum, training shall include (1) the purpose for resource protection; (2) a description of sensitive species and their habitats; (3) environmentally responsible construction practices; (4) the protocol to resolve conflicts that may arise at any time during the construction process; and (5) the general provisions of the FESA and CESA, the need to adhere to the provisions of the FESA and CESA, and the penalties associated with violation of the FESA and CESA.*
- c. Be on site during initial clearing/grubbing, grading, and/or construction activities within sensitive habitat to be impacted, or within 500 feet of habitats to be avoided, and periodically monitor these activities to ensure they do not exceed the fenced construction limits (refer to MM4.3-24). If a violation is observed, then the biologist shall immediately notify the on-site construction superintendent who shall temporarily divert or halt work in the area of impact. Within 24 hours of its occurrence, the project Applicant and the biologist shall confer with the Wildlife Agencies to ensure the proper implementation of species and habitat compensation.*
- d. Submit weekly letter reports (including photographs of the impact areas) to the project Applicant and the Wildlife Agencies during clearing/grubbing, grading, and/or construction activities within sensitive habitat to be impacted, or within 500 feet of habitats to be avoided. The weekly reports shall document that authorized impacts were not exceeded, that work did not occur within the 500-foot setback (except as authorized by the Wildlife Agencies), and that general compliance with all conditions occurred. The reports shall also outline the duration of any coastal California gnatcatcher monitoring (refer to MM4.3-35 and MM4.3-46), the location of construction activities, the type of construction which occurred, and equipment used. If coastal California gnatcatcher surveys are conducted, then these reports shall specify numbers, locations, and sex of gnatcatchers (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatcher. Raw field notes should be available upon request by the Wildlife Agencies.*
- e. Submit a final report to the project Applicant and the Wildlife Agencies within 60 days of project completion, that includes construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded, and that general compliance with all conditions were achieved.*

MM4.3-24 *Prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub on the project site, the project Applicant shall retain a qualified biologist to supervise the installation of temporary construction fencing, with silt barriers, along the approved limits of disturbance, including construction staging areas and access routes, to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided.*

...

MM4.3-25 *Fourteen days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub, and that are scheduled to occur between September 1 and February 14 (outside of the coastal California gnatcatcher breeding season), the project Applicant shall retain a biologist qualified and permitted to conduct pre-construction coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. At that time, the biologist shall also coordinate with the Wildlife Agencies on appropriate bird “flushing” procedures, if necessary.*

...

MM4.3-46 *Fourteen days prior to clearing/grubbing, grading, and/or construction activities within or adjacent to coastal sage scrub, and that are scheduled to occur between February 15 and August 31 (during the coastal California gnatcatcher breeding season), the project Applicant shall retain a biologist qualified and permitted to conduct coastal California gnatcatcher surveys, and shall notify the Wildlife Agencies of the impending pre-construction surveys. Seven days prior to clearing/grubbing, grading, and/or construction activities, the biologist shall perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatchers, nest building activities, egg incubation activities, or brood rearing activities on, or within 500 feet of, the proposed construction site. The last of the surveys shall be conducted on the day immediately prior to the land disturbance. Additional surveys shall be conducted once a week during project construction throughout the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies.*

...

Other (Non-listed) Sensitive Species

Eight nonlisted sensitive wildlife species were observed within or adjacent to the project site incidental to the focused surveys for California gnatcatcher. These species include; northern harrier, Cooper’s hawk, red-tailed hawk, ferruginous hawk, peregrine falcon, American kestrel, Bell’s sage sparrow, and California horned lark. Of these eight species, only the Bell’s sage sparrow has potential nesting habitat within the project site. No other nonlisted sensitive plant or wildlife species were observed within the project site during any of the biological field surveys of the entire property; however, these surveys were not intended to formally determine the presence/absence of nonlisted sensitive plant or wildlife species, only assess the potential for them to occur based on habitat suitability. Nonlisted sensitive species are those that are listed as State Species of Concern, Federal Species of Concern, and CNPS Lists 1A, 1B, and 2. As discussed in the “Wildlife” and “Plants” subsections of Section 4.3.4, one sensitive species were identified as having a *high* potential of occurring within the project site, and ten sensitive species were identified as having a *moderate* potential of occurring within the project site.

The coast (San Diego) horned lizard and San Diego desert woodrat are nonlisted wildlife species with a *high* potential to occur within the project site. The ~~Bell's sage sparrow, California horned lark,~~ northwestern San Diego pocket mouse, pallid San Diego pocket mouse, San Diego black-tailed jackrabbit, Los Angeles pocket mouse, orange-throated whiptail, and rosy boa are nonlisted wildlife species, and the Plummer's mariposa lily and mesa horkelia is a nonlisted sensitive plant species, with a *moderate* potential to occur within the project site.

Pages 4.3-27 to 4.3-29, fourth paragraph

Under CEQA, the Lead Agency for the proposed project would determine, on a case-by-case basis, whether or not impacts to nonlisted sensitive species would be considered significant; however, under CEQA Section 15380, impacts to sensitive species are a potentially significant impact. Implementation of mitigation measures MM4.3-57 and MM4.3-68, below, would reduce impacts to ***less than significant***.

MM4.3-57 Nonlisted Sensitive Plant Species. *Due to potentially suitable habitat present within the project site for two nonlisted sensitive plant species, the project Applicant shall retain a qualified biologist or botanist to conduct a pre-construction survey of the area within the footprint of impact, and extended 50 feet outside of the impact area. The survey shall be conducted according to applicable CNPS and CDFG protocols, during the species blooming period or, if applicable and appropriate, immediately prior to the onset of project-related disturbances. The purpose of the pre-construction survey shall be to locate any special-status plant species that have a moderate or greater potential to occur within or directly adjacent to the proposed area. These surveys shall be restricted to habitat types that could support special-status plant species that have the potential to occur within the proposed project's impact area, including the following plant species:*

- *Plummer's mariposa lily*
- *Mesa horkelia*

...

MM4.3-68 Nonlisted Sensitive Wildlife Species. *Due to potentially suitable habitat present within the project site for ten nonlisted sensitive wildlife species, the project Applicant shall retain a qualified biologist to conduct a pre-construction survey of the area within the footprint of impact, and extended 50 feet outside of the impact area. The survey shall be conducted according to any available CDFG protocols, prior to the onset of project-related disturbances. The purpose of the pre-construction survey shall be to locate any special-status wildlife species that have a moderate or greater potential to occur within or directly adjacent to the proposed project's impact area, and would not be mobile enough to avoid construction activities. These surveys shall including the following species:*

- *Northern harrier*
- *Cooper's hawk*
- *Red-tailed hawk*
- *Ferruginous hawk*
- *Peregrine falcon*
- *American kestrel*
- *Bell's sage sparrow*

- *California horned lark*
- *Northwestern San Diego pocket mouse*
- *Pallid San Diego pocket mouse*
- *San Diego black-tailed jackrabbit*
- *San Diego desert woodrat*
- *Los Angeles pocket mouse*
- *Coast (San Diego) horned lizard*
- *Orange-throated whiptail*
- *Rosy boa*

If no nonlisted sensitive wildlife species are determined to be within or directly adjacent to the proposed project's impact area, then no further mitigation would be necessary and impacts related to nonlisted sensitive wildlife species are considered less than significant. If nonlisted sensitive wildlife species are determined to be present within or directly adjacent to the proposed project's impact area, and cannot be avoided, the following mitigation shall be implemented to reduce impacts to a less-than-significant level:

- a. Replacement of coastal sage scrub habitat described under MM4.3-9 will provide replacement habitat concurrently for the above species.*
- b. A mitigation report shall be submitted to the CDFG that includes, at a minimum, a description of methodology, including dates of field visits; the names of survey personnel with résumés; a list of references cited and persons contacted; and a map showing the location(s) of any nonlisted sensitive wildlife species observed within or adjacent to the project site.*
- b.c. Five days prior to grading of the project site, sensitive rodent and reptilian species shall, to the extent possible, be passively relocated to suitable adjacent habitat. Collection and relocation of wildlife shall only occur with the proper scientific collection and handling permits.*
- c.d. The mitigation report shall also detail the relocation and avoidance strategy and shall be submitted to the CDFG, and, if required, the USFWS for comments prior to project implementation.*

Page 4.3-29, Impact 4.3-2

Impact 4.3-2 **The proposed project could have a substantial adverse impact on riparian habitat or other sensitive natural community. This is a potentially significant impact. However, implementation of mitigation measure MM4.3-79 would reduce this impact to *less than significant*.**

The proposed project would directly impact coastal sage scrub (20.91 acres), potential habitat for the coastal California gnatcatcher (along with other sensitive species whose numbers are in decline due to the destruction of coastal sage scrub habitat) by the USFWS. Permanent loss of this sensitive habitat would be considered a significant impact. As no on-site restoration would be feasible, implementation of mitigation measure MM4.3-79, below, would reduce impacts from removal of coastal sage scrub habitat to *less than significant*.

MM4.3-79 *To compensate for losses of sensitive on-site habitat resources, the Applicant shall do one or more of the following, which shall be approved by the USFWS as full mitigation for loss of habitat prior to grading activities:*

- a. *Purchase mitigation credits at a USFWS approved mitigation bank at ratios of no less than 4:1*
- b. *Preserve, create, restore, and/or enhance coastal sage scrub habitat within other properties or approved mitigation programs available at the time of grading*
- c. *A combination of the above*

Implementation of mitigation measure MM4.3-79 would reduce impacts to coastal sage scrub (a sensitive natural community) to a less-than-significant level by offsetting the effects of the loss of a sensitive natural community through the purchase of mitigation credits at a USFWS approved mitigation bank at ratios of no less than 4:1 or creation of suitable habitat off site.

Page 4.3-30, Impact 4.3-3

Impact 4.3-3 **The proposed project ~~would not~~ could have a substantial adverse impact on federally protected wetlands. This impact is considered a potentially significant impact. However, implementation of mitigation measures MM4.3-10 and MM4.3-11 would reduce this impact to less than significant.**

According to the USGS 7.5-minute series topographic map for San Bernardino North, no “blue line” stream occurs on the project site, and accordingly, the project site does not contain riparian habitat. While an ephemeral wash does cross through the central portion of the project site, eventually dissipating at the western base of the larger of the two hill features located within the property, this wash is extremely degraded, with no defined bed or bank, and no hydrophytic vegetation. This feature is isolated, and does not exhibit connectivity to any other drainageway outside of the project site. It does intercept discharges from along I-215 (on and off ramps), and Palm Avenue, during heavy precipitation events. As such, there are no impacts related to federally protected wetlands. No mitigation pursuant to Section 404 or 401 of the CWA is required.

However, this feature would meet the criteria for waters of the state under the Porter-Cologne Act (defined as all surface and subsurface waters), and may fall under CDFG jurisdiction pursuant to Sections 1600–1616 of the Fish and Game Code. The unpermitted loss of this feature would be in violation of the Porter-Cologne Act and possibly Sections 1600–1616 of the Fish and Game Code, which would be considered a significant impact. Implementation of the following mitigation measures would reduce impacts from removal of the wash feature to **less than significant**.

MM4.3-10 *Prior to the issuance of any grading permits, the project applicant shall apply for and receive a Certificate of Waste Discharge from the RWQCB for the removal of the wash.*

MM4.3-11 *Prior to the issuance of any grading permits, the project applicant shall apply for a Sections 1600–1616 Lake and Streambed Alteration Agreement from the CDFG for the removal of the wash. If the CDFG determines that a Sections 1600–1616 Lake and Streambed Alteration Agreement is not required, then no further mitigation measures would be required. If the CDFG does require a*

Sections 1600–1616 Lake and Streambed Alteration Agreement, payment of fees to cover the cost of the agreement, and compliance with the conditions of the agreement will be required. These conditions will likely include will likely include measures to preserve and/or replace habitat of similar or better quality at an on-site, or if on-site preservation is not feasible, at a CDFG approved off-site location.

Page 4.3-31, Impact 4.3-5

Impact 4.3-5 **The proposed project could have a substantial adverse impact on an MBTA-protected occupied nest, or substantial interference with roosting and foraging opportunities for migratory species, sensitive avian species, or raptors. This is a potentially significant impact. Implementation of mitigation measure MM4.3-812 would reduce this impact to *less than significant*.**

The focused surveys for the coastal California gnatcatcher were negative in years 2007/2008, although there is a high potential for this species to utilize the site as temporary foraging and dispersal habitat. Pre-construction surveys would be required for the gnatcatcher prior to commencement of construction activities pursuant to mitigation measures MM4.3-1 through MM4.3-46, which would reduce potential impacts on the coastal California gnatcatcher to less than significant. Migratory avian species and raptors, which may use the large western sycamore trees located within the project site during breeding season, are protected under the MBTA and California Fish and Game Code while nesting. The loss or disturbance of occupied nest, or substantial interference with roosting and foraging opportunities for migratory species, sensitive avian species, or raptors, is a potentially significant impact. Implementation of mitigation measure MM4.3-812 would reduce impacts to *less than significant*.

MM4.3-812 *If the proposed project's construction phase occurs during the avian breeding season (generally February 1 through August 15), then within 30 days of the onset of construction activities, surveys for nesting special status and/or migratory avian species and raptors will be conducted on the affected portion of the project site, following USFWS and/or CDFG guidelines.*

If no active nests of nonraptor species are identified on or within 250 feet, and no active nests of raptor species are identified on or within 500 feet of the construction areas, then no further mitigation is necessary. If active nests for special status avian species, or species afforded protection by the MBTA and Fish and Game Code are found within the footprint of impact, or a 250-foot buffer zone, construction shall be delayed within the footprint of impact and buffer zone until the young have fledged, or appropriate mitigation measures responding to the specific situation are developed by a qualified biologist in consultation with USFWS and CDFG. The distance of the buffer zone shall be expanded to 500 feet for active raptor nests.

Alternatively, to avoid impacts, the Applicant can begin construction after the breeding season for local raptors and other special status avian species has ended (generally after August 15) and before the next breeding season begins (generally before February 1). Should nonraptor species choose to nest in an area within 250 feet, and/or raptor species choose to nest in an area within 500 feet of active construction that was initiated after August 15, and prior to February 1 of the following year, the Applicant shall be required to provide a minimum buffer of 200 feet between activities and the nest site.

Mitigation measure MM4.3-812 would require that surveys for nesting birds and raptors be conducted prior to construction activities. Implementation of MM4.3-812 would ensure that impacts to species afforded protection under the MBTA and Fish and Game Code would be *less-than-significant* level.

Pages 4.3-32 to 4.3-33, last paragraph

If any species identified as a listed, candidate, sensitive or special-status species is found to be present within the project site, including the federally threatened coastal California gnatcatcher, then measures would be developed in consultation with the appropriate resource agencies, per mitigation measures MM4.3-1 through MM4.3-68, to ensure that impacts would not be substantially adverse. As such, the proposed project would not contribute to a cumulative loss of any species identified as a listed, candidate, sensitive, or special status species.

The proposed project would represent an incremental loss of coastal sage scrub habitat; however, per mitigation measure MM4.3-79, development of the proposed project would require off-site mitigation through the purchase of mitigation credits at a USFWS-approved mitigation bank at ratios of no less than 4:2-to-1 and/or creation or restoration of coastal sage scrub habitat at an alternative site, subject to UFWWS approval. As such, the proposed project would not contribute to a cumulative loss of a sensitive natural community.

Page 4.10-4, Impact 4.10-1

Impact 4.10-1 **Implementation of the proposed project could increase the demand for fire protection services, but would not require the construction of new or physically altered facilities to accommodate the increased demand for service and maintain acceptable response times. This is a potentially significant impact. Further, implementation of Compliance with project requirements PR4.10A through and PR4.10CB and implementation of mitigation measure MM4.10-1 would ensure that reduce this impact would remain to less than significant.**

Page 4.10-5, following PR4.10A

As the project would potentially increase the number of calls required of the SBFDD, ~~project requirement PR4.10B mitigation measure MM4.10-1~~ would require the project developer to pay the applicable fire suppression fee, which is applied to all new developments within the City.

~~PR4.10B~~MM4.10-1 *The project developer shall pay the development impact fee of \$0.002 per square foot as required by the City to off-set potential cost impacts to the San Bernardino Fire Department. In addition, prior to the issuance of building permits, the developer shall participate on a fair-share basis in funding the continued operation and maintenance of Station No. 232. A one-time fair-share contribution equivalent to the Community Facilities District No. 1033 “in-lieu fee” established by Resolution No. 2004-107 of the Mayor and Common Council will mitigate the long-term impact of the project on emergency services of the Fire Department. As an alternative, an irrevocable agreement to annex the project site to Community Facilities District No. 1033 would satisfy this obligation.*

Additionally, to reduce the potential burden on the SBFD, the proposed project would comply with building codes outlined by the San Bernardino Municipal Code, including those requiring sprinkler systems to prevent the spread of fire.

The following project requirement shall be implemented, as required by federal, state, or local statute or code:

~~PR4.10B~~ *The project developer shall comply with all applicable San Bernardino Municipal Code provisions regarding building design and project construction, including City Code 15.16.155, which requires that automatic sprinkler systems be installed in all new buildings having a floor area of more than 5,000 sf.*

Pages 4.10-9 and 4.10-10, Impact 4.10-2

Impact 4.10-2 **Construction and operation of the proposed project would increase the demand for police protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand for service or maintain acceptable response times. Further, implementation of project requirements ~~PR4.10D~~ through ~~PR4.10E~~ would ensure that this impact would be *less than significant*.**

Implementation of the proposed project could increase the number of calls for police protection services by increasing the amount of industrial development within the City. The SBPD is comprised of 325 sworn officers and 150 civilian support staff. The proposed project could result in an increase in service calls to the area by the SBPD as a result of criminal activity or parking enforcement.

The SBPD has seen an increase in truck related parking enforcement citations in the project area. As the project would increase the number of large trucks in the area, further burdens may be placed on the SBPD in an effort to improve parking and circulation in the area. According to the SBPD, the department has been authorized to hire an additional forty police officers, which would be expected to relieve some of the burden presented by the proposed project.

In an effort to reduce the project's impact towards the SBPD, ~~PR4.10D~~ shall be implemented to ensure all vehicles related to the proposed project follow all applicable parking rules and regulations established for the area.

~~PR4.10D~~ *The developer shall ensure all vehicles associated with construction and everyday operation of the facility follow all applicable parking rules and regulation established in the area.*

As required by PR4.10E, the developer would pay all applicable fees to the City of San Bernardino to improve law enforcement facilities, vehicles, and equipment.

~~PR4.10E~~ *The project developer shall pay the development impact fee of \$0.005 per square foot as required by City to assist the funding for the San Bernardino Police Department.*

As there are no particular crimes typically associated with distribution centers, and as the site would be staffed 24 hours a day, the current staffing levels and available resources of the SBPD are anticipated to be adequate to serve the proposed project and project vicinity. In order to ensure potential developments are designed to improve overall security for employees and nearby residents, the SBPD has implemented a CPTED Program that ensures projects use adequate lighting, gates, and cameras to improve overall safety. PR4.10~~FE~~ shall require the developer to submit site designs and security plans to the SBPD to under a CPTED evaluation prior to project approval.

PR4.10~~FE~~ The developer shall include adequate lighting, fencing, electronic gates, cameras, controlled ingress and egress to parking lots and building, and security minded landscaping to reduce criminal activity. The developer shall also contact the Western District of the San Bernardino Police Department and receive a CPTED assessment, which looks at site designs and security plans, prior to project approval.

Page 4.11-7, third full paragraph

Opening Day “Without Project” Conditions

The combined effect of future regional growth in vehicle trips (based on the interpolation of growth projections between future “Without Project” traffic volumes and Existing traffic volumes), excluding the land use changes due to the proposed project itself, established the future conditions that would occur without the development of the proposed project through the year ~~2040~~2014.

Opening Day “With Project” Conditions

The combined effect of future regional growth in vehicle trips (from the Opening Day “Without Project” Conditions), plus the land use changes due to the proposed project itself, established the future conditions that would occur with the development of the proposed project through the year ~~2040~~2014.

Future “Without Project” Conditions

The combined effect of future regional growth in vehicle trips (based on the greater of the EVT_M growth projections and the growth from known, proposed or potential projects in the study area), excluding the land use changes due to the proposed project itself, established the future conditions that would occur without the development of the proposed project through the year ~~2030~~2035.^{40a}

Future “With Project” Conditions

The combined effect of future regional growth in vehicle trips (including EVT_M forecasts and information on known, proposed or potential projects in the study area), including the land use changes due to the proposed project itself, established the future conditions that would occur with the development of the proposed project through the year ~~2030~~2035.^{40b}

^{40a} As previously mentioned, it should be noted that, while 2030 data were used to forecast future conditions for purposes of the analysis, the year is an arbitrary number and the conditions with and without the proposed project in the year 2035 were projected as less than the conditions previously projected for the year 2030. Therefore, the

established future condition in 2030 based on the earlier model is more conservative than the more recent SANBAG study for 2035, and the impact conclusions would remain valid in either future year.

^{40b} As previously mentioned, it should be noted that, while 2030 data were used to forecast future conditions for purposes of the analysis, the year is an arbitrary number and the conditions with and without the proposed project in the year 2035 were projected as less than the conditions previously projected for the year 2030. Therefore, the established future condition in 2030 based on the earlier model is more conservative than the more recent SANBAG study for 2035, and the impact conclusions would remain valid in either future year.

Page 4.11-15, mitigation measure MM4.11-1(b)

MM4.11-1(b) Measures designed to mitigate operation related transportation/traffic impacts for Opening Year and Future traffic conditions; Applicant shall pay either a regular traffic impact fee or contribute a fair share, to be determined by the City, for all improvements:

- ***Palm Ave. & I-215 NB Ramps:*** *Install a traffic signal at this location. Include coordination with the existing signal at Kendall Drive/Little League Drive and Palm Avenue as well as for the signal to be installed at the I-215 Southbound Ramps and Palm Avenue. (For both Opening Year ~~2040~~2014 and Future ~~2030~~2035 Conditions)*
- ***Palm Ave. & I-215 SB Ramps/Kendall Ave.:*** *Install a traffic signal at this location. (For both Opening Year ~~2040~~2014 and Future ~~2030~~2035 Conditions)*
- ***Palm Ave. & Industrial Pkwy.:*** *Restripe the southbound approach of Palm Avenue to provide a left-turn lane and a shared right/through lane at Industrial Parkway, and a shared through/left lane and a right-turn lane on the westbound approach of Industrial Parkway at Palm Avenue. Install a traffic signal that includes a westbound right-turn phase on Industrial Parkway concurrent with the southbound left-turn phase on Palm Avenue at this location. (For Future ~~2030~~2035 Condition Only)*
- ***Palm Ave./Institution Rd. & Cajon Blvd.:*** *Install a traffic signal at this location. (For Future ~~2030~~2035 Condition Only)*

9.3 FIGURE CHANGES

There were no changes to Draft EIR figures.

9.4 APPENDIX CHANGES

The following appendices have changed:

- **Appendix B**—Revisions to construction and operational URBEMIS model, as well as revisions to the construction AERMOD model, and a new operational AERMOD model.
- **Appendix C1**—A memorandum detailing revisions to the HRA performed for the project.
- **Appendix I**—The Hydrology Technical Report and Water Quality Management Plan have been updated since circulation of the Draft EIR and replace the original reports. In addition, a memorandum prepared by Atkins staff is included in the appendix to demonstrate that the hydrology reports are updated and do not change any of the conclusions with regard to hydrology/water quality in the Draft EIR.

