

**CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT
FOR THE PARADISE RANCH PROJECT**

State Clearinghouse No. 2022040301

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

A. PROJECT SUMMARY

i) 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 approximately 85.2-acre Project Site is in a rural area at 16200 and 16220 Canyon Hills Road in the City of Chino Hills. The Project Site encompasses Assessor's Parcel Numbers (APNs) 1000-051-09 and 1000-051-19 and is bounded by single-family residential to the north, south and east, and by undeveloped land to the west. Esquilme Drive is located further north of the Project Site, Saint Joseph Hill of Hope is located further west of the Project Site, and Summer Canyon is located further south of the Project Site.

ii) Project Description

The Project would demolish the 1,250 square foot, three-bedroom single-family home, barn, and stables. The applicant is proposing to subdivide the 85.2-acre property into a total of 52 lots. Lots 1 through 50 will include the development of a single-family homes, Lot 51 will maintain the existing single-family home. The Project includes the development of six architectural styles with a total of four different floor plans for each style. The six architectural styles include: Adobe Ranch, Cottage Farmhouse, Monterey Andalusian, Santa Barbara, Agrarian Traditional, and Tuscan Farmhouse. The design of the single-family homes also includes three enhanced elevations: Front Enhanced, Side Enhanced, and Rear Enhanced. There are a total of four different floor plans for the single-family homes, each of which are two-story and range between four and five bedrooms. Floor Plan 1 is approximately 3,970 square feet (including garage), Floor Plan 2 is approximately 3,946 square feet (including garage), Floor Plan 3 is approximately 4,373 square feet (including garage), and Floor Plan 4 is approximately 4,616 square feet (including garage).

Lots 1 through 50 will range from a lot size of 7,200 square feet to 12,412 square feet. Lot 51 will maintain the existing single-family home on-site and Lot A will remain vacant native land.

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. Site Plan Review for Clustered Development,
4. Tract Design Review,
5. Tree Removal Permit,
6. Demolition, grading, excavation, and building permits at time of development,
7. Caltrans Traffic Control Encroachment Permit, for any traffic control signage added to State Route 142 during import and export of soil, and
8. Other discretionary and ministerial permits and approvals that may be deemed necessary, including, but not limited to, encroachment permit, haul route permit, temporary street closure permits, foundation permits, and sign permits.

B. PROJECT OBJECTIVES

Pursuant to *CEQA Guidelines* Section 15124(b), the proposed Project objectives are to:

1. Develop an underutilized site with a well-designed and compatible residential Project that is consistent with the character and operational characteristics of surrounding uses in the area.
2. To provide a Project that is economically viable and increases the number of housing units to help meet the demand for new housing in the City of Chino Hills.
3. To create a Project that complements and enhances the aesthetic character of the area through high quality urban and architectural design and enhances the area around the Project Site.
4. To create economic vitality in the City by creating construction jobs and accommodating new permanent population in the area to support local businesses and promote economic development in the City.
5. Ensure a financially feasible Project that promotes the City’s economic well-being, increases the local tax base.

C. ENVIRONMENTAL REVIEW PROCESS

The Final Focused EIR includes the Draft Focused EIR; the written comments received during the Draft Focused EIR public review period; written responses to those comments; corrections and additions to the Draft Focused EIR; and a Mitigation Monitoring Program (hereinafter referred to collectively as the Final Focused 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 March 30, 2022 and ending on April 29, 2022. Copies of the NOP were made available for public review at the City of Chino Hills.

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- 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 April 13, 2022 at the Chino Hills Community Center located at 14250 Peyton Drive in the City of Chino Hills, California 91709.
 - A Draft Focused EIR was prepared and distributed for public review beginning December 2, 2022 and ending January 16, 2023. A Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on December 2, 2022. The scope of the Draft Focused EIR was determined based on comments received in response to the NOP; refer to Draft Focused EIR *Section I Introduction, 6. EIR Scope and Content*. 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 Focused 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 Focused EIR was prepared, which included the Draft Focused EIR, the written comments received during the Draft Focused EIR public review period, written responses to those comments, corrections and additions to the Draft Focused EIR, and a Mitigation Monitoring Program. The Final Focused EIR was released for a 10-day agency review period prior to certification of the Final Focused EIR.

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 Focused EIR and the Final Focused 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 Focused EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft Focused EIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed Project.
- The Mitigation Monitoring Program.
- The reports and technical memoranda included or referenced in the Final Focused EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft Focused EIR and Final Focused 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.

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- 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 JUDGEMENT AND FINDINGS

The City selected and retained EcoTierra Consulting, Inc. ("EcoTierra") to prepare the Paradise Ranch Project Focused EIR. EcoTierra prepared the Focused 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 Focused 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 Focused EIR. The City has independently reviewed and analyzed the Focused 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 Focused EIR, including, but not limited to, the Draft Focused EIR, the Final Focused 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 Focused 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 Focused EIR and Final Focused 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 Focused 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 Focused 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:

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- **Section B, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the proposed Project that were determined in the Final Focused 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 Focused EIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.
 - **Section D, Findings on Significant Unavoidable Impacts**, presents significant impacts of the proposed Project that were identified in the Final Focused EIR, the mitigation measures identified in the Mitigation Monitoring 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.

1. Aesthetics

The Project is similar in appearance to existing single-family residences in the vicinity and these focal viewpoints are not considered a designated scenic vista in an adopted land use plan. Therefore, the Project Site would have a less than significant impact on a scenic vista.

Although, these buildings may be eligible for consideration as a historic resource because they are over 50 years of age, they are not an established visual feature in the neighborhood, and they are not located with a state scenic highway; and as such development of the Project Site would not damage scenic resources within a state scenic highway. Furthermore, there are no rock outcroppings, or other scenic resources within a state scenic highway that would add to the scenic quality of the area. Therefore, impacts would be less than significant.

Prior to construction, any project involving a new structure on the newly-formed parcels would be required to go through the City’s design review process and would be subject to the basic design review standards and the special design review standards in the CHMC large residential lots. The design review process includes landscaping to help blend the proposed residences with the natural context of the site and to address any potential viewshed concerns. Therefore, impacts would be less than significant.

Nighttime lighting for the proposed residences would be consistent with the area and would be low in height, shielded, and directed downward to minimize light spillover pursuant to CHMC standards. Therefore, light impacts would be less than significant.

The Project does not propose highly polished materials or highly reflective metals and glass that could reflect light and create glare. The Project would not create a new source of substantial glare affecting day or nighttime views of the area. Additionally, the architectural materials to be used for the exterior would be limited to materials that do not cause excessive glare such as stucco and faux wood trim, vinyl, and adobe brick. Therefore, glare impacts would be less than significant.

Therefore, the 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. Agricultural/Forestry Resources

The Project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Therefore, no impact would occur.

The Project Site is not enrolled in a Williamson Act contract. As such, upon approval of the Project the Project would not conflict with a Williamson Act contract or existing agricultural zoning. Therefore, no impact would occur.

There are no lands zoned or currently used for forest land, timberland, or Timberland Production at or in the vicinity of the Project Site. Therefore, no impact would occur.

The Project Site does not contain any forestland. Therefore, the Project would not result in the loss or conversion of any forestland and would have no impact on forestland or timberland.

The Project Site and adjacent properties are not zoned as forestland and do not meet the definition of forestland. Therefore, the Project would not result in the conversion of forestland and would have no impact on forestland.

3. Air Quality

The development of residential uses is consistent with the current land use designation in the City of Chino Hills. Therefore, the Project would be consistent with the standards and policies set forth in AQMP and the impact would be less than significant.

Mass emissions generated by Project construction activities would not exceed the thresholds of significance recommended by the SCAQMD. Therefore, construction of the proposed Project would not 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 standards. The impact of the proposed Project would be less than significant.

Localized emissions generated by Project construction activities would not expose receptors in the vicinity of the Project Site to substantial pollutant concentrations. The impact of the proposed Project would be less than significant.

Construction and operation of the proposed Project would not result in other emissions (such as those leading to odors) affecting a substantial number of people. The impact of the proposed Project would be less than significant.

4. Biological Resources

Development of the Project would include retaining walls that would avoid the delineated limits of waters of the State. Therefore, impacts to jurisdictional features would be less than significant.

The Project would not 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 site. Impacts would be less than significant.

The development of the Project would not conflict with an adopted HCP, NCCP, or other approved HCP. Therefore, no impact would occur.

5. Cultural Resources

The buildings located at APN 1000-051-09 are not collectively or individually eligible for inclusion in the CRHR. Therefore, the buildings located at APN 1000-051-09 are not considered historical resources for the purposes of CEQA. The Project would not result in a substantial adverse change to historical resources pursuant to Section 15064.5(b) of the *CEQA Guidelines* and impacts would be less than significant.

6. Energy

The Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction or operation. Therefore, impact would be less than significant.

The Project would not conflict with or obstruct any local or state plans for renewable energy or energy efficiency. Therefore, impact would be less than significant.

7. Geology/Soils

The Project Site is not located within a designated Alquist-Priolo Earthquake Fault Zone. The Project Site is not located within a City-designated Fault Rupture Study Area. No faults are known to occur within the Project Site. Therefore, the Project would have a less than significant impact.

Although the Project is located in the seismically active region of Southern California, the Project would be required to comply with the City Building Code, and the California Building Code seismic design force standards. Therefore, the Project would have a less than significant impact.

The encountered Puente Formation bedrock is not expected to be susceptible to liquefaction. Application of appropriate engineering controls and compliance with applicable code and regulatory requirements for construction activities on site as well as foundation design would preclude adverse effects related to liquefaction at the Project Site and protect surrounding developments. Therefore, the Project would have a less than significant impact.

Evidence of landslides were not observed during aerial review of the Project Site, surficial geologic mapping and down-hole logging of large-diameter boring during the study. The Project would be required to comply with the City Building Code, which incorporates, with local amendments, the latest editions of the International Building Code and California Building Code. Therefore, the Project would have a less than significant impact.

The potential for erosion on the fill slopes or other graded areas is expected to be moderate. Compliance with City Building Code standards and geotechnical earthwork and grading design recommendations in the Geotechnical Investigation would ensure that the residences and associated improvements are designed and constructed to withstand erosion and the loss of topsoil. Impacts would be less than significant.

The Project would be required to comply with the City Building Code, which incorporates, with local amendments, the latest editions of the International Building Code and California Building Code. Compliance with these standards and the recommendations in the Geotechnical Investigation would ensure development of the Project would be safe against hazards from landslides, settlement or slippage, liquefaction, lateral spreading, or subsidence. Impacts would be less than significant.

With compliance with the City Building Code, the CHMC building foundation requirement's, the recommendations enumerated in the Geotechnical Investigation, and the conditions of approval from the Chino Hill Department of Building & Safety; the Project would not exacerbate expansive soil conditions at the Project Site such that direct or indirect risks to life or property would be created. Therefore, impacts under the Project would be less than significant with respect to expansive soils.

The Project would be served by a public sewer system. Therefore, no impact would occur.

8. Greenhouse Gas

Construction and operation of the Project would generate greenhouse gas emissions. However, the Project's emissions would not conflict with an applicable plan, policy or regulation for the purpose of reducing the emissions of GHG. The impact of the proposed Project would be less than significant.

9. Hazards and Hazardous Materials

The Project would adhere to regulatory requirements for source hazardous waste reduction measures (e.g., recycling, etc.) that would further minimize the generation of hazardous waste. The potential transport of any hazardous materials and wastes, i.e., paints, adhesives, surface coatings, cleaning agents, fuels, and oils, if it occurs, would occur in accordance with federal and state regulations that govern the handling and transport of such materials. In accordance with such regulations, the transport of hazardous materials and wastes would only occur with transporters who have received training and appropriate licensing. Therefore, impacts related to the transport, use, and disposal of hazardous materials would be less than significant.

With compliance with regulatory requirements, the Project would not result in a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

All hazardous materials would be handled in compliance with city, county, state, and federal regulations. Therefore, the Project would have no impact on schools due to the release of hazardous materials.

With compliance with regulatory requirements, the Project would not create a significant hazard to the public or the environment related to the Project Site's inclusion on a list of hazardous materials sites. Impacts would be less than significant.

The Project Site is located more than 2 miles from any public or private airport. The closest airport to the Project Site is the Chino Airport, located approximately 11.1 miles northeast. Ontario International Airport is located further northeast of the Project Site, approximately 19.4 miles northeast. Accordingly, no impacts associated with safety hazards or excessive noise from proximate airports would occur.

The Project would not impair implementation of or physically interfere with an adopted emergency response plan. Therefore, impacts to emergency response and evacuation plans would be less than significant.

The Project Site is in a rural area with large lots and hilly, naturally vegetated open areas. However, the fire safety features described in Section 4.20, Wildfires would reduce the danger from wildland fires.

Accordingly, impacts related to the exposure of people or structures to loss, injury, or death involving wildland fires would be less than significant.

10. Hydrology/Water Quality

The project applicant would be required to comply with the project's SWPPP. Therefore, the project would have a less than significant impact on water quality standards and discharge requirements during construction.

With implementation of the project's stormwater treatment design measures and compliance with existing regulations, the Project would have a less than significant impact on water quality standards and waste discharge requirements during operation.

The Project would not require direct additions or withdrawals of groundwater. Conformance with regulations and BMPs would be ensured during the permitting process with the Department of Building and Safety. Therefore, the Project would not impact groundwater supplies or groundwater recharge, and project impacts would be less than significant.

With implementation of the project's stormwater treatment design measures and compliance with existing regulations, the Project would not substantially alter the existing drainage pattern of the Project Site or surrounding area such that substantial erosion, siltation, or on-site or off-site flooding would occur. Operational impacts to hydrology would be less than significant.

With implementation of the project's stormwater treatment design measures and compliance with existing regulations, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- and off-site. Project 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 sources of polluted runoff. Project impacts would be less than significant.

There are no rivers or streams, or other water ways that could flood flow on or through the Project Site. Thus, the Project Site would not place structures that would impede or redirect flood flows. Project impacts would be less than significant.

The Project is proposing to retain flow within three detention basins that will be located along the westerly limits of the project. Outflow from the detention basins drain into the existing culvert. Thus, Project impacts related to release of pollutants due to Project inundation by tsunami or seiche would be less than significant.

The Project would not violate water quality standards, waste discharge requirements, or stormwater NPDES permits or otherwise substantially degrade water quality, and with compliance with existing regulatory requirements and implementation of BMPs, the Project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan. Impacts would be less than significant.

11. Land Use/Planning

The Project would be consistent with the City's General Plan land use designation and would provide more residential housing in the city. The project would be consistent with surrounding uses because it would match the existing residential community. The project would also not create physical divisions in the community. As such, the project would have no impact on an established community.

The Project would be substantially consistent with applicable goals, policies, and actions in local and regional plans that govern development on the Project Site. Therefore, the Project would not conflict with applicable land use plans adopted for the purpose of avoiding or mitigating an environmental effect. As such, impacts would be less than significant.

12. Mineral Resources

The project does not involve the loss of an available known mineral resource that would be of value to the region. Therefore, no impact would occur.

Immediately outside the City limits in the extreme southeast corner, Mines and Geology has classified sand and gravel resources along the Santa Ana River wash as “MRZ-2,” defined as “areas where adequate information indicates that significant mineral deposits are present. Much of this area is within Chino Hills State Park. The Project would not impact this area due to the Project Site’s distance from this area and the nature of the Project. Therefore, no impact would occur.

13. Noise

Based on compliance with Section 8.08.020 of the Chino Hills Municipal Code, impacts with respect to construction noise would not exceed standards established in the City’s Noise Ordinance. With regard to noise impacts, operation of the proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels due to vehicles on roadways in the Project vicinity or stationary noise sources. The impact of the proposed Project would be less than significant.

Neither construction nor operation of the proposed Project would generate groundborne vibration levels that would exceed the FTA human annoyance or structural damage thresholds. Impacts associated with ground-borne vibration would be less than significant.

The Project Site is not located within two miles of any airport and thus there would be no impact.

14. Population/Housing

The Project would construct 50 new residences and associated improvements, such as roads and stormwater drainages, on approximately 85.2 acres. This minimal increase is accommodated in the City’s General Plan and Housing Element projections, and the Project would not induce substantial population growth. Therefore, the Project would not induce substantial population growth in an area either directly or indirectly, impacts would be less than significant.

The Project Site contains two existing residences, one of which would not be demolished or impacted. The Project would consist of the construction of 50 residential units. Thus the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere and impacts would be less than significant impact.

15. Public Services

1. Fire Protection

The Project is consistent with the General Plan and therefore anticipated by public service agencies as part of City buildout. All required fire protection features would be installed to the satisfaction of the CVIFD. Therefore, impacts related to the construction of new or expanded fire facilities to meet an increase in the demand for protection services would be less than significant.

2. Police Protection

Given the residential nature of the surrounding area, development of the Project is not expected to require the construction of a new or expanded sheriff station, the construction of which could cause significant environmental impacts. Therefore impacts related to the construction of new or expanded police facilities to meet an increase in the demand for protection services would be less than significant.

3. Schools

The Leroy F. Greene School Facilities Act of 1998 (SB 50) sets a maximum level of fees a developer may be required to pay to mitigate a project's impacts on school facilities. The maximum fees authorized under SB 50 apply to zone changes, general plan amendments, zoning permits and subdivisions. Thus the Project would not result in the need for new or altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service. Therefore, impacts would be less than significant.

4. Parks

Based on the payment of fees, the Project would not result in the substantial adverse physical impacts associated with the provision of new or physically altered parks or the need for new or physically altered parks. Therefore, impacts would be less than significant,

5. Other Public Facilities

Based on the payment of fees, the Project would not result in the substantial increase the demand for library facilities such that substantial deterioration of those facilities would occur or be accelerated. Therefore, impacts on library facilities would be less than significant.

16. Recreation

Based on the payment of fees, the Project would not result in the substantial increase the demand for off-site public parks and recreational facilities such that substantial deterioration of those facilities would occur or be accelerated. Therefore, impacts on parks and recreational facilities would be less than significant.

Based on the payment of fees, the Project would not result in the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, impacts on recreational facilities would be less than significant.

17. Transportation

The Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project would be consistent with the City's General Plan, and SCAG's SCS/RTP. Therefore, impacts would be less than significant.

The Project would not substantially increase hazards due to a design feature. No impacts would occur.

The Project would not result in inadequate emergency access. Impacts would be less than significant.

18. Utilities/Service Systems

The Project would result in less than significant impacts to water, wastewater treatment, stormwater drainage, electric power, natural gas, and/or telecommunication facilities.

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

The projected wastewater flows from the Project would represent a nominal percentage of the remaining treatment capacities of CCWRF and RP-5 under both existing and planned future conditions. Therefore, the Project would result in a determination by the wastewater treatment provider that serves the Project that it has adequate capacity to serve the Project's projected demand in addition to its existing commitments and impacts would be less than significant.

The Project would generate solid waste that is typical of a residential development and would be serviced by Republic Services, a private waste management company subject to state permits and oversight regarding the transportation and disposal of non-hazardous waste. Accordingly, operation of the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and impacts would be less than significant.

The Project's compliance with these waste reduction requirements would also help the City meet the requirements of AB 341, which increases AB 939's mandate to divert solid waste generated by a jurisdiction from landfill disposal to 75 percent. Therefore, the Project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste and impacts would be less than significant.

19. Wildfire

Through compliance with existing regulations and implementation of PDF WF-1 and PDF WF-2 as a condition of approval, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

Through compliance with existing regulations and implementation of PDF WF-1 and PDF WF-2, development of the Project would not exacerbate wildfire risks, nor would it substantially increase the likelihood that the Project would expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire and impacts would be less than significant.

With respect to these improvements' effect on the environment, all roads, fuel modification/treatment, and utilities would be designed and installed in accordance with applicable state and local regulations under the supervision of the City and service providers as applicable. Therefore, through compliance with existing regulations and implementation of PDF WF-1 and PDF WF-2, the Project would not exacerbate fire risks or result in temporary or ongoing impacts to the environment related to the installation or maintenance of fire hazard reduction infrastructure and impacts would be less than significant.

In general, development of the Project and its associated treatments would decrease fire hazards on the Project Site, resulting in decreased effects related to post-fire hazards should a fire occur. Therefore, through compliance with existing regulations and implementation of PDF WF-1 and PDF WF-2, impacts associated with downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes 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 Focused EIR, these impacts would be considered less than significant.

1. Biological Resources

The proposed Project would 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 IV.B, *Biological Resources*, and in particular, starting on page IV.B-17 of the Draft Focused EIR.

Approximately 5.09 acres of coast live oak woodland and forest alliance will be impacted by Project implementation. This acreage includes the coast live oak woodland and forest throughout the Project footprint and along the blue line drainage by the northeastern boundary of the Project Site that was identified on the USGS topographical map. Impacts on coast live oak forest and woodland will be mitigated, in part, by retaining 29.45 acres of the same vegetation alliance as open space on the Project Site. In addition, impacts on individual coast live oak trees and Southern California black walnut trees would be mitigated through implementation of Mitigation Measure **MM BIO-1** by their replacement at ratios prescribed in the City's tree ordinance. Therefore, impacts on the coast live oak woodland and forest vegetation alliance would be adverse, but are considered less than significant because 1) the habitat is prevalent in the area, 2) nearly six times the amount of habitat to be removed will remain as open space, and 3) loss of individual trees is being mitigated.

Approximately 2.21 acres of California sagebrush scrub and disturbed California sagebrush scrub (of the 17.54 acres on the property) will be impacted by Project implementation. This scrub habitat is not considered high quality because of extensive grazing and disturbance associated with fuel modification for fire control. Focused surveys in this habitat for the federally listed threatened California gnatcatcher were negative. Impacts to this habitat therefore would be considered less than significant because of the small area to be impacted, the amount of habitat that will remain in open space, the disturbed nature of the habitat, and the absence California gnatcatcher.

Approximately 10.92 acres of wild oats and annual brome grasslands will be impacted by Project implementation. This habitat is highly disturbed by cattle grazing and dominated by invasive species, and therefore provides little biological value. Therefore, impacts on these non-native grasslands are considered less than significant and no mitigation would be required.

Approximately 0.44 acre of developed areas will be impacted by Project implementation. Disturbed areas provide little to no biological value. Therefore, direct and indirect impacts to disturbed areas are not considered significant, and no mitigation would be required.

The loss of the vegetation described above would result in the loss of habitat that provides nesting, foraging, and denning opportunities for a variety of wildlife. The proposed Project would permanently impact approximately 18 acres of undeveloped habitat. It would also result in the direct loss of amphibians, reptiles, small mammals and other wildlife with low mobility within the impact area. More mobile species would be forced to move into remaining areas of open space where they would have to compete with resident individuals for available resources. This would result in the indirect loss of the individuals that don't successfully compete. The loss of native and non-native habitat on the Project Site would not be expected to reduce populations of common wildlife species below self-sustaining levels in the Project region. Therefore, this impact would be considered adverse but less than significant, and no mitigation would be required.

Project development would result in the loss of 10.92 acres of foraging habitat for raptors, including (potentially) the red-tailed hawk, red-shouldered hawk, Cooper's hawk, sharp-shinned hawk, Swainson's

hawk, white-tailed kite, American peregrine falcon, golden eagle, long-eared owl, and western screech owl, and would contribute to the ongoing regional and local loss of foraging habitat. However, 16.4 acres of raptor foraging habitat on the property would remain as open space. Although impacts on foraging habitat would be considered adverse, they would not be expected to appreciably affect the overall population of these species given the amount of suitable foraging habitat to remain on the Project Site and in the surrounding region, including nearly all of Chino Hills State Park immediately east of the Project Site. Therefore, impacts on foraging habitat for these species would be considered adverse but less than significant and no mitigation would be required.

Project development would also result in the loss of approximately 18 acres of foraging habitat for bats that potentially forage over the Project Site, including (potentially) the pallid bat, Mexican long-tongued bat, western mastiff bat, western red bat, western yellow bat, pocketed free-tailed bat, and big free-tailed bat. More common bats may forage in the area as well. None of the special status bats that potentially occur are currently listed as endangered or threatened, or are candidates for listing under the state or federal ESAs. The loss of foraging habitat would contribute to the ongoing regional and local loss of foraging habitat; however, approximately 67 acres of foraging habitat on the property would remain as open space. Although impacts on foraging habitat would be considered adverse, they would not be expected to appreciably affect the overall population of these species given the amount of suitable foraging habitat to remain on the Project Site and in the surrounding region, including nearly all of Chino Hills State Park immediately east of the Project Site. Therefore, impacts on foraging habitat for these species would be considered adverse but less than significant and no mitigation would be required.

The Project has the potential to impact active bird nests if vegetation is removed during the nesting season. Several common bird species are likely to nest in the vegetation or on the ground within the impact area. The loss of an active migratory bird nest, including nests of common species, would be considered a violation of the MBTA and Sections 3503, 3503.5, and 3513 of California Fish and Game Code. The MBTA and California Fish and Game Code prohibit the taking of migratory birds, nests, and eggs. Impacts therefore would be considered significant without mitigation. Mitigation Measure **MM BIO-2** is included to reduce potential impacts to less than significant.

The Project Site is located in Carbon Canyon just west of Carbon Canyon Road, and is bordered by housing developments to the north, south, and east. Ample opportunity for wildlife to move on a regional scale from large blocks of undeveloped land located to the west and east of the Project Site. Carbon Canyon Road and the Project Site occurs over a two-mile stretch of Carbon Canyon Road between Canyon Hills Road and Olinda Drive to the south. In addition, the Project Site is located north of the conceptual boundary of the Chino-Puente Hills Wildlife Corridor as depicted in existing maps. Therefore, no impacts to regional wildlife movement or the Puente-Chino Hills Wildlife Corridor as it is currently presented or as it ideally would be constructed in the future are expected to occur because of the Project, and no mitigation would be required.

On a local scale, the current Project design would result in permanent impacts to approximately 18 of the 86-acre property, so most of the property would not be developed, and wildlife can continue their local movements. The drainages along the northern and eastern boundary of the Project Site and the ridge through the south half of the Project Site would not be developed as part of the Project, and, although reduced in width compared to the existing condition, wildlife that are expected to occur in this rural environment would still be able to use these landscape features to pass through the site and access larger blocks of habitat. Therefore, impacts to local wildlife movement are not expected to occur, and no mitigation would be required.

No nursery sites were observed on the Project Site and no mitigation would be required.

Indirect impacts are those related to disturbance by construction (such as noise, dust, and urban pollutants), long-term use of the Project Site, and the Project's operational effect on adjacent habitat areas (such as night lighting, human activity, and domestic pets). The indirect impact discussion below includes a general assessment of the potential indirect impacts of the construction and operation of the proposed Project.

Noise levels will likely increase during the construction of the proposed Project and because of the presence of additional residents. Noise impacts from construction would be temporary, but noise impacts from additional residents would be permanent. These increases in noise levels are not expected to be substantially higher than the existing noise levels. Potential impacts from temporary noise increases during construction could disrupt foraging, nesting, roosting, and/or denning activities for a variety of wildlife occurring adjacent to the Project Site. However, the increase in noise would be expected to occur primarily during the daytime or early evening, so nighttime noise levels would be expected to remain the same. Wildlife movement for mammals occurs primarily at night; thus, movement of these species would be minimally interrupted. The increase in ambient noise is not expected to be substantially higher or affect nocturnal wildlife; therefore impacts are considered adverse but less than significant, and no mitigation would be required.

Night lighting may impact the behavioral patterns of nocturnal and crepuscular (i.e., active at dawn and dusk) wildlife adjacent to night lighting. Of greatest concern is the effect on small, ground dwelling animals that use the darkness to hide from predators and/or owls, which are specialized night foragers. The proposed Project will likely result in an increase in the amount of light cast on the adjacent open space to the west. However, night lighting is already used by existing adjacent residents on the property and to the north and south, and the increase in night lighting is not expected to be substantially higher the existing light levels. Therefore, this impact is less than significant and no mitigation is required.

The Project Site is currently occupied to two residential properties and is located adjacent to existing rural developments to the north and south; thus, human activity currently exists on and adjacent to the Project Site. The proposed Project is anticipated to increase the human activity on the Project Site during construction and when the residential community is occupied. However, the 67 acres of open space to remain on the Project Site is not expected to be open to the public. Although the Project may result in (unauthorized) access into adjacent habitat areas, it is not expected to result in substantially higher use. Potential impacts therefore are considered less than significant, and no mitigation is required.

Mitigation Measures:

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

MM BIO-1: City of Chino Hills Tree Preservation Ordinance: The City's Municipal Code requires the preservation of certain protected and heritage trees. Impacts on protected trees would be considered significant without mitigation. A tree survey was prepared for the Project Site and mitigation to offset impacts on trees are detailed in the Protected Tree Report prepared by Dudek (2020). In addition to Dudek's report, a Final Tree Mitigation Plan shall be submitted and approved by the City Planning Department prior to issuance of the grading permit. The Project applicant shall follow all requirements outlined in the City's ordinance and shall submit a mitigation planting plan consistent with the Protected Tree Report to the City prior to issuance of the grading plan. Mitigation for the loss of trees is at ratios specified in the Protected Tree Report, and are summarized in **Table IV.B-4, Tree Replacement Requirements**. The mitigation ratios range from 1:1 to 6:1 depending on the DBH of the impacted trees. To adhere to current standards the Mitigation Planting Plan/Landscape Design Plan Table shall include performance standards and monitoring of

10 years for the coast live oak tree plantings. The performance criteria will also include a survival rate of 80% of the replacement coast live oak tree plantings.

**Table IV.B-4
Tree Replacement Requirements**

Tree Species	Replacement Size			Total
	24-Inch Box	36-Inch Box	48-Inch Box	
<i>Juglans californica</i> California black walnut	25	23	6	54
<i>Platanus racemosa</i> western sycamore	0	4	0	4
<i>Quercus agrifolia</i> coast live oak	33	225	178	436
<i>Quercus berberidifolia</i> scrub oak	0	0	0	0
Total	58	252	184	494*

*Dudek Table 4, an addition error shows and incorrect total of 452 replacement trees.
Source: Leatherman BioConsulting, Inc. December 2021.

The mitigation planting plan/landscape design plan shall include: 1) responsibilities and qualifications, 2) site selection, 3) schedule, 4) maintenance plan, 5) monitoring plan, 6) long term preservation, and 7) remedial measures. ~~All tree plantings be subject to a 5-year monitoring effort by an independent third party certified arborist. To adhere to current standards the Mitigation Planting Plan/Landscape Design Plan Table shall include performance standards and monitoring of 10 years for the coast live oak tree plantings. The performance criteria will also include a survival rate of 80% of the replacement coast live oak tree plantings.~~ This monitoring effort would consider growth, health, and condition of the subject trees to evaluate the Project’s success. The monitoring effort may result in a recommendation of remedial actions should any of the tree plantings exhibit poor or declining health.

MM BIO-2: Nesting Birds: To ensure compliance with the MTBA and the California Fish and Game Code, to the extent feasible, there shall be no vegetation cutting, removal, clearing, and/or grading allowed during the breeding season of migratory birds or raptors (February 1 – August 15).

If work is to be conducted within the nesting season, then a nesting bird survey shall be conducted by a qualified biologist within three days prior to disturbance. If nesting birds are not detected, no further action is necessary. If an active nest is detected and the qualified biologist determines that work activities may impact nesting, an appropriate buffer zone shall be established around the nest. The size of the buffer may vary depending on site features, the sensitivity of the species, and the type of construction activity, but shall be designed to prevent disruption of nesting activity. Only limited construction activities (if any) shall be approved by the biologist to take place within the buffer zone. The nests and associated buffer zones shall be avoided until the nesting cycle is complete or it is determined by the qualified biologist that the nest has failed.

Findings:

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 Focused 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 would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Section IV.B, *Biological Resources*, and in particular, starting on page IV.C-23 of the Draft Focused EIR.

One special status plant species, Southern California black walnut, is known to occur on the Project Site. Eleven additional special status plant species have potential to occur on the Project Site: Catalina mariposa lily (*Calochortus catalinae*), Plummer's mariposa lily (*Calochortus plummerae*), intermediate mariposa lily (*Calochortus weedii* var. *intermedius*), small-flowered morning-glory (*Convolvulus simulans*), paniculate tarplant (*Deinandra paniculata*), many-stemmed dudleya (*Dudleya multicaulis*), Palmer's grapplinghook (*Harpagonella palmeri*), Robinson's peppergrass (*Lepidium virginicum* var. *robinsonii*), Fish's milkwort (*Polygala cornuta* var. *fishiae*), Engelmann oak (*Quercus engelmannii*) and Coulter's matilija poppy (*Romneya coulteri*).

The CNPS rank for the Southern California black walnut is relatively low (CRPR4.2) and impacts normally would be considered adverse but not significant. However, the Southern California black walnut is protected under the City's tree ordinance, so mitigation to offset impacts are discussed below.

None of the other eleven species with potential to occur on the Project Site are listed by USFWS or CDFW as threatened, endangered or a candidate for listing. However, two of the species are ranked high enough to be considered under CEQA. These are the intermediate mariposa lily (CRPR 1B.2) and many-stemmed dudleya (CRPR 1B). These two species were not observed during focused surveys conducted during their blooming period.

The remaining eight special status plant species are CRPR 4: The surveys occurred within the blooming period and/or the plants were perennials and easily detectable for six of the species. These included Plummer's mariposa lily, paniculate tarplant, Robinson's peppergrass, Fish's milkwort, Coulter's matilija poppy, and Engelmann oak. These plants were not observed.

Catalina mariposa lily, small-flowered morning-glory, and Palmer's grapplinghook, the other three CRPR 4 species continue to have a limited potential to occur on the Project Site. If present it would be in small numbers. CRPR 4 species are defined as plants of limited distribution (a watch list). Impacts on plants of this ranking may be adverse but are considered less than significant and no mitigation would be required.

A total of 49 special status wildlife, including two invertebrates, two amphibians, nine reptiles, 24 birds, and 12 mammals, were identified during the literature search as potentially occurring in the Project region (see Appendix D.1, Table 3). Many of the species (25) are not expected on the Project Site based on one or a combination of factors, including the highly disturbed nature of the site, lack of suitable habitat, and/or being out of geographic or elevational range. In addition, several (9) bird species are not expected to nest but may pass through during migration, winter in the Project Site, or forage in the area on occasion.

Two special status wildlife were observed during surveys including the red-diamond rattlesnake and Cooper's hawk. Concern for the Cooper's hawk is related to potential impacts to active nests. Nine special status wildlife species have a low potential to occur, two have a moderate potential to occur, and two have a high potential to occur on the Project Site. The removal of 18 acres of habitat would result in the direct loss of these special status wildlife, if any actually occur, or displace more mobile species, forcing them to move to adjacent open space where they would have to compete for resources. In general, the limited number of vegetation alliances and habitat types, the dominance of non-native annual grasslands,

and the disturbed condition of the existing habitats due to cattle grazing reduce, habitat suitability and the potential for special status wildlife to occur (especially in substantial numbers). In addition, similar habitat in the region and the 67 acres of the Project Site that would remain as open space provide similar habitat for their persistence on the Project Site.

None of the wildlife discussed above are listed, proposed for listing, or a candidate for listing as threatened or endangered, and adverse impacts to these species (if they were to occur) would be unlikely to substantially affect regional populations or cause any trend toward listing them under state or federal ESAs. Therefore, impacts on these species may be adverse but are considered less than significant and no mitigation would be required.

The burrowing owl, a CDFW Species of Special Concern, occurs in grasslands, lowland scrub, agricultural lands, desert floors, and scrublands characterized by low growing vegetation. They require large open expanses of sparsely vegetated habitat on gently rolling or level terrain with an abundance of active small mammal burrows. Burrows are an essential component of burrowing owl habitat because they provide protection, shelter, and nest sites. Burrowing owls typically use modified burrows made by fossorial mammals, especially those of ground squirrels and other rodents, but also may use man-made structures, such as cement culverts; cement, asphalt, or wood debris piles; or openings beneath cement or asphalt pavement.

No burrowing owls or diagnostic signs of their presence (e.g., burrows, cast pellets, feathers, or whitewash clustered at a burrow) were detected on the Project Site during the general biological survey or during focused surveys conducted in 2022 (LBC 2022a), and the burrowing owl is not expected to occur on the Project Site now or in the near future, so additional surveys are not warranted prior to construction. Therefore, there would be no impacts to the burrowing owl and no mitigation would be required.

The monarch butterfly (*Danaus plexippus*) is a federal Candidate species. It roosts primarily in gum trees (*Eucalyptus* spp.) in protected canyons along the southern California coast and can occur throughout the state during migration. Monarchs may fly over the site during migration and nectar on wildflowers in the spring and fall. However, monarchs are not known to winter in the Project area and large concentrations on the Project Site are not expected. Monarch butterflies migrating through the Project Site would not be reliant on resources on the Project Site that are not available elsewhere. Therefore, impacts to the monarch butterfly are not expected.

The golden eagle, white-tailed kite, and American peregrine falcon are Fully Protected species by the state, and the Swainson's hawk is state listed as threatened. All of these may forage over the Project Site, at least occasionally, over the course of a year. Impacts to foraging habitat for raptors are considered to be less than significant. Only the white-tailed kite has potential to nest on the Project Site, and impacts to an active nest would be considered significant. Implementation of Mitigation Measure **MM BIO-2** to avoid and minimize impacts to nesting birds would reduce potential impacts to less than significant.

The California gnatcatcher is federally listed as a threatened species. It is a year-around resident (non-migratory) that nests and forages in patches of coastal sage scrub occurring on hillsides, mesas, and washes. Coastal sage scrub communities dominated by California sagebrush, California buckwheat, and white sage seem to be preferred by this species, but shrub composition in occupied habitat varies. Territory sizes can vary from 2 to 14 acres depending on the quality of habitat and other local factors (USFWS 2010), but may increase by as much as 80% during the non-breeding season as pairs and individuals tend to wander more widely (Preston 1998).

Approximately 11.13 acres of coastal sage scrub and 6.41 acres of disturbed coastal sage scrub were mapped on the Project Site. Of that amount, approximately 2.15 acres and 0.06 acres, respectively, would be impacted by Project development, and 8.98 acres and 6.35 acres would remain in the open space.

Focused surveys for the California gnatcatcher were conducted in 2019 by Glenn Lukos Associates (GLA 2019) and were updated by LBC in 2022 (LBC 2022b). Results of both of those focused survey efforts were negative and the California gnatcatcher is not expected to occur on the Project Site now or in the near future, so additional surveys are not warranted prior to construction. Therefore, there would be no impacts to the California gnatcatcher and no mitigation would be required.

Mitigation Measures:

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

See Mitigation Measure MM BIO-2 above.

Findings:

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 Focused 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 would 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 IV.B, *Biological Resources*, and in particular, starting on page IV.B-27 of the Draft Focused EIR.

The Protected Tree Report (Dudek 2020) defined direct and indirect impacts as those associated with tree removal or encroachment within the tree-protected zone (canopy dripline plus five feet or 15 feet from the trunk, whichever is greater). Tree removal is expected to be required when the trunk is located inside or within two feet of the proposed limits of grading. Encroachment is expected when soil and roots are disturbed within the tree-protected zone. Based upon the tentative Project footprint at the time of the tree survey, 217 trees (including 35 dead trees) will be directly impacted and 37 trees (11 dead trees) will be encroached upon.

Indirect impacts to trees are the result of changes to the Project Site that may cause tree decline, even when the tree is not directly injured. Site-wide changes that affect trees include diverting runoff and stormwater, creating retention and detention ponds, relocating or making improvements to streams, lowering or raising water tables, altering the capacity for soil moisture recharge, removing vegetation, or damming underground water flow. Indirect tree impacts are expected for trees located within 25 feet of the proposed Project's grading limits. Trees located in fuel modification zones are also typically considered indirectly impacted. The Protected Tree Report found that 40 trees would be indirectly impacted based upon the proposed Project footprint. **Table IV.B-5, Summary of Tree Impacts** summarizes the number and species of trees expected to be directly and indirectly impacted based on the proposed Project footprint.

The final numbers of trees directly or indirectly impacted by the proposed Project may vary from the totals presented in this document. Changes to the proposed Project footprint may change the number of trees impacted on the Project Site. Direct and indirect impacts on 294 trees are considered significant. A conceptual tree mitigation plan is currently being prepared. Implementation of Mitigation Measure **MM BIO-1**, which requires the preparation and approval of a Final Tree Mitigation Plan. The Tree Mitigation Plan will include 1) responsibilities and qualifications, 2) site selection, 3) schedule, 4) maintenance plan, 5) monitoring plan, 6) long term preservation, and 7) remedial measures. All tree plantings will be subject to a 10-year maintenance and monitoring effort by an independent third-party arborist. If the plantings

do not meet an 80% survival criteria additional plantings and mitigation will be necessary as decided upon between the Project Applicant and City of Chino Hills. Any remedial planting may include additional years of monitoring and maintenance. In addition, successful implementation of the plan monitoring its success over a five ten year period will reduce impacts to less than significant. Furthermore, the Tree Mitigation Plan would replace the trees removed with a far greater number of trees, and would thus reduce the impacts on trees to a level of less than significant.

Mitigation Measures:

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

See Mitigation Measure MM BIO-1 above.

Findings:

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 Focused 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.

2. Cultural Resources

The proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Support for this environmental impact conclusion is included in Section IV.C, Cultural Resources, and in particular, starting on page IV.C-24 of the Draft Focused EIR.

Results of the records searches indicate that three previously conducted cultural resources studies (see **Table IV.C-1, Studies Conducted within the Project Area and within 0.25 Miles of the Project**) and no previously identified cultural resource are located within the Project area. Five previously conducted cultural resource studies (**Table IV.C-1**) and one previously identified cultural resource (**see Table IV.C-2, Previously Recorded Cultural Resources within 0.25 Miles of the Project Area**) are located within 0.25-mile of the Project area. Records search results are provided in Appendix E.

Historical maps were reviewed depicting features such as towns, roads, buildings, and creeks to provide additional information regarding the potential for the presence of historic-era cultural resources within the Project area. Historic maps are available at several online repositories, in particular the USGS's repository, the David Rumsey Map Collection, and the U.S. Department of the Interior Bureau of Land Management General Land Office (GLO) Records. The following sources were consulted during the historical map review:

- Anaheim, California. 1:62,500 topographic quadrangle (USGS 1896, 1898 [edited 1899], 1901, 1942).
- Township 2 South, Range 9 West, San Bernardino Meridian (GLO Plat 1865, 1875).
- Yorba Linda, California. 1:24,000 topographic quadrangle (USGS 1949 [edited 1957], 1950, 1964 [edited 1965]).

The 1865 and 1875 plats show the Project area in land labeled "Part of Rancho Santa Ana del Chino/ Lot No.38". No other details about the Project area are depicted (GLO Plat 1865, 1875).

The 1896 and 1898 USGS quadrangles depict the Project area in undeveloped land with lots of steep hills. A north-to-south-trending unnamed light-duty road extends from the south and terminates

approximately 0.38 mile south of the Project area; part of the road overlaps with State Route 142. The Orange County border is approximately 0.80 mile southwest of the Project area and the Los Angeles County border is depicted approximately 0.70 mile west of the Project area. (USGS 1896, 1898 [edited 1899]).

In the 1901 USGS quadrangle, a northwest-to-southeast-trending unnamed, unimproved road bisects the Project area. This unimproved road leads to the unnamed light-duty road that overlaps State Route 142, approximately 0.18 mile southeast of the Project area. The county boundaries are still depicted in the same locations (USGS 1901).

The 1942 USGS quadrangle shows a northwest-to-southeast-trending intermittent stream intersecting the northwest corner of the Project area; part of the stream branches to the west within the northern end of the Project area. The northwest-to-southeast-trending unnamed, unimproved road that bisected the Project area is no longer shown. State Route 142 (SR 142) is still depicted as an unnamed light-duty road though structures are now shown along it. An east-to-west-trending unnamed light-duty road that is about 1-mile-long branches west off of SR 142, approximately 0.13 mile south of the Project area; five structures are located along this light-duty road. Carbon Canyon Mineral Springs is on the southeast side of State Route 142 and approximately 0.70 mile southeast of the Project area. The county boundaries are still depicted in the same locations (USGS 1942).

The 1949 and 1950 USGS quadrangles show most of the Project area as hilly, undeveloped land with several roads and structures. A northwest-to-southeast-trending unnamed secondary highway that mostly overlaps Canyon Hills Road's current location branches off Highway 142, approximately 0.43-mile northeast of the Project area; about 0.10 mile of this unnamed secondary highway overlaps the northeast corner of the Project area. An east-to-west-trending unnamed light-duty road branches off the unnamed secondary highway, loops across the northern end of the Project area, then redirects south into the eastern half of the Project area where it terminates. An intermittent stream runs parallel to and west of the unnamed secondary highway; part of the stream hugs the inside of the east end of the Project area for about 0.25 mile, turns west and remains within the northern boundary for approximately 0.16 mile, and then continues west out of the Project area. Three structures are drawn within the Project area: one within the northeast corner of the Project area, northeast of the unnamed secondary highway; a second one in the north end of the Project area and just north of the light-duty road; and the third is near the middle of the Project area at the south end of the unnamed light-duty road. In the Hillcrest neighborhood and Canyon Hills Cottages current locations are an east-to-west-trending unnamed approximately 0.06 mile south of the Project area secondary highway and several light-duty roads and structures. An east-to-west-trending unnamed light-duty road is approximately 0.09 mile north of the Project area. The county boundaries are still depicted in the same locations. Carbon Canyon Mineral Springs is now located approximately 0.78 mile south of the Project area instead of 0.70 mile (USGS 1949 [edited 1957], 1950).

The 1964 USGS quadrangle still draws most of the Project area as hilly, undeveloped land with several roads and structures. The light-duty road that loops through the Project area is shown as an unimproved road; five structures and a water tank are depicted at the northern end of the unimproved road and three structures are at its terminus near the middle of the Project area. The northwest-to-southeast-trending unnamed secondary highway that overlaps the northeast corner of the Project area is also shown as an unimproved road. The intermittent stream that overlaps both the east and north sides of the Project area is in the same location. Hillcrest and Canyon Hills Cottages are shown with several more structures, unimproved roads, and a water tank, but no east-to-west-trending unnamed secondary highway. A neighborhood labeled Sleep Hollow is approximately 0.59 mile south of the Project area. The county boundaries are still shown in the same locations. Carbon Canyon Mineral Springs is no longer drawn on the map (USGS 1964 [photo revised 1965]).

On April 20, 2021, Kleinfelder sent a request to the NAHC for a SLF search and a Native American contact list for the Project. The NAHC responded on May 10, 2021, with a Native American contact list and stating that the SLF indicated that there are no sacred lands within the vicinity of the Project area. They provided a list of Native American contacts to outreach to for further details regarding the Project area. No further Native American coordination has been completed as it is assumed CEQA AB 52 tribal consultation will be conducted (as needed) by the lead state agency (The City of Chino Hills in this case) as required by the lead state agency. The NAHC Native American contacts list is provided in Appendix D of the Cultural Resources Evaluation.

On May 24, 2021, Kleinfelder sent a consultation letter to the Librarian and Genealogical Inquiries with the San Bernardino Historical and Pioneer Society in San Bernardino, California with a request for information regarding cultural resources located within or near the Project area. No response has been received to date. See Appendix E of the Cultural Resources Evaluation for the historical society consultation.

On July 8-9 and 12, 2021, Kleinfelder archaeologist, David Sosa, M.A., RPA, completed an intensive pedestrian survey of the Project area. The survey was completed using 10- to 15-meter-spaced transects. Close inspection was given to all exposed soils and cut banks for the presence of archaeological materials. The Project area was photographed using a high-resolution digital camera (see Appendix G, of the Cultural Resources Evaluation Survey Photographs) and field observations were captured in written notes. Locational data were collected with Environmental Systems Research Institute Arc Collector application on Android. The Project area was hilly with steep angles but accessible by foot and 100 percent of the Project area was surveyed. A large white house was in the center of the Project area and seven historic-period buildings are located in the north-northeast of the Project area within APN-1000-051-09. Ground visibility was moderate. Soils ranged from a light tan loam in the south end, to light tan loam to dark gray sandy loam in the north end, to pale tan sandy loam in far northeast end north of Canyon Hills Drive. Vegetation consisted of low to medium grasses, oaks, brush, and eucalyptus trees.

Kleinfelder identified two newly recorded cultural resources (one historical glass scatter; [DGS070821_1] and one historical refuse scatter [DGS070821_2]) and recorded one property with buildings that date between ca. 1920 and ca. 2005 (APN-1000-051-09 [Buildings 1-11]). The resources are summarized below. Refer to Appendix E (specifically refer to Appendix B, Figure 4 for resource location map, Appendix F for the newly recorded sites on DPR 523 forms, and Appendix G for survey photographs of the Cultural Resources Report).

This cultural resource site consists of a refuse scatter measuring 25 feet (north/south) by 13 feet (east/west). The site is located on a slope near the top of a ridge behind the garage of a large white house located at the center of the Project area. The site is composed of 31 historical glass fragments varied in color including, 11 amethyst glass fragments, 13 aqua glass fragments, one cobalt glass fragment, two green glass fragments, two red glass fragments, and two brown glass fragments. One amethyst cup fragment with a handle was noted. Other components observed within the site are non-historic materials, including red brick, a concrete block, wood, and metal fragments. No maker's mark on the glass fragments were observed. The site is likely a single episode dumping dating back to the 1914 to 1945 era, as there is a fragment of a possible Tiara glass amber sandwich pattern of a coffee/tea cup with handle dating to the 1920's.

The site is not associated with events that have made a significant contribution to the broad patterns of the history and cultural heritage of the United States (Criterion 1); the site is not directly associated with the lives of persons significant to the nation's past (Criterion 2); this site does not embody distinctive characteristics of a type, period, region, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity

whose components may lack individual distinction (Criterion 3); nor is there the potential for subsurface or additional data that could yield information important to the prehistory or history of the nation (Criterion 4).

The site consists of a refuse deposit that represent a possible single event, with no evidence of subsurface potential, dating back to the 1914 to 1945 era. As a result, this site is recommended not eligible under any criteria for listing on the CRHR.

This cultural resource consists of a historical refuse scatter that measures located in a natural drainage in a level area 310 feet southwest of the white house at the center of the Project area. Refuse includes white-ware sherds (one colored), one complete clear glass bottle with a "B4" makers mark, and a brown glass bottle fragment.

This cultural resource site consists of a refuse scatter measuring 5 feet (northeast/southwest) by 10 feet (northwest/southeast). The site is located in a natural drainage area in a level area at approximately 310 feet (94.4 meters) southwest towards the top of a ridge above of a large white house located at the center of the Project area. The site is composed of 5 small whiteware ceramics with a floral design, one brown glass bottle fragment and one complete clear glass bottle. The area exhibits evidence of rodent activity which could possibly indicate potential for a buried deposit. However, due to the number of materials found, a minimal probability to find subsurface artifacts could be expected. No maker's mark on the ceramic and glass fragments were observed. The site is likely a single episode dumping dating back to the 1914-1945 era, as there is a possible perfume Brockway Glass Company ("B" maker's mark) complete clear glass bottle dating back to the 1930's.

The site is not associated with events that have made a significant contribution to the broad patterns of the history and cultural heritage of the United States (Criterion 1); the site is not directly associated with the lives of persons significant to the nation's past (Criterion 2); this site does not embody distinctive characteristics of a type, period, region, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction (Criterion 3); as the site exhibits evidence of rodent activity within the found resources, which could indicate possibility subsurface resources, the materials observed do not add additional data that could yield information important to the prehistory or history of the nation (Criterion 4).

The site consists of a refuse deposit that represent a possible single event, with evidence of subsurface potential, dating back to the 1914 to 1945 era. As a result, at this stage and with the surface materials observed this site is not recommended eligible under Criterion 4 or any of the other criteria for listing on the CRHR.

The cultural resource inventory of the 85-acre (APN 1000-051-19 and 1000-051-09) Project area included research and review of relevant, historic maps, records search results from the SCCIC, SLF results from the NAHC, and an intense pedestrian survey of the Project area. The result of these study and inventory efforts concluded with positive results for new resources. Kleinfelder recorded, evaluated, and provided recommendations for seven historic-period buildings located on APN-1000-051-09 and two historic archaeological refuse scatters (DGS070821_1 and DGS070821_2). No resources were collected. The buildings located on APN-1000-059-09 consist of seven historic-period buildings and historic archaeological refuse scatter sites DGS070821_1 and DGS070821_2 was evaluated using CRHR eligibility criteria to determine whether they constitute eligible historical resources under CRHR as required under CEQA. Kleinfelder concluded, the seven historic-period buildings and historical refuse scatter sites DGS070821_1 and DGS070821_2 are recommended not eligible under any criteria for listing on the CRHR. Based the surficial review of archaeological materials present this site is recommended not eligible for

CRHR under any criteria. Should additional information be identified during subsurface excavation for the Project, such findings would require additional review and consideration for CRHR eligibility.

The Cultural Resources Evaluation resulted in the identification of seven historic-period buildings located on APN-1000-051-09 and two historical refuse scatters DGS070821_1 and DGS070821_2. The newly identified historic-period buildings and both refuse scatters (DGS070821_1 and DGS070821_2) lack significant subsurface deposits and were determined to retain no further research potential beyond recording their locations and attributes, which has been completed. However, based upon the pedestrian survey resulting positive for cultural resources, the potential to encounter buried cultural materials during the grading of the Project area is feasible. With the implementation of Mitigation Measures **MM CUL-1 and MM CUL-2**, impacts to archaeological resources would be reduced to a level of less than significant.

Mitigation Measures:

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

MM CUL-1: Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who shall work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, and subject to the City's review and concurrence, shall be retained by the Project proponent. In the event previously unidentified buried cultural resources are discovered and cannot be avoided, the SOI archaeologist shall develop a plan to avoid and/or mitigate the resource, and protocol for monitoring areas identified as sensitive. Mitigation plans and/or monitoring protocols shall be subject to review and approval by the City prior to implementation.

MM CUL-2: The Project archaeologist, may, at their discretion, terminate monitoring if (and only if) no subsurface cultural resources have been detected. If previously unidentified buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor shall have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct additional studies based on plans or protocols prepared by the SOI archaeologist and approved by the City. The plan shall include a research design, testing and/or mitigation approach, final reporting and curation agreement. Should any prehistoric or tribal cultural resources be identified within the Project, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s) in accordance with Mitigation Measure **MM TCR-1** in **Section IV. H, Tribal Cultural Resources** of this Draft Focused EIR.

Findings:

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 Focused 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 would disturb any human remains, including those interred outside of formal cemeteries.

Support for this environmental impact conclusion is included in Section IV.C, Cultural Resources, and in particular, starting on page IV.C-30 of the Draft Focused EIR.

As discussed in **Section VII, Effects Found Not to be Significant** and in the Initial Study (Appendix A of this Draft Focused EIR), the Project Site would not disturb any human remains. However, in the event that human remains are encountered unexpectedly during grading or construction activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If human remains of Native American origin are discovered during Project construction, compliance with State laws, which fall within the jurisdiction of the Native American Heritage Commission (PRC Section 5097), relating to the disposition of Native American burials would be required. Considering that compliance with regulatory standards described above would ensure appropriate treatment of any human remains unexpectedly encountered during grading activities. With the implementation Mitigation Measure **MM CUL-3**, impacts to human remains would be reduced to a level of less than significant.

Mitigation Measures:

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

MM CUL-3: In the event of the unanticipated discovery of human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

Findings:

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 Focused 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.

3. Geology/Soils

The proposed Project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is included in Section IV.D, *Geology/Soil*, and in particular, starting on page IV.D-18 of the Draft Focused EIR.

The Puente Hills are a structural block, north of the Whittier fault and southwest of the Chino fault, that uplift and emerge in the Pleistocene. This uplift is a result of the north-south compression that has been accommodated by the Puente Hills blind thrust fault. The relief of the Puente Hills is a result of a history of uplift and erosion. During the Quaternary uplift, erosion rates of the streams in the Puente Hills increased, and gullies were incised in existing broad canyons. These gullies decrease in depth upstream, and in general, streams that flow towards the southwest are longer than those flowing to the north and

northeast. This pattern of gully depth and the asymmetrical pattern of the older broad canyons indicates that the Puente Hills block tilted towards the northeast during Quaternary uplift.

Geologic units present onsite include relatively young surficial deposits and bedrock. Mapped surficial units include artificial fill, colluvium, and older alluvium. The bedrock unit mapped onsite was classified as the Puente Formation Soquel Member.

A cultural resource records search was conducted by the South Central Coast Information Center (SCCIC) at California State University (CSU), Fullerton in Fullerton, California of the California Historical Resources Information System (CHRIS) on April 21, 2021 (SCCIC File No.: 22378.8590). The records search encompassed the Project area and a 0.25-mile buffer radius. The purpose of the record search was to identify if any prehistoric and/or historic-period cultural resources and studies had been previously documented in the Project area and/or the surrounding 0.25-mile radius in order to better understand the archaeological sensitivity of the area. This search also included an examination of historical maps of the area. The California Points of Historical Interest, the California Historical Landmarks, the CRHR, the NRHP, and the California Inventory of Historic Resources listings were also reviewed to determine if there were any resources listed or determined to be eligible for CRHR, NRHP, or local listing within the Project area. Results of the records searches indicate that three previously conducted cultural resources studies (see **Table IV.D-1, Studies Conducted within the Project Area and within 0.25 Miles of the Project**) and no previously identified cultural resource are located within the Project area. Five previously conducted cultural resource studies (**Table IV.D-1**) and one previously identified cultural resource (see **Table IV.D-2, Previously Recorded Cultural Resources within 0.25 Miles of the Project Area**) are located within 0.25-mile of the Project area. Refer to Appendix C of the Cultural Resources Evaluation for record search results.

Historical maps were reviewed depicting features such as towns, roads, buildings, and creeks to provide additional information regarding the potential for the presence of historic-era cultural resources within the Project area. Historic maps are available at several online repositories, in particular the USGS's repository, the David Rumsey Map Collection, and the U.S. Department of the Interior Bureau of Land Management General Land Office (GLO) Records.

On July 8, 9 and 12, 2021, Kleinfelder archaeologist, David Sosa, M.A., RPA, completed an intensive pedestrian survey of the Project area. The survey was completed using 10- to 15-meter-spaced transects. Close inspection was given to all exposed soils and cut banks for the presence of archaeological materials. The Project area was photographed using a high-resolution digital camera (see Appendix G, of the Cultural Resources Evaluation Survey Photographs) and field observations were captured in written notes. Locational data were collected with Environmental Systems Research Institute Arc Collector application on Android. The Project area was hilly with steep angles but accessible by foot and 100 percent of the Project area was surveyed. A large white house was in the center of the Project area and seven historic-period buildings are located in the north-northeast of the Project area within APN-1000-051-09. Ground visibility was moderate. Soils ranged from a light tan loam in the south end, to light tan loam to dark gray sandy loam in the north end, to pale tan sandy loam in far northeast end north of Canyon Hills Drive. Vegetation consisted of low to medium grasses, oaks, brush, and eucalyptus trees.

Kleinfelder identified two newly recorded cultural resources (one historical glass scatter; [DGS070821_1] and one historical refuse scatter [DGS070821_2]) and recorded one property with buildings that date between ca. 1920 and ca. 2005 (APN-1000-051-09 [Buildings 1-11]). The resources are summarized below (refer to Appendix E (specifically, Appendix B, Figure 4 for resource location map, Appendix F for the newly recorded sites on DPR 523 forms, and Appendix G for survey photographs of the Cultural Resources Report).

This cultural resource site consists of a refuse scatter measuring 25 feet (north/south) by 13 feet (east/west). The site is located on a slope near the top of a ridge behind the garage of a large white house

located at the center of the Project area. The site is composed of 31 historical glass fragments varied in color including, 11 amethyst glass fragments, 13 aqua glass fragments, one cobalt glass fragment, two green glass fragments, two red glass fragments, and two brown glass fragments. One amethyst cup fragment with a handle was noted. Other components observed within the site are non-historic materials, including red brick, a concrete block, wood, and metal fragments. No maker's mark on the glass fragments were observed. The site is likely a single episode dumping dating back to the 1914 to 1945 era, as there is a fragment of a possible Tiara glass amber sandwich pattern of a coffee/teacup with handle dating to the 1920's.

The Project would require excavation below the surface to construct building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems). Thus, the possibility exists that Project excavation into high sensitivity sediments could significantly impact paleontological resources that were not encountered during prior construction or other human activity.

Accordingly, Mitigation Measure **MM GEO-1**, outlined below under Mitigation Measures, would require the retention and involvement of a Qualified Paleontologist to provide technical and compliance oversight of all work as it relates to paleontological resources and a paleontological monitor to monitor all ground disturbing activities in previously undisturbed sediments which have high sensitivity for encountering paleontological resources or as determined necessary by the Qualified Paleontologist. In the event paleontological materials are encountered, the Paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure **MM GEO-1** would ensure that any potential impacts related to paleontological resources would be less than significant.

Mitigation Measures:

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

MM GEO-1: A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards and subject to the City's review and concurrence, shall be retained by the Applicant or its Successor prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project Site in the event potential paleontological resources are encountered.

The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained by the Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting SVP standards) under the direction of the Qualified Paleontologist. Paleontological resources monitoring shall be conducted for all ground disturbing activities in previously undisturbed sediments which have high sensitivity for encountering paleontological resources. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time

inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. The Qualified Paleontologist shall prepare a final monitoring and mitigation report (with the daily logs attached as an appendix) for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition shall be included with the final report which shall be submitted to the appropriate repository and the City.

Findings:

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 Focused 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.

4. Tribal Cultural Resources

The proposed Project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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.

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k).**
- ii) 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 Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code 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 included in Section IV.H, Tribal Cultural Resources, and in particular, starting on page IV.H-5 of the Draft Focused EIR.

Construction activities associated with the Project would involve earthmoving activities associated with excavation and grading for the foundations, and the transport and disposal of demolished building materials, as well as excavated soil. Grading, site preparation and excavation would require the net export of approximately 59,075 cubic yards of soil and approximately 41,410 cubic yards of import of soil. The likely outbound haul routes for the Project would be via Canyon Hills Road to SR142.

On July 8-9 and 12, 2021, Kleinfelder archaeologist, David Sosa, M.A., RPA, completed an intensive pedestrian survey of the Project area. The survey was completed using 10- to 15-meter-spaced transects.

Close inspection was given to all exposed soils and cut banks for the presence of archaeological materials. The Project area was photographed using a high-resolution digital camera (see Appendix G, of the Cultural Resources Evaluation Survey Photographs) and field observations were captured in written notes. Locational data were collected with Environmental Systems Research Institute Arc Collector application on Android. The Project area was hilly with steep angles but accessible by foot and 100 percent of the Project area was surveyed. A large white house was in the center of the Project area and seven historic-period buildings are located in the north-northeast of the Project area within APN-1000-051-09. Ground visibility was moderate. Soils ranged from a light tan loam in the south end, to light tan loam to dark gray sandy loam in the north end, to pale tan sandy loam in far northeast end north of Canyon Hills Drive. Vegetation consisted of low to medium grasses, oaks, brush, and eucalyptus trees.

Kleinfelder identified two newly recorded cultural resources (one historical glass scatter; [DGS070821_1] and one historical refuse scatter [DGS070821_2]) and recorded one property with buildings that date between ca. 1920 and ca. 2005 (APN-1000-051-09 [Buildings 1-11]). The resources are summarized below. Refer to Appendix E (specifically refer to Appendix B, Figure 4 for resource location map, Appendix F for the newly recorded sites on DPR 523 forms, and Appendix G for survey photographs of the Cultural Resources Report).

The cultural resource inventory of the 85-acre (APN 1000-051-19 and 1000-051-09) Project area included research and review of relevant, historic maps, records search results from the SCCIC, SLF results from the NAHC, and an intense pedestrian survey of the Project area. The result of these study and inventory efforts concluded with positive results for new resources. Kleinfelder recorded, evaluated, and provided recommendations for seven historic-period buildings located on APN-1000-051-09 and two historic archaeological refuse scatters (DGS070821_1 and DGS070821_2). No resources were collected. The buildings located on APN-1000-059-09 consist of seven historic-period buildings and historic archaeological refuse scatter sites DGS070821_1 and DGS070821_2 was evaluated using CRHR eligibility criteria to determine whether they constitute eligible historical resources under CRHR as required under CEQA. Kleinfelder concluded, the seven historic-period buildings and historical refuse scatter sites DGS070821_1 and DGS070821_2 are recommended not eligible under any criteria for listing on the CRHR. Based the surficial review of archaeological materials present this site is recommended not eligible for CRHR under any criteria. Should additional information be identified during subsurface excavation for the Project, such findings would require additional review and consideration for CRHR eligibility.

The Cultural Resources Evaluation resulted in the identification of seven historic-period buildings located on APN-1000-051-09 and two historical refuse scatters DGS070821_1 and DGS070821_2. The newly identified historic-period buildings and both refuse scatters (DGS070821_1 and DGS070821_2) lack significant subsurface deposits and were determined to retain no further research potential beyond recording their locations and attributes, which has been completed. However, based upon the pedestrian survey resulting positive for cultural resources, the potential to encounter buried cultural materials during the grading of the Project area is feasible.

On April 20, 2021, a request was sent to the NAHC for a SLF search and a Native American contact list for the Project. The NAHC responded on May 10, 2021, with a Native American contact list and stating that the SLF indicated that there are no sacred lands within the vicinity of the Project area. They provided a list of Native American contacts to outreach to for further details regarding the Project area. The NAHC Native American contacts list is provided in Appendix D of the Cultural Resources Identification Evaluation Report.

The City commenced tribal notification for this Project in accordance with AB 52 on June 8, 2021, via a mailing to tribal representatives of the following tribes that had requested notification of projects within the area including the Project Site:

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- Gabrieleño Band of Mission Indians – Kizh Nation
 - Soboba Band of Luiseno Indians

The 60-day notification response window closed on August 6, 2021. On June 8, 2021, the City received a letter via email from the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation) as part of the AB 52 consultations.

The Gabrielino Band of Mission Indians – Kizh Nation, represented by Andrew Salas, identified that they “have received the Notice of Intent to adopt a Negative Declaration for the Paradise Ranch located 16200 and 16220 Canyon Hills Road City of Chino Hills. The Tribal Government then requested the retention of a Native American Tribal Consultant to monitor all ground disturbance conducted for the Project.” The City concluded consultation on August 6, 2021.

Based upon the request of Kizh Nation, Mitigation Measure **MM TCR-1** is provided that requires retention of a qualified Native American Monitor to monitor all grading and excavation activities within the Project Site. With the implementation of Mitigation Measure **MM TCR-1**, impacts to tribal cultural resources would be reduced to a level of less than significant.

Mitigation Measures:

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

MM TCR-1: Prior to issuance of a grading permit, the Applicant shall retain a qualified Native American Monitor (Monitor) from the Gabrieleno Band of Mission Indians-Kizh Nation to monitor all grading and excavation activities within the Project Site. The Monitor shall photo-document the grading and excavation activities and maintain a daily monitoring log that contains descriptions of the daily construction activities, locations and mappings of the graded areas, soils, and documentation of any identified tribal cultural resources. On-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the Tribal Representatives and Monitor have indicated that the Project Site has a low potential for archaeological resources. If tribal cultural resources are encountered during monitoring, all ground-disturbing activities within 50 feet of the find shall cease and the Monitor shall evaluate the significance of the find, and if significant, recommend a formal treatment plan and appropriate measure(s) to mitigate impacts. Such measure(s) may include avoidance, preservation in place, archaeological data recovery and associated laboratory documentation, or other appropriate measures. The City shall determine the appropriate and feasible measure(s) that shall be necessary to mitigate impacts, in consideration of the measure(s) recommended by the Monitor. The Applicant shall implement all measure(s) that the City determined necessary, appropriate and feasible. Within 60 days after grading and excavation activities are completed, the Monitor shall prepare and submit a final report to the City and the California Native American Heritage Commission. The report shall include documentation of any recovered tribal cultural resources, the significance of the resources, and the treatment of the recovered resources. In addition, the Monitor shall submit the monitoring log and photo documentation, accompanied by a photo key, to the City.

Findings:

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 Focused 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.

5. Cumulative Impacts

Cumulative: The proposed Project and cumulative related projects would 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 IV.B, *Biological Resources*, and in particular, starting on page IV.B-28 of the Draft Focused EIR.

As indicated in **Section III, Environmental Setting**, of this Draft Focused EIR, the nearest Related Projects include Nos. 7 and 17, which are residential uses located on Carbon Canyon Road. None of the Related Projects would share adjacent street frontages with the Project Site.

Cumulative impacts are defined as the direct and indirect effects of a proposed Project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed Project.

Although special status species are generally not expected to occur on the Project Site due to the disturbed nature of the site, the lack of suitable habitat for most, and the close proximity to rural developments to the north, east, and south, the Project Site does provide limited potential foraging habitat for raptors, nesting habitat for birds, and coast live oak woodland and forest. Other biological resources are also potentially present and could be impacted on the Project Site.

The Project would develop approximately 18 acres and retain 67 acres as open space, in addition, similar habitat occurs to the west and throughout Chino Hills State Park immediately to the east. To offset potentially significant impacts, the proposed Project shall comply with all applicable mitigation measures and City planning documents.

The Project Site is not within any adopted HCP, NCCP, or any other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed Project would not conflict with the provisions of any such adopted plan. Based on the assessment of biological resources provided herein, and when considered in the context of other past, current and future projects in the City and the county, adverse cumulative effects to regional biological resources as a result of implementing the proposed Project are expected to be less than significant with implementation of mitigation measures.

With the implementation of Mitigation Measures **MM BIO-1** and **MM BIO-2** cumulative impacts related to biological resources would be reduced to a level of less than significant.

Mitigation Measures:

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

Refer to Mitigation Measures MM BIO-1 and MM BIO-2.

Findings:

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 Focused 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 would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Support for this environmental impact conclusion is included in Section IV.B, *Biological Resources*, and in particular, starting on page IV.B-28 of the Draft Focused EIR.

As indicated in **Section III, Environmental Setting**, of this Draft Focused EIR, the nearest Related Projects include Nos. 7 and 17, which are residential uses located on Carbon Canyon Road. None of the Related Projects would share adjacent street frontages with the Project Site.

Cumulative impacts are defined as the direct and indirect effects of a proposed Project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed Project.

Although special status species are generally not expected to occur on the Project Site due to the disturbed nature of the site, the lack of suitable habitat for most, and the close proximity to rural developments to the north, east, and south, the Project Site does provide limited potential foraging habitat for raptors, nesting habitat for birds, and coast live oak woodland and forest. Other biological resources are also potentially present and could be impacted on the Project Site.

The Project would develop approximately 18 acres and retain 67 acres as open space, in addition, similar habitat occurs to the west and throughout Chino Hills State Park immediately to the east. To offset potentially significant impacts, the proposed Project shall comply with all applicable mitigation measures and City planning documents.

The Project Site is not within any adopted HCP, NCCP, or any other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed Project would not conflict with the provisions of any such adopted plan. Based on the assessment of biological resources provided herein, and when considered in the context of other past, current and future projects in the City and the county, adverse cumulative effects to regional biological resources as a result of implementing the proposed Project are expected to be less than significant with implementation of mitigation measures.

With the implementation of Mitigation Measures **MM BIO-1** and **MM BIO-2** cumulative impacts related to biological resources would be reduced to a level of less than significant.

Mitigation Measures:

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

Refer to Mitigation Measures MM BIO-1 and MM BIO-2.

Findings:

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 Focused 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 would 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 IV.B, Biological Resources, and in particular, starting on page IV.B-28 of the Draft Focused EIR.

As indicated in **Section III, Environmental Setting**, of this Draft Focused EIR, the nearest Related Projects include Nos. 7 and 17, which are residential uses located on Carbon Canyon Road. None of the Related Projects would share adjacent street frontages with the Project Site.

Cumulative impacts are defined as the direct and indirect effects of a proposed Project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed Project.

Although special status species are generally not expected to occur on the Project Site due to the disturbed nature of the site, the lack of suitable habitat for most, and the close proximity to rural developments to the north, east, and south, the Project Site does provide limited potential foraging habitat for raptors, nesting habitat for birds, and coast live oak woodland and forest. Other biological resources are also potentially present and could be impacted on the Project Site.

The Project would develop approximately 18 acres and retain 67 acres as open space, in addition, similar habitat occurs to the west and throughout Chino Hills State Park immediately to the east. To offset potentially significant impacts, the proposed Project shall comply with all applicable mitigation measures and City planning documents.

The Project Site is not within any adopted HCP, NCCP, or any other approved local, regional, or state habitat conservation plan. Therefore, implementation of the proposed Project would not conflict with the provisions of any such adopted plan. Based on the assessment of biological resources provided herein, and when considered in the context of other past, current and future projects in the City and the county, adverse cumulative effects to regional biological resources as a result of implementing the proposed Project are expected to be less than significant with implementation of mitigation measures.

With the implementation of Mitigation Measures **MM BIO-1** and **MM BIO-2** cumulative impacts related to biological resources would be reduced to a level of less than significant.

Mitigation Measures:

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

Refer to Mitigation Measures MM BIO-1 and MM BIO-2.

Findings:

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 Focused 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 would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Support for this environmental impact conclusion is included in Section IV.D, *Geology/Soil*, and in particular, starting on page IV.D-22 of the Draft Focused EIR.

As indicated in **Section III, Environmental Setting**, of this Draft Focused EIR, the nearest Related Projects include Nos. 7 and 17 which are residential uses located on Carbon Canyon Road. None of the Related Projects would share adjacent street frontages with the Project Site.

Due to the site-specific nature of geological conditions (i.e., soils, geological features, subsurface features, seismic features, etc.), geology and paleontological impacts are typically assessed on a project-by-project basis rather than on a cumulative basis. Nonetheless, cumulative growth through the 2024 (buildout year), inclusive of the related projects identified in **Section III, Environmental Setting**, of this Draft Focused EIR, could potentially result in impacts on geology and paleontological resources. However, as with the Project, related projects would be subject to established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the CBC and the Chino Hills Building Code. Therefore, considering the proposed land uses of the Project and related projects, as well as the existing regulatory requirements and regulations that would apply to all development, the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts regarding geology and soils would be less than significant.

With regard to paleontological resources, projects within the cumulative study area for the Project include those related projects that require excavation on parcels that have been disturbed or are already developed, or would have the potential to disturb geological units that are sensitive for paleontological resources. Generally, projects with the potential for substantial excavation would be subject to environmental review under CEQA. If the potential for significant impacts on paleontological resources were identified given the site characteristics and development program of the related projects, mitigation measures, similar to the ones proposed under the Project (refer to Mitigation Measure **MM GEO-1**), would be required. As with the Project, this measure would include a monitoring program and treatment/curation of discovered fossils. Implementation of this measure would reduce the potential for adverse effects on fossil resources individually and cumulatively, and would preserve and maximize the potential of these resources to contribute to the body of scientific knowledge. The related projects would be required to comply with applicable regulations and standard City mitigation measures regarding paleontological resources. Therefore, the Project's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on paleontological resources would be less than significant.

With the implementation of Mitigation Measure **MM GEO-1** Project impacts and cumulative impacts related to geology and soils would be reduced to a level of less than significant.

Mitigation Measures:

Refer to Mitigation Measures MM GEO-1.

Findings:

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 Focused 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.

6. Tribal Cultural Resources

Cumulative: The proposed Project and cumulative related projects would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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.

- j) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k).
- ii) 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 Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code 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 included in Section IV.H, Tribal Cultural Resources, and in particular, starting on page IV.H-7 of the Draft Focused EIR.

The study area for cumulative impacts to tribal cultural resources is the extent of the geographic area with which the identified tribes are traditionally and culturally affiliated. Projects within this area requiring the preparation of an IS/ND, IS/MND, or EIR are subject to the requirements of AB 52, which includes notifying tribes to solicit consultation and to analyze potential impact of tribal cultural resources. Compliance with existing regulatory measures safeguarding tribal cultural resources would ensure potential impacts from inadvertent discovery would be reduced to a less-than-significant level. Any project sites that contain tribal cultural resources would be required to comply with regulations and/or safeguard mitigation measures to reduce potential impacts to the greatest extent feasible. With the implementation of Mitigation Measure **MM TCR-1**, impacts to tribal cultural resources would be reduced to a level of less than significant and the Project would not result in a cumulatively considerable contribution to a significant cumulative impact.

With the implementation of Mitigation Measure **MM TCR-1**, cumulative impacts related to tribal cultural resources would be less than significant.

Mitigation Measures:

Refer to Mitigation Measure MM TCR-1.

Findings:

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 Focused 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.

D. FINDINGS ON SIGNIFICANT AND 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 included in Section IV.G, Transportation, and in particular, starting on page IV.G-19 of the Draft Focused EIR.

As shown in **Table IV.G-3, City of Chino Hills** and **Table IV.G-4, Project (TAZ 53598201)** the proposed Project Average VMT/Capita is 8.09% above the City average VMT/Capita Threshold (97% of Year 2025 City Average), and based on the criteria outlined in this report, the proposed Project will not have a level of 3% below existing City of Chino Hills VMT/Capita (i.e. VMT/Capita = 17.55) and thus will have a Project significant VMT impact.

Projects that exceed the VMT impact threshold and result in a significant traffic impact under CEQA must propose measures to reduce Project VMT or mitigate a CEQA transportation impact. VMT reduction strategies can be quantified using currently available best practices such as the California Air Pollution Control Officers Association (CAPCOA) calculation methodologies and Air Resource Board research findings.

The maximum allowable VMT reduction is 10.00% since a residential project can only utilize strategies in four categories: Land Use/Location, Neighborhood/Site Enhancement, Parking Police/Price, and Transit System Improvements. Hence, based on the above and with a potential VMT impact of 8.09% above the City Average, the Project's significant VMT impact would appear to be mitigatable.

Appendix H.3, Table 1 presents the CAPCOA TDM strategies for land use projects for informational purposes. In addition, Appendix H.3 provides potential mitigation measures to offset the potential impacts. However, based on the location of the Project, limited Carbon Canyon Road access, and lack of pedestrian access and circulation, the implementation of the above-mentioned mitigation measures or a combination of these mitigation measures would not be applicable, and further, would not be sufficient enough to mitigate the Project's VMT impact if it were applied.

Thus, based on the above and with the Project Average VMT/Capita of 21.65, which is 8.09% above the City Average VMT/Capita Threshold, the Project will have a unmitigable significant impact.

In conclusion, consistent with the OPR Technical Advisory and based on the VMT methodology, criteria, guidelines, thresholds and results outlined above, the proposed Project will have a unmitigable significant Project VMT impact.

Mitigation Measures:

None. There are no feasible mitigation measures available to further reduce VMT impacts.

Findings:

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.

2. Cumulative

Cumulative The proposed Project and related projects would conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b)?

Support for this environmental impact conclusion is included in Section IV.G, *Transportation*, and in particular, starting on page IV.G-23 of the Draft Focused EIR.

With regard to VMT, consistent with the OPR Technical Advisory and based on the VMT methodology, criteria, guidelines, thresholds and results outlined above, the proposed Project will have a unmitigable significant Project VMT impact and an unmitigable significant cumulative impact.

Mitigation Measures:

None. There are no feasible mitigation measures available to further reduce VMT impacts.

Findings:

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.

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 Focused EIR and responses to those comments provided in the Final Focused EIR do not identify any significant new information requiring recirculation. As such, Recirculation of the Focused 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 Focused EIR analyzed two alternatives to the proposed Project that could reduce some, if not all, of the project's impacts.

1. No Project/No Build Alternative

CEQA Guidelines Section 15126.6(e) requires the analyses of a "no project" alternative. The Alternative 1, No Project/No Build Alternative assumes the proposed Project is not approved, and that the Project Site would remain in its current condition consisting of two parcels with a single-family home on each parcel. No adaptive reuse/refurbishment of the existing uses would occur, and no new residential uses would be constructed. There would be no new road ways and sidewalks, and no publicly accessible open space within the interior of the Project Site. The analysis of the Alternative 1 assumes the continuation of existing conditions, as well as development of the cumulative projects shown in **Section III. Environmental Setting, Table III-1, List of Related Projects**.

No permanent change in the environmental conditions would occur under this Alternative because no new development would occur. As a result, Alternative 1 would avoid the Project's less than significant impacts to Air Quality, Greenhouse Gas Emission, Noise, and Wildfire as no construction or operation would occur on the Project Site. Alternative 1 would also avoid the Project's less than significant impacts with the implementation of mitigation to Biological Resources, Cultural Resources, Geology/Soils, and Tribal Cultural Resources, since under Alternative 1, no ground disturbing activities would occur that would impact these environmental issue areas. Furthermore, Alternative 1 would avoid the Project's significant and unavoidable impact on Transportation (VMT), as Alternative 1 would not construct or operate any development on the Project Site that would increase vehicular traffic to the Project Site or the vicinity.

Conclusion:

Pursuant to Section 15126.6(c) of the *CEQA Guidelines* in general, the environmentally superior alternative as defined by CEQA should "avoid or substantially lessen one or more of the significant effects" of the Project, the Project Site and its surrounding environment. Of the alternatives analyzed in this Focused Draft EIR, Alternative 1, the No Project/No Build Alternative would avoid all of the Project's significant environmental impacts, including the Project's significant and unavoidable impacts related to Transportation (VMT). Alternative 1 would also reduce all of the Project's less-than-significant and less-than-significant-with-mitigation impacts. In addition, Alternative 1 does not create any new impacts; therefore, it is the Environmentally Superior Alternative to the Project, which proposes to change existing conditions. However, the No Project/No Build Alternative would not meet any of the Project's basic objectives and would not provide any of the community benefits that would be offered by the proposed Project.

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 Density Development Alternative

Alternative 2, Reduced Density Development, represents a reduced project alternative with a reduction in the number of single-family homes. Similar to the Project, Alternative 2 would demolish the 1,250 square foot, three-bedroom single-family home, barn, and stables. Under Alternative 2 the Project Site would subdivide the 85.2-acre property into a total of 13 lots. Lots 1 through 11 will include the development of a single-family homes, ranging in lot size from 7,200 square feet to 12,412 square feet. Similar to the proposed Project, Alternative 2, Lot 12 will maintain the existing single-family home on-site. Since the 11 lots would only develop a maximum of 3 acres of the Project Site, the remaining 82.2 acres would become part of Lot A. Alternative 2 would maintain Lot A (approximately 132.2 acres) as undisturbed natural open space area in the western portion of the Project Site, including preservation of the on-site Prominent Ridgeline. This alternative was selected to provide residential development for the Project Site, while avoiding sensitive biological resources on the Project Site, and avoiding the unmitigable VMT impacts associated with the Project.

Conclusion:

Although Alternative 2 would generate a smaller residential population than the Project, and the overall area-wide VMT would be smaller than the Project. Alternative 2 would not avoid the significant and unavoidable Project-related impacts to VMT because the location of the Alternative 2 is the same as the Project and as stated previously, mitigation would not be sufficient enough to mitigate the VMT impact of Alternative 2 if it were applied. Thus Alternative 2 would require a VMT analysis, and impacts would be significant and unavoidable and similar to the Project. All other impacts under Alternative 2 would be similar to or less than those of the Project as the development of Alternative 2 would be a smaller scale development than the Project. Furthermore, the Alternative 2 would realize the Project Objectives, just to a lesser degree.

Specifically Alternative 2 would meet Objectives 1 through 5. However, with the reduction in development and changes to the site plan that would occur, Alternative 2 would not meet the Project objectives, to the same extent as the Project. Although Alternative 2 would provide a project that would increase the number of housing units, the reduction in development would not make the Alternative economically viable and would not help meet the demand for new housing in the City of Chino Hills to the same extent as the Project. In addition, Alternative 2 would create economic vitality in the City by creating construction jobs and accommodating new permanent population in the area to support local businesses and promote economic development in the City, just not to the same extent as the Project due to the reduction in development. Furthermore, due to the reduction in development, Alternative 2 would not promote the City's economic well-being, and/or increases the local tax base to the same extent as the Project.

Therefore, while Alternative 2 would provide most of the City economic benefits of the Project, it would not be as effective in meeting the underlying purpose or objectives of the Project as it would be less intensive than the Project and, thus, not provide the same number of construction jobs, and not strengthen the economic vitality, etc., to the same degree as the Project.

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 Focused 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, the 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 Focused EIR, Final Focused EIR, Mitigation Monitoring Program, and the findings discussed in Section II, Findings and Facts, of this document.

1. 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 may 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 an underutilized site with a well-designed and compatible residential Project that is consistent with the character and operational characteristics of surrounding uses in the area.
- To provide a Project that is economically viable and increases the number of housing units to help meet the demand for new housing in the City of Chino Hills.
- To create a Project that complements and enhances the aesthetic character of the area through high quality urban and architectural design and enhances the area around the Project Site.
- To create economic vitality in the City by creating construction jobs and accommodating new permanent population in the area to support local businesses and promote economic development in the City.
- Ensure a financially feasible Project that promotes the City’s economic well-being, increases the local tax base.

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.

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 Paradise Ranch 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.