CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SHADY VIEW RESIDENTIAL PROJECT

State Clearinghouse No. 2021060576

(as amended by Planning Commission on September 6, 2022)

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of a project pursuant to Sections 15091 and 15093 of the *CEQA Guidelines* and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering the project acceptable even though the project has significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The City of Chino Hills (City), as lead agency, has subjected the Draft EIR and Final EIR to the agency's own review and analysis.

A. PROJECT SUMMARY

Project Location

The City is located in the Chino Valley, in the southwestern corner of San Bernardino County. The City is bordered by Los Angeles County on the north and west, by Orange County on the south and west, and by Riverside County on the south and east. The City is located south of SR-60, north of SR-91, and generally west of SR-71. A small portion of the City is located on the east side of SR-71.

The project site (APN 1057-261-06) is approximately 130 acres and is in the southeastern portion of the City, at the southern termini of Shady View Drive and Via La Cresta, south of the existing South Trail residential development. The project site is roughly rectangular, with a square cut-out parcel in the northeast portion of the site that is not part of the project site (see Figure 1-3). The project site is located east of Chino Hills State Park, and west of SR-71. The City's corporate boundary and the San Bernardino County/Riverside County boundary are adjacent to the east of the project site.

Project Description

The project proposes the development of a single-family residential subdivision. The proposed subdivision would consist of 159 single-family residential homes, a community recreation center, private interior streets, debris basins, utility infrastructure, and other associated improvements. Additionally, the project includes approximately 80.8 acres of homeowners' association-maintained open space. The proposed project is designed to be consistent with the City of Chino Hills General Plan and Chino Hills Zoning Code. The existing General Plan land use designation is split between two residential land uses, Agriculture Ranch and Low Density Residential. In addition, the zoning for the property is split between two residential zoning districts, R-S Low Density Residential and R-A Agriculture/Ranches. The location of the split occurs at the same location for both land use and zoning. As proposed, all residential development would occur in the Low-Density Residential land use designated, R-S zoned portion of the site.

The project consists of four main components: (1) residential development; (2) oil tank removal and construction; (3) amenities and open space; and (4) access, circulation, and parking.

Approval of the following entitlements is necessary for the project to proceed:

Lead Agency Approvals – City of Chino Hills

1. Certification of EIR
2. Tentative Tract Map
3. Residential Design Review
4. Conditional Use Permit (for relocation of oil facilities)

Responsible Agency Approvals

1. Clean Water Action Section 404 Permit (US Army Corps of Engineers)
2. Clean Water Act Section 401 Water Quality Certification (Santa Ana Regional Water Quality Control Board)
3. Fish and Game Code Section 1602 Streambed Alteration Agreement (California Department of Fish and Wildlife)
4. NPDES Construction Activities Storm Water General Permit (Santa Ana Regional Water Quality Control Board)
5. Oil Storage Facility Permits and Site-Specific VOC Soil Mitigation Plan (South Coast Air Quality Management District)

B. PROJECT OBJECTIVES

Pursuant to CEQA Guidelines § 15124(b), the proposed project objectives are to:

- Develop a project that supports a sustainable balance of land uses, open spaces, and infrastructure.
- To provide additional high-quality housing that serves the local community and is compatible and complementary with land uses and architectural fabric of the surrounding community.
- To provide adequate parking and integrated pedestrian and bicycle pathways to serve the residents and guests of the proposed development and provide connectivity to the surrounding community.
- To protect existing prominent knolls and increase the total amount of private, public, and protected open space by integrating the development with the hillside conditions.
- To minimize the impact on the natural environment by developing a project that promotes sustainability and supports regional water quality standards and greenhouse gas emissions reduction targets.
- Develop a project that endeavors to minimize risks from naturally occurring hazards by respecting and mitigating flooding, fire, and seismic hazards.
- To achieve a quality environment, designed to fit into and incorporate regional surroundings by integrating local environmental features and existing land uses into a cohesive and logical pattern.
- Create an efficient and safe circulation and transportation system, which accommodates the community's traffic demands and provides local connections to public streets.

- Provide a sufficient density of development to support needed infrastructure improvements.
- Provide a network of habitat and recreational opportunities that also provide separation between neighborhoods, while encouraging walkable linkages and connectivity through land use siting, open space, and pedestrian pathways.
- Design a development plan for the project site that protects existing quality habitat.
- Plan and develop the project as a cohesive community within the City with unifying architectural and landscape design themes, utilizing variety in the design of structures within this context.
- Provide a variety of home configurations for both single and two-story homes.

C. ENVIRONMENTAL REVIEW PROCESS

The Final EIR includes the Draft EIR; the written comments received during the Draft EIR public review period; written responses to those comments; corrections and additions to the Draft EIR; and a Mitigation Monitoring and Reporting Program (hereinafter referred to collectively as the Final EIR). In conformance with CEQA and the *CEQA Guidelines*, the City of Chino Hills conducted an extensive environmental review of the proposed project. The following is a summary of the City's environmental review process of this project:

- Pursuant to *CEQA Guidelines* Section 15082, as amended, the City of Chino Hills circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse and posted at the San Bernardino County Clerk's office, with the 30-day review period beginning on June 28, 2021 and ending on July 27, 2021. Copies of the NOP were made available for public review at the City of Chino Hills.
- To afford interested individuals, groups, and public agencies a forum in which to orally present input directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the EIR, as described in the NOP, the City held a public scoping meeting on July 8, 2021 at the McCoy Equestrian Center located at 14280 Peyton Drive in the City of Chino Hills, California 91709.
- A Draft EIR was prepared and distributed for public review beginning May 27, 2022 and ending July 11, 2022. A Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on May 27, 2022. The scope of the Draft EIR was determined based on comments received in response to the NOP; refer to Draft EIR Section 1.4, *Scope and Content of the EIR*. The NOA was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and posted at the City of Chino Hills. Copies of the Draft EIR were made available for public review at the City of Chino Hills, James S. Thalman Chino Hills Branch Library, and on the City's website.
- A Final EIR was prepared, which included the Draft EIR, the written comments received during the Draft EIR public review period, written responses to those comments, corrections and additions to the Draft EIR, and a Mitigation Monitoring and Reporting Program. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.

- Public hearings on the proposed project were held, including Planning Commission Hearings on June 21, 2022 and August 16, 2022.

D. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project.
- The Draft EIR and the Final EIR for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project.
- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the Final EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR.
- The Resolutions adopted by the Planning Commission and City Council in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations.
- Any documents expressly cited in these Findings.

E. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Chino Hills Community Development Department, 14000 City Center Drive, Chino Hills, California 91709. The City's Community Development Director is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091(e).

F. INDEPENDENT JUDGMENT AND FINDING

The City selected and retained HELIX Environmental Planning, Inc. ("HELIX") to prepare the Shady View Residential Project EIR. HELIX prepared the EIR under the supervision and direction of the City of Chino Hills. All findings set forth herein are based on substantial evidence in the record, as indicated, with respect to each specific finding.

Finding:

The EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Draft EIR, the Final EIR, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to less than a significant level by implementation of identified mitigation measures.

The EIR also identifies a significant adverse environmental effect of the proposed project which cannot be avoided or substantially lessened. Prior to approving this project, the City Council also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section III, *Statement of Overriding Considerations*), that certain identified economic, social, or other benefits of the proposed project outweigh such unavoidable adverse environmental effects.

II. FINDINGS AND FACTS

The City of Chino Hills, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft EIR and Final EIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

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

- **Section B, Findings on Impacts Determined to Be Less Than Significant,** presents the impacts of the proposed project that were determined in the Final EIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.

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

- **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed project that were identified in the Final EIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.

- **Section E, Findings on Recirculation,** presents the reasoning as to why recirculation is not required under *CEQA Guidelines* Section 15088.5.

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

B. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

Consistent with *CEQA Guidelines* Sections 15162.2 and 15128, the EIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental effects. *CEQA Guidelines* Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or as a "less than significant impact."

Finding:

The City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, would be no impact or a less than significant impact.

1. Aesthetics

Project implementation would not a substantial adverse effect on a scenic vista and impacts would be less than significant.

Project implementation would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. No impact would occur.

Project implementation would not result in significant impacts associated with substantially degrading the visual character/quality of public views of the site and its surroundings. Impacts would be less than significant.

Implementation of the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Impacts would be less than significant.

2. Agriculture and Forestry Resources

Development of the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. No impact would occur.

Project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact would occur.

The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). No impact would occur.

Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

Development of the project would not involve other changes in the existing environment which, due to their location or nature, would not result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. No impact would occur.

3. Air Quality

Implementation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

Implementation of the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

4. Biological Resources

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact would occur.

5. Cultural Resources

The project would not cause a substantial adverse change in the significance of a historical resource. Impacts would be less than significant.

The project would not result in significant impacts associated with the disturbance of human remains, including those interred outside of formal cemeteries. Impacts would be less than significant.

6. Energy

The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.

The project would not conflict with or obstruct a state of local plan for renewable energy or energy efficiency. Impacts would be less than significant.

7. Geology and Soils

Development of the project would not result in substantial soil erosion or loss of topsoil. Impacts would be less than significant.

The project would not result in significant impacts associated with being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts would be less than significant.

The project site would not result in significant impacts associated with expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. Impacts would be less than significant.

Project implementation would not have impacts associated with soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.

8. Greenhouse Gas Emissions

Greenhouse gas emissions generated by the project would not have a significant impact on global climate change. Impacts would be less than significant.

Implementation of the proposed project would not conflict with an applicable greenhouse gas reduction plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases. Impacts would be less than significant.

9. Hazards and Hazardous Materials

The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. No impact would occur.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, project implementation would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.

10. Hydrology and Water Quality

Development of the project would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant.

Project implementation would not alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.

Project implementation would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

The project would not impede or redirect flood flows. Impacts would be less than significant.

In a flood hazard, tsunami, or seiche zone, the project would not risk release of pollutants due to project inundation. No impact would occur.

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

11. Land Use and Planning

Development of the project would not physically divide an established community. Impacts would be less than significant.

The proposed project would not conflict with applicable land use plan, policies, or regulations. Impacts would be less than significant.

12. Mineral Resources

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. No impact would occur.

Development of the project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impact would occur.

13. Noise

Project implementation would not generate excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.

The project would not expose people residing or working in the project area to excessive airport noise levels. Impacts would be less than significant.

14. Population and Housing

Project implementation would not induce substantial population growth in an area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure). Impacts would be less than significant.

The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Impacts would be less than significant.

15. Public Services

Project implementation would not result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant.

Development of the project would not result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant.

Project implementation would not result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives. Impacts would be less than significant.

The project would not result in the need for additional parks and recreational facilities. Impacts would be less than significant.

The project would not result in significant impacts to other public facilities. Impacts would be less than significant.

Project implementation would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be less than significant.

The project would not include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Impacts would be less than significant.

16. Transportation

The project would not result in a conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant.

Development of the proposed project would not substantially increase hazards due to geometric design feature or incompatible uses. Impacts would be less than significant.

17. Utilities

Project implementation would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.

The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Impacts would be less than significant.

Project implementation would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Impacts would be less than significant.

The project would comply with Federal, State, and local statues and regulations related to solid waste. Impacts would be less than significant.

18. Wildfire

The project, due to slope, prevailing winds, and other factors, would not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

Development of the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

Project implementation would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

C. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft EIR, these impacts would be considered less than significant.

1. Air Quality

The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Support for this environmental impact conclusion is included in Section 4.2, *Air Quality*, and in particular, starting on page 4.2-14 of the Draft EIR.

The South Coast Air Basin is a federal and/or state nonattainment area for ozone and particulate matter (PM_{10} and $PM_{2.5}$). The maximum daily construction period unmitigated emissions for nitrogen oxides (NOx) of 113 pounds per day during the grading phase would exceed the South Coast Air Quality Management District (SCAQMD) significance threshold. NOx is an ozone precursor, and the impact would be potentially significant if not mitigated. With implementation of mitigation measure AQ-1, emissions of criteria pollutants and precursors would not exceed the SCAQMD significance thresholds.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

AQ-1 **Tier IV Off-Road Construction Equipment.** All off-road diesel-powered equipment rated at 50 horsepower or greater used on the project site during construction of the project shall be USEPA Tier IV (or better) certified or have CARB approved engine/exhaust retrofit kits to result in equivalent emissions. Prior to issuing permits, the City shall verify that construction contracts specify the off-road equipment certification or retrofit requirements. The applicant shall compile and maintain an inventory, including documentation of engine certification or emissions retrofits, of all off-road diesel-powered equipment rated at 50 horsepower or greater used on the project site during construction. The inventory shall be available for review and verification by the City on demand.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could result in the exposure of sensitive receptors to substantial pollutant concentrations.

Support for this environmental impact conclusion is included in Section 4.2, *Air Quality*, and in particular, starting on page 4.2-16 of the Draft EIR.

The maximum risk due to exposure to diesel particulate matter (DPM) emissions from construction of the proposed project would not exceed the SCAQMD threshold for a maximum non-cancer chronic health index of 1. However, the incremental increased cancer risk would exceed the SCAQMD threshold of 10 in 1 million. Therefore, construction of the project would result in a potentially significant impact related to the exposure of sensitive receptors to substantial DPM concentrations. Cancer risk at the maximum exposed individual resident at an existing residential receptor would be reduced to 0.68 in 1 million and the chronic hazard index would be reduced to 0.0004 with incorporation of mitigation measure AQ-1.

Mitigation Measure:

Refer to Mitigation Measure AQ-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

2. Biological Resources

The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-13 of the Draft EIR.

No impacts to rare plant species would occur; however, during construction, the proposed project has the potential to directly and/or indirectly affect special status animal species including mastiff bat, coast horned lizard raptors, burrowing owl, and coastal California gnatcatcher.

The project site supports potentially suitable mastiff bat roosting habitat, including steep cliffs in the southwest corner of the project site, existing structures in the northeast portion of the project site, and large ornamental trees in the northern portion of the project site. The loss of potentially suitable mastiff bat roosting habitat is a potentially significant impact; requiring mitigation. Implementation of mitigation measure BIO-1 would reduce impacts to a less than significant level.

The biological study area supports potentially suitable coast horned lizard habitat, such as California sagebrush scrub. Adjacent suitable habitat is located directly to the west and south of the biological study area. The project would result in potentially significant impacts to coast horned lizard. Implementation of mitigation measure BIO-2 would reduce impacts to a less than significant level.

The project site supports potentially suitable habitat for BUOW but does not support suitable burrows or burrow surrogates. Although suitable burrows were not identified within the biological study area, site conditions may change prior to construction. Therefore, the project has the potential to result in significant impacts to burrowing owl. Implementation of mitigation measure BIO-3 would reduce impacts to a less than significant level.

Three coastal California gnatcatcher pairs were detected during the project biological survey effort. The project would permanently impact approximately 14.08 acres of California sagebrush scrub and 11.57 acres of disturbed-California sagebrush scrub, totaling 25.65 acres of permanent impacts to suitable coastal California gnatcatcher habitat. Implementation of mitigation measure BIO-4 would reduce impacts to a less than significant level.

Mitigation Measures:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

BIO-1 **Sensitive Bat Species.** Due to presence of potentially suitable habitat for sensitive bat species, the following avoidance and minimization measures shall be implemented to avoid potential indirect impacts to these two species:

If construction activities (i.e., earthwork, clearing, grubbing, etc.) are proposed within the bat maternity roosting season (April 1 through August 31), a qualified biologist experienced with bats shall conduct a pre-construction survey within all suitable habitat on the study area. The pre-construction survey shall be conducted 30 days prior to commencing construction activities and shall consist of two separate surveys conducted no more than a week apart. The second and final survey should be conducted no more than seven days prior to commencing construction activities. The pre-construction surveys should be conducted using a detector for echolocation calls, such as an Anabat bat detector system. The results of the pre-construction survey shall be documented by the qualified biologist and submitted to the City.

If the qualified biologist determines that no sensitive bat maternity roosts are present, the construction activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that sensitive bat maternity roosts are present, the following avoidance and minimization measures shall be implemented:

1. No construction activities may occur within 300 feet of any sensitive bat maternity roosts. A qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities.

2. If construction activities are proposed within 300 feet of a sensitive bat maternity roost, a biological monitor shall be required to observe the behavior of any roosting bats. The construction supervisor shall be notified if the construction activities appear to be altering the bats' normal roosting behavior. No construction activities will be allowed within 300 feet of bat maternity roosts until the additional minimization measures are taken, as determined by the biological monitor in coordination with California Department of Fish and Wildlife (CDFW) and the City. The biological monitor shall prepare written documentation of all monitoring activities and any additional minimization measures that were taken, which shall be submitted to CDFW and the City at the completion of construction activities.

BIO-2 **Coast Horned Lizard:** A qualified wildlife biologist shall monitor initial clearing of suitable habitat (i.e., California sagebrush scrub). If coast horned lizard individuals are found in the project footprint, the biologist(s) shall direct all work to occur within an area of the study area away from coast horned lizard. The biologist(s) shall passively flush individuals away from the active work area. The qualified biologist(s) shall submit to CDFW and the City the number and locations of coast horned lizard(s) disturbed by vegetation removal activities once removal activities are completed.

BIO-3 **Burrowing Owl**: In compliance with the CDFW *Staff Report on BUOW Mitigation* (2012), a take avoidance survey shall be conducted on the study area within 14 days prior to ground disturbance to determine presence of BUOW. If the take avoidance survey is negative and BUOW is confirmed absent, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required.

If BUOW are observed during the take avoidance survey, active burrows shall be avoided by the project in accordance with the CDFW's Staff Report (2012). The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan (plan) shall be prepared by a qualified biologist, which must be approved by CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology. A final copy of the plan shall be provided to the City upon approval by CDFW. Relocation shall only occur outside of the nesting season (September 1 through January 31).

BIO-4 **Coastal California Gnatcatcher**: Due to presence of CAGN and suitable habitat within the study area, the following measures shall be implemented to minimize and avoid potential direct impacts:

1. **FESA Compliance and Compensatory Mitigation:** FESA Compliance: Prior to issuance of a grading permit, it shall be demonstrated that FESA consultation with USFWS regarding the project's effects to CAGN has occurred and that the USFWS has authorized such take through an incidental take statement or incidental take permit, as applicable. Compensatory mitigation for permanent direct impacts to 25.65 acres of suitable CAGN habitat identified in this report shall be offset through compensatory mitigation which may include, but is not necessarily limited to, on-site or off-site California sage scrub preservation, enhancement, restoration, and/or creation at a ratio of no less than 1:1. However, if the USFWS issues a biological opinion or incidental take permit for the project that covers CAGN, that document will supersede any measures and mitigation ratios provided in this report. Mitigation for the project's effects to CAGN shall be determined by USFWS in accordance with the FESA consultation process and the biological opinion or incidental take permit that is issued by USFWS for the project.

2. **Non-breeding Season Avoidance and Minimization Measures:** If construction activities (i.e., earthwork, clearing, and grubbing) occur outside of the CAGN nesting season (September 1 through February 14), the following measures shall be implemented to avoid potential impacts.

    a. Pre-Construction Surveys: A pre-construction survey shall be conducted by the qualified biologist(s) to confirm that CAGN are absent, or breeding and nesting activities are not within 500 feet of the outer limits of disturbance. The survey shall be conducted no more one day prior to impacts to suitable habitat.

    b. Biological Monitoring: A qualified biologist(s) shall monitor initial clearing of suitable habitat. If CAGN are found in the project footprint, the biologist(s) shall direct all work to occur within an area of the study area away from CAGN. The biologist(s) shall passively flush individuals away from the active work area. The qualified biologist(s) shall submit to USFWS the number and locations of CAGN disturbed by vegetation removal activities.

3. **Breeding Season Avoidance and Minimization Measures:** If construction activities (i.e., earthwork, clearing, grubbing, etc.) are proposed within the CAGN nesting season (February 15 through August 31), the following measures shall be implemented to avoid potential impacts:

    a. Pre-Construction Surveys: Following notification to USFWS, a pre-construction survey shall be conducted by the qualified biologist(s) to confirm that CAGN are absent or breeding and nesting activities are not present within 500 feet of the outer limits of disturbance. The survey shall be conducted one day prior to impacts to suitable habitat and USFWS will be notified at least seven days prior to initiation of the survey. The qualified biologist(s) shall submit to USFWS the number and locations of CAGN observed on and within 500 feet of the project footprint.

    b. Biological Monitoring: Construction activities shall not occur within 500 feet of an active CAGN nest unless noise monitoring and/or noise attenuation measures are implemented (see below). Noise monitoring and noise attenuation measures shall be approved by USFWS prior to implementation. A qualified biologist(s) shall monitor initial clearing of suitable habitat. After vegetation removal is complete, surveys shall be completed once per week during project construction that occurs within the breeding season. Weekly surveys may be suspended if approved by USFWS

    c. Noise Monitoring: If an active nest is observed on or within 500 feet of the project footprint, a qualified acoustician shall assess the potential for noise levels to exceed 60 A-weighted decibels (dB[A]) hourly in areas occupied by the CAGN, or an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). The qualified acoustician shall coordinate with the qualified biologist(s) and USFWS to identify noise attenuation measures. Construction may proceed within 500 feet of an active nest if noise levels are maintained below a 60 dB(A) hourly average, or below an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A), near the nest site and as approved by USFWS.

        i. A qualified acoustician shall be retained to determine ambient noise levels for construction activities within 500 feet of active nests. Noise levels near the nest site shall not exceed an hourly average of 60 dB(A), or an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). If project-related noise levels exceed the threshold described above, construction activities shall cease until additional minimization measures are taken to reduce project-related noise levels to below an hourly average of 60 dB(A), or below an hourly average increase of 3 dB(A) if existing ambient noise levels exceed 60 dB(A). If additional measures do not decrease project-related noise levels below the thresholds described above, construction activities shall cease until USFWS is contacted to discuss alternative methods.

        ii. All project personnel shall attend a training program presented by a qualified biologist prior to construction activities. The training program shall inform project personnel about the life history of CAGN and all avoidance and minimization measures.

iii. The construction contractor shall only allow construction activities to occur during daylight hours.

iv. The construction contractor shall require functional mufflers on all construction equipment (stationery or mobile) used within or immediately adjacent to any 500-foot avoidance buffers to reduce construction equipment noise. Stationary equipment shall be situated so that noise generated from the equipment is not directed towards any suitable habitat for the CAGN.

v. The construction contractor shall place staging areas as far as feasible from any suitable CAGN habitat.

vi. The biological monitor shall prepare written documentation of all monitoring activities at the completion of construction activities, which shall be submitted to USFWS.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-15 of the Draft EIR.

Project grading would result in permanent impacts to approximately 0.89 acre of California Department of Fish and Wildlife (CDFW) jurisdiction. No temporary impacts are anticipated. Impacts to CDFW jurisdiction will require a Section 1602 Stream Alteration Agreement from the CDFW. Compensatory mitigation for permanent impacts to CDFW jurisdiction would be required as part of subsequent Section 1602 permitting requirements. Permanent impacts to CDFW jurisdiction shall be mitigated through on-site or off-site enhancement, restoration, and/or creation of jurisdictional streambed at ratio of no less than 2:1 Permanent impacts to 0.89 acre of CDFW jurisdiction is a significant impact. Implementation of mitigation measure BIO-5 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

BIO-5 **Jurisdictional Resources**: Prior to issuance of a grading permit for impacts to jurisdictional resources, the Project Applicant shall obtain the necessary regulatory permits from United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW (collectively, the "Resource Agencies"). Regulatory permits are anticipated to

include a Section 404 Individual Permit or Nationwide Permit through USACE, Section 401 Water Quality Certification through RWQCB, and a Section 1602 Streambed Alteration Agreement through CDFW. Permanent impacts to jurisdictional resources shall be mitigated through on-site or off-site enhancement, restoration, and/or creation of jurisdictional streambed and/or riparian habitat at a ratio of no less than 2:1. The following minimization measures shall be implemented during construction:

- Use of standard Best Management Practices (BMPs) to minimize the impacts during construction.
- Construction-related equipment shall be stored in developed areas, outside of drainages.
- Source control and treatment control BMPs shall be implemented to minimize the potential contaminants that are generated during and after construction. Water quality BMPs shall be implemented throughout the project to capture and treat potential contaminants.
- To avoid attracting predators during construction, the project shall be kept clean of debris to the extent possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from site.
- Employees shall strictly limit their activities, vehicles, equipment and construction material to the proposed project footprint, staging areas, and designated routes of travel.
- Exclusion fencing should be maintained until the completion of construction activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means).

Support for this environmental impact conclusion is included in Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-17 of the Draft EIR.

Implementation of the proposed project would result in permanent impacts to approximately 0.21 acre of USACE/RWQCB non-wetland waters of the U.S. Impacts to USACE/RWQCB jurisdiction will require a Section 404 permit from USACE and a Section 401 permit from RWQCB, as described in Measure BIO-5 above. Compensatory streambed mitigation for permanent impacts to USACE/RWQCB jurisdiction will be required as part of subsequent Section 404/401 permitting requirements. Permanent impacts to USACE/RWQCB jurisdiction shall be mitigated through on-site or off-site enhancement, restoration,

and/or creation of jurisdictional streambed at ratio of no less than 2:1 as required by Measure BIO-5. Implementation of mitigation measure BIO-5 would reduce impacts to a less than significant level.

Mitigation Measure:

Refer to Mitigation Measure BIO-5.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Support for this environmental impact conclusion is included in Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-18 of the Draft EIR.

Project activities could disturb or destroy active migratory bird nests including eggs and young. The nesting season is generally defined as February 15 through August 31 for songbirds and January 15 to August 31 for raptors. Disturbance to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is considered a potentially significant impact. Implementation of mitigation measure BIO-6 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

BIO-6 **Nesting Birds:** If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors (January 15 and August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and CFG Code. The pre-construction survey shall be performed no more than seven days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist and submitted to the City prior to construction. The report shall include survey methods and results, in addition to recommended avoidance and minimization measures if active nests are located.

If the qualified biologist determines that no active migratory bird nests are within 300 feet (500 feet for raptors) of project impacts, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be

active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations to minimize disturbance to nesting birds.

In addition, to the nesting bird survey described above, a golden eagle specialist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active golden eagle nests if construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory raptors (January 15 and August 31). The golden eagle pre-construction survey shall be performed no more than seven days prior to the commencement of construction activities. If the specialist determines that no active golden eagle nests will be disturbed by the project, the activities shall be allowed to proceed without any further requirements. If project activities have a potential to disturb active nests, the golden eagle specialist may recommend avoidance and minimization measures, such as setback buffers, depending on the location of the nest and the type of activity occurring in the vicinity/view of the nest. The results of the pre-construction survey shall be documented by the golden eagle specialist and submitted to the City prior to construction. The report shall include survey methods and results, in addition to recommended avoidance and minimization measures if golden eagle nests are located within the one-mile survey area.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Support for this environmental impact conclusion is included in Section 4.3, *Biological Resources*, and in particular, starting on page 4.3-19 of the Draft EIR.

The project would remove trees protected under local policies. Several coast live oak trees located in the northern portion of the project site. Additionally, scattered scrub oaks were noted throughout the project site. Aleppo pine, London plane, and Mexican palo verde are also present on the project site. These trees are non-invasive ornamental trees that could possibly meet the 44-inch diameter breast height threshold for heritage trees. Potential impacts to these trees would be significant. Implementation of mitigation measure BIO-7 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

BIO-7 **City-protected Trees:** Prior to the issuance of grading permits, a tree survey shall be conducted within the development footprint to determine the number of City-protected trees that will be impacted by the project. The Project Applicant shall obtain a Tree Permit in accordance with the City's Tree Preservation Ordinance (Chapter 16.90 of the City's Municipal Code; City 2020a) prior to impacting protected trees. The Project Applicant shall

replace impacted City-protected trees proposed for removal by planting replacement trees on-site, or off-site if deemed acceptable by the Director. At the City's sole discretion, payment of a fee to the City's Protected Tree Replacement Fund, pursuant to the City's adopted Administrative Policy for the implementation of the City's Tree Preservation Ordinance, may be accepted in-lieu of on-site or off-site replacement. Replacement ratios shall be determined based on requirements described in Section 16.90.070 of the Tree Preservation Ordinance. All replacement trees shall be approved by the City.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

3. Cultural Resources

The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.

Support for this environmental impact conclusion is included in Section 4.4, *Cultural Resources*, and in particular, starting on page 4.4-9 of the Draft EIR.

No archaeological resources have been recorded within or adjacent to the project site. Ground visibility during a field survey of the project site was poor over much of the site due to vegetation. Based on the cultural sensitivity of the area, the proposed project could affect unidentified archaeological resources during ground-disturbing activities.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

CUL-1 Archaeological and Native American Construction Monitoring. Prior to the issuance of grading permits, the project applicant shall prepare an archaeological and Native American monitoring program that shall be reviewed and approved by the City's Community Development Department. The monitoring program shall include the retention of a qualified archaeologist and a Native American (NA) monitor. The archaeological and NA monitors shall attend a pre-construction meeting with the construction manager and be in attendance during ground disturbing activities at the project site, including brushing/grubbing, excavation, grading, trenching, etc. in soils with a potential for cultural material (e.g., not formation material).

The archaeological and NA monitors shall have the authority to temporarily halt or redirect grading and other ground-disturbing activity if cultural resources are encountered. If significant cultural material is encountered, the project archaeologist will coordinate with the applicant, representatives of the Consulting Tribe(s), and City staff to develop and implement appropriate avoidance, preservation, or mitigation measures.

If significant cultural material is encountered, the project archaeologist will coordinate with the applicant, representatives of the Consulting Tribe(s), and City staff to develop and implement appropriate avoidance, preservation, or mitigation measures.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

4. Geology and Soils

The proposed project construction could directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area of based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.

Support for this environmental impact conclusion is identified in Section 4.5, *Geology and Soils*, and in particular, starting on page 4.5-8 of the Draft EIR.

The mapped Chino Fault trace on the project site is located just outside of, and adjacent to, the proposed residential development. The on-site fault has been determined to be Holocene-active, as defined by the State of California, and as such, the project would be subject to potentially significant impacts associated with fault rupture for the proposed residential development. Implementation of mitigation measure GEO-1 would reduce impacts to a less than significant level.

Mitigation Measures:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

GEO-1 Structural Fault Setback. To avoid impacts associated with fault rupture, the project applicant shall ensure a setback of 50 feet, consistent with the setback required by the California Alquist-Priolo Earthquake Fault Zoning Act, is maintained between all habitable structures and the surveyed location of the active fault trace. The final position of the 50-foot setback shall be based on finished grade elevations, shown on project plans and construction documents, and shall be subject to review and approval from the City Engineer and/or City Building Official.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is identified in Section 4.5, *Geology and Soils*, and in particular, starting on page 4.5-13 of the Draft EIR.

Because paleontological resources are limited, non-renewable resources of scientific, cultural, and/or educational value, the loss of fossils that could yield information important to prehistory, or that embodies the distinctive characteristics of a type of organism, environment, period of time, or geographic region, would be considered a significant environmental impact. Impacts to paleontological resources primarily entail the destruction of non-renewable paleontological resources and the loss of information associated with such resources. If potentially fossiliferous bedrock is disturbed, the disturbance could result in the destruction of paleontological resources and subsequent loss of information.

The Sycamore Canyon Member of the Tertiary Puente Formation, which is the bedrock unit present at the project site, is late Miocene in age and has previously yielded paleontological resources within the City. Additionally, the City's General Plan identifies the entire City as sensitive for paleontological resources. Thus, ground disturbing activities associated with the construction of the proposed project have the potential to uncover paleontological resources. In the event that paleontological resources are encountered during construction, such resources could potentially be damaged or destroyed. Therefore, implementation of the proposed project could potentially result in significant impacts to paleontological resources. Implementation of mitigation measure GEO-2 would reduce these impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

GEO-2 Paleontological Monitoring. Prior to construction, the owner/permittee shall retain a qualified paleontological monitor, acceptable to the City. The paleontological monitor shall attend pre-construction meeting(s) with the construction manager and shall be present during all initial cutting, grading, or excavation of previously undisturbed areas. If a fossil is encountered, all operations in the area where the fossil was found shall be suspended immediately, the City shall be notified, and a qualified paleontologist shall be retained by the City to evaluate the significance of the find; salvage, record, clean, and curate significant fossil(s); and document the find in accordance with current professional paleontological standards. Within 30 days of completion of ground-disturbing activities, either a letter signed by the paleontological monitor stating that no fossils were found or, if fossils were found, a report prepared by the qualified paleontologist documenting the mitigation program shall be submitted to the City.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the

form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

5. Hazards and Hazardous Materials

The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Support for this environmental impact conclusion is identified in Section 4.7, *Hazards and Hazardous Materials*, and in particular, starting on page 4.7-10 of the Draft EIR.

During the project construction period, hazardous substances typical of construction activities would be used to maintain and operate construction equipment (such as fuel, lubricants, adhesives, and solvents). These substances would be present at the project site during construction activities. The use of these materials could potentially result in significant impacts through accidental discharge associated with use and storage of hazardous materials.

The proposed project would include the removal of three existing aboveground oil storage tanks located on an approximately 4,000 square-foot portion of the site, near the east central boundary of the project site and the construction of three new aboveground oil storage tanks to be located near the northwestern corner of the project site. Associated pipeline and other ancillary equipment would also be removed from its current location on the project site and relocated with the tanks. The proposed operators would be required to comply with existing regulations in place for oil production facilities, including, but not limited to, the California Department of Conservation Geologic Energy Management Division (CalGEM) requirements for oil and gas pipelines and facilities (CCR, Title 14, Chapter 4, *Development, Regulation, and Conservation of Oil and Gas Resources*) and hazardous materials (including, but not limited to CCR, Title 22, Division 4.5, *Environmental Health Standards for the Management of Hazardous Waste* and the Hazard Materials Transportation Act). The proposed oil storage infrastructure that would be present on the site would result in potentially significant hazardous materials impacts.

The proposed project would result in potentially significant impacts related to the transport, use, and disposal of hazardous materials at the project site during construction and long-term operation of the project. Implementation of mitigation measure HYD-1 (refer to Section 6, *Hydrology and Water Quality* below), HAZ-1, and HAZ-2 would reduce this impact to below a level of significance.

Mitigation Measures:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

HAZ-1 Pipeline Maintenance. The operator of the adjacent oil operations shall conduct pipeline maintenance as required by CalGEM. Pipeline maintenance includes testing on all newly installed, repaired, or modified existing pipelines prior to starting or re-starting operations. Any pipeline having a leak of reportable quantity must successfully pass pressure-testing before returning to service. Additionally, CalGEM-regulated pipelines must be tested on a periodic basis. Active oil or gas pipelines located in high-risk area (high-risk areas include those within 300 feet from any public recreation area, residences, schools, hospitals, or

businesses), such as environmentally sensitive, urban, and sensitive areas, require biennial testing after reaching the age of 10 years.

Acceptable testing methods include pressure testing, ultrasonic, and smart pigging. Approval from CalGEM is required before using a testing method other than pressure testing or ultrasonic testing to determine wall thickness. CalGEM recommends operators seek input from CalGEM when planning an ultrasonic test of a pipeline located in a high-risk area (NTO 2019-09). Operators may conduct pipeline leak inspection per CCR Title 14, Division 2, Chapter 4 Section 1774.1 and without notification to CalGEM as this activity is not testing. Furthermore, pipelines not located within high-risk areas are to be tested at a minimum per the interval specified by Cal-OSHA. Operators must notify the local CalGEM district office at least two days prior to any required pipeline testing. CalGEM does not require test notification for pipelines not located within high-risk areas, unless these pipelines are tested following a repair due to a reportable leak.

HAZ-2 Tank Maintenance. The operator of the adjacent oil operations shall conduct tank maintenance inspections as required by CalGEM, at least once a month on all in-service tanks associated with oil and gas production. Operators shall inspect the tanks for the following:

1. Leakage at base, seams, associated piping, tank shell plugs, or any other fitting that could leak;

2. Presence of corrosion or shell distortions;

3. General condition of the foundation, including any signs of settling or erosion that may undermine the foundation;

4. Condition of paint coatings, insulation systems, and tank grounding system components if present.

Monthly inspection findings shall be documented either on paper or electronically. The records shall be maintained and easily accessible so that a CalGEM inspector can review them. California requires that the walls or sides of in-service tanks be tested for thickness every five years, unless otherwise approved by the CalGEM State Supervisor of Oil and Gas. Operators must notify CalGEM two days or more prior to conducting required tank testing. Tank wall thickness testing shall be performed by a reputable tank inspection company using ultrasonic thickness-testing equipment to measure the wall thickness in various places. Using the smallest thickness measured from the various readings, the inspector can potentially determine the tank corrosion rate. If the corrosion rate can be determined, inspection time intervals, subject to approval by the CalGEM State Supervisor of Oil and Gas, may be extended, but must still be done at least once every 15 years. The minimum thickness for a tank shell is 0.06 inch. In-service tanks shall be internally inspected and tested to determine bottom plate thickness no less than once every 20 years. A tank is exempt from this requirement if: the tank is not an environmentally sensitive tank, it is not in an urban area, and is not located above subsurface fresh water; or the sub-base of the foundation of the tank has an impermeable barrier designed to prevent downward fluid migration and to allow leaks to drain away from the tank; or the tank has a properly installed, operating and maintained leak detection system. The internal inspection and bottom plate thickness testing is also usually conducted using ultrasonic thickness testing

equipment by a reputable tank inspection company. For the bottom plate thickness testing, the inspector will take readings at various places. The smallest thickness measured from the various readings determines if the plate is still usable. The minimum bottom plate thickness shall meet the following criteria:

1. 0.10 inch for tank bottom/foundation design with no means of detection and containment of a bottom leak;

2. 0.05 inch for tank bottom/foundation design with adequate leak detection and containment of a bottom leak;

3. 0.05 inch in conjunction with a reinforced tank bottom lining, greater than 0.05 inch thick.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Support for this environmental impact conclusion is identified in Section 4.7, *Hazards and Hazardous Materials*, and in particular, starting on page 4.7-12 of the Draft EIR.

Implementation of the proposed project could result in a potentially significant hazards impact during demolition, grading, and construction activities associated with the release of hazardous materials.

Soil samples collected at the scrapyard area of the project site did not exceed established screening levels, but the soil samples reported detectable concentrations of total petroleum hydrocarbons as diesel range (TPH-diesel) and total petroleum hydrocarbons as motor oil range (TPH-motor oil), as well as heavy metals and trichloroethylene (TCE). Although each of these materials were below corresponding screening thresholds for residential use in both 2019 and 2021 sampling, the area near the storage shed in the scrapyard area on the project site had soils with visible surface stains. Additionally, past soil testing at the debris trenches located to the north of the scrapyard has revealed the presence of TPH-diesel exceeding screening levels for residential uses. Construction activities for the proposed project would result in the removal of materials and movement of soils in both locations. Based on the known presence of TPH, heavy metals, TCE, and the observed staining at the scrapyard location, and the known presence of TPH-diesel in the construction debris trenches, the proposed grading and construction activities would result in the disturbance and potential release of these materials. Thus, the potential for the release of hazardous materials at the scrapyard and construction debris trenches during project grading and construction activities is considered a significant impact, requiring mitigation. Implementation of mitigation measures HAZ-3, HAZ-4, HAZ-5, and HAZ-6 would reduce impacts to a less than significant level.

Implementation of the project would result in the removal of existing structures, which may potentially contain asbestos-containing material (ACM), lead-based paint (LBP), and polychlorinated biphenyl (PCB) containing caulk. Due to the potential presence of ACM, LBP, and PCBs, the disturbance and removal of these structures would result in a potentially significant impact. Implementation of mitigation measure HAZ-7 would reduce impacts to a less than significant level.

Mitigation Measures:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

HAZ-3 **Site/Soil Management Plan.** Prior to issuance of a demolition or grading permit, the project applicant shall prepare a Site /Soil Management Plan (SMP). The SMP shall be developed for use during future grading work at the project site. The SMP shall establish guidelines to address potential areas of hazardous materials impact that could be encountered during demolition and initial grading work, including the following areas of the project site: former and existing aboveground storage tanks, pipeline corridor, scrapyard, and the construction debris trenches. The SMP shall include protocols for the characterization and handling of excavated soil. The SMP shall be prepared and submitted to the City Engineer and/or Building Official for review and approval prior to the issuance of a demolition or grading permit.

HAZ-4 **Scrapyard Soil Removal.** Prior to the issuance of grading permits, the construction contractor shall complete the following activities in the vicinity of the scrapyard: scarify and remove the upper 6 inches of soil near the storage shed, within the scrapyard area (approximately 0.8 acre), resulting in the removal of approximately 645 cubic yards of soil. The removed soil shall be disposed of at a non-hazardous landfill or potentially be placed in future roadways or deep fill areas. Confirmation of soil removal and disposal shall be submitted to the City Engineer and/or Building Official.

HAZ-5 **Construction Debris Trenches Soil Removal.** Prior to the issuance of grading permits, the construction contractor shall remove all construction debris and soil within the construction debris trenches, in compliance with the Site Management Plan identified as mitigation measure HAZ-1. The soil within the trenches shall be excavated to at least native soil. Confirmation soil sampling shall be completed on the underlying native soils to confirm that underlying soil meets residential screening levels. The removed soil shall be disposed of at a non-hazardous landfill or potentially be placed in future roadways or deep fill areas. Confirmation of soil removal, disposal, and sampling results shall be submitted to the City Engineer and/or Building Official.

HAZ-6 **Removal Action Workplan.** Prior to the issuances of grading permits, the project applicant shall provide verification that a site investigation, under the Department of Toxic Substances Control (DTSC) oversight, has been completed for the project. If the site investigation reveals that site cleanup is needed after the completion of the site investigation, the project applicant shall prepare a Removal Action Workplan, under DTSC oversight. The project applicant shall complete the requirements of the Removal Action Workplan to the satisfaction of the DTSC, and shall provide verification to the City that the

requirements of the Removal Action Workplan have been completed to the satisfaction of the DTSC.

HAZ-7 ACM, LBP, and PCB Investigations. Prior to implementing associated demolition operations, an evaluation of the potential occurrence of ACMs, LBP and/or PCBs shall be conducted for demolition/removal of pertinent on-site structures, including the large storage shed near the scrap yard area, one small shed (associated with a former gas plant) west of the aboveground storage tanks, and one mobile home and applicable power pole transformers. Specifically, the following investigations shall be required:

- With respect to ACMs, a survey shall be performed prior to demolition to determine the presence or absence of ACMs at the applicable noted on-site structures proposed for demolition and removal. Suspect materials that will be disturbed by project activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the California Labor Code, and who has taken and passed a USEPA-approved Building Inspector Course. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete the facility survey, indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated ACMs are present, the statement shall describe the procedures that will be taken to remediate the hazard, including applicable regulations for demolition methods and dust suppression under SCAQMD Rule 1403, and proper handling and disposal under CCR Title 22, Division 4.5. Verification that the specified procedures were followed shall be provided to the City.

- With respect to LBP, a survey shall be performed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence/absence of LBP at the applicable noted on-site structures proposed for demolition and removal. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete the facility survey, indicating that the survey has been completed and that either regulated LBP is present or absent. If regulated LBP is present, all demolition/removal of lead-containing materials shall comply with applicable regulations for demolition methods and dust suppression. Lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (CCR Title 22, Division 4.5); and the State Lead Accreditation, Certification and Work Practice Requirements (CCR Title 17, Division 1, Chapter 8). Verification that the specified procedures were followed shall be provided to the City.

- For PCBs, a survey shall be conducted prior to demolition to determine the presence or absence of PCBs in applicable power pole transformers and in structures proposed for demolition and removal. These surveys shall be conducted by qualified/certified personnel, such as federal and/or state-certified inspectors/assessors. Evidence of survey completion shall consist of a signed and stamped statement submitted to the City from the person certified to complete

the facility survey, indicating that the survey has been completed and that either regulated PCBs are present or absent. If regulated PCBs are present, all related handling and disposal shall be conducted pursuant to applicable federal (e.g., 40 CFR Part 761), State (e.g., Title 22) and local (e.g., SBCFD) requirements. Verification that the specified procedures were followed shall be provided to the City.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Support for this environmental impact conclusion is identified in Section 4.7, *Hazards and Hazardous Materials*, and in particular, starting on page 4.7-13 of the Draft EIR.

Butterfield Ranch Elementary School is located in the South Trail community to the north of the project site, at a distance of approximately one-quarter mile. Soil staining and hazardous materials are known to be present in the soil at the scrapyard and construction debris trench locations. Tank demolition, grading, and construction activities that would occur as a part of the proposed project would disturb soils at each of the identified locations, resulting in a potentially significant hazardous materials impact. If present, people at nearby schools could potentially be exposed to emissions of these hazardous materials during demolition and grading activities. Potential construction-related impacts on nearby schools would be significant, requiring mitigation. The proposed operator of the oil facilities would be responsible for complying with applicable rules and regulations for oil production facilities and hazardous materials; however, the presence of the proposed oil storage infrastructure on the site would result in potentially significant hazardous materials impacts, requiring mitigation. Implementation of mitigation measures HAZ-3, HAZ-4, HAZ-5, HAZ-6, and HAZ-7 would reduce impacts to a less than significant level.

Mitigation Measures:

Refer to Mitigation Measures HAZ-3, HAZ-4, HAZ-5, HAZ-6, and HAZ-7.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The proposed project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Support for this environmental impact conclusion is identified in Section 4.7, *Hazards and Hazardous Materials*, and in particular, starting on page 4.7-14 of the Draft EIR.

The project would include two access points into the development – the extensions of Shady View Drive and Via La Cresta. These access points are based on the locations of the existing termini of Shady View Drive and Via La Cresta, which were established in 1998 and 1990 with the development to the north of the project site. These two points of ingress and egress are approximately 1,000 feet apart (from Shady View Drive centerline to Via La Cresta centerline, at the project boundary). The 1,000-foot separation is less than the minimum required separation of 1,550 feet for the two project access points required by Chino Valley Fire District (CVFD). This separation deficiency is existing and nonconforming, and cannot be changed by the proposed project, as the area to the north of the project is developed with existing homes except for these two access points. The project would comply with City and CVFD requirements for emergency vehicle access; however, the existing separation deficiency for the two project access points would result in a significant impact associated with emergency access. Implementation of mitigation measure WLF-1 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

WLF-1 Structure Protection for All Structures. All structures within the proposed development shall be constructed per the 2019 California Residential Code Section R337 and shall be protected with National Fire Protection Association (NFPA) 13-D automatic fire sprinklers, including attic areas protection in lieu of meeting the City's requirement for 30-foot separation from structure to structure. The proposed structures shall be separated by a minimum of 20 feet. For residential structures on lots 115 and 135, NFPA-13D automatic fire protection sprinklers would be required for attic areas and small space protection.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

6. Hydrology and Water Quality

The proposed project could violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Support for this environmental impact conclusion is identified in Section 4.8, *Hydrology and Water Quality*, and in particular, starting on page 4.8-9 of the Draft EIR.

Short-term water quality effects from project-related erosion and sedimentation could potentially affect downstream waters and associated wildlife habitats. These potential impacts would be addressed through conformance with City storm water standards and the related NPDES Construction General Permit. This would include implementing an authorized SWPPP for proposed construction, including (but not limited to) erosion and sedimentation BMPs. This is a potentially significant impact. Implementation of mitigation measure HYD-1 would reduce this impact to below a level of significance.

Mitigation Measures:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

HYD-1 Storm Water Pollution Prevention Plan. Prior to project implementation, a project-specific SWPPP shall be prepared and implemented, in conformance with all applicable requirements of the NPDES Construction General Permit (NPDES No. CAS000002, SWRCB Order 2009-0009-DWQ; as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) and related City standards regarding the issues of erosion/sedimentation and construction-related hazardous materials.

While final BMPs would be determined as part of the noted NPDES/SWPPP process based on site-specific parameters, they are likely to include standard industry measures and guidelines from sources including the City's Erosion Management and Storm Water Management Ordinances and Construction General Permit. While project-specific erosion and sedimentation BMPs would be determined during the SWPPP process based on site characteristics, they would include standard industry measures and guidelines from the City's Erosion Management and Storm Water Management Ordinances and the NPDES Construction General Permit administered by the RWQCB. Typical erosion and sediment control BMPs that may be required in the project SWPPP include: (1) seasonal grading restrictions during the rainy season; (2) preparation and implementation of a CSMP and, if applicable, a REAP to provide enhanced erosion and sediment control measures prior to predicted storm events; (3) use of erosion control/stabilizing measures such as geotextiles, mats, fiber rolls, or soil binders; (4) use of sediment controls to protect the site perimeter and prevent off-site sediment transport, including measures such as inlet protection, silt fencing, fiber rolls, gravel bags, temporary sediment basins, street sweeping, stabilized construction access points and sediment stockpiles, and use of properly fitted covers for sediment transport vehicles; (5) compliance with local dust control measures; (6) appropriate BMP performance monitoring and as-needed maintenance; and (7) implementation of additional BMPs as necessary to ensure adequate erosion/sediment control and regulatory conformance.

Typical BMPs associated with construction-related hazardous materials that may be required in the project SWPPP include the following: (1) minimizing and properly locating (e.g., away from drainages/storm drains) hazardous material use/storage areas; (2) providing appropriate covers/enclosures, secondary containment (e.g., berms), monitoring/maintenance, and inventory control (e.g., delivery logs/labeling) for hazardous material use/storage areas; (3) restricting paving operations during wet weather and providing appropriate sediment control downstream of paving activities; (4) utilizing properly designed and contained washout areas for materials including concrete, drywall, and paint; (5) properly maintaining all construction equipment and vehicles, and providing appropriate containment for associated fueling and maintenance operations; (6) providing training to applicable construction employees on the proper use, handling, storage, disposal, and notification/cleanup procedures for construction-related hazardous materials; (7) storing appropriate types and quantities of containment and cleanup materials on site; (8) implementing appropriate solid waste containment, disposal, and

recycling efforts; and (9) properly locating, maintaining, and containing portable wastewater facilities.

While detailed BMPs would be determined as part of the NPDES/SWPPP process based on project-specific parameters, BMPs specific to demolition-related debris generation, they are likely to include the following types of standard industry measures and guidelines from sources including the City's Erosion Management and Storm Water Management Ordinances and Construction General Permit: (1) recycle appropriate (i.e., non-hazardous) construction debris for on- or off-site use whenever feasible; (2) properly contain and dispose of construction debris to avoid contact with storm water; (3) use dust-control measures such as watering to reduce particulate generation for pertinent locations/activities (e.g., concrete removal); and (4) implement appropriate erosion prevention and sediment control measures downstream of all demolition activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

7. Noise

The proposed project could result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Support for this environmental impact conclusion is identified in Section 4.10, *Noise*, and in particular, starting on page 4.10-10 of the Draft EIR.

The project would conflict with the City General Plan Noise Element if the proposed single-family residences are exposed to exterior noise levels in excess 65 Community Noise Equivalent Level (CNEL), or interior noise levels in excess of 45 CNEL. Noise levels from traffic on SR-71 would exceed the City General Plan exterior residential standard of 65 CNEL for lots 32 through 36, and lots 115 through 129 (lots along the east side of the project site nearest to SR-71). In addition, lot 41 and lots 108 through 114 would exceed 60 CNEL. Because standard construction materials typically reduce interior noise levels by approximately 15 A-weighted decibels (dBA), lots with exterior noise in excess of 60 CNEL would potentially have interior noise levels in excess of the City General Plan residential limit of 45 CNEL. Therefore, impacts associated with exterior and interior noise level compliance are considered potentially significant. Implementation of mitigation measure NOI-1 would reduce this impact to below a level of significance.

Mitigation Measures:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

NOI-1 **Construction Noise Management Plan**. A Construction Noise Management Plan that describes the measures included on the construction plans minimize temporary noise at nearby residences shall be prepared by the project applicant and submitted to the City for approval prior to issuance of the grading permit. At a minimum, the following measures shall be included to minimize construction noise:

- Construction equipment shall be properly outfitted and maintained with manufacturer-recommended noise-reduction devices.
- Diesel equipment shall be operated with closed engine doors and equipped with factory-recommended mufflers.
- Mobile or fixed "package" equipment (e.g., generators and air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
- Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) shall be prohibited.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas to be located as far as practicable from noise sensitive receptors.
- The use of noise producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- The project applicant shall notify residences within 500 feet of the project's property line in writing within one week of any construction activity requiring the use of heavy construction equipment. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of a complaint and response procedure.
- The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process for the affected resident shall be established prior to construction commencement to allow for resolution of noise problems that cannot be immediately solved by the site supervisor.

NOI-2 **Acoustic Barriers.** Acoustic barriers shall be constructed along the exterior lot lines with direct line of sight to SR-71 for lots 32 through 36, lot 41, and lots 108 through 129, as numbered on the proposed project tentative map 20317. Walls shall extend a minimum of 6 feet above the lot's finished grade level and shall be constructed of solid material having a minimum STC rating of 46. The walls shall be constructed with no holes or gaps, including between the wall and the ground.

NOI-3 **Building Wall and Window Acoustic Standards**. Residential building exterior walls with direct line of sight to SR-71 constructed on lots 32 through 36, lot 41, and lots 108 through 129, as numbered on the proposed project tentative map 20317, shall incorporate the following standards to reduce interior noise levels to 45 CNEL or less:

- Exterior walls shall have a minimum rating of STC 46. A common construction meeting this requirement would be standard 0.875-inch stucco over 0.5-inch shearwall on 2-inch by 6-inch studs with 0.625-inch Type "X" Drywall.
- Exterior windows shall have a minimum rating of STC 28. A common window meeting this standard would be a dual glazing window with 0.125-inch glass thickness and a 0.5-inch gap between panes.

- The building design shall include a mechanical ventilation system that meets the criteria of the International Building Code (Chapter 12, §1203.2 of the California Building Code) to ensure that windows would be able to remain permanently closed for noise reduction.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

8. Transportation

The proposed project could result in inadequate emergency access.

Support for this environmental impact conclusion is identified in Section 4.12, *Transportation*, and in particular, starting on page 4.12-10 of the Draft EIR.

The project would include two access points into the development – the extensions of Shady View Drive and Via La Cresta. These access points are based on the locations of the existing termini of Shady View Drive and Via La Cresta, which were established in 1998 and 1990 with the development to the north of the project site. These two points of ingress and egress are approximately 1,000 feet apart (from Shady View Drive centerline to Via La Cresta centerline, at the project boundary). The 1,000-foot separation is less than the minimum required separation of 1,550 feet for the two project access points required by Chino Valley Fire District (CVFD). This separation deficiency is existing and nonconforming, and cannot be changed by the proposed project, as the area to the north of the project is developed with existing homes except for these two access points. The project would comply with City and CVFD requirements for emergency vehicle access; however, the existing separation deficiency for the two project access points would result in a significant impact associated with emergency access. Implementation of mitigation measure WLF-1 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

WLF-1 Structure Protection for All Structures. All structures within the proposed development shall be constructed per the 2019 California Residential Code Section R337 and shall be protected with National Fire Protection Association (NFPA) 13-D automatic fire sprinklers, including attic areas protection in lieu of meeting the City's requirement for 30-foot separation from structure to structure. The proposed structures shall be separated by a minimum of 20 feet. For residential structures on lots 115 and 135, NFPA-13D automatic fire protection sprinklers would be required for attic areas and small space protection.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

9. Tribal Cultural Resources

The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- **a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or**
- **b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Support for this environmental impact conclusion is identified in Section 4.13, *Tribal Cultural Resources*, and in particular, starting on page 4.13-4 of the Draft EIR.

Based on the Native American Heritage Commission Sacred Lands Files, South Central Coastal Information Center, and Eastern Information Center records search; field survey; Native American outreach; and tribal consultation between Kizh Nation and the City, no tribal cultural resources are known to occur in the project area. However, there is potential for unknown buried tribal cultural resources to be present. Project construction could encounter unknown tribal cultural resources during subsurface grading activities. If encountered, such resources could potentially be damaged or destroyed, resulting in a substantial adverse change in the significance of a tribal cultural resource. Therefore, the proposed project could result in a potentially significant impact to tribal cultural resources. Implementation of mitigation measures TCR-1, TCR-2, and TCR-3 would reduce these impacts to a less than significant level.

Mitigation Measure:

The following mitigation measures were included in the Draft EIR and the Final EIR and are applicable to the proposed project.

TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are

included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The project applicant/developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request.

F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

TCR-2 Discovery of TCRs, Human Remains, and/or Grave Goods

A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered

TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.

B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Pub. Res. Code §5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code §5097.98 (a), d)(1) and (2).)

D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall Immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).)

F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.

G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

TCR-3 Procedures for Burials, Funerary Remains, and Grave Goods

A. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance

B. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

C. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

D. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

E. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.

F. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.

G. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.

H. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and these measures are therefore adopted.

10. Wildfire

The proposed project could expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Support for this environmental impact conclusion is identified in Section 4.15, *Wildfire*, and in particular, starting on page 4.15-9 of the Draft EIR.

The project does not meet the building separation standards of 30 feet separation from structure to structure identified in the Municipal Code for structures within the Fire Hazard Overlay District. The residential structures on lots 115 and 135 are deficient in meeting the 150-foot hose pull standard, which is the effective distance that firefighters can drag a hose from fire apparatus to attack a fire. The two identified lots cannot be covered for fire protection with 150 feet of hose pull, and thus, are considered deficient. Based on the two identified deficiencies, the project would result in significant impacts associated with exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires. Implementation of mitigation measure WLF-1 would reduce impacts to a less than significant level.

Mitigation Measure:

The following mitigation measure was included in the Draft EIR and the Final EIR and is applicable to the proposed project.

WLF-1 Structure Protection for All Structures. All structures within the proposed development shall be constructed per the 2019 California Residential Code Section R337 and shall be protected with National Fire Protection Association (NFPA) 13-D automatic fire sprinklers, including attic areas protection in lieu of meeting the City's requirement for 30-foot separation from structure to structure. The proposed structures shall be separated by a minimum of 20 feet. For residential structures on lots 115 and 135, NFPA-13D automatic fire protection sprinklers would be required for attic areas and small space protection.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

The proposed project could substantially impair an adopted emergency response plan or emergency evacuation plan.

Support for this environmental impact conclusion is identified in Section 4.15, *Wildfire*, and in particular, starting on page 4.15-12 of the Draft EIR.

The project would include two access points into the development – the extensions of Shady View Drive and Via La Cresta. These access points are based on the locations of the existing termini of Shady View Drive and Via La Cresta, which were established in 1998 and 1990 with the development to the north of the project site. These two points of ingress and egress are approximately 1,000 feet apart (from Shady View Drive centerline to Via La Cresta centerline, at the project boundary). The 1,000-foot separation is less than the minimum required separation of 1,550 feet for the two project access points required by Chino Valley Fire District (CVFD). This separation deficiency is existing and nonconforming, and cannot be changed by the proposed project, as the area to the north of the project is developed with existing homes except for these two access points. The project would comply with City and CVFD requirements for emergency vehicle access; however, the existing separation deficiency for the two project access points would result in a significant impact associated with emergency access. Implementation of mitigation measure WLF-1 would reduce impacts to a less than significant level.

Mitigation Measure:

Refer to Mitigation Measures WLF-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

11. Cumulative Impacts

CUMULATIVE: The proposed project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Support for this environmental impact conclusion is identified in Section 5.0, *Cumulative Impacts*, and in particular, starting on page 5-6 of the Draft EIR.

The proposed project and the other projects in the SCAB would contribute particulates and the ozone precursors VOC and NO_X to the area during short-term construction. As described in Section 4.2, *Air Quality*, emissions during project construction would exceed SCAQMD's daily construction threshold for NO_X. The project incorporates mitigation measure AQ-1, which requires the use of Tier IV off-road construction equipment during project construction activities. With implementation of this measure, NO_X emissions associated with construction activities would be reduced to below SCAQMD's significance

threshold. As such, with implementation of mitigation, the project would not violate air quality standards or contribute substantially to an existing or projected air quality violation.

Mitigation Measures:

Refer to Mitigation Measure AQ-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

CUMULATIVE:	**The proposed project and cumulative related projects could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Support for this environmental impact conclusion is identified in Section 5.0, *Cumulative Impacts*, and in particular, starting on page 5-6 of the Draft EIR.

Implementation of the proposed project has the potential to cause significant impacts to sensitive wildlife species, specifically sensitive bat species, coast horned lizard, burrowing owl, and coastal California gnatcatcher, sensitive vegetation communities/habitats, nesting and migratory birds, and trees protected by local ordinances. Mitigation measures BIO-1 through BIO-7 would be implemented to ensure that the proposed project would not result in significant impacts to these biological resources. The proposed project in combination with cumulative development would have the potential to combine to directly and/or indirectly affect special-status species in the City and surrounding lands, particularly in previously undeveloped and undisturbed areas. As such, cumulative impacts related to sensitive species are considered potentially significant. Implementation of mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4 would reduce the project's contribution to cumulative impacts to a less than significant level.

Mitigation Measures:

Refer to Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measures above. The City of Chino Hills hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

CUMULATIVE:	**The proposed project and cumulative related projects could have a potentially significant impact on archaeological resources.**

Support for this environmental impact conclusion is identified in Section 5.0, *Cumulative Impacts*, and in particular, starting on page 5-7 of the Draft EIR.

The proposed project could result in potentially significant impacts to unknown buried archaeological resources. However, mitigation measure CUL-1, consisting of cultural monitoring during ground disturbing activities, would be implemented to ensure that the proposed project would not result in significant impacts to these resources. This mitigation measure would also reduce the proposed project's potential cumulative impacts to unknown buried cultural resources to a less than significant level. Cumulative projects would apply similar cultural resources assessment, consultation, and monitoring requirements to evaluate and mitigate impacts to cultural resources. With implementation of mitigation measure CUL-1 to reduce impacts to archaeological resources, the project would not contribute to a significant cumulative impact associated with cultural resources.

Mitigation Measures:

Refer to Mitigation Measure CUL-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. These changes are identified in the form of the mitigation measure above. The City of Chino Hills hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

D. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS

The following summary describes the unavoidable impacts of the proposed project where mitigation measures were found to be infeasible or would not lessen impacts to less than significant. The following impacts would remain significant and unavoidable:

1. Transportation

The proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Support for this environmental impact conclusion is fully discussed in Section 4.12, *Transportation*, and in particular, starting on page 5.12-8 of the Draft EIR.

CEQA Guidelines Section 15064.3 describes specific considerations for evaluating a project's transportation impacts and states that generally, VMT is the most appropriate measure of transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project. As discussed in Section 4.12.3, the project VMT analysis was conducted using the methodologies and thresholds contained in the OPR Technical Advisory.

A Vehicle Miles Traveled (VMT) analysis was conducted for the project to determine whether it would exceed VMT thresholds. The VMT per capita resulting from the proposed project is 31.14 miles, which is 50.8 percent above the City average of 20.65. Fifteen percent reduction below existing citywide VMT of 20.65 would be 17.55. The project fails to meet the 15 percent reduction of the citywide VMT, and thus,

is above the threshold of 85 percent of regionwide VMT for residential projects. The project would result in a significant VMT impact.

The Governor's Office of Planning and Research (OPR) Technical Advisory indicates that a "15 percent reduction in VMT are achievable at the project level in a variety of place types" by referring to the California Air Pollution Control Officers Association's (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* Report (CAPCOA 2010). The CAPCOA measures include rules and combined maximums for calculating the VMT reduction when applying multiple measures. The Transportation Design Measure (TDM) strategies are sub-categorized into six categories, including: Land Use/Location, Neighborhood/Site Design, Parking Policy/Pricing, Trip Reduction Programs, Transit System Improvements, and Road Pricing/Management. Based on the rules for applying VMT reductions and the City of Chino Hills "Suburban" setting, a maximum of 15 percent reduction can be achieved through application of the CAPCOA TDM strategies. However, as the project is a residential project and can only utilize strategies for four of the six categories, the maximum allowable VMT reduction for the project is 10 percent. The proposed project includes CAPCOA TDM strategies that would be incorporated into the project as design features. The CAPCOA VMT reduction TDM strategies that are applied to the project as design features include the following:

- Land Use/Location LUT-9 (Improve Design of Development)

  "The project would include improved design elements to enhance walkability and connectivity. Improved street networks characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile, and etc."

- Neighborhood/Site Design SDT-1 (Provide Pedestrian Network)

  "Providing a pedestrian access network to link area of the project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT. The project would provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities continuous with the project site."

Pedestrian circulation is provided via existing sidewalks along Via La Cresta and Shady View Drive within adjacent communities. The project would construct sidewalks to connect to the existing sidewalks along Via La Cresta and Shady View Drive. The existing sidewalk system within the project vicinity, which the project would connect to, provides direct connectivity to the major thoroughfares of Butterfield Ranch Road and pedestrian connectivity to the existing residential, recreational, institutional, and commercial development in the surrounding area. Utilizing TDM strategy LUT-9 would give a maximum VMT reduction of up to 9.33 percent. For TDM strategy SDT-1, a maximum VMT reduction of up to 2 percent would be achieved. While the total VMT reduction for implementing these TDM strategies as project design features is 11.33 percent, as discussed above, the maximum allowable VMT reduction for a residential project, which can only utilize strategies in four categories, is 10 percent. As such, with implementation of the TDM strategies identified for the project, the project, which has a VMT that is 50.8 percent above the City average of 20.65, would result in significant impact, even with application of the maximum allowable VMT reduction TDM strategies.

The project would result in significant VMT impacts, even with implementation of the VMT reduction strategies that are proposed by the applicant as part of project design. No feasible mitigation measures are available to further reduce VMT impacts. The impact would remain significant and unmitigable. A

Statement of Overriding Considerations would be required should the City choose to approve the project.

Mitigation Measures:

There are no feasible mitigation measures available to further reduce VMT impacts.

Finding:

The City of Chino Hills finds that there are no mitigation measures that are feasible to reduce significant impacts associated with VMT impacts, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of high-quality housing opportunities that serves the local community, make infeasible the alternatives identified in the EIR, as discussed in Section F of these Findings (Public Resources Code Sections 21081(a)(1) and (3); *CEQA Guidelines* Sections 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the City has determined that this significant and unavoidable impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

CUMULATIVE: Implementation of the proposed project and other related cumulative projects, would cause a conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Support for this environmental impact conclusion is fully discussed in Section 5.0, *Cumulative Impacts*, and in particular, starting on page 5-13 of the Draft EIR.

OPR's guidance on methodology for cumulative impacts are based on a determination of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects." When using total VMT as a metric, analyzing the combined impacts for a cumulative impacts analysis may be appropriate. A project that falls below the VMT threshold that is aligned with the long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa. As discussed for Transportation impacts, the project would result in significant and unmitigable VMT impacts, and as such, would result in a significant cumulative impact. A Statement of Overriding Considerations would be required should the City choose to approve the project.

Mitigation Measures:

There are no feasible mitigation measures available to further reduce cumulative VMT impacts.

Finding:

The City of Chino Hills finds that there are no mitigation measures that are feasible to reduce significant cumulative VMT impacts, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic,

legal, social, technological, or other considerations, including considerations for the provision of high-quality housing opportunities that serves the local community, make infeasible the alternatives identified in the EIR, as discussed in Section F of these Findings (Public Resources Code Sections 21081(a)(1) and (3); *CEQA Guidelines* Sections 15091(a)(1) and (3)). As described in the Statement of Overriding Considerations, the City has determined that this significant and unavoidable impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

E. FINDINGS ON RECIRCULATION

CEQA Guidelines Section 15088.5 requires a lead agency to "recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. As used in this section, the term 'information' can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Comment letters received on the Draft EIR and responses to those comments provided in the Final EIR do not identify any significant new information requiring recirculation. As such, Recirculation of the EIR is not required.

F. FINDINGS ON PROJECT ALTERNATIVES

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, all environmental impacts could be mitigated below a level of significance with the exception of transportation (significant and unavoidable VMT impacts).

The Draft EIR analyzed two alternatives to the proposed project that could reduce some, if not all, of the project's impacts.

1. No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate and analyze the impacts of the No Project Alternative. In accordance with the *CEQA Guidelines*, "the no project analysis shall discuss the existing conditions …, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The *CEQA Guidelines* continue to state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained." The No Project Alternative includes a discussion and analysis of the existing conditions described in Chapter 2 of the Draft EIR. The "No Project" scenario is described and analyzed to enable the decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

The No Project Alternative analyzed in the Draft EIR assumes the proposed Shady View Residential Project would not be approved. Accordingly, the No Project Alternative assumes that the project would not be adopted and no single-family residential buildings would be constructed at the project site. The existing conditions described in Chapter 2 of the Draft EIR would remain at the project site.

Conclusion:

The No Project Alternative would be environmentally superior to the proposed project for all environmental impact topics by avoiding all significant impacts and avoiding all other impacts of the project. However, the No Project Alternative would not meet any of the project objectives. However, the benefits of the project would not be realized under the No Project Alternative, including the provision of a high-quality residential development that complies with regional water quality standards and incorporates energy-reduction measures in proximity to existing infrastructure and regional transportation; utilizing residentially-zoned areas within the City for their intended residential uses, given the limited availability of remaining developable residential lands in the City; the preservation of 45 acres of the natural open space areas on the project site, including an existing Prominent Ridgeline, via an open space easement or deed restriction; the removal of aging oil infrastructure on the project site and replacement with newly constructed tanks and infrastructure; and the removal of potentially hazardous materials that may be present at the project site.

Finding:

The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this Alternative from further consideration.

2. Reduced Project Alternative

The Reduced Project Alternative would consist of the development of the project site with a reduced residential development. This alternative would result in the development of the project site with approximately half of the single-family residences proposed for the project, resulting in the development of 79 single-family residential dwelling units at the project site. This alternative was selected to provide residential development for the site, along with the provision of the tank site, while avoiding sensitive biological resources on the project site; thereby reducing impacts to sensitive biological resources. The single-family residences proposed under this alternative would be similar to the project in terms of lot size, home square footages, and styles. The Reduced Project Alternative would include the construction of amenities as proposed for the project, including a private recreation center on a 1-acre parcel, along with pocket parks and open space areas. The proposed residential areas and amenities would occur within the portion of the site zoned for residential uses, similar to the project; however, the Reduced Project Alternative would be designed to avoid impacts to some CDFW streambed and USACE/RWQCB jurisdictional areas. Similar to the project, the Reduced Project Alternative would site development at a minimum of 50 feet from the existing on-site fault. The Reduced Project Alternative would include the proposed oil infrastructure relocation, with identical components for the proposed aboveground storage tanks as identified for the project, including the same tank site, tank sizes, tank locations, and associated piping for transmitting material to and from the tanks. Additionally, as described for the project, the Reduced Project Alternative would maintain the approximately 45 acres of undisturbed natural open space area in the southwest portion of the project site, including preservation of the on-site Prominent Ridgeline.

Conclusion:

The Reduced Project Alternative would not avoid the significant, unmitigable VMT impact associated with the project. The Reduced Project Alternative would avoid significant but mitigable impacts to sensitive vegetation communities and jurisdictional impacts. Significant but mitigable impacts to air quality, biological resources (sensitive wildlife species, migratory species, and trees protected by local ordinances), cultural resources, geology and soils, hydrology and water quality, noise, tribal cultural resources, and wildfire would be slightly less than the project impacts due to a reduced grading area and a reduced number of residences, but the required mitigation would be the same. The project and the Reduced Project Alternative would have essentially the same significant impacts with the same mitigation required to reduce impacts to less than significant levels relative to hazards and hazardous materials. Less than significant impacts associated with both the project and this alternative with respect to aesthetics, GHG, public services, and utilities would be reduced for this alternative. The differences are primarily associated with the reduced intensity of development required for this alternative. Less than significant land use impacts would be slightly greater due to the reduction in residential units that would not fully capitalize on the site's residentially-zoned land given the limited availability of residentially-zoned land remaining in the City.

As the Reduced Density Alternative would involve a reduction of proposed residences by approximately 50 percent of the project but with the same uses and public improvements, it would meet the project objectives, but to a lesser extent than the proposed project given the reduction of residential units.

Finding:

The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this Alternative from further consideration.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City of Chino Hills has balanced the benefits of the proposed project against the following unavoidable adverse impacts associated with the proposed project and there are no feasible mitigation measures with respect to transportation to reduce the significant VMT impact. The City also has examined alternatives to the proposed project. None of the alternatives analyzed in the EIR concurrently meet the project objectives and avoid the significant, unmitigable VMT impact associated with the project.

Regarding a Statement of Overriding Considerations, *CEQA Guidelines* Section 15093 provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(b) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

A. BACKGROUND

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (*CEQA Guidelines* Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (*CEQA Guidelines* Section 15093[b]). The agency's statement is referred to as a Statement of Overriding Considerations.

The following sections provide a description of the project's significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

B. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The following adverse impacts of the proposed project are considered significant, unavoidable, and adverse based on the Draft EIR, Final EIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, *Findings and Facts*, of this document.

Transportation

The project would result in significant VMT impacts, even with implementation of the VMT reduction strategies that are proposed by the applicant as part of project design. Cumulative VMT impacts would also be significant. No feasible mitigation measures are available to further reduce project-specific or cumulative VMT impacts. The impact would remain significant and unmitigable.

C. CONSIDERATIONS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the City of Chino Hills has determined that the unavoidable, adverse environmental impacts identified above are considered "acceptable" due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the proposed Project.

Incorporates Mitigation Measures and Alternatives Analysis

The City of Chino Hills finds that all feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the project, or are otherwise socially or economically infeasible when compared to the project, as described herein.

Implements the Objectives Established for the Project

The proposed project implements the following objectives:

- Develop a project that supports a balance of land uses, open spaces, and infrastructure.
- Provide additional high-quality housing that serves the local community and is compatible and complementary with land uses and architectural fabric of the surrounding community.
- Provide adequate parking and integrated pedestrian and bicycle pathways to serve the residents and guests of the proposed development and provide connectivity to the surrounding community.
- Protect an existing Prominent Ridgeline and increase the total amount of private, and protected open space by integrating the development with the hillside conditions.
- Minimize the impact on the natural environment by developing a project that complies with regional water quality standards and greenhouse gas emissions reduction targets through the provision of a number of energy-reduction measures, such as energy-efficient lighting and appliances, water-efficient appliances and plumbing fixtures, water-efficient landscaping and irrigation, and the on-site generation of renewable solar energy.
- Develop a project that endeavors to minimize risks from naturally occurring hazards by respecting and mitigating fire and seismic hazards through appropriate incorporation of structural protection and fuel modification zones for fire hazards and through the provision of necessary structural setbacks from the existing on-site fault.
- Create an efficient and safe circulation and transportation system through the provision of roadways that meet City and Chino Valley Fire District safety and access standards, which accommodates the community's traffic demands and provides local connections to public streets.
- Provide a sufficient density of development consistent with project site zoning that supports the need for housing and associated infrastructure improvements.
- Provide a network of habitat and recreational opportunities through the preservation of 45 acres of natural open space on the southwest portion of the site and the provision of open space areas throughout the development that also provide separation between neighborhoods, while encouraging walkable linkages and connectivity through land use siting, open space, and pedestrian pathways.
- Plan and develop the project as a cohesive community within the City with unifying architectural and landscape design themes, utilizing variety in the design of structures within this context.
- Provide a variety of home configurations for both single and two-story homes.

Development of Residential Uses

The project would provide high-quality residential development that complies with regional water quality standards and incorporates energy-reduction measures in proximity to existing infrastructure and regional

transportation. The project would also utilize residentially-zoned areas within the City for their intended residential uses, given the limited availability of remaining developable residential lands in the City.

Removal of Aging Oil Infrastructure

The project would remove aging oil infrastructure present on the project site and replace it with newly constructed tanks and infrastructure. Newly constructed tanks and infrastructure would be installed consistent with existing regulations, and would include a leak detection system and numerous valves that can be shut off to contain potential spills or leaks. The construction of modern tanks and associated infrastructure consistent with current requirements would reduce the potential for accidental and or undetected releases from the oil infrastructure.

Removal of Potentially Hazardous Materials

The project would remove potentially hazardous materials that may be present at the project site, including: the removal of potentially contaminated soil at the project site in several locations; the implementation of a Removal Action Workplan under DTSC oversight, if further cleanup is required; and the removal of asbestos-containing materials, lead-based paint, and polychlorinated biphenyls, containing materials, if determined to be present at the project site.

Contributes Towards the City's Economic Base

The project would provide a positive contribution to the maintenance and expansion of the City's economic base as development typically increases the City's property taxes and sales taxes. The project would benefit the local economy by providing jobs and encouraging the investment of local resources in local projects. Specifically, the project would provide local jobs during construction. An increased economic base would provide the City with resources to provide high-quality services to its residents.

D. CONCLUSION

The Chino Hills City Council has balanced the project's benefits against the significant unavoidable VMT transportation impacts. The City Council finds that the project's benefits of implementing the proposed Shady View Residential Project outweigh the project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable impacts.