



Environmental Impact Report  
for the

# Palm/Industrial Distribution Center

SCH #2007081029

September 2011

Mitigation Monitoring and  
Reporting Program



Prepared for:

City of San Bernardino  
Community Development Department  
300 North "D" Street, 3rd Floor  
San Bernardino CA 92418

Prepared by:

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12301 Wilshire Boulevard, Suite 430  
Los Angeles CA 90025



# **PALM/INDUSTRIAL DISTRIBUTION CENTER**

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# Mitigation Monitoring and Reporting Program

## INTRODUCTION

The Final Environmental Impact Report for Palm/Industrial Distribution Center Project (State Clearinghouse #2007081029) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, public services, and transportation/traffic.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code Section 21081.6). Code Requirements (CRs) that were identified in the Draft EIR are required to be implemented as a result of existing City code and are not considered mitigation measures. Therefore, CRs would be implemented for the Palm/Industrial Distribution Center Project but these do not require monitoring activity, and are not included in this Mitigation Monitoring and Reporting Program (MMRP).

The MMRP shall be used by the City of San Bernardino staff responsible for ensuring compliance with mitigation measures associated with the Palm/Industrial Distribution Center Project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification. It should be noted that the Community Development Department (CDD) is comprised of Building & Safety, Planning, and Code Enforcement; where CDD is indicated as the monitor or entity verifying compliance, it may be one or more of these offices.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<b>4.1 AESTHETICS</b>						
<b>MM4.1-1</b> Construction contractors shall strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area as a means of minimizing temporary degradation of the visual character of surrounding areas and the associated impact to aesthetics. Construction workers and equipment shall be parked and staged within the project site on vacant areas. Prior to completion of final plans and specifications, the City of San Bernardino shall review the plans and specifications to ensure that all construction vehicles and equipment shall be parked in designated staging areas when not in use. Vehicles shall be kept clean and free of mud and dust before leaving the project site.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading plans, and building plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.1-2</b> Construction contractors shall provide temporary screening from public view of the site, around construction work areas, for all improvements that require grading during construction and enhancement, as a means of minimizing the temporal effects to the visual character of the surrounding area and the associated impacts to aesthetics.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading plans, and building plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>4.2 AIR QUALITY</b>						
<b>MM4.2-2(a)</b> 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	Certificate of Occupancy and Tenancy Agreement	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		

<b>Mitigation Monitoring and Reporting Program</b>						
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<b>MM4.2-2(b)</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.	Certificate of Occupancy and Tenancy Agreement	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.2-5(a)</b> 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.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.2-5(b)</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.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.2-5(c)</b> Excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.2-5(d)</b> The mass grading/excavation phase shall not overlap with fine grading and/or trenching activity phases.	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Plan check prior to issuance of a grading permit	CDD		
<b>MM4.2-6(a)</b> 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.	Building Plans	Review and approve building plans for inclusion	Plan check prior to building permit	CDD and Caltrans		
<b>MM4.2-6(b)</b> Bicycle racks shall be incorporated into the project design and employee bathrooms shall be designed to include at least one shower.	Building Plans	Review and approve building plans for inclusion	Plan check prior to building permit	CDD		

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<b>MM4.2-6(c)</b> The project site shall utilize a parking program that encourages carpooling. 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.	Building Plans	Review and approve building plans for inclusion	Plan check prior to building permit	CDD		
<b>MM4.2-6(d)</b> 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.	Building Plans	Review and approve building plans for inclusion	Plan check prior to building permit	CDD		
<b>MM4.2-6(e)</b> The project shall include employee services on site, including lunch vending machines or other lunch option.	Certificate of Occupancy; Tenancy Agreement	Review and approve for inclusion	Prior to issuance of C of O	CDD		
<b>MM4.2-6(f)</b> Operator of the project shall place signage on site reminding drivers that idling of diesel powered vehicles is limited to 5 minutes.	Certificate of Occupancy; Tenancy Agreement	Review and approve for inclusion	Prior to issuance of C of O	CDD		
<b>MM4.2-6(g)</b> 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.	Certificate of Occupancy; Tenancy Agreement	Review and approve for inclusion	Prior to issuance of C of O	CDD		

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<p><b>MM4.2-8</b> 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:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ 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.</li> <li>■ 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.</li> <li>■ 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.</li> </ul>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Review and approve contract specifications and grading plans and construction plans for inclusion</p>	<p>Plan check prior to issuance of a grading permit</p>	<p>CDD</p>		

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<b>4.3 BIOLOGICAL RESOURCES</b>						
<p><b>MM4.3-1</b> 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.</p>	<p>Updated Surveys</p> <p>Contract language and notes on grading plans and construction plans</p>	<p>Retain qualified biologist</p> <p>Review of survey</p> <p>Review contract specifications and grading plans and construction plans for inclusion</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD</p>		
<p><b>MM4.3-2</b> 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.</p> <p>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.</p>	<p>Updated surveys</p> <p>Agreement with USFWS and/or CDFG</p>	<p>Review of updated surveys.</p> <p>Consultation with USFWS (if necessary)</p> <p>Review contract specifications and grading plans and construction plans for inclusion</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD, USFWS, and CDFG</p>		
<p><b>MM4.3-3</b> 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</p>	<p>Pre-construction survey</p> <p>Contract language and notes on grading</p>	<p>Retain qualified biologist.</p> <p>Review and approve contract specifications and</p>	<p>Prior to issuance of a grading permit</p> <p>On-going during construction</p>	<p>CDD, USFWS, and CDFG</p>		

<b>Mitigation Monitoring and Reporting Program</b>						
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<p>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> <p>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.</p> <p>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.</p> <p>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 MM4.3-4). 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</p>	<p>plans and construction plans</p>	<p>grading plans and construction plans for inclusion</p> <p>Review weekly reports and final report</p>				

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<p>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><b>MM4.3-4</b> 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.</p>	<p>Contract language and notes on grading plans and construction plans</p>	<p>Retain qualified biologist.</p> <p>Review and approve contract specifications and grading plans and construction plans for inclusion</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD, USFWS, and CDFG</p>		
<p><b>MM4.3-5</b> 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>Pre-construction coastal California gnatcatcher surveys</p>	<p>Retain qualified biologist.</p> <p>Notify wildlife agencies</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD, USFWS, and CDFG</p>		
<p><b>MM4.3-6</b> 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</p>	<p>Focused surveys Contract</p>	<p>Retain qualified biologist.</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD, USFWS, and CDFG</p>		

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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.	language and notes on grading plans and construction plans	Notify wildlife agencies  Review surveys prepared prior to the land disturbance and weekly surveys  Review and approve contract specifications and grading plans and construction plans for inclusion	On-going during construction			
<b>MM4.3-7 Nonlisted Sensitive Plant Species.</b> 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:  <ul style="list-style-type: none"> <li>■ Plummer's mariposa lily</li> <li>■ Mesa horkelia</li> </ul>	Pre-construction survey	Retain qualified biologist or botanist  Review of pre-construction surveys	Prior to issuance of a grading permit	CDD, CNPS, and CDFG		
<b>MM4.3-8 Nonlisted Sensitive Wildlife Species.</b> 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	Pre-construction survey  Mitigation Report (if required)	Retain qualified biologist or botanist  Review of pre-	Prior to issuance of a grading permit	CDD and CDFG		

Mitigation Monitoring and Reporting Program						
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<p>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:</p> <ul style="list-style-type: none"> <li>■ Northern harrier</li> <li>■ Cooper's hawk</li> <li>■ Red-tailed hawk</li> <li>■ Ferruginous hawk</li> <li>■ Peregrine falcon</li> <li>■ American kestrel</li> <li>■ Bell's sage sparrow</li> <li>■ California horned lark</li> <li>■ Northwestern San Diego pocket mouse</li> <li>■ Pallid San Diego pocket mouse</li> <li>■ San Diego black-tailed jackrabbit</li> <li>■ San Diego desert woodrat</li> <li>■ Los Angeles pocket mouse</li> <li>■ Coast (San Diego) horned lizard</li> <li>■ Orange-throated whiptail</li> <li>■ Rosy boa</li> </ul> <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</p>		<p>construction surveys.</p> <p>Review and implementation of Mitigation Report (if required)</p>				

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<p>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> <ol style="list-style-type: none"> <li>Replacement of coastal sage scrub habitat described under MM4.3-9 will provide replacement habitat concurrently for the above species.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>						
<p><b>MM4.3-9</b> 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:</p> <ol style="list-style-type: none"> <li>Purchase mitigation credits at a USFWS approved mitigation bank at ratios of no less than 2:1</li> <li>Preserve, create, restore, and/or enhance coastal sage scrub habitat within other properties or approved mitigation programs available at the time of grading</li> <li>A combination of the above</li> </ol>	Contract language and notes on grading plans	Review and approve contract specifications and grading plans for inclusion	Prior to issuance of a grading permit	CDD and USFWS		
<p><b>MM4.3-10</b> 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.</p>	Certificate of Waste Discharge	Confirm receipt of Certificate of Waste Discharge	Prior to issuance of a grading permit	CDD and the RWQCB		

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<p><b>MM4.3-11</b> 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.</p>	<p>Sections 1600–1616 Lake and Streambed Alteration Agreement (if required)</p>	<p>Confirm receipt of Sections 1600–1616 Lake and Streambed Alteration Agreement and compliance with agreement(if required)</p>	<p>Prior to issuance of a grading permit</p>	<p>CDD and the CDFG</p>		
4.4 CULTURAL RESOURCES						
<p><b>MM4.4-1</b> The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during all project-related ground-disturbing activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.</p>	<p>Proof of retention of archaeological professional to determine if a substantial adverse change would occur to an archaeological resource</p>	<p>Verify retention of qualified archaeological professional; preparation of technical report, if necessary; no adverse impacts to archaeological resources will occur</p>	<p>During grading</p>	<p>CDD</p>		
<p><b>MM4.4-2</b> Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. If evidence of archaeological resources is observed, construction near the resources shall cease, the City and the appropriate Native American tribal groups shall be consulted, and a qualified archaeologist shall determine whether an archaeological resource uncovered during construction is considered to be significant. If the resource is determined to be significant, the archaeologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies</p>	<p>Proof of retention of paleontological professional to determine if a substantial adverse change would occur to an paleontological resource</p>	<p>Verify retention of qualified paleontological professional; preparation of technical report, if necessary; no adverse impacts to paleontological resources will occur</p>	<p>During grading</p>	<p>CDD</p>		

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<p>the requirements of Section 21083.2 of CEQA.</p> <p>If the archaeologist determines that the archaeologist resource is not a unique resource, the archeologist shall record the site and submit the recordation form to San Bernardino Archaeological Information Center.</p> <p>The archaeologist shall prepare a report of the results of any survey, following accepted professional practice. Copies of the report shall be submitted to the City and to the San Bernardino Archaeological Information Center.</p>						
<p><b>MM4.4-3</b> Areas found during construction to contain paleontological resources shall be examined by a qualified paleontologist who shall first determine whether a paleontological resource uncovered during construction is considered to be significant. If the resource is determined to be significant, the paleontologist, as appropriate, shall formulate a mitigation plan in consultation with the City and the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA.</p> <p>If the paleontologist determines that the paleontological resource is not a significant resource, the paleontologist may record the site and submit the recordation form to the San Bernardino County Museum.</p> <p>The paleontologist shall prepare a report of the results of any study prepared as part of a mitigation plan, following accepted professional practice. Copies of the report shall be submitted to the City and to the San Bernardino County Museum.</p>	<p>Contract language and notes on grading plans</p> <p>Mitigation Plan (if required)</p>	<p>Review and approve contract specifications and grading plans</p> <p>Review and implement mitigation plan (if required)</p>	<p>Prior to issuance of a grading permit</p> <p>On-going during grading</p>	<p>CDD, State Office of Historic Preservation, and San Bernardino County Museum</p>		
<p><b>MM4.4-4</b> In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Contractor shall immediately notify the County Coroner of the find and comply with the provisions of PRC Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.</p>	<p>Contract language and notes on grading plans</p>	<p>Review and approve contract specifications and grading plans</p>	<p>Prior to issuance of a grading permit</p> <p>On-going during grading</p>	<p>CDD</p>		
<b>4.5 GEOLOGY AND SOILS</b>						
No mitigation is required.						

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<b>4.6 HAZARDS AND HAZARDOUS MATERIALS</b>						
<b>MM4.6-1</b> In the event that previously unknown or unidentified soil and/or groundwater contamination is encountered during construction on the project site, construction activities in the immediate vicinity of the contamination area shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented by a qualified REA that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., San Bernardino Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.	Risk Management Plan and Site Health and Safety Plan (if needed)	Review and approve any grading plans for inclusion	Plan check prior to issuance of any grading permit and during construction	CDD; Fire		
<b>MM4.6-2</b> Trucks transporting goods to and from the project site shall use either the Palm Avenue or University Parkway exits to reach the project site. Only Industrial Parkway (Hallmark Parkway) shall be used to negotiate between the Interstate 215 off-ramps and the project site.	Contract language and notes on grading and construction plans	Review and approve contract specifications and grading and construction plans	Prior to issuance of any grading permit and during construction	CDD; Fire		
<b>MM4.6-3</b> The Applicant shall notify the San Bernardino Police Department and the San Bernardino Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of the project would result in temporary land or roadway closures.	Contract language and notes on grading and construction plans	Review and approve contract specifications and grading and construction plans	Prior to issuance of any grading permit and during construction	Police and Fire		
<b>4.7 HYDROLOGY/WATER QUALITY</b>						
<b>MM4.7-1</b> <i>Additional Water Quality Protection.</i> In addition to the existing project WQMP grass lined channels/vegetated swales (implemented where site conditions do not violate CASQA 2003 design and sizing guidelines), a suite of BMPs shall be selected and implemented such that	Project Site Plans	Review and approve WQMP and confirm inclusion of	Prior to issuance of a grading permit	Public Works and SAWRCB		

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>the combined expected removal rates of all BMPs result in at least the percent removals listed in the "Targeted Removal" column of Table 4.7-6 (Estimated Pollutant Loads and Required Removal Rates). It is not expected that one single BMP will be sufficient; however, a series of BMPs can effectively reduce potential pollutant loads. Any BMP or combination of BMPs that achieve the performance standard for reducing pollutants to the "Targeted Removal" column in Table 4.7-6 could be used, provided that the removal efficiency is demonstrated and documented to the SARWQCB and that site characteristics do not limit the BMPs implementation.</p> <ul style="list-style-type: none"> <li>■ All BMPs shall be designed and sited in accordance with CASQA 2003, FHWA 2002(c), or other accepted and applicable design and sizing guidelines. If proprietary devices are used, they shall be designed and implemented in accordance with the manufactures recommended design criteria and used only for removal of pollutants they have been designed for. Accompanying documentation shall include expected pollutant removal rates and design criteria for the system implemented.</li> <li>■ Grass lined channels shall be implemented in accordance with CASQA 2003 design criteria guidelines and shall not be located in fill areas, which are subject to erosion.</li> <li>■ The project WQMP shall include a model operations and maintenance plan for the grass lined channels, irrigation system, and any other structural BMPs implemented as part of the project WQMP in accordance with standard BMP guidelines and criteria such as those in the CASQA 2003 and include inspection and repair, as necessary, after major storm events.</li> <li>■ The project site plans shall include a WQMP plan showing all structural BMPs; stormwater routing to and through the BMPs; stormwater BMP inlet, outlet, and contributing area; applicable design characteristics; BMP details, as necessary; and BMP schematics showing a typical form in both plan view and cross-section; the existing project WQMP site plan shall be used as a basis and amended accordingly.</li> <li>■ Other BMP design requirements and considerations:</li> </ul>		WQMP and BMPs in project site plans.				

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<ul style="list-style-type: none"> <li>&gt; No BMPs shall be implemented that leave standing water on the surface for a period exceeding 48 hours unless approved by the San Bernardino County Vector Control Program</li> <li>&gt; If deemed acceptable by the San Bernardino County Vector Control Program, underground cisterns should be considered for stormwater detention and subsequent landscape irrigation.</li> <li>&gt; Consider the use of dry swales, as identified in CASQA 2003, and/or bioretention BMPs instead of grass lined channels for more effective pollutant removal efficiencies</li> <li>&gt; Street and parking lot sweeping shall be conducted quarterly during the dry season, once before the beginning of the rainy season, and every week during the rainy season and as defined by the SWPPP.</li> <li>&gt; Concrete swales and v-ditches shall not be installed and used to convey stormwater or nuisance runoff unless used to direct runoff to an appropriate stormwater pre-treatment BMP and incorporates appropriate energy dissipation. Concrete swales and v-ditches would bypass any potential treatment through soils or buffer areas prior to discharge and increase the potential for concentrated flows and associated erosion at the outlet. Furthermore, concrete ditches would reduce the potential for groundwater recharge and water conservation</li> <li>&gt; Limitations on Infiltration BMPs:               <ul style="list-style-type: none"> <li>○ Infiltration rate tests of the top 5 feet of soil below the bottom of the infiltration BMP shall be conducted for all areas selected for Infiltration BMPs. Infiltration BMPs shall not be located in soils where the infiltration rate exceeds 10 inches per hour, unless suitable augmentation is incorporated into the design to effectively remove pollutants from the infiltrating stormwater. See PDEP 2006, VDCR n.d., and CASQA 2002 for potential augmentation practices.</li> <li>○ The bottom of the infiltration BMP shall be at least 10 feet above the local shallow groundwater table. For the project</li> </ul> </li> </ul>						

Mitigation Monitoring and Reporting Program						
<i>Mitigation Measure</i>	<i>Implementation Documentation</i>	<i>Monitoring Activity</i>	<i>Timing</i>	<i>Responsible Monitor</i>	<i>Compliance Verification Signature</i>	<i>Date</i>
<p>site, it is not expected that any location would result in an infiltration BMP within 10 feet of a local shallow groundwater table.</p> <ul style="list-style-type: none"> <li>○ All infiltration BMPs shall incorporate pretreatment, preferably in the form of swales, vegetated buffers, or bioretention areas.</li> <li>○ Infiltration facilities are subject to clogging and, therefore, are not recommended for areas where sediment, grease, or oil loadings may be high. Such areas include roadways, parking lots, and car service facilities, etc. To increase the life expectancy of an infiltration facility, a pretreatment facility, such as a settling basin or "cell," or additional BMP in a series should be used to remove sediments or other substances from the stormwater runoff before it enters the infiltration facility.</li> <li>○ Any pretreatment facility design should be included in the design of the infiltration basing/trench, complete with maintenance and inspection requirements.</li> <li>○ For infiltration trenches, a grass strip or other type of vegetated buffer at least 20 feet wide shall be maintained around the trench, to the maximum extent practicable, and accept surface runoff as sheet flow.</li> <li>○ Infiltration BMPs shall not be installed until the drainage area has been stabilized.</li> </ul> <p>&gt; To reduce pollutants in urban runoff, address hydromodification, and manage storm water as a resource to the maximum extent practicable, the project WQMP shall specify preferential use of site design BMPs that incorporate mitigative LID techniques in the following manner (from highest to the lowest priority):</p> <ul style="list-style-type: none"> <li>○ Infiltration BMPs (examples include permeable pavement with infiltration beds, dry wells, infiltration trenches, surface and sub-surface infiltration basins subject to Limitations on Infiltration BMPs, above</li> </ul>						

**Mitigation Monitoring and Reporting Program**

<b>Mitigation Monitoring and Reporting Program</b>						
<i>Mitigation Measure</i>	<i>Implementation Documentation</i>	<i>Monitoring Activity</i>	<i>Timing</i>	<i>Responsible Monitor</i>	<i>Compliance Verification Signature</i>	<i>Date</i>
<ul style="list-style-type: none"> <li>○ BMPs that harvest and use (e.g., cisterns and rain barrels); and</li> <li>○ Vegetated BMPs that promote evapotranspiration including bioretention, biofiltration and bio-treatment.</li> </ul>						

**4.8 LAND USE AND PLANNING**

No mitigation is required.

**4.9 NOISE**

No mitigation is required.

**4.10 PUBLIC SERVICES**

<p><b>MM4.10-1</b> 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>	Payment of Development Impact Fee	Confirm payment of fee	Prior to issuance of building permits.	CDD and Fire		
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Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<b>4.11 TRANSPORTATION/TRAFFIC</b>						
<p><b>MM4.11-1(a)</b> Measures designed to mitigate construction related transportation/traffic impacts:</p> <ul style="list-style-type: none"> <li>■ Construction truck routes shall be prepared to designate principal haul routes for trucks delivering materials to and from the construction site.</li> <li>■ Should a temporary road and / or lane closure be necessary during construction, the Project Applicant shall provide traffic control activities and personnel, as necessary, to minimize traffic impacts. This may include detour signage, cones, construction area signage, flagmen and other measures as required for safe traffic handling in the construction zone.</li> <li>■ The developer shall be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. In any event a full road closure is required; the contractor shall coordinate with the City of San Bernardino Police and Fire Departments to designate proper detour routes and signage to appropriate proper access routes.</li> </ul>	Contract language and notes on grading and construction plans	Review and approve contract specifications and grading and construction plans for inclusion	Prior to issuance of a grading permit	Public Works, Police and Fire		

Mitigation Monitoring and Reporting Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p><b>MM4.11-1(b)</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:</p> <ul style="list-style-type: none"> <li>■ <b>Palm Ave. &amp; I-215 NB Ramps:</b> 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 2014 and Future 2035 Conditions)</li> <li>■ <b>Palm Ave. &amp; I-215 SB Ramps/Kendall Ave.:</b> Install a traffic signal at this location. (For both Opening Year 2014 and Future 2035 Conditions)</li> <li>■ <b>Palm Ave. &amp; Industrial Pkwy.:</b> 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 2035 Condition Only)</li> <li>■ <b>Palm Ave./Institution Rd. &amp; Cajon Blvd.:</b> Install a traffic signal at this location. (For Future 2035 Condition Only)</li> </ul>	Building Plans	Review and approve building plans for inclusion	Prior to issuance of building permit	Public Works		

**Mitigation Monitoring and Reporting Program**

<i>Mitigation Measure</i>	<i>Implementation Documentation</i>	<i>Monitoring Activity</i>	<i>Timing</i>	<i>Responsible Monitor</i>	<i>Compliance Verification Signature</i>	<i>Date</i>
<p><b>MM4.11-1(c)</b> If grading or other construction activities for the proposed project involving 50 or more daily truck trips to or from the site (other than to or from the SANBAG grade separation project site) occur simultaneously with the proposed SANBAG grade separation project on Palm Avenue, the project developer shall coordinate preparation of a construction traffic mitigation plan with SANBAG, subject to the approval of the City traffic engineer and City police and fire departments, to avoid substantial traffic impacts to area intersections and freeway on- and off-ramps. This construction traffic management plan may include, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> <li>■ Hauling of materials for the two sites shall be coordinated including, when feasible, using soil exports from the project site as imports to the grade separation project site</li> <li>■ Materials delivery hours shall be restricted to occur outside of peak traffic hours</li> <li>■ Truck traffic shall be directed to an alternate route as approved by the City</li> <li>■ Flagpersons or other traffic control measures shall be implemented at access points to the sites</li> <li>■ Off-site construction worker parking provided nearer to major transportation corridors than the sites, with shuttles provided to eliminate construction worker trips near the construction site during peak hours</li> </ul>	Construction Traffic Mitigation Plan (if necessary)	Review, approval , and implementation of Construction Traffic Mitigation Plan	Prior to issuance of certificate of occupancy	Public Works, SANBAG, Police and Fire		

**4.12 UTILITIES AND SERVICE SYSTEMS**

No mitigation is required.

**4.13 ENERGY AND GREENHOUSE GAS EMISSIONS**

No mitigation is required.

