CITY OF HIGHLAND
REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

REGULAR MEETING

August 19, 2025
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Nicole McCance, Commissioner
Brent Merideth, Commissioner
Jarrod Miller, Commissioner

STAFF

Lawrence A. Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Angela Tafolla, Senior Planner
Travis Trejo, Assistant Planner
Tiffany Martinez, Assistant Planner
Camille Duarte, Administrative Assistant III
Octavio Duran, Public Works Director/City Engineer
Matt Wirz, Building Official
Scott Rice, City Landscape Architect

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's Website at: www.cityofhighland.org

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861☎ • (909) 862-3180 🖷

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the Planning Commission, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Submission of Public Comments: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 5:00 p.m. on August 19, 2025 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the August 19, 2025 agenda, please identify the agenda item number in the subject line.

For those wishing to make public comments regarding a public hearing item please identify the agenda item in the subject line. Comments can be submitted any time prior to the meeting, as well as during the meeting up until the close of the public hearing on the corresponding item to be considered part of the record. Please email your comments at publiccomment@cityofhighland.org.

Members of the public will be permitted to make public comments in person.

PLANNING COMMISSION
REGULAR MEETING AGENDA
August 19, 2025 - 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

To address the Planning Commission, please complete a speaker form located at the entrance and give it to the Administrative Assistant prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Individual speakers are limited to three minutes each. Comments received via email by August 19, 2025, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the July 15, 2025 Regular Meeting.
   RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARINGS

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property located at 26589 Highland Ave., Highland, CA 92346 Tax Assessor's Parcel Numbers 1191-241-01, 1191-241-02, &1191-241-03 (Pepper Steak Restaurant).
   RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2025 -____, declaring the existence of a public nuisance on the Property generally located at 26589 Highland Ave., Highland, CA 92346 and order the abatement thereof.

3. A Public Hearing to Consider the Appeal of Administrative Citation No. 12500 issued due to the use of illegal fireworks. in accordance with Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety), of the Highland Municipal Code, at the property generally located at 25852 Byron St, San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), Tax Assessor Parcel Number 1191-151-54. Cited: Gavino Cervantes.
   RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 12500 and adopt Resolution No. 2025 - _____.

4. A Public Hearing to Consider the Appeal of Administrative Citation No. 12485 issued due to the use of illegal fireworks. in accordance with Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety), of the Highland Municipal Code, at the property generally located at 25775 Vine St, San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland), Tax Assessor Parcel Number 1192-171-50. Cited: Cosme Melendez.
   RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 12485 and adopt Resolution No. 2025 - _____.

5. An Addendum to the previously approved Mitigated Negative Declaration for the City of Highland 5th Street Widening and Replacement Project; City File No. Environmental Review ENV- 25-002.
   RECOMMENDATION: Staff recommends the Planning Commission Adopt Resolution No. 2025 - _____ to recommend the City Council approve the *Addendum to the Initial Study/Environmental Assessment/Mitigated Negative Declaration for the 5th Street Widening and Replacement Project.*

ANNOUNCEMENTS

ADJOURN

I, Camille Duarte, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 14th of August 2025 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library 7863 Central Avenue	Fire Station No. 1 26974 Base Line	City Hall 27215 Base Line

Date: August 14, 2025

Camille Duarte, Administrative Assistant III

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: August 19, 2025

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III CD

SUBJECT: Minutes from the July 15, 2025 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the minutes as submitted.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

Approved _____ Motion _____ Second _____ Agenda Item No. 1

Denied _____ Ayes _____

Continued _____ Noes _____ File No. _____

Tabled _____ Abstain _____

Absent _____

Camille Duarte
Recording Secretary

Lawrence Mainez
Community Development Director

PLANNING COMMISSION REGULAR MEETING MINUTES
July 15, 2025 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:05 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Jarrod Miller
	Commissioner	Nicole McCance
Absent:	Commissioner	Brent Merideth

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Octavio Duran, Public Works Director/City Engineer
Matt Wirz, Building Official
Angela Tafolla, Senior Planner
Camille Duarte, Administrative Assistant III
Scott Rice, City Landscape Architect

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from July 15, 2025 Regular Meeting.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner McCance to approve the minutes as amended. Motion carried 4-0, with Commissioner Merideth being absent.

PUBLIC HEARINGS

2. Design Review Application No. 25-004 (DRA-25-004) for the Site Plan, Landscape Plan, Grading Plan, and Building Elevations related to the construction of a 5,450 square-foot drive-thru carwash with 19 vacuum stations and to establish a comprehensive sign program for the site and adjacent self-storage, Accessory Sign Permit No. 25-013 (ASR 25-013).(Applicant: Aysar Helo, Location: Greenspot Rd approx. 1.2 miles east of the 210 freeway)

Senior Planner Tafolla presented the staff report.

Vice Chair Thomas asked is this the same project as Quick Quack car wash?

Senior Planner Tafolla stated Quick Quack is further east.

Commissioner Miller stated this project will be draining to the Greenspot Road storm drain. Can we get an update on the Greenspot Road tie in into City Creek?

City Engineer Duran stated this project isn't connecting to the main line on Greenspot Road. It's connecting to an existing catch basin that's on Greenspot Road that connects to the Lowe's shopping center. It then connects going west, which is Caltrans line.

Chair Hamerly opened the public hearing.

Applicant Aysar Helo stated this site plan was supposed to have a gas station and a car wash, but with the too many car washes and gas stations we decided to take away the gas station. It was a really thin lot, we started about 110 feet and when we had the storage in the back originally was what we were going to put in the front. The site plan flows very well. Originally we had a different site plan, but requested we changed it to accommodate to the queuing. I know there's a lot of car washes popping up. I know all of them will do well, but just depending on which one is the is the better wash. With this one, we're a little bigger, lengthwise, our length is about 130 feet inside. We are installing top equipment; we are using a belt versus a full draw system. The design of the building is three story because all of the other car washes have towers. That's my presentation. Thank you.

Commissioner Miller stated it was mentioned that there is a lot of car washes, do you have demand studies to backup that claim?

Applicant Aysar Helo stated there have been and it is a feasible project. It is locally owned, and I will be onsite. I have seen many sites where they are right next to each other, and they do well. We are going to be using a recycled water clarifiers and with minimum freshwater use.

Chair Hamerly stated it was mentioned that the water and sewer is routed onto the site right now and it would mostly be gray water use and using recycled water for the wash cycles. Would that be capturing runoff from roof, both for extra storage and for this facility, filtering that and putting it into a storage chamber?

Applicant Aysar Helo stated there won't be gray water at all. All we are doing is whatever water we wash there is high pressure washers. The filter system goes down to like 5 microns and the recycled water is going to be almost as clean as drinking water.

Commissioner Miller stated I see that there is a fan palm on the landscaping plan. Is it an invasive species?

City's Landscape Architect Rice stated it is Mediterranean fan palm, it is low growing clustered palm, not invasive.

Chair Hamerly stated on the west facade of the car wash is on a 5 foot setback and there is no opportunity for tree cover at that location. Are there any solutions that we can soften a two story facade that is directly on the drive aisle that enters into the marketplace parking lot?

City's Landscape Architect Rice stated if you are looking at the In N Out property, the building elevation shows trees, but the landscape plan shows skyrocket junipers.

Chair Hamerly stated regarding the site plan, is there a Conditional of Approval that requires for screening of all the ground mounted equipment, would that include the vacuum equipment? How would it be shielded?

Applicant Aysar Helo stated the vacuums are enclosed. The only ones that are not enclosed are the suction one.

Vice Chair Thomas stated regarding the color red that was chosen, I just don't care for it at all. I think it clashes because of the stone that was selected. It almost has like a reddish purple kind of hint to it and when it's compared with the red.

Applicant Aysar Helo stated the color is fire red.

Vice Chair Thomas stated the car wash is named Rush Wash, is that the only business that exists for this type of car wash?

Applicant Aysar Helo stated yes, it is my son's name.

Chair Hamerly stated it looks like there is three different signs sizes and alignments. They show they are 36 square feet.

Applicant Aysar Helo stated they are the same size. The sign that says free vacuum is the final sign.

Vice Chair Thomas stated I was looking at different shades of red, and I like deeper shades of red, less bright.

Applicant Aysar Helo stated I am open to looking into a different shade of red.

Chair Hamerly stated under planning conditions page is 58, Item 3A and page 59, item 14 is a little bit of duplication. It is talking about parking spaces and the lighting levels. It stated, "All parking areas should be provided at nighttime, security, lighting, .5 foot candles." On item 14 it stated "All parking spaces will be right with nighttime, security lighting not to exceed .5. I don't know if those are saying two different things for a different reason, but they look to be highly repetitive.

Senior Planner Tafolla stated we could remove item 14.

Chair Hamerly stated Item 22 it stated, "All rooftop down drain should be installed on the interior of the building." Is that inside the walls or in the interior of the building?

Senior Planner Tafolla stated the point of that condition is so there is no exterior drains.

Chair Hamerly stated you might want to rephrase, to state inside the exterior walls of the building.

Commissioner Miller stated on utilities and construction condition item 42, it stated "Comply with the applicable requirements of NPDS permit program, provide written verification with the regional board specifying the projects WDID." Given that you've already been performing disturbance activities on site. Have you already acquired your WDID?

Applicant Aysar Helo stated I honestly do not know.

Commissioner Miller stated I would check with your Civil Engineer and see if they have acquired it and register their project and if you have not I would do it quickly.

Chair Hamerly stated on the engineering condition on page 73, item 14. It is talking about street improvements, and I think staff report referenced this, but I also remember from Extra Space Storage that they were doing the street improvement. Is that something that pertains to this project for item 14?

City Engineer Duran stated within Public Works and Engineering we know the storage project is under construction, you can never really be too sure. So, we tend to double up on the condition to make sure it's actually captured. Since the frontage is the same realistically it's whoever comes in first will be required to do the improvements before the occupancy.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner McCance to:

1. Adopt Resolution No. 2025 - 014 approving Design Review Application No. 25-004 for the Site Plan, Grading Plan, Landscape Plan, and Building Elevations related to the construction of a 5,450 square-foot drive-thru carwash with 20 vacuum stations, subject to the Conditions of Approval and the Findings of Fact as modified; and
2. Adopt Resolution No. 2025 - 015 approving Accessory Sign Review Application No. 25-013 to establish a sign program for a drive-thru car wash facility, subject to the Conditions of Approval and the Findings of Fact; and;
3. Direct Staff to file a Notice of Exemption with the County Clerk and the Board of Supervisors. Motion carried 4-0, with Commissioner Merideth being absent.

RESOLUTION NO. 2025 -014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING ACCESSORY SIGN REVIEW (ASR 25-013), TO ESTABLISH A SIGN PROGRAM FOR

DRIVE-THRU CARWASH LOCATED SOUTH SIDE OF GREENSPOT RD. APPROXIMATELY 1.2 MILES EAST OF THE 210 FREE-WAY AT FIFTH STREET/GREENSPOT RD. EXIT. ASSESSOR'S PARCEL NUMBERS: 1201-341-72.

RESOLUTION NO. 2025-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 25-004) FOR THE SITE PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS FOR THE CONSTRUCTION OF A 5,450 SQUARE FOOT DRIVE-THRU CARWASH WITH 19 VACUUM STATIONS ON AN APPROXIMATELY 1 ACRE SITE LOCATED SOUTH SIDE OF GREENSPOT RD. APPROXIMATELY 1.2 MILES EAST OF THE 210 FREE-WAY AT FIFTH STREET/GREENSPOT RD. EXIT. ASSESSOR'S PARCEL NUMBERS: 1201-341-72.

3. An Application by East Highland Land, LLC for the development of a 113-unit single-family planned residential community requiring a General Plan Amendment (GPA 24-002) and Zone Change (ZC 24-002) from Low Density/Single-Family Residential (LD/R1-10,000) to Planned Development (PD); Conditional Use Permit (CUP 24-006) for the adoption of a Planned Development; Design Review Application (DRA 24-009) for a related Site Plan, Building Elevations, Conceptual Landscaping and Grading Plan; Tentative Tract Map No. 20721 (TTM 24-003) for the subdivision two parcels into 113 residential lots and common areas; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV 24-003). (Representative: Diversified Pacific, Location: North of Greenspot Rd, South Santa Ana Canyon Rd.)

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller asked are there plans by the city or other agencies to ensure detailed floodplain studies in this area?

City Engineer Duran stated during this project we completed a Letter of Map Revision (LOMR), and it is out of the flood zone. They did prepare a study to receive approval from Federal Emergency Management Agency (FEMA) that was supported by the city. It was a recertification process and FEMA agreed that based on the hydrology study the boundaries of the floodplain could be updated and it is out of the project site.

Commissioner Miller stated the hydrology report does reference the FEMA mapping and shows the site within Zone A.

City Engineer Duran stated I am not certain it was attached in the package, but this map will be official by the end of October 2025. It will be live on their website, and we received an approval letter from FEMA.

Commissioner Miller asked does the city have a supporting study that will be supportive of this?

City Engineer Duran stated we do.

Commissioner Miller stated regarding the Line Fire we had debris in Plunge Creek and Flood Control cleaned the accumulated sediment; however, some was spread. I have concerns over current capacity of Plunge Creek. The levee that runs along Plunge Creek has a slump in the levee about 250 feet upstream. I would be interested if you could share the study with me.

City Engineer Duran stated I can do that.

Chair Hamerly opened the public hearing.

Applicant's Representative Nolan Leggio introduced himself and the development team with Diversified Pacific. I want to thank Assistant Community Development Director Stater and City Engineer Duran for their efforts on this project. Regarding the FEMA process, when Plunge Creek was installed there was a Letter of Map Revision (LOMR) done 20 years ago, however they never processed the LOMR because Flood Control did not care about removing them from the flood maps. Flood Control is the applicant to FEMA; it is not Diversified. We are here to answer any questions for you all.

Chair Hamerly stated on the proposed development standards on page 5, it stated a minimum front setback of 3 feet, however in the presentation it stated 5 feet.

Assistant Community Development Director Stater stated 3 feet is front yard, and minimum street side yard setback is 3 feet and interior set back is 5 feet.

Chair Hamerly stated typically, the development application and monument signage plays a big role. All of the gateway entries I am assuming will have signage, but the first southernmost intersection off Alta Vista has four corners which would be an opportunity, and another would be access point on Santa Ana Canyon Avenue. There is not landscaping and an entry sign into a development would have landscaping. I would like to see the landscape plan before it is implemented.

Assistant Community Development Director Stater stated the Applicant has declined monument signs at this time. In the future they prefer wall mounted signs. We can modify the Planning Condition.

Chair Hamerly stated on page 322 Conditional of Approval 35A stated "Architectural control shall be provided and shall include but be not limited to establishing requirement to obtain approval from the City of Highland for any additions, patios, accessory building structures and establishing minimum design guidelines." There are more than a handful of parcels in the entire development that have more than 10 feet for a rear yard. There is very little opportunity any of those even accessory structures would be allowable with the exception of maybe 10% of the lots in the entire development.

Assistant Community Development Director Stater stated they could build patio covers or a small accessory storage. The purpose of the condition itself is so there is no confusion in the future when the individual homeowners comes in on what the Homeowner's Association (HOA) allows

and the city has acknowledged what will be allowed. We can modify page 319; Condition 13 is for the neighborhood identification to come back to Planning Commission at a future date.

Commissioner Miller stated regarding the tract map and looking at the two basins that are that are proposed there, were those designed per San Bernardino County hydrology detention basin standards?

Applicant's Civil Engineer Rob Ohe stated yes they were. In conjunction with the cities consultant/ plan checker they used the San Bernardino County technical guidance document and the San Bernardino County template. It was reviewed by cities consultant and staff.

Commissioner Miller stated historically this is a floodplain. Plunge Creek used to drain through this property 50-60 years ago and there is potential even though the updated floodplain map does not show it for clogging to occur under the bridge. The old Greenspot Road area has been historically flooded, and houses have been damaged. Are there rationale that you can present to alleviate those concerns?

Applicant's Civil Engineer Rob Ohe stated we have a LOMR. Plunge Creek has been studied by our consultant who specializes in floodplain mapping and Plunge Creek was also reviewed by city staff, San Bernardino County staff and FEMA.

Commissioner Miller stated the new storm drain looks like it is being proposed on Greenspot Road?

Applicant's Civil Engineer Rob Ohe stated correct.

Chair Hamerly stated both basins have an emergency spillway which discharges across the sidewalks into the street directly.

Applicant's Civil Engineer Rob Ohe stated it is an emergency spillway. That is designed to happen in a 1,000 year storm.

Chair Hamerly asked what is the anticipated streetscape for shading/landscaping that is being vacated to development here?

Assistant Community Development Director Stater stated it has not been designed yet. We work in conjunction with the City Landscape Architect and the developer to ensure that it is heavily landscaped.

Chair Hamerly stated if we could get something that is replicating the profile down by Clubview Drive or towards Vista Verde by D.R. Horton where it is a curb adjacent parkway, to ensure the sidewalk is shaded on both sides. It is brutal in summer without having 3/4 of a mile without shade. Can we see that once it is designed before it is implemented?

Assistant Community Development Director Stater stated yes. We can modify Planning Condtion No. 18 that stated "The improvement plans for this area shall be submitted to the Community Development Director and Public Works Director for approval shall be submitted to the Community Development Division for approval by the Planning Commission.

Chair Hamerly stated the other concern has to do with interior. There are some yards that have a 5 foot setback that is almost big enough to put in a tree and there are very narrow streets. I am assuming the Fire Department has reviewed this, but typically they want to see a 26 foot wide street, however in this case 18 inches of that is rolled curb, so it is technically not a 26 foot wide street. Has the Fire Deparment signed off on this?

Assistant Community Development Director Stater stated yes.

Chair Hamerly stated the same lot numbers that were recited for the landscape issues, but I am targeting lots 1-8, 62-68, 74-82. I would like those flags specifically for enhanced elevations something equivalent to the front facade, especially on Santa Ana Canyon Avenue. There will be no screening whatsoever along Alta Vista for lots 62-68 and 1-8. The access between lots 67-68 the two homes are going to be 28 feet apart, not sure where the garage is located, but usually you want to see about 24 feet of backup space coming out of the garage. Something needs to be changed because it is going to be tight.

Assistant Community Development Director Stater stated the garage is on sheet 3.

Chair Hamerly stated the garage is on the west side of lot 68. Regarding the floor plans, front yard landscaping and one of the models has a side entry and it has a 5 foot set back. If they push the return wall just in the back of the front door and ran it across to the adjacent property, then at least would have the ability to have some elbow room going to that entry. The other way to increase 10% of your usable yard area for every lot in the subdivision would be to have one side be a 0 lot line. That way, instead of having 25 foot setbacks now, at least it will be a 110 foot setback and have something usable on the side, and it would have minimal impact.

Chair Hamerly stated regarding architectural exhibit plan 1, if that was on a zero lot line, there are no windows or openings in that except for the pedestrian garage door. There are three facades that virtually have no architectural treatment to break up the roof line, minimal treatment on the rear elevation. It is a major concern, something needs to be done at the roof line to enhance it, such as introduce a gable or pop out.

Vice Chair Thomas stated lately a lot of the tracts that have come before us are missing the rear elevations and areas that are visible. It seems like each one is less and less, and this one is the most or the least I have seen so far out of all of the developments.

Applicant's Representative Nolan Leggio stated listening to the conversation regarding architecture, I understand your concern, particularly on the visible rears. As you mentioned, spending money on the side is not really visible from the public and is not something people who want to buy the homes want to spend money on. To give you more context, when we first started this project, we looked at a variety of different densities on what makes the most sense. There was out preliminary applications looking at townhouses and had conversations about going denser. Due to the character around single family housing, we thought the best bang for your buck is the product mix where your home buyers are receiving more value than a townhouse. There is a price point element to the product we are proposing to begin with which is first time homebuyer housing and obviously larger lots ease some of those concerns, but it does make the housing more expensive and harder for people to afford. I recognize the concerns, particularly on the high visibility public facing rears.

Chair Hamerly stated on A4, regarding the stair and restroom windows, the right elevation has an offset condition. It shows stepped windows, and I would suggest pick an elevation and go with it, because when they are right next to each other and more or less a foot difference in height, it looks odd. On the Farmhouse front elevation, I am not sure the thickness of the columns are, but we only have a 3.5 foot wide opening between them and it is massive.

Vice Chair Thomas stated I really like the colors that were chosen for these homes. The front is beautiful.

Vice Chair stated I have a question regarding the color palettes, what determines which house gets which color? Do homeowners get to pick or is it established on a certain number of houses?

Applicant's Representative Nolan Leggio stated in the precise grading plan we will put elevation and color schemes on every house, and we will pre plot that and plan a review during the final engineering process with the city. If the homeowners request to pick a certain color we will review it and see if it is possible, we just do not want two or three sequentially. If it works we will try to accommodate it, however it will have to be modified with what the city has approved.

Commissioner McCance stated regarding the landscaping plans, I noticed the drought resistant plants are toxic to dogs and we are a very dog friendly community here. Are the plants going to be near walking paths?

City Landscape Architect Rice stated the Applicant's Landscape Architect proposed a generalized plant pallet; they have not shown an exact layout of the shrubs. We can look at that closer during the construction drawings and work with the Applicant's Landscape Architect to be cognizant of the public spaces and where dogs will be walking.

Chair Hamerly stated back to the maneuvering spaces getting out of driveways.

Commissioner Miller stated we have been seeing a lot more of these hammerhead type of situations, are we 100% confident that trash service will be able to meander through these streets and access the trash cans?

Assistant Community Development Director Stater stated Public Services Manager Morgan who oversees solid waste and recycling, and her typical response is, is if the fire truck can get there, the trash truck can do the same, however she did not comment otherwise.

Chair Hamerly stated would these lots that are served off an alley have to drag their trash can all the way to a street?

Assistant Community Development Director Stater stated that is not my understanding.

Commissioner Miller stated there are a couple of cases where there is a driveway at the very end of the alley, and the residents trying to get their trash can out and a trash truck trying to get out.

Assistant Community Development Director Stater stated yes, I see what you are referring to. That one is going to have a challenge, and they will have to pull their trash cans out a bit.

Chair Hamerly stated those are the lots I was looking for which are lot 8, 13, 20 and 100. Those four lots have a curved driveway and backing all the way to the street in the case of lots 13 and 14. You're backing all the way down an alley to be able to make a three-point turn to turn to turn around. That could be difficult because it looks like those might be 80 to 90 feet. There is not a straight space to back out, it is an instant curve once you leave the garage.

Assistant Community Development Director Stater stated there is maximum number for them to back up. I do not recall what it is, however, I will check with Public Service Manager Morgan to check those figures and make sure the service will be handled properly.

Chair Hamerly stated we have Planning Condition Approval No 13, and 18 to modify. Engineering Conditions of Approval No. 13 stated "Santa Ana Canyon road complete sidewalk gap in accordance with City Highland standards installation of curb ramps to be compliant with current ADA." That walkway would not be continuous on the south side of Santa Ana Canyon and there is a note that landscaping is not required. Is that because it is out of the right of way?

City Engineer Duran stated the property to the east of the project is owned by the Flood Control District, so we extended the requirement to install sidewalk so that we would not leave a gap. The sidewalk would be installed on the flood control frontage, and it would not leave a gap between the project and the Flood Control site. There will be no landscaping in the Flood Control property.

Chair Hamerly stated ok thank you.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner McCance to adopt Resolution No. 2025 -016, recommending the City Council take the following actions:

- Approve a Mitigated Negative Declaration (ENV 24-003) and direct Staff to File and Notice of Determination with San Bernardino County Clerk of the Board of Supervisors;
- Approve a General Plan Amendment (GPA 24-002) to change the land use designation of the site from Low Density (LD) Residential to Planned Development (PD);
- Approve a Zone Change (ZC 24-002) to change the zoning designation of the site from Single-Family Residential (R1-10,000) to Planned Development (PD);
- Approve a Conditional Use Permit (CUP 24-006) for a Planned Development consisting of a 113-unit single-family development and related improvements, subject to the Conditions of Approval and Findings of Fact as modified;
- Approve a Design Review Application (DRA 24-009) for the Site Plan, Building Elevations, Conceptual Grading, and Conceptual Landscape Plan

for the residential development, subject to the Conditions of Approval and Findings of Fact as modified; and

- Approve Tentative Tract Map No. 20721 (TTM-24-003) for the subdivision of two (2) parcels into 113 single-family lots and common areas, subject to Conditions of Approval and Findings of Fact as modified. Motion carried, 3-1, with Chair Hamerly voted no and Commissioner Merideth being absent.

Chair Hamerly stated I support the zone change and Conditional Use Permit. However, I am voting no because I have serious misgivings about the Design Review Application. If those items are worked out per our discussions and then I would have a greater level of comfort, but that is one aspect I do not support. When there is a Planned Development it is to have superior design and some benefit that you could not achieve with a regular traditional subdivision. I do not think they went far enough in giving the extra level of design. It is primarily for item E, Design Review Application.

RESOLUTION NO. 2025 - 016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AN APPLICATION FOR THE DEVELOPMENT OF A 113-UNIT SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT INCLUDING GENERAL PLAN AMENDMENT NO. GPA 24-002 AND ZONE CHANGE NO. ZC 24-002 FROM LOW DENSITY/SINGLE-FAMILY RESIDENTIAL (LD/R1-10,000) TO PLANNED DEVELOPMENT, CONDITIONAL USE PERMIT NO. CUP 24-006 FOR THE ADOPTION OF A PLANNED DEVELOPMENT, DESIGN REVIEW APPLICATION NO. DRA 24-009 FOR THE RELATED SITE PLAN, BUILDING ELEVATIONS, CONCEPTUAL LANDSCAPING AND GRADING PLAN, TENTATIVE TRACT MAP NO. 20721/TTM-24-003 FOR THE SUBDIVISION OF TWO PARCELS INTO 113 RESIDENTIAL LOTS AND COMMON AREAS, AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ENVIRONMENTAL FILE NO. ENV 24-003, LOCATED NORTH OF GREENSPOT ROAD, SOUTH OF SANTA ANA CANYON ROAD, EAST AND WEST OF ALTA VISTA, ASSESSORS PARCEL NUMBERS 1210-371-14 & 1210-371-16.

4. Municipal Code Amendment (MCA 25-002) to consider amending Chapter 16.76 *Floodplain Management* of the Highland Municipal Code with Federal Emergency Management Agency (FEMA) requirements and making a finding of exemption under California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15061(b)(3).

City Engineer Duran presented the staff report.

Commissioner Miller asked are there specific impacts to residents within the city that currently are within the floodplain and are paying flood insurance?

City Engineer Duran stated no specific impacts. Right now, we are eligible for the program. This is really to maintain eligibility, so I guess not doing this could impact our compliance and they could scale back the insurance program for the city.

A MOTION was made by Commissioner Miller and seconded by Vice Chair Thomas to adopt Resolution No. 2025 - 017 recommending that the City Council:

1. Introduce an ordinance to amend Chapter 16.76 *Floodplain Management* to comply with Federal Emergency Management Agency (FEMA) requirements; and
2. Making a finding of exemption under California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3). Motion carried, 4-0 with Commissioner Merideth being absent.

RESOLUTION NO. 2025 - 017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE HIGHLAND MUNICIPAL CODE, TITLE 16 (LAND USE AND DEVELOPMENT), CHAPTER 16.76 (FLOODPLAIN MANAGEMENT) TO UPDATE REQUIREMENTS IN ACCORDANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AND MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); MUNICIPAL CODE AMENDMENT (MCA 25-002).

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled August 19, 2025.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:25 p.m.

Submitted by:

Camille Duarte, Administrative Assistant III

Approved by:

Randall Hamerly, Chair

STAFF REPORT

TO THE APPEALS BOARD

DATE: August 19, 2025

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer G.C.

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property located at 26589 Highland Ave., Highland, CA 92346 Tax Assessor's Parcel Numbers 1191-241-01, 1191-241-02, &1191-241-03 (Pepper Steak Restaurant).

PROPERTY OWNER: Nikolaos Farantos, Soula Farantos, & Konstantino Farantos

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2025 - ____, declaring the existence of a public nuisance on the Property generally located at 26589 Highland Ave., Highland, CA 92346 and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the Property. Staff will present the Property Owner(s) of record with the cost of the City's efforts to abate the violations at the time all violations are remedied. If the Property Owner(s) elect not to pay for the City's cost to abate the violations, a Public Hearing will be held to assess the property for the cost of the abatement process.

PUBLIC NOTICE: Pursuant to Chapter 8.32, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the Property Owner(s) on July 31, 2025. (Attached hereto as Exhibit "1" attachment "D" and incorporated herein by reference). In addition, on July 31, 2025, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "E" and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. 2
Denied _____	Ayes _____		
	Noes _____		File No. _____
Continue _____	Abstain _____		
	Absent _____		

Caille Dorti
Recording Secretary

Lawrence Mainez
Community Development Director

BACKGROUND:

Aug. 31, 2023 This case was initiated due to a complaint received regarding a Taco Stand (Food Vendor) operating from the parking lot of the property without City and County Department of Public Health approvals or permits and loud music at the property located at 26589 Highland Ave., Highland, CA 92346, APNS: 1191-241-01, 1191-241-02, & 1191-241-03.

Sep. 06, 2023 Code Compliance Officer Gary Chambers contacted the Business Owner by phone regarding the complaint received about the unpermitted business activity occurring on the property. The Business Owner stated that he would come in and speak with the City's Planning Division. An **Initial Contact Letter** was mailed to the property owner's address of record by regular mail.

Sep. 06, 2023 The Business Owner came to City Hall to discuss a permit for the parking lot Food Vendor operating as part of the Pepper Steak Restaurant after hours. The Business Owner was informed that he would need to obtain all necessary permits from the San Bernardino County Department of Public Health before the City's Planning Division would review and consider the use and expansion of the restaurant. The Business Owner was given a Staff Review Permit Application. The Business Owner never returned to submit the entitlement application to legalize the use and expansion of the business/restaurant.

Oct. 28, 2023 At approximately 12:31 am, while conducting patrol, the Highland Police Department observed the Food Vendor operating from the property/restaurant. Food was being prepared and cooked outside the restaurant on the patio. Photographs were taken and forwarded to City Code Compliance Staff. **Administrative Citation 15482, $100**, was issued and mailed to the property owner's address of record.

Dec. 17, 2023 The Food Vendor was observed operating from the property/restaurant without City and County Department of Public Health approvals or permits. **Administrative Citation 15490, $200**, was issued and mailed to the property owner's address of record by certified mail.

Jan. 08, 2024	Code Compliance Officer Justin Ramirez observed the Food Vendor operation being set up for the night. Chairs, tables, banners, LED lights, food preparation areas, and portable propane cooking stations were observed. Contact was made with the Property Owner, Mr. Farantos. The Property Owner was instructed to shut down the operation, he complied and shut down. The Property Owner was instructed to go to City Hall and discuss the use and expansion of the restaurant for the Food Vending operation with the City's Planning Division.
Oct. 03, 2024	The City received another citizen engagement complaint regarding the continued operation of the Food Vending from the property.
Oct. 10, 2024	The City's Code Compliance Staff conducted a food vending inspection with the San Bernardino County Department of Public Health to address the unpermitted food vending operations. At approximately 9:32 pm, Code Compliance Officer Gary Chambers and the County Public Health Official arrived at the property/business and observed the Food Vendor operating. The County Public Health Official provided education to the owner of the business and requested that all outside food preparation and cooking be moved inside the restaurant. The owner complied and moved everything inside. The owner stated he would come in on Monday to arrange a meeting with the City's Planning Division Staff.
Oct. 12, 2024	The City's Code Compliance Staff conducted a food vending inspection with the San Bernardino County Department of Public Health to address the unpermitted food vending operations. At approximately 9:02 pm, Code Compliance Gary Chambers and the County Public Health Official arrived at the property/business to conduct a reinspection and observed the Food Vendor operating. The San Bernardino County Public Health Official requested that all outside food preparation and cooking be moved inside the restaurant. The owner complied and moved everything inside.

Oct. 29, 2024 The owners of the food vending operation came to City Hall and had a meeting with the City's Assistant Community Development Director and Planning Division Staff. The owners stated that they operate as part of the restaurant and were no longer cooking outside per the direction of the San Bernardino County Department of Public Health. They were informed that the case would be discussed with the City's Community Development Director on a path forward for the use and expansion of the restaurant.

Oct. 30, 2024 The owners of the food vending operation were given a Staff Review Permit Application and instructed to submit it within two weeks. The owners were also instructed to cease the unpermitted food vending operation. The owners never returned to submit the entitlement application to legalize the use and expansion of the restaurant.

Apr. 18, 2025 The City's Code Compliance Staff conducted a food vending inspection with the San Bernardino County Department of Public Health. At approximately 7:40 pm, Code Compliance Officer Barrie Owens and the County Public Health Official arrived at the property/business and observed the Food Vendor operating. Portable griddles and hot food storage were placed in the covered patio area. The vendor/restaurant staff were actively cooking and storing cooked meats and other hot side dishes on the portable griddle inside the patio area. Condiments, salsa, cut vegetables, and other herbs and toppings were placed (unrefrigerated or iced) on tables outside the restaurant and inside the covered patio area. Additional food items were observed in ice chests, plastic containers, and plastic bags. The Public Health Official inspected the food and found all prepared and stored food inside the ice chests to be unsafe. Code Compliance Officers Barrie Owens, Justin Ramirez, and Public Services Staff immediately began embargoing the food upon the direction of the Public Health Official. The business/restaurant owner was educated by the Public Health Official and Code Compliance Officer Barrie Owens and instructed to cease operations. The Business Owner complied, and all food preparation and cooking was moved inside the restaurant.

Apr. 19, 2025

The City's Code Compliance Staff conducted a food vending inspection with the San Bernardino County Department of Public Health. At approximately 8:40 pm, Code Compliance Officer Gary Chambers and the County Public Health Official arrived at the property/business to conduct a reinspection. The Food Vendor was observed to be operating inside the restaurant kitchen at the time of inspection; however, a grill was observed outside in the rear southeast corner of the property. The Public Health Official spoke with the restaurant owner and Food Vendor and informed them that they were not permitted to park the mobile food trailer on the property per the conditions of their county health permit. Code Compliance Officer Gary Chambers spoke with both the business owner and Food Vendor regarding their failure to submit the required Staff Review Permit Application to legalize the use and expansion of the restaurant. The Food Vendor stated that they would come to City Hall the following Monday (4/21/2025) to submit the required application and to meet with the City's Planning Division Staff. The Public Health Official provided additional education regarding food safety issues for the condiments made available to the customers.

Apr. 24, 2025

The owners of the food vending operation came to City Hall to discuss legalizing the use and the expansion of the restaurant. City Planning Division Staff explained the Staff Review process and gave the owners a Staff Review Permit Application. The owners stated that they would complete and submit the application within one week. The business owners never returned to submit the entitlement application to legalize the use and expansion of the restaurant.

Jul. 09, 2025

Due to continued non-compliance, a decision was made to refer the case to the City's Planning Commission/Appeals Board for a Declaration of Public Nuisance.

Jul. 31, 2025

A **Public Hearing Notice** was posted at the property/business informing the property/business owners that a Public Nuisance Hearing had been scheduled for August 19, 2025, at 6 pm or soon thereafter. While at the property, Code Compliance Officer Gary Chambers observed that the mobile food trailer was still being parked or stored on site in violation of County regulations. A **Public Hearing Notice** was also mailed to the property owners by certified mail, return receipt requested. City Staff received the return receipt from the United States Post Office on 8/05/2025. The property owner signed for and received the **Public Hearing Notice** on August 1, 2025.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APNS: 1191-241-01, 1191-241-02, & 1191-241-03 (located at 26589 Highland Ave., Highland, CA 92346) has been permitted to exist in violation of the Highland Municipal & Development Codes, and therefore, constitutes a Public Nuisance. Specifically, the property is in violation of the following provisions of the Municipal & Development Code:

I. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).

II. Highland Municipal Code Section 16.20.030 (Commercial Use Regulations: restaurants, other than fast foods, without entertainment and/or serving alcoholic beverages, may be permitted subject to the approval of a staff review permit application in districts zoned General Commercial (Table 16.20.030(A)(95)(b)).

The property owners/business owners are requested to immediately cease the outside food vending operation, which is an unapproved and unpermitted use and expansion of the existing business/restaurant. Remove the mobile food trailer from the property (parking lot) and park it at an appropriate location as approved by the San Bernardino County Department of Public Health. Submit all applicable land use/permit applications prior to any future uses or expansion of the existing business/restaurant (Pepper Steak) within **thirty (30) days** from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2025_____, inclusive of the following attachments:

A. Initial Contact Letter dated September 06, 2023

B. Administrative Citation No. 15582, issued October 31, 2023

C. Administrative Citation No. 15490, issued December 18, 2023

D. Notice of Public Hearing & Public Posting Copy dated July 31, 2025

E. Notice of Public hearing (Affidavit of Mailing) dated July 31, 2025

F. USPS return receipt signed and dated August 1, 2025

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case Photographs dated October 28, 2023

Exhibit "4" Case Photographs dated December 18, 2023

Exhibit "5" Case photographs dated October 10, 2024

Exhibit "6" Case photographs dated October 12, 2024

Exhibit "7" Case photographs dated April 18, 2025

Exhibit "8" Case photographs dated April 19, 2025

Exhibit "9" Case photographs dated July 31, 2025

EXHIBIT "1"

Appeals Board Declaration of Public Nuisance Resolution

No. 2025____, Inclusive of the following Attachments

RESOLUTION NO. 2025 -

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1191-241-01, 1191-241-02, 1191-241-03, LOCATED At 26589 HIGHLAND AVE., HIGHLAND, CA 92346 (PEPPER STEAK RESTAURANT), AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #10621)

A. RECITALS

1. On August 31, 2023, this case was initiated due to a complaint received regarding an illegal food vendor and loud music at night on the property located at 26589 Highland Ave., Highland, CA 92346, APNS: 1191-241-01, 1191-241-02, & 1191-241-03 (Pepper Steak Restaurant). An inspection of the property revealed an illegal food vendor was operating from the property/restaurant without City and County Public Health approval or permits. The property/business owner is leasing to the Food Vendor operators and allowing them to use a portion of the restaurant for their operation.

2. The City of Highland has since inspected the Property numerous times and discovered that the Property owner continues to allow the unpermitted Food Vendor to operate and exist in violation of multiple sections of the Highland Municipal Code and therefore constitutes a public nuisance.

3. Initial Contact Letter was mailed/posted on;

   09/06/2023 (Attachment A)

4. Administrative Citations, were issued/mailed on;

   10/31/2023 (Attachment B)
   12/18/2023 (Attachment C)

5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on July 31, 2025. A copy of the notice was also posted at the Property (Attachment D).

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.

2. Staff timely notified the owner of the Property that the Planning Commission/Appeals Board would be holding a Public Hearing on August 19, 2025; that Notice is attached hereto as Attachment E. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner(s) of the Property, the Public, and Staff were considered.

3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.

4. The Planning Commission/Appeals Board has independently considered all relevant information of both the public and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a Public Nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property located at 26589 Highland Ave., Highland, California 92346, since at least October 28, 2023.

6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;

   a. Highland Municipal Code Section 8.32.020(C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).

   b. Highland Municipal Code Section 16.20.030 (Commercial Use Regulations: restaurants, other than fast foods, without entertainment and/or serving alcoholic beverages, may be permitted subject to the approval of a staff review permit application in districts zoned General Commercial (Table 16.20.030(A)(95)(b)).

7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance and hereby orders the Property Owner(s) to abate the aforementioned Violations, **within thirty (30) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Property as follows:

   a. Cease the outside food vending operation, which is an unapproved and unpermitted use & expansion of the existing restaurant/business.

   b. Remove the mobile food trailer from the property and park or store it at an appropriate location as approved by the San Bernardino County Department of Public Health.

8. Obtain Land use approvals or any other applicable permits prior to the establishment of any future uses on the property.

9. The administrative and incidental costs and expenses incurred in abating the nuisance, which are proved in accordance with provision of Highland Municipal Code Section 8.32.180, shall be assessed against the Property and shall result in a lien until paid.

10. Pursuant to Highland Municipal Code Section 8.32.110, the Planning Commission/Appeals Board of the City of Highland authorizes the abatement of the public nuisance by the city as follows:

   (a) If the owner, agent of the owner, lessee, occupant, or person in possession of the Property who are served with a notice of the final decision of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance, fail to take the required action **within thirty (30) days** as specified above, the City shall commence with the lawful procedures to have the Nuisance abated.

   (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Property until paid.

11. Any owner, occupant, or other party who has a legal or equitable interest in the Property may appeal the final order of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals

Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.

12. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance.

PASSED, APPROVED AND ADOPTED this 19th day of August 2025.

_____

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

_____

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Initial Contact Letter dated September 6, 2023

City of Highland
Community Development Department
Code Enforcement Division
27215 Base Line St.
Highland, CA 92346
Telephone: (909) 864-6861
Fax: (909) 862-3180

September 06, 2023

Resident
26589 E HIGHLAND AVE
HIGHLAND CA 92346

Subject: Case Number: 10621, Address: 26589 E HIGHLAND AVE

To Whom It May Concern:

The City of Highland has been, and is continually involved in an effort to improve the physical environment through many programs, one of which is through voluntary code compliance. Recently, this office received information that the condition of the subject property located at 26589 E HIGHLAND AVE may constitute a violation of the Highland Municipal Code regarding the property containing:
Unapproved business activity. Operating without business license. Please contact the Planning Division as soon as possible. Thank you.

If the alleged condition does exist, we respectfully ask that you take corrective action as quickly as possible to remove or eliminate the above referenced violation(s). Please contact this office when appropriate corrective measures have been taken so that we may close our case on this matter.

Please notify this office if you feel this complaint has been filed in error, or if the alleged conditions do not exist. Kindly refer to the case number listed above for proper handling. A site inspection will be conducted after 14 days to determine if further enforcement action may be necessary.

Thank you for your prompt attention to this matter. Your anticipated cooperation and help to protect, Highland property values and to preserve neighborhood integrity is appreciated. Should you have any questions, please feel free to contact our office at (909) 864-6861, Ext. 220.

Sincerely,

Gary Chambers
Code Enforcement Division Team

ATTACHMENT "B"

Administrative Citation No.15582, issued

October 31, 2023

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15482

ADMINISTRATIVE CITATION

Date: 10-28-2023 Time: 12:31 am (Violation Observed)

☐ WARNING

☒ 1st Citation - $ 100.00 ☐ 2nd Citation - $ _____

☐ 3rd Subsequent - $ _____

The payment listed above is due by 11-25-2023. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 11-03-2023. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: *LAST FIRST MIDDLE*

Farantos, Konstantinous

DL #:	DOB:
N/A	N/A

MAILING ADDRESS:

3803 Piedmont Dr., Highland, CA 92346

VIOLATION ADDRESS:

26589 Highland Ave., Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
HMC 8.32.020 (c)	Violation of any provision of the Highland Municipal or Development Codes.

CORRECTIONS REQUIRED: Expansion of restaurant use without city approval or permits. Cease operating food prep and service from the front patio after restaurant closes.

Signature of Issuing Officer

10-31-2023
Issued Date

Cary Chambers
Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

READ REVERSE SIDE FOR IMPORTANT INFORMATION

WHITE - DAILY FINANCE

ATTACHMENT "C"

Administrative Citation No.15490, issued

December 18, 2023

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15490

ADMINISTRATIVE CITATION

Date: 12-17-2023 Time: 4:14 pm (Violation Observed)

☐ WARNING

☐ 1st Citation - $ _____ ☒ 2nd Citation - $ 200.00

☐ 3rd Subsequent - $ _____

The payment listed above is due by 1-12-2024. See reverse side for payment and appeal instructions.

Corrections indicated below are required by Immediately. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: *LAST FIRST MIDDLE*

Farantos, Konstantinous

DL #:	DOB:
N/A	N/A

MAILING ADDRESS:

3803 Piedmont Dr., Highland, CA 92346

VIOLATION ADDRESS:

26589 Highland Ave., Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
HMC 8.32.020 (C)	Violation of any provision of the Highland Municipal or Development Codes.
HMC 16.20.030 (A)	Expansion of business without Land use approval

CORRECTIONS REQUIRED: Expansion of restaurant use without city approval or permits. Cease operating food prep and service in parking lot.

Signature of Issuing Officer — 12-18-2023 *Issued Date*

Cory Chambers
Printed Name of Issuing Officer

Mailed
Acknowledgement of Receipt (Signature)

READ REVERSE SIDE FOR IMPORTANT INFORMATION

ATTACHMENT "D"

Notice of Public Hearing & Public Posting Copy dated

July 31, 2025

CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

CITY OF HIGHLAND NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on the properties identified as APNS 1191-241-01, 1191-241-02, & 1191-241-03, 26589 Highland Ave, Highland, CA 92346. (referred to hereafter as ("The Properties") continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, August 19, 2025, at 6:00PM

LOCATION OF HEARING: City Hall Council Chambers 27215 Base Line Highland, CA 92346

You may bring any witnesses, pictures, photographs, reports, or any other exhibits to this hearing which you feel will establish or prove the Property is not a public nuisance. You may be represented by an attorney. You will have an opportunity to examine all evidence and witnesses testifying against you.

If the Appeals Board determines at the end of the hearing, that this Property is in fact a public nuisance, you will be ordered to abate the public nuisance or the condition thereof and your property will be assessed the City's administrative and incidental costs incurred up to that stage in the abatement process. This assessment will result in a lien upon your property until paid. Thereupon, if you fail to obey the Appeals Board's order to abate this nuisance, the City may do so for you, in accordance with applicable statutes [HMC Section 8.28.010 (A)(B)]. The costs and expense of abating the nuisance including the City's incidental and administrative expenses, may be recovered in an appropriate civil action, and will result in a lien upon the Property until it is paid. (HMC Section 8.28.020).

VIA CERTIFIED MAIL
RETURN SERVICE REQUESTED AND
FIRST CLASS MAIL

The conditions of the Property constituting a public nuisance are as follows: Non -Compliance with Commercial Use Regulations related to the use & expansion of the Business/Restaurant.

You may voluntarily abate the nuisance yourself by doing the following things:

Immediately cease the unapproved and unpermitted use & expansion of the business/restaurant. Obtain any necessary approvals and permits prior to the establishment of any future uses related to the business/restaurant.

If you choose to voluntarily abate this nuisance prior to this hearing, you may notify the Community Development Director at least three (3) days prior to the date of hearing set below, for a prehearing inspection.

Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File

CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 31, 2025

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTIES A PUBLIC NUISANCE DUE TO NON-COMPLIANCE WITH COMMERCIAL USE REGULATIONS RELATED TO THE USE & EXPANSION OF THE BUSINESS/RESTAURANT.

File Number:	APPEALS BOARD PUBLIC NUISANCE HEARING CASE #10621
SUBJECT:	A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Numbers: 1191-241-01, 1191-241-02, & 1191-241-03
PROPERTY OWNER(S):	Farantos, Nikolaos K; Farantos, Soula; Farantos, Konstantino
VIOLATION ADDRESS/APN:	26589 Highland Ave., Highland, CA 92346. APN: 1191-241-01, 1191-241-02, & 1191-241-03
HEARING LOCATION:	Highland City Hall Council Chambers 27215 Base Line Highland, CA 92346
DATE AND TIME OF HEARING:	**Tuesday August 19, 2025, at 6:00 PM (Or soon thereafter)**

ATTACHMENT "E"

Notice of Public Hearing, Affidavit of Mailing, dated

July 31, 2025

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 31, 2025, I caused to be served a copy of the attached Public Hearing Notice, Case #10621, Certified Mail, Return Receipt Requested, to the following parties: Nikolaos Farantos, Soula Farantos, & Konstantino Farantos. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Nikolaos, Soula, & Konstantino Farantos
3618 Pumalo St.
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 31, 2025.

Dated: 7/31/25

Camille Duarte

Camille Duarte, Administrative Assistant III
City of Highland

ATTACHMENT "F"

USPS return receipt signed August 1, 2025

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nikolaos, Soula, Konstantino Farantos
3618 Pumalo St.
Highland, CA 92346

9590 9402 7187 1284 8953 63

2. Article Number *(Transfer from service label)*

9489 0090 0027 6547 0204 08

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X K Farantos ☐ Agent ☒ Addressee

B. Received by *(Printed Name)* C. Date of Delivery 8-1-25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

K Farantos

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

USPS TRACKING# SN BERNARDINO CA 92

9590 9402 7187 1284 8953 63

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Code Compliance
ATTN: Gary CHAMBERS
27215 Base Line St.
Highland, CA 92346

EXHIBIT "2"

Aerial/Site Location Map

ArcGIS Web Map



8/5/2025, 2:39:57 PM

1:3,212

0 0.02 0.04 0.09 mi

0 0.04 0.07 0.14 km

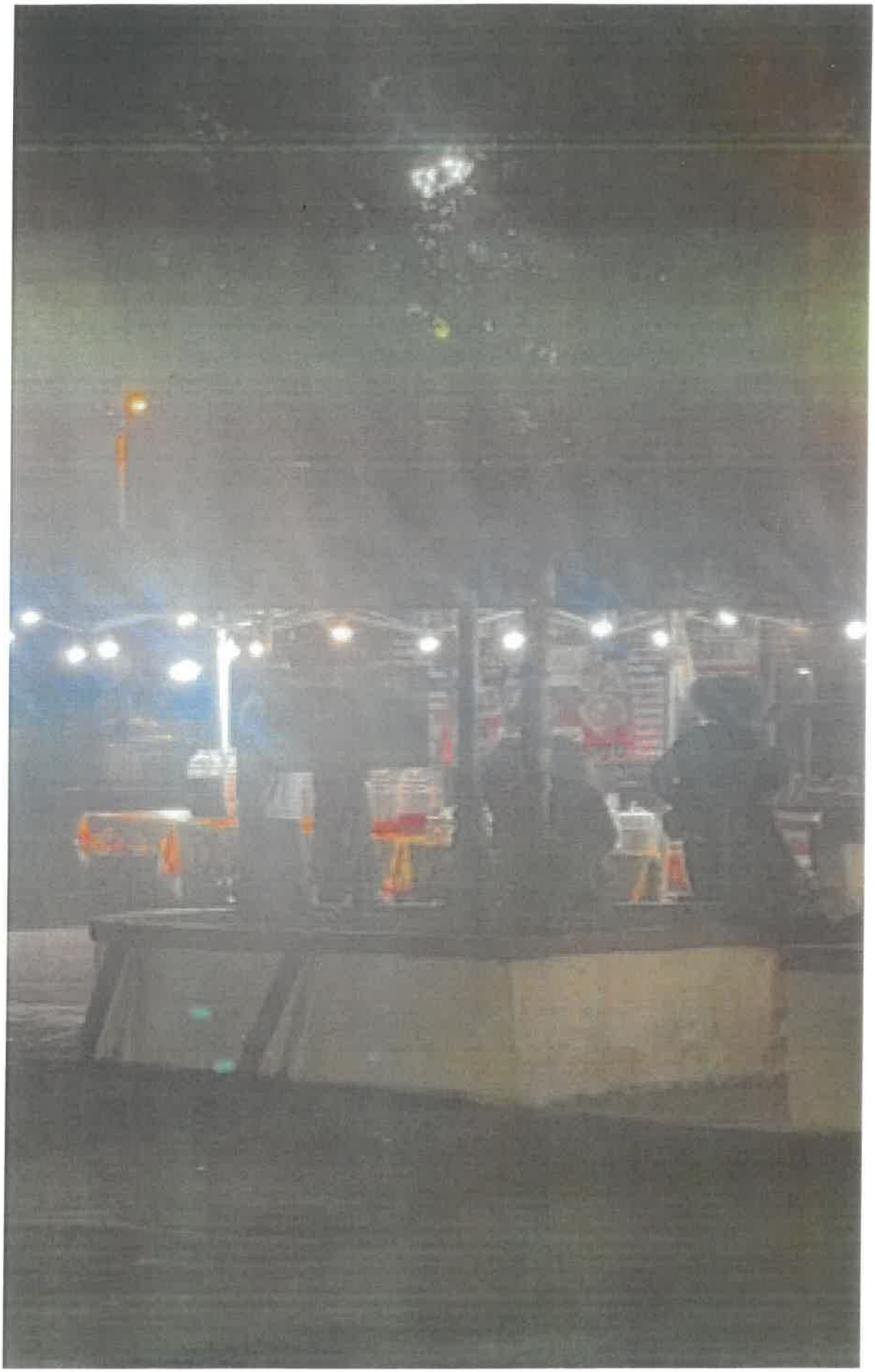
- Address Points
- Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, County of San Bernardino, Maxar, Microsoft

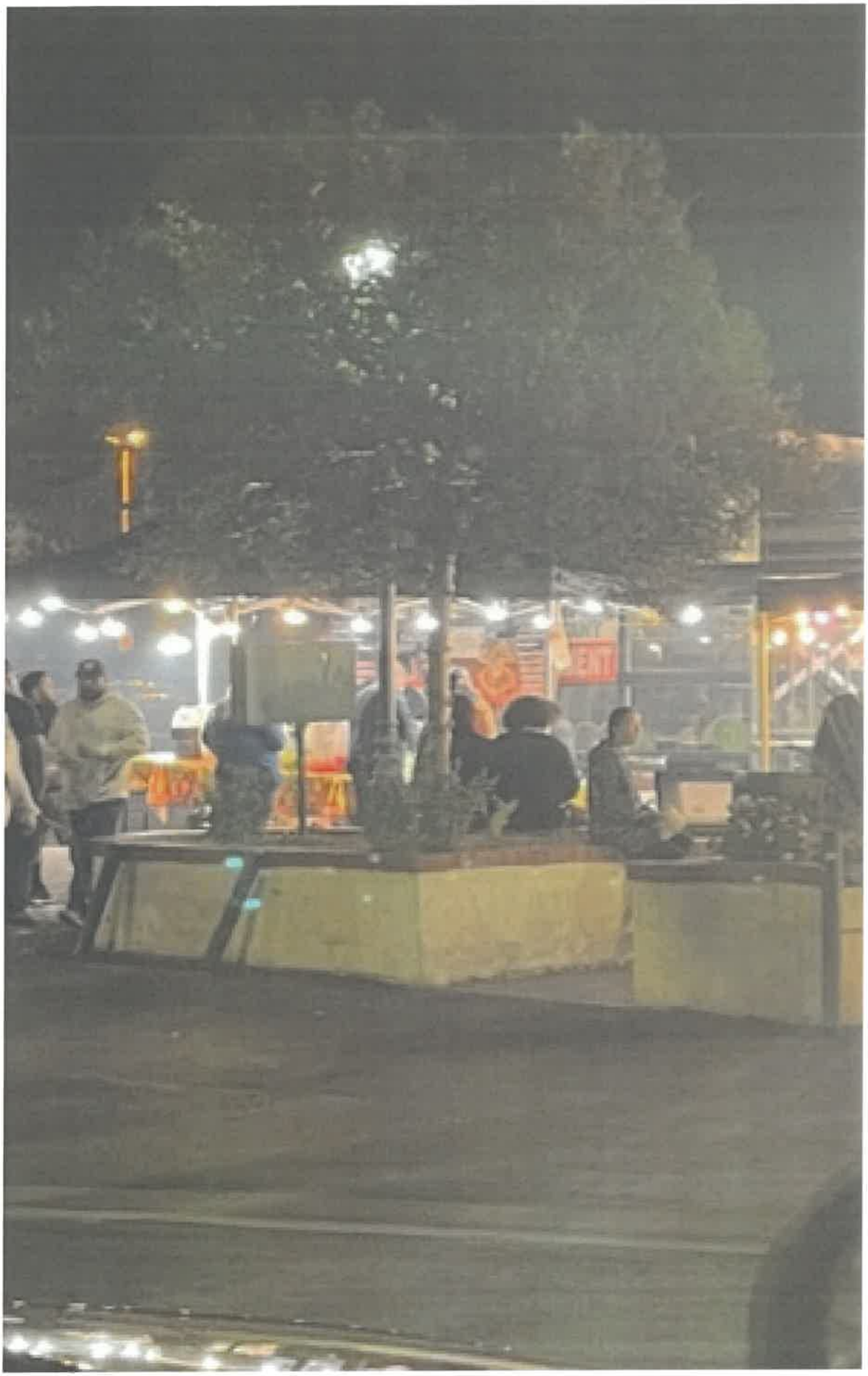
EXHIBIT "3"

Case photographs dated October 28, 2023


TACOS
SODAS FRIAS
facebook
Add a Caption
Saturday • Oct 28, 2023 • 00:34
Adjust
IMG_7663
Apple iPhone 12 Pro
HEIF
Telephoto Camera — 52 mm ƒ2
12 MP · 3024 × 4032 · 737 KB
ISO200
167mm
0ev
ƒ2
1/60s
Add a location...
Show in All Photos



5



3

EXHIBIT "4"

Case photographs dated December 18, 2023


OPEN
PICK - UP
WINDOW

EXHIBIT "5"

Case photographs dated October 10, 2024


2024/10/10 21:33


2024/10/10 21:32


2024/10/10 21:33


2024/10/10 21:33


TACOS
2024/10/10 22:02


2024/10/10 21:41


POLICE
TACOS
2024/10/10 22:02


PEPPER STEAK
BREAKFAST
OPEN 8am to 4am
TACOS AL CARBON
2024/10/10 21:42


2024/10/10 21:32

EXHIBIT "6"

Case photographs dated October 12, 2024


10/12/2024 21:07




10/12/2024 21:08


10/12/2024 21:07

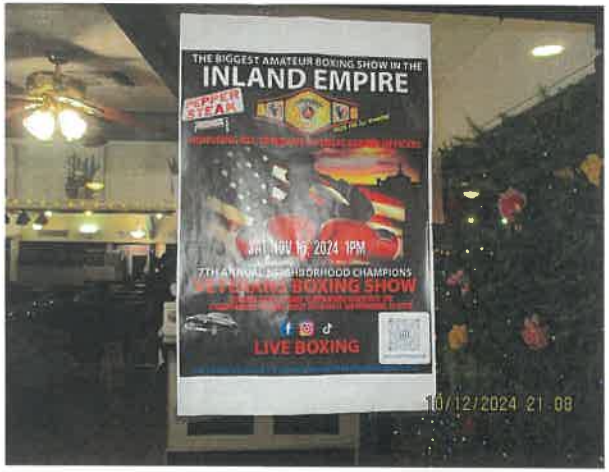

10/12/2024 21:07




10/12/2024 21:06


10/12/2024 21:07




THE BIGGEST AMATEUR BOXING SHOW IN THE
INLAND EMPIRE
SUPPER STEAK
LIVE BOXING
10/12/2024 21 08


10/12/2024 21 08

EXHIBIT "7"

Case photographs dated April 18, 2025


















Chorizo




Sprite
Sprite
Sprite


04/18/2025 19:50




04/18/2025 19 50

EXHIBIT "8"

Case photographs dated April 19, 2025


2025/04/19 20:50


2025/04/19 20:51

EXHIBIT "9"

Case photographs dated July 31, 2025


OPEN


PEPPER STEAK
OPEN 8am to 4pm
TACOS AL CARBON


ATM
INSIDE










(909) 254-7555

STAFF REPORT

TO THE PLANNING COMMISSON/APPEALS BOARD

DATE: August 19, 2025

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer GC

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 12500 issued due to the use of illegal fireworks. in accordance with Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety), of the Highland Municipal Code, at the property generally located at 25852 Byron St, San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), Tax Assessor Parcel Number 1191-151-54. Cited: Gavino Cervantes.

(SB 1439 Campaign Contributions and Conflicts of Interest – Government Case Section 84308 is not applicable)

APPELLANT: Gavino Cervantes

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 12500 and adopt Resolution No. 2025 - _____.

FISCAL IMPACT: The fiscal impact related to this Appeal are negligible, and include Staff's time to prepare the required notices and staff report.

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to Gavino Cervantes & Natalie Cervantes on July 31, 2025. In addition, on July 31, 2025, staff posted the Public Hearing Notice in the three designated posting locations, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as **Exhibit 4** and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. 3
Denied _____	Ayes _____		
	Noes _____		File No. _____
Continued _____	Abstain _____		
	Absent _____		

Recording Secretary

Community Development Director

BACKGROUND:

July 4, 2025	During a driving reconnaissance conducted by the city, at approximately 8:57 pm, Code Compliance Officer Gary Chambers observed fireworks discharge by an individual associated with a gathering at the subject property. The observation was documented in writing during the incident, and the action was recorded utilizing a dashcam video system for evidence purposes.
July 16, 2025	In accordance with HMC 2.56.050 (D), Citation No. 12500 was mailed to the Appellant (attached hereto as **Exhibit 2**).
July 24, 2025	The Appellant submitted a City of Highland Administrative Citation **Notice of Appeal Request for Hearing,** appealing to the Planning Commission/Appeals Board (attached hereto as **Exhibit 3**).
July 31, 2025	Code Compliance Officer Gary Chambers mailed a **Public Hearing Notice** to the property owner in accordance with HMC 2.56.130.

ADDITIONAL ANALYSIS:

The Appellant was cited for use of prohibited fireworks by an individual associated with a gathering at the property as witnessed by the issuing Code Enforcement Officer and further documented with Dashcam video recording. The Dashcam video will be played during the Appeal Hearing for the Planning Commission/Appeals Board consideration.

CONCLUSION: As witnessed by the issuing Code Officer and Dashcam video recording and the exhibits incorporated herein by reference, Staff recommends the Planning Commission/Appeals Board uphold Administrative Citation No. 12500 and approve the attached Resolution (**Exhibit 6**). Specifically, the Administrative Citation was issued for the following violation of the Highland Municipal & Development Code:

I. Highland Municipal Code Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety). During a driving reconnaissance conducted by the city in the evening of July 4, 2025, staff witnessed an individual, associated with a gathering at the subject property, discharging fireworks. This observation was documented in writing during the reconnaissance, and the action was recorded utilizing a dashcam video system for evidence purposes.

Exhibit "1" Aerial / Site Location Map

Exhibit "2" Administrative Citation No. 12500 dated July 16, 2025

Exhibit "3" Notice of Appeal, Request for Hearing, received July 24, 2025

Exhibit "4" Notice of Public Hearing (Affidavit of Mailing) dated July 31, 2025

Exhibit "5" Case photographs dated July 31, 2025

Exhibit "6" Planning Commission/Appeals Board Resolution 2025-_____, inclusive of the following attachments:

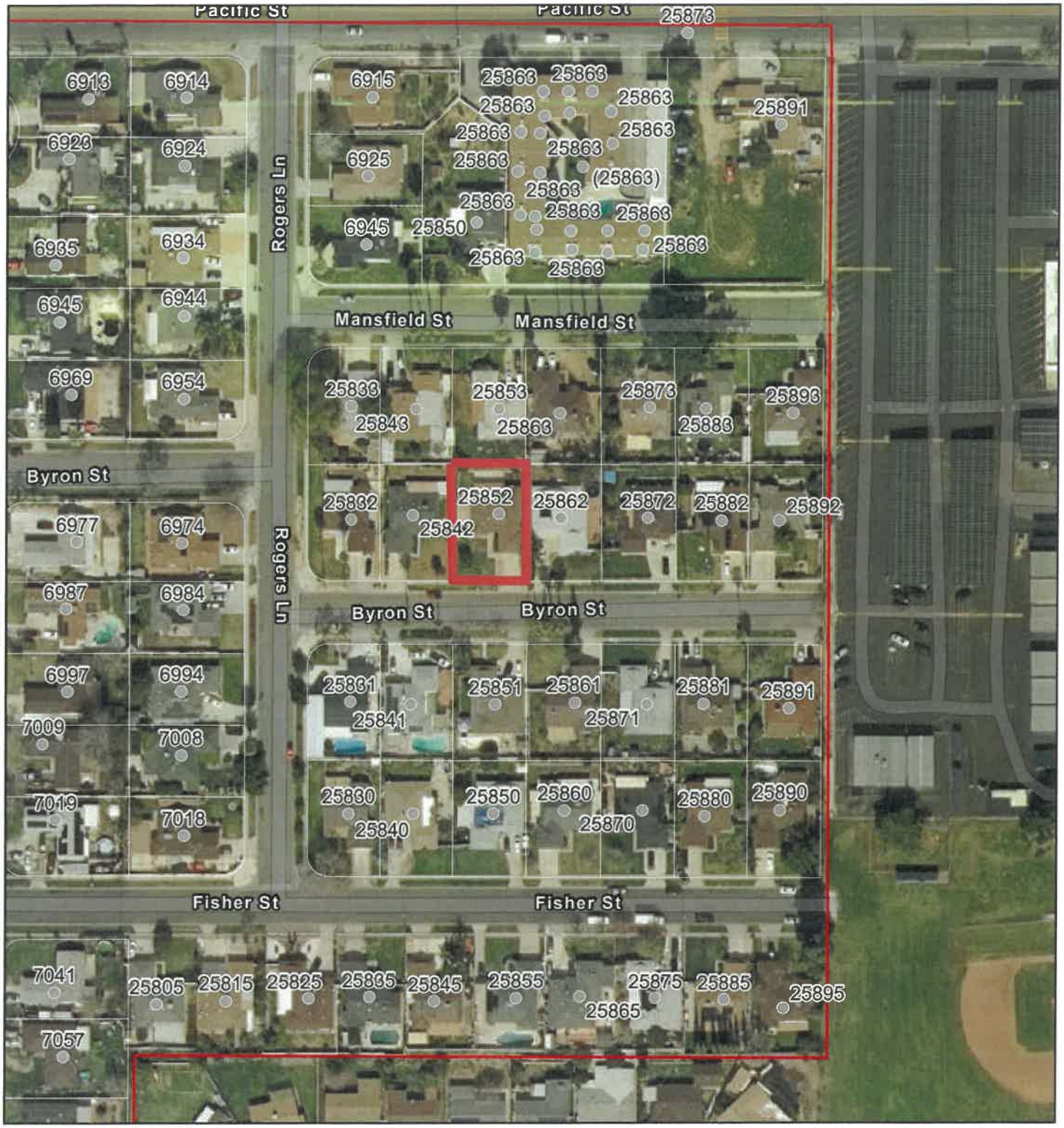
A. Administrative Citation No. 12500, issued July 16, 2025

B. Notice of Public Hearing dated July 31, 2025

EXHIBIT "1"

Aerial/Site Location Map

ArcGIS Web Map



8/14/2025, 7:34:36 AM

1:1,927

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

- Address Points
- Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, County of San Bernardino, Maxar, Microsoft

EXHIBIT "2"

Administrative Citation No. 12500 dated July 16, 2025

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

ADMINISTRATIVE CITATION
(per Highland Municipal Code (HMC) - Chapter 8.58)

ADMINISTRATIVE CITATION: FW #12500
DATE OF CITATION: 7/16/2025
DATE OF VIOLATION: 7/04/2025 / 8:57 pm
~~LOCAION OF VIOLATION: 25852 BYRON ST, SAN BERNARDINO, CA 92404~~ **(within the corporate boundaries of the City of Highland)**
NAME OF RESPONSIBLE PERSON: CERVANTES, GAVINO
CITEE MAILING ADDRESS: 25852 BYRON ST
CITY, STATE, ZIP CODE: SAN BERNARDINO, CA 92404

MUNI/STATE CODE SECTON VIOLATED	VIOLATION DESCRIPTION	FINE
HMC 8.58		$ 2,000.00
	TOTAL:	$2,000.00
	MUST BE PAID WITHIN 25 DAYS	

DESCRIPTION OF VIOLATION(S):

On July, 4, 2025, a City of Highland Code Compliance Officer and/or City Director/Manager/Supervisor observed fireworks discharged by an individual associated with a gathering at your property. Pursuant to Highland Municipal Code Section you have been identified as a responsible person and are strictly liable for any violation of that chapter which occurs.

SIGNATURE OF ISSUING OFFICER: _____

PRINT NAME OF ISSUING OFFICER: Corey Chambers

ACKNOWLEDGEMENT OF RECEIPT – Citee: "Mailed"

(Signature if issued in person)

Highland Municipal Code Chapter 2.56 allows designated City official to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are $100 for the first Citation, $200 for the second Citation, and $500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are $500 for the first Citations, $750 for the second Citations, and $1000 for the third Citation and the subsequent Citations. The fines for illegal Fireworks violations are $2,000 for each occurrence. These fines accumulate within a one-year period from the date of the first Citation. Citations that have not been paid within 30 days from the date of issuance, will be doubled. You will have an additional 30 days to pay the new citation amount (doubled) or it will be submitted to our collection agency for further action.
A warning, if issued, does not incur a fine.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

It is the City's desire to gain voluntary compliance to promote and maintain safe and desirable living and working conditions. When voluntary compliance is not achieved, a Citation my be issue. If the Citation does not result in compliance there are numerous enforcement options that can be used to encourage the correction of violations, including but not limited to civil penalties, abatement, criminal prosecution, civil litigation, recording the violations with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, demolish structures or make necessary repairs at the owner's expense, and/or incarcerate violators. The City may use any of these options or multiple options to correct the violations.

HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this Citation. You can make a payment by mail or in person to the City of Highland located at 27215 Base Line, Highland, CA 9234. Payment should be made by personal check, cashier's check, or money order payable to the City of Highland. **Please write the Citation number and violation address on your check or money order.**

If you do not properly appeal the Citation within ten (10) calendar days from the date of service of the Citation as explained below, you have twenty-five (25) calendar days to pay the entire fine, or a penalty fee will be added to the Citation and the case referred to the City's collection agency for further legal action. **Payment of the fine and/or penalty shall not excuse the failure to correct the violation no shall it bar further enforcement by the City.**

CONSEQUENCES OF FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHT TO APPEAL

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the citation. The date of the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is serviced; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is a final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of the Citation.

EXHIBIT "3"

Notice of Appeal, Request for Hearing, received July 24, 2025

RECEIVED
JUL 24 2025
CITY OF HIGHLAND

City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: _____, Highland, California, an Appeal is hereby made relative to Administrative Citation No. _____ (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

☑ This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

☐ The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

☐ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee for the first appeal.

☐ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the $35.00 first Administrative Hearing Fee, so I am submitting the $35.00 Administrative Hearing Fee for the second appeal.

☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order or credit card payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? I would like to have this Citation FW #12500 appealed and open an investigation for a thorough review on whomever was on our block See Attached Statement

I am delivering or mailing all my documents to:

City of Highland
Finance Department
27215 Base Line
Highland, CA 92346

Today's Date: July-23-2025

Name of Appellant: Gavino Cervantes

Address: 25852 Byron St Highland CA 92410

Signature of Appellant:

City of Highland-Finance
27215 Base Line
(909)-864-6861

S 111819
07/24/2025 17:27:57.000 Reg CASHIER
Validation Receipt
Payor: CERVANTES JR.,
CHARGES-

APPEAL

5210 $ 2000.00
ADMIN CITE FW#12500

Sub-total $*******2035.00

PAYMENT-
Charge $ 2035.00

Change $**********0.00

EXHIBIT "4"

Notice of Public Hearing (Affidavit of Mailing) dated July 31, 2025

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 31, 2025, I caused to be served a copy of the attached Public Hearing Notice, Case #12500 by Certified Mail, Return Receipt Requested, to the following parties: Gavino & Natalie Cervantes. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Party as more fully detailed below.

Gavino & Natalie Cervantes
25852 Byron St.
San Bernardino, CA 92404

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 31, 2025.

Dated: 7/31/25

Camille Duarte, Administrative Assistant III
City of Highland

EXHIBIT "5"

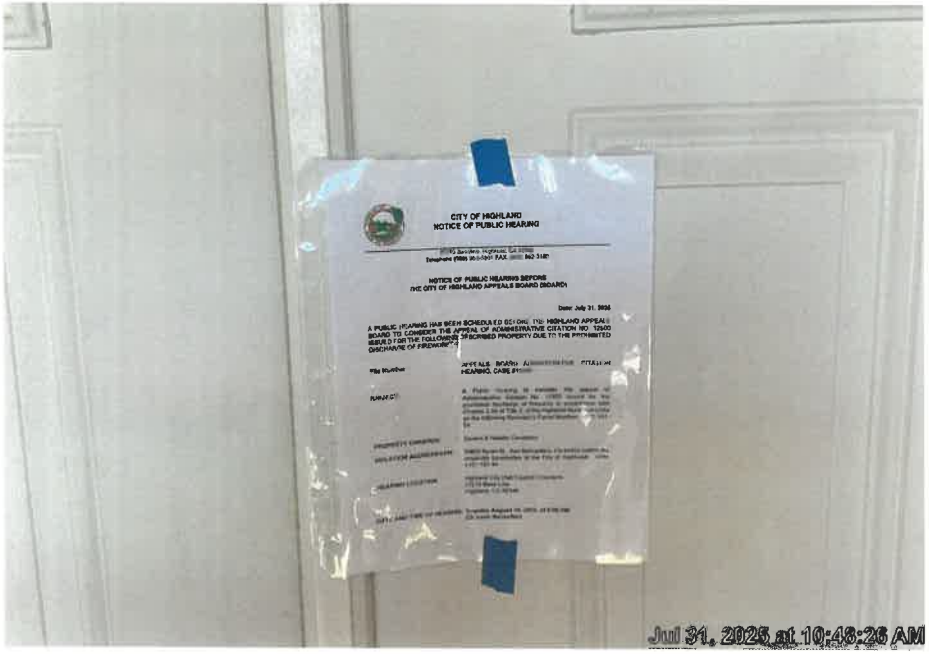
Case photographs dated July 31, 2025


Jul 31, 2025 at 10:46:50 AM


Jul 31, 2025 at 10:47:01 AM


Jul 31, 2025 at 10:48:40 AM


Jul 31, 2025 at 10:47:00 AM


CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING BEFORE
THE CITY OF HIGHLAND APPEALS BOARD BOARD
Jul 31, 2025 at 10:48:26 AM


Jul 31, 2025 at 10:47:09 AM

EXHIBIT "6"

Appeals Board Resolution No. 2025 - _____,

Inclusive of the following Attachments

RESOLUTION N0. 2025-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A VIOLATION OF THE MUNICIPAL CODE EXISTED BECAUSE OF ACTIONS TAKEN BY AN INDIVIDUAL ASSOCIATED WITH THE PROPERTY IDENTIFIED AS APN: 1191-151-54, GENERALLY LOCATED AT 25852 BYRON ST., SAN BERNARDINO, CA 92404 (WITHIN THE CORPORATE BOUNDRIES OF THE CITY OF HIGHLAND), ON JULY 4, 2025, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 12500.

WHEREAS, on, July 16, 2025, Highland Staff issued Administrative Citation No. 12500 which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal Code associated with the property located at 25852 Byron St., San Bernardino, California (within the corporate boundaries of the City of Highland), and,

WHEREAS, the Citation provided that on the date issued, one violation of the Highland Municipal Code ("HMC") existed because of actions taken by an individual associated with a gathering at the Property: HMC Section 8.58.020 (A) (No person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code), and,

WHEREAS, Highland Staff served the Citation on July, 16, 2025 to Gavino Cervantes, who is the Property Owner, (" Appellant") by way of mail, which is attached hereto and incorporated herein by this reference, and,

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Planning Commission/Appeals Board, and,

WHEREAS, the Appellant timely submitted the Planning Commission/Appeals Board Administrative Hearing Fee for the citation.

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.

2. Staff timely notified Appellant that the Planning Commission/Appeals Board would be holding a Public Hearing on August 19, 2025, via certified mail; that Notice is attached hereto and incorporated herein by this reference, The Planning

Commission/Appeals Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.

3. Based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above referenced Hearing, the Planning Commission/Appeals Board finds that a violation of the Highland Municipal Code Section 8.58.020 existed because of actions taken by an individual associated with a gathering at the Property on the Citation Date, as follows:

A. During a driving reconnaissance conducted by the city in the evening of July 4, 2025, staff witnessed an individual associated with a gathering at the property lighting and discharging fireworks at the subject location. This observation was documented in writing during the incident, and the action was recorded utilizing a dashcam video system for evidence purposes.

B. The aforementioned constitutes a Violation of the Highland Municipal Code, and thus the Planning Commission/Appeals Board hereby upholds Administrative Citation No. 12500 and orders Appellant to abate the Violation.

Pursuant to Highland Municipal Code Section 2.56.130, Appellant may appeal this decision to the City Council within ten (10) days of the Planning Commission/Appeals Board' s decision, by submitting an Administrative Citation Notice of Appeal Request for Hearing.

PASSED, APPROVED AND ADOPTED this 19th day of August 2025

AYES
NOES:
ABSENT:

ATTEST

Randall Hamerly	Lawrence Mainez
Planning Commission/Appeals Board Chairman	Community Development Director

Attachment(s):

Administrative Citation No. 12500 issued July 16, 2025

Notice of Public Hearing dated July 31, 2025

ATTACHMENT "A"

Administrative Citation No. 12500, issued July 16, 2025

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

ADMINISTRATIVE CITATION
(per Highland Municipal Code (HMC) - Chapter 8.58)

ADMINISTRATIVE CITATION: FW #12500
DATE OF CITATION: 7/16/2025
DATE OF VIOLATION: 7/04/2025 / 8:57 pm
~~LOCAION OF VIOLATION: 25852 BYRON ST, SAN BERNARDINO, CA 92404 (~~**within the corporate boundaries of the City of Highland**)
NAME OF RESPONSIBLE PERSON: CERVANTES, GAVINO
CITEE MAILING ADDRESS: 25852 BYRON ST
CITY, STATE, ZIP CODE: SAN BERNARDINO, CA 92404

MUNI/STATE CODE SECTON VIOLATED	VIOLATION DESCRIPTION	FINE
HMC 8.58		$ 2,000.00
	TOTAL:	$2,000.00
	MUST BE PAID WITHIN 25 DAYS	

DESCRIPTION OF VIOLATION(S):

On July, 4, 2025, a City of Highland Code Compliance Officer and/or City Director/Manager/Supervisor observed fireworks discharged by an individual associated with a gathering at your property. Pursuant to Highland Municipal Code Section you have been identified as a responsible person and are strictly liable for any violation of that chapter which occurs.

SIGNATURE OF ISSUING OFFICER: _____

PRINT NAME OF ISSUING OFFICER: Corey Chambers

ACKNOWLEDGEMENT OF RECEIPT – Citee: "Mailed"

(Signature if issued in person)

Highland Municipal Code Chapter 2.56 allows designated City official to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are $100 for the first Citation, $200 for the second Citation, and $500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are $500 for the first Citations, $750 for the second Citations, and $1000 for the third Citation and the subsequent Citations. The fines for illegal Fireworks violations are $2,000 for each occurrence. These fines accumulate within a one-year period from the date of the first Citation. Citations that have not been paid within 30 days from the date of issuance, will be doubled. You will have an additional 30 days to pay the new citation amount (doubled) or it will be submitted to our collection agency for further action.
A warning, if issued, does not incur a fine.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

It is the City's desire to gain voluntary compliance to promote and maintain safe and desirable living and working conditions. When voluntary compliance is not achieved, a Citation my be issue. If the Citation does not result in compliance there are numerous enforcement options that can be used to encourage the correction of violations, including but not limited to civil penalties, abatement, criminal prosecution, civil litigation, recording the violations with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, demolish structures or make necessary repairs at the owner's expense, and/or incarcerate violators. The City may use any of these options or multiple options to correct the violations.

HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this Citation. You can make a payment by mail or in person to the City of Highland located at 27215 Base Line, Highland, CA 9234. Payment should be made by personal check, cashier's check, or money order payable to the City of Highland. **Please write the Citation number and violation address on your check or money order.**

If you do not properly appeal the Citation within ten (10) calendar days from the date of service of the Citation as explained below, you have twenty-five (25) calendar days to pay the entire fine, or a penalty fee will be added to the Citation and the case referred to the City's collection agency for further legal action. **Payment of the fine and/or penalty shall not excuse the failure to correct the violation no shall it bar further enforcement by the City.**

CONSEQUENCES OF FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHT TO APPEAL

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the citation. The date of the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is serviced; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is a final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of the Citation.

ATTACHMENT "B"

Notice of Public Hearing, dated July 31, 2025

CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 31, 2025

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 12500 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTY DUE TO THE PROHIBITED DISCHARGE OF FIREWORKS.

File Number:	APPEALS BOARD ADMINISTRATIVE CITATION HEARING, CASE #12500
SUBJECT:	A Public Hearing to consider the appeal of Administrative Citation No. 12500 issued for the prohibited discharge of fireworks in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Number: 1191-151-54
PROPERTY OWNER(S):	Gavino & Natalie Cervantes
VIOLATION ADDRESS/APN:	25852 Byron St., San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland). APN: 1191-151-54
HEARING LOCATION:	Highland City Hall Council Chambers 27215 Base Line Highland, CA 92346
DATE AND TIME OF HEARING:	**Tuesday August 19, 2025, at 6:00 PM (Or soon thereafter)**

STAFF REPORT

TO THE PLANNING COMMISSON/APPEALS BOARD

DATE: August 19, 2025

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 12485 issued due to the use of illegal fireworks. in accordance with Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety), of the Highland Municipal Code, at the property generally located at 25775 Vine St, San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland), Tax Assessor Parcel Number 1192-171-50. Cited: Cosme Melendez.

(SB 1439 Campaign Contributions and Conflicts of Interest – Government Case Section 84308 is not applicable)

APPELLANT: Cosme Melendez

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 12485 and adopt Resolution No. 2025 - _____.

FISCAL IMPACT: The fiscal impact related to this Appeal are negligible, and include Staff's time to prepare the required notices and staff report.

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to Cosme Melendez on July 31, 2025. In addition, on July 31, 2025, staff posted the Public Hearing Notice in the three designated posting locations, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as **Exhibit 4** and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. 4
Denied _____	Ayes _____		
	Noes _____		File No. _____
Continued _____	Abstain _____		
	Absent _____		

Recording Secretary

Community Development Director

BACKGROUND:

July 4, 2025	During a driving reconnaissance conducted by the city, at approximately 10:12 pm, Code Compliance Officer Gary Chambers observed fireworks discharge by an individual associated with a gathering at the subject property. The observation was documented in writing during the incident, and the action was recorded utilizing a dashcam video system for evidence purposes.
July 16, 2025	In accordance with HMC 2.56.050 (D), Citation No. 12485 was mailed to the Appellant (attached hereto as **Exhibit 2**).
July 24, 2025	The Appellant submitted a City of Highland Administrative Citation **Notice of Appeal Request for Hearing,** appealing to the Planning Commission/Appeals Board (attached hereto as **Exhibit 3**).
July 31, 2025	Code Compliance Officer Gary Chambers mailed a **Public Hearing Notice** to the property owner in accordance with HMC 2.56.130.

ADDITIONAL ANALYSIS:

The Appellant was cited for use of prohibited fireworks by an individual associated with a gathering at the property as witnessed by the issuing Code Enforcement Officer and further documented with Dashcam video recording. The Dashcam video will be played during the Appeal Hearing for the Planning Commission/Appeals Board consideration.

CONCLUSION: As witnessed by the issuing Code Officer and Dashcam video recording and the exhibits incorporated herein by reference, Staff recommends the Planning Commission/Appeals Board uphold Administrative Citation No. 12485 and approve the attached Resolution (**Exhibit 6**). Specifically, the Administrative Citation was issued for the following violation of the Highland Municipal & Development Code:

I. Highland Municipal Code Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety). During a driving reconnaissance conducted by the city in the evening of July 4, 2025, staff witnessed an individual, associated with a gathering at the subject property, discharging fireworks. This observation was documented in writing during the reconnaissance, and the action was recorded utilizing a dashcam video system for evidence purposes.

Exhibit "1" Aerial / Site Location Map

Exhibit "2" Administrative Citation No. 12485 dated July 15, 2025

Exhibit "3" Notice of Appeal, Request for Hearing, received July 28, 2025

Exhibit "4" Notice of Public Hearing (Affidavit of Mailing) dated July 31, 2025

Exhibit "5" Case photographs dated July 31, 2025

Exhibit "6" Planning Commission/Appeals Board Resolution 2025-_____, inclusive of the following attachments:

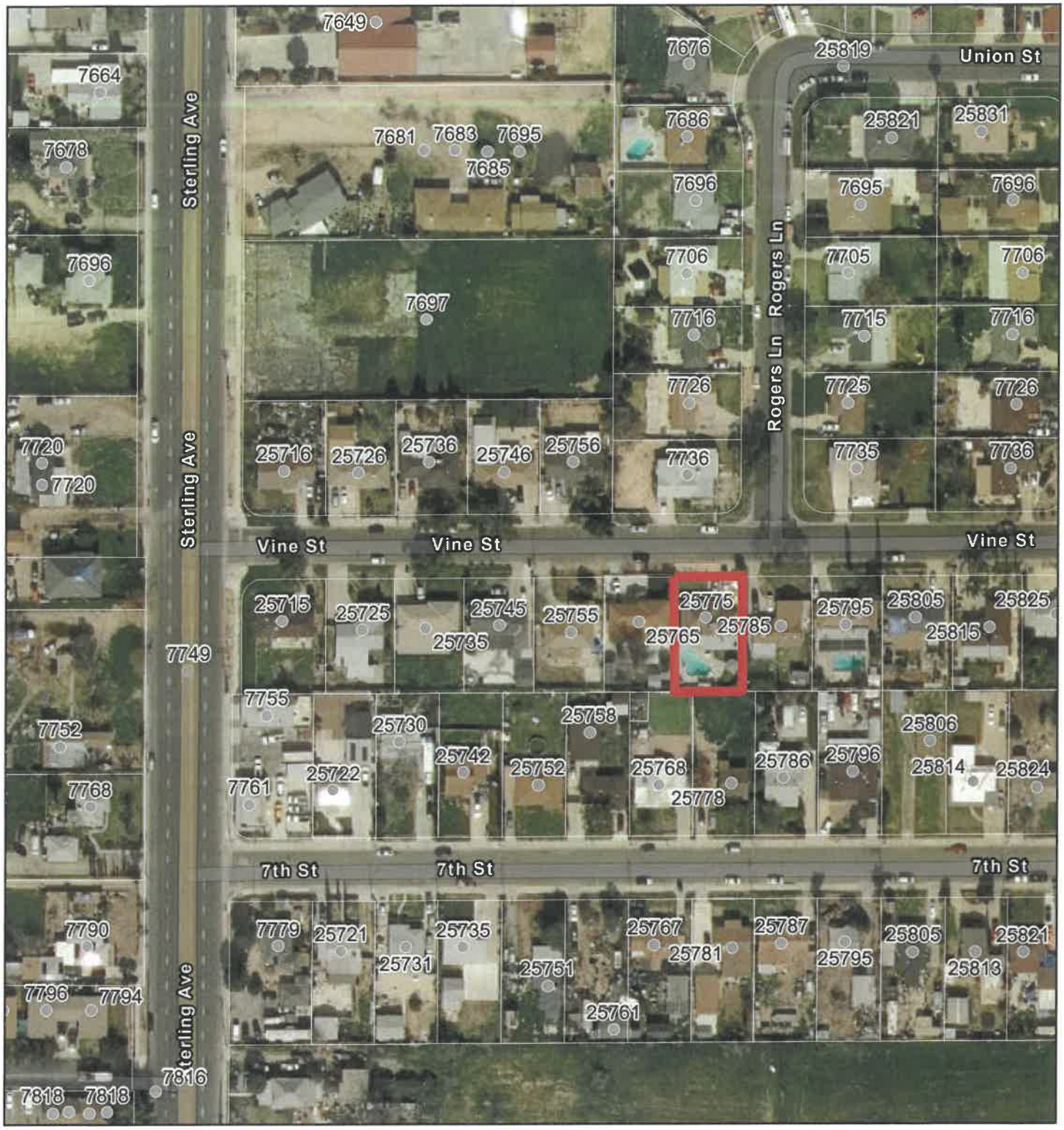
A. Administrative Citation No. 12485, issued July 15, 2025

B. Notice of Public Hearing dated July 31, 2025

EXHIBIT "1"

Aerial/Site Location Map

ArcGIS Web Map



8/14/2025, 9:18:52 AM

1:1,927

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

- Address Points
- Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, County of San Bernardino, Maxar, Microsoft

EXHIBIT "2"

Administrative Citation No. 12485 dated July 15, 2025

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

ADMINISTRATIVE CITATION
(per Highland Municipal Code (HMC) - Chapter 8.58)

ADMINISTRATIVE CITATION: FW #12485
DATE OF CITATION: 7/15/2025
DATE OF VIOLATION: 7/04/2025 / 10:12 pm
~~LOCAION OF VIOLATION: 25775 VINE ST, SAN BERNARDINO, CA 92410 (~~**within the corporate boundaries of the City of Highland)**
NAME OF RESPONSIBLE PERSON: MELENDEZ, COSME
CITEE MAILING ADDRESS: 25775 VINE ST
CITY, STATE, ZIP CODE: SAN BERNARDINO, CA 92410

MUNI/STATE CODE SECTON VIOLATED	VIOLATION DESCRIPTION	FINE
HMC 8.58		$ 2,000.00
	TOTAL:	$2,000.00
	MUST BE PAID WITHIN 25 DAYS	

DESCRIPTION OF VIOLATION(S):

On July, 4, 2025, a City of Highland Code Compliance Officer and/or City Director/Manager/Supervisor observed fireworks discharged by an individual associated with a gathering at your property. Pursuant to Highland Municipal Code Section you have been identified as a responsible person and are strictly liable for any violation of that chapter which occurs.

SIGNATURE OF ISSUING OFFICER: _____

PRINT NAME OF ISSUING OFFICER: Tracy Martinez

ACKNOWLEDGEMENT OF RECEIPT – Citee: "Mailed"

(Signature if issued in person)

Highland Municipal Code Chapter 2.56 allows designated City official to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are $100 for the first Citation, $200 for the second Citation, and $500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are $500 for the first Citations, $750 for the second Citations, and $1000 for the third Citation and the subsequent Citations. The fines for Illegal Fireworks violations are $2,000 for each occurrence. These fines accumulate within a one-year period from the date of the first Citation. Citations that have not been paid within 30 days from the date of issuance, will be doubled. You will have an additional 30 days to pay the new citation amount (doubled) or it will be submitted to our collection agency for further action.
A warning, if issued, does not incur a fine.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

It is the City's desire to gain voluntary compliance to promote and maintain safe and desirable living and working conditions. When voluntary compliance is not achieved, a Citation my be issue. If the Citation does not result in compliance there are numerous enforcement options that can be used to encourage the correction of violations, including but not limited to civil penalties, abatement, criminal prosecution, civil litigation, recording the violations with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, demolish structures or make necessary repairs at the owner's expense, and/or incarcerate violators. The City may use any of these options or multiple options to correct the violations.

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If you do not properly appeal the Citation within ten (10) calendar days from the date of service of the Citation as explained below, you have twenty-five (25) calendar days to pay the entire fine, or a penalty fee will be added to the Citation and the case referred to the City's collection agency for further legal action. **Payment of the fine and/or penalty shall not excuse the failure to correct the violation no shall it bar further enforcement by the City.**

CONSEQUENCES OF FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHT TO APPEAL

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the citation. The date of the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is serviced; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is a final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of the Citation.

EXHIBIT "3"

Notice of Appeal, Request for Hearing, received July 28, 2025

RECEIVED
JUL 28 2025
CITY OF HIGHLAND

cmelendez 101@yahoo.com

City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 25715 Vine St, Highland, California, an Appeal is hereby made relative to Administrative Citation No. FW#12485 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

☑ This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

☐ The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

☐ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee for the first appeal.

☑ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the $35.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the $35.00 first Administrative Hearing Fee, so I am submitting the $35.00 Administrative Hearing Fee for the second appeal.

☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order or credit card payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? I was not Home

Want to see video proof

I am delivering or mailing all my documents to:

City of Highland
Finance Department
27215 Base Line
Highland, CA 92346

Today's Date: 7-28-25

Name of Appellant: Cosme Melendez

Address: 25775 Vine St

San Bernardino, CA 92410

Signature of Appellant: _____

FW# 12485

RECEIVED
JUL 28 2025
CITY OF HIGHLAND

CITY OF HIGHLAND
FINANCE DEPARTMENT
ADMINISTRATIVE CITATION
HARDSHIP WAIVER REQUEST.

NAME: Cosme Melendez

CITATION NO: FW#12485 DATE: 7-28-25 PENALTY AMOUNT: $ 2000

PLEASE COMPLETE THE FOLLOWING

EMPLOYMENT

Employed: ✓ Unemployed:_____ Disabled:_____ Welfare:_____ Other:_____

Employer Name: AGL Transportation

Employer Address: Glendale, CA

Employer Telephone: 747-272-8884

Number of persons supported: 2

Net Income(take home pay, welfare, unemployment, etc.):$ $1800 Monthly

ASSETS		MONTHLY EXPENSES	
Checking account	$ 1900	Rent/Mortgage	$ 1900
Savings account	$	Utilities	$ 150
Cash on Hand	$	Loans/Credit Cards	$ 300
Vehicles	$ 6,000	Food/Clothing	$ 500
Home	$	Transportation	$ 300
Property	$	Medical/Dental	$
Other	$	Other	$
TOTAL ASSETS	$ 1900	TOTAL EXPENSES	$ 4750

In accordance with Section 2.56.130 of the Highland Municipal Code, I am requesting a hardship waiver of the administration citation penalty prior to requesting an administrating hearing. I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and belief. In the event my citation is not dismissed, I understand I must pay the entire amount of the penalty.

Signature:_____ Date: 7-28-25

WAIVER REQUEST REVIEW

Approved: ✓ Denied:_____ Reason for Denial:_____

Signature:_____ Date: 7/28/25

PLEASE RETURN TO FINANCE DEPARTMENT

EXHIBIT "4"

Notice of Public Hearing (Affidavit of Mailing) dated July 31, 2025

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 31, 2025, I caused to be served a copy of the attached Public Hearing Notice, Case #12485 by Certified Mail, Return Receipt Requested, to the following party: Cosme Melendez. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Party as more fully detailed below.

Cosme Melendez
25775 Vine St.
San Bernardino, CA 92410

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 31, 2025.

Dated: 7/31/25

Camille Duarte

Camille Duarte, Administrative Assistant III
City of Highland

EXHIBIT "5"

Case photographs dated July 31, 2025










CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING BEFORE
THE CITY OF HIGHLAND APPEALS BOARD (BOARD)







EXHIBIT "6"

Appeals Board Resolution No. 2025 - _____,

Inclusive of the following Attachments

RESOLUTION N0. 2025-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A VIOLATION OF THE MUNICIPAL CODE EXISTED BECAUSE OF ACTIONS TAKEN BY AN INDIVIDUAL ASSOCIATED WITH THE PROPERTY IDENTIFIED AS APN: 1192-171-50, GENERALLY LOCATED AT 25775 VINE ST., SAN BERNARDINO, CA 92410 (WITHIN THE CORPORATE BOUNDRIES OF THE CITY OF HIGHLAND), ON JULY 4, 2025, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 12485.

WHEREAS, on, July 15, 2025, Highland Staff issued Administrative Citation No. 12485 which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal Code associated with the property located at 25775 Vine St., San Bernardino, California (within the corporate boundaries of the City of Highland), and,

WHEREAS, the Citation provided that on the date issued, one violation of the Highland Municipal Code ("HMC") existed because of actions taken by an individual associated with a gathering at the Property: HMC Section 8.58.020 (A) (No person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code), and,

WHEREAS, Highland Staff served the Citation on July, 15, 2025 to Cosme Melendez, who is the Property Owner, (" Appellant") by way of mail, which is attached hereto and incorporated herein by this reference, and,

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Planning Commission/Appeals Board, and,

WHEREAS, the Appellant timely submitted the Administrative Citation Hardship Waiver Request.

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.

2. Staff timely notified Appellant that the Planning Commission/Appeals Board would be holding a Public Hearing on August 19, 2025, via certified mail; that Notice is attached hereto and incorporated herein by this reference, The Planning

Commission/Appeals Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.

3. Based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above referenced Hearing, the Planning Commission/Appeals Board finds that a violation of the Highland Municipal Code Section 8.58.020 existed because of actions taken by an individual associated with a gathering at the Property on the Citation Date, as follows:

A. During a driving reconnaissance conducted by the city in the evening of July 4, 2025, staff witnessed an individual associated with a gathering at the property lighting and discharging fireworks at the subject location. This observation was documented in writing during the incident, and the action was recorded utilizing a dashcam video system for evidence purposes.

B. The aforementioned constitutes a Violation of the Highland Municipal Code, and thus the Planning Commission/Appeals Board hereby upholds Administrative Citation No. 12485 and orders Appellant to abate the Violation.

Pursuant to Highland Municipal Code Section 2.56.130, Appellant may appeal this decision to the City Council within ten (10) days of the Planning Commission/Appeals Board' s decision, by submitting an Administrative Citation Notice of Appeal Request for Hearing.

PASSED, APPROVED AND ADOPTED this 19th day of August 2025

AYES
NOES:
ABSENT:

ATTEST

Randall Hamerly	Lawrence Mainez
Planning Commission/Appeals Board Chairman	Community Development Director

Attachment(s):

Administrative Citation No. 12485 issued July 15, 2025

Notice of Public Hearing dated July 31, 2025

ATTACHMENT "A"

Administrative Citation No. 12485, issued July 15, 2025

CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

ADMINISTRATIVE CITATION
(per Highland Municipal Code (HMC) - Chapter 8.58)

ADMINISTRATIVE CITATION: FW #12485
DATE OF CITATION: 7/15/2025
DATE OF VIOLATION: 7/04/2025 / 10:12 pm
~~LOCAION OF VIOLATION: 25775 VINE ST, SAN BERNARDINO, CA 92410~~ **(within the corporate boundaries of the City of Highland)**
NAME OF RESPONSIBLE PERSON: MELENDEZ, COSME
CITEE MAILING ADDRESS: 25775 VINE ST
CITY, STATE, ZIP CODE: SAN BERNARDINO, CA 92410

MUNI/STATE CODE SECTON VIOLATED	VIOLATION DESCRIPTION	FINE
HMC 8.58		$ 2,000.00
	TOTAL:	$2,000.00
	MUST BE PAID WITHIN 25 DAYS	

DESCRIPTION OF VIOLATION(S):

On July, 4, 2025, a City of Highland Code Compliance Officer and/or City Director/Manager/Supervisor observed fireworks discharged by an individual associated with a gathering at your property. Pursuant to Highland Municipal Code Section you have been identified as a responsible person and are strictly liable for any violation of that chapter which occurs.

SIGNATURE OF ISSUING OFFICER: _____

PRINT NAME OF ISSUING OFFICER: Jeremy Chambers

ACKNOWLEDGEMENT OF RECEIPT – Citee: "Mailed"

(Signature if issued in person)

Highland Municipal Code Chapter 2.56 allows designated City official to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are $100 for the first Citation, $200 for the second Citation, and $500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are $500 for the first Citations, $750 for the second Citations, and $1000 for the third Citation and the subsequent Citations. The fines for Illegal Fireworks violations are $2,000 for each occurrence. These fines accumulate within a one-year period from the date of the first Citation. Citations that have not been paid within 30 days from the date of issuance, will be doubled. You will have an additional 30 days to pay the new citation amount (doubled) or it will be submitted to our collection agency for further action.
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The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHT TO APPEAL

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the citation. The date of the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is serviced; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is a final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of the Citation.

ATTACHMENT "B"

Notice of Public Hearing, dated July 31, 2025

CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 31, 2025

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 12485 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTY DUE TO THE PROHIBITED DISCHARGE OF FIREWORKS.

File Number:	APPEALS BOARD ADMINISTRATIVE CITATION HEARING, CASE #12485
SUBJECT:	A Public Hearing to consider the appeal of Administrative Citation No. 12485 issued for the prohibited discharge of fireworks in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Number: 1192-171-50
PROPERTY OWNER(S):	Cosme Melendez
VIOLATION ADDRESS/APN:	25775 Vine St., San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland). APN: 1192-171-50
HEARING LOCATION:	Highland City Hall Council Chambers 27215 Base Line Highland, CA 92346

DATE AND TIME OF HEARING: Tuesday August 19, 2025, at 6:00 PM
(Or soon thereafter)

STAFF REPORT

TO THE PLANNING COMMISSION

DATE: August 19, 2025

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Octavio Duran, Public Works Director/City Engineer OD

SUBJECT: An Addendum to the previously approved Mitigated Negative Declaration for the City of Highland 5th Street Widening and Replacement Project; City File No. Environmental Review ENV-25-002.

(SB 1439 Campaign Contributions and Conflicts of Interest – Government Case Section 84308 is not applicable)

LOCATION: 5th Street at the City Creek Bridge.

APPLICANTS: City of Highland

RECOMMENDATION: Staff recommends the Planning Commission Adopt Resolution No. 2025 - _____ to recommend the City Council approve the *Addendum to the Initial Study/Environmental Assessment/Mitigated Negative Declaration for the 5th Street Widening and Replacement Project.*

FISCAL IMPACT: Review of the Addendum and adoption of a resolution has minimal costs related to preparation of the Staff Report.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

PREVIOUS ACTION: On October 10, 2000, the City Council conducted a public hearing regarding the Initial Study/Environmental Assessment (IS/EA) and adopted a Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) for the 5th Street Bridge Widening and Replacement Project. A Notice of Determination was filed with the Clerk of the Board of Supervisors citing that there would be no significant impacts resulting from the proposed storm drain system at the 5th Street Bridge.

Approved _____	Motion _____	Second _____	Agenda Item No. 4
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		

Recording Secretary

Community Development Director

PROJECT REVIEW: The purpose of the proposed project is to improve storm drain infrastructure at the 5th Street Bridge and discharge into City Creek.

2000 Project Description
The 5th Street Widening and Replacement Project included new 72" reinforced concrete pipe (RCP) between State Highway 210 and the 5th Street Bridge. This pipe was designed to discharge onto City Creek, which is owned and operated by San Bernardino County Flood Control District (District). A catch basin for surface drainage at the south side of the Bridge and 24" outlet pipe were included as part of the storm drain infrastructure scope.

The catch basin, 24" pipe, and 72" pipe were constructed per plan in 2013, however, the lack of a required Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) under the Endangered Species Act resulted in no permit being obtained from the District. Therefore, the scope of the 72" pipeline was reduced to discharge into a bulkhead rather than City Creek.

2025 Proposed Project
Discussions with the District have resulted in their agreement for modifications and extensions to the existing storm drain system to discharge onto City Creek, along with general concurrence from CDFW. Therefore, the Project proposes to remove the existing 24" pipe and bulkhead, and extend the 72" pipeline for discharge. The project design is complete and is pending official review comments and permits from CDFW to move forward with construction.

2025 Environmental Review
These modifications were reviewed under CEQA to determine if further environmental analysis was necessary. Upon review, it was found that the proposed project has not substantially changed, the existing environmental conditions have not changed, and there is no new information of substantial importance. The proposed project would not alter the findings in the 2020 IS/EA. Based on this evaluation, an Addendum is the appropriate CEQA document to be prepared. This Addendum provides the City of Highland with the information substantiating the conclusion that the Project will not cause substantial additional adverse physical changes in the environment which would require preparation and processing of a new mitigated negative declaration or an updated environmental assessment.

Attachments: 1. PC Resolution No. 2025- _____
- Exhibit 1: Addendum

Attachment 1

Planning Commission Resolution No. 2025 _____ (with Exhibit 1: Environmental Addendum)

PC RESOLUTION NO. 2025 - ___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ADDENDUM TO THE PREVIOUSLY APPROVED 5TH STREET WIDENING AND REPLACEMENT PROJECT INITIAL STUDY / ENVIRONMENTAL ASSESSMENT, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (CITY FILE NO. ENVIRONMENTAL REVIEW ENV 25-002).

APPLICANT: CITY OF HIGHLAND

A. RECITALS

1. The proposed 5TH Street Widening Project ("Project") includes the following work:

The City of Highland desires to complete a 72" reinforced concrete pipe (RCP) storm drain facility proposed as part of a year 2000 project. As such, the Draft Initial Study/Environmental Assessment (IS/EA) was circulated to agencies, organizations and the public for comment pursuant to CEQA and NEPA. On October 10, 2000, the City Council conducted a public hearing regarding the Final IS/EA for the 5th Street Bridge replacement and Street widening project and adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

2. The 2000 Project included widening 5th Street between State Route 30 (now State Highway 210) and Palm Avenue. Widening included a catch basin and 24" outlet pipe at the south side of the 5th Street Bridge.

3. Regional storm drain plans were finalized in 2005 which included a 72" RCP within 5th Street, from State Highway 210 to City Creek Bridge.

4. Construction was completed in 2013, modifying the 2000 Project's scope of work to construct the 72" RCP from State Highway 210 to the south edge of the 5th Street Bridge, near the aforementioned catch basin. The 72" RCP does not discharge onto City Creek. The catch basin and 24" outlet remained in the project scope and were constructed accordingly.

5. The 2024 proposed project (Project) will remove the bulkhead on the south side of 5th Street and connect a new RCP to the existing 72" RCP. The new RCP will connect to an 8' x 8' concrete culvert. This culvert will discharge onto a 15' wide rip-rap channel, followed by a 15' wide irregular channel, before ultimately discharging into City Creek. An existing 24" RCP outlet adjacent to the 5th Street Bridge will be removed.

6. Pursuant to the provision of the California Environmental Quality Act (CEQA) and State and Local CEQA Guidelines, the City of Highland is the Lead Agency, and is charged with the responsibility of deciding to approve or deny the proposed Project.

7. The IS/EA found that either no impacts or less than significant impacts would be associated with the issues of Aesthetics, Agricultural Resources, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, Noise, Mineral Resources, Population, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities and Service Systems.

8. The Initial Study also found that the issues of Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality require the implementation of mitigation measures to reduce impacts to a less than significant level, and a Mitigated Negative Declaration was the appropriate document for the 2000 Project.

9. Pursuant to CEQA, the City evaluated the design modifications and details to determine the potential for the proposed project to result in new significant environmental effects or a substantial increase in the severity of significant environmental effects previously identified in the approved 2000 MND. The information used in this evaluation includes the approved 2000 MND, the proposed project description, and the 2024 Addendum 1 to the IS/MND Environmental Assessment.

10. The analysis confirmed that the Project has no additional impacts and no changes to the feasibility of implementing previously approved mitigation for this project.

11. On August 19, 2025, the Planning Commission of the City of Highland, held a meeting regarding the subject Project and concluded the meeting on that date.

12. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Highland as follows:

Section 1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the August 19, 2025, Public Hearing, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:

a. All necessary Public Meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.

Section 3 The Addendum together with the previous analysis proposed for the project collectively constitute the environmental documentation under and pursuant to CEQA and the State CEQA Guidelines relating to the project shall be referred to herein collectively as the "CEQA Documents".

Section 4 The Planning Commission hereby recommends the City Council approve the Addendum to the Fifth Street Widening and Replacement Project Mitigated

Negative Declaration as set forth in Exhibit 1 attached hereto and incorporated herein.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 19th day of August, 2025.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez,
Community Development Director

Exhibit 1

ADDENDUM 1 to the
INITIAL STUDY/ENVIRONMENTAL ASSESSMENT
For the Fifth Street Widening and Replacement (#54C0016)
in the City of Highland
SCH No. 2000061092

Lead Agency:
City of Highland
27215 Base Line
Highland, CA 92346

Prepared by:

Compass Consulting Enterprises, Inc.
PO Box 2627
Avalon, CA 90704

July 2025

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Appendix A: *Initial Study/Environmental Assessment, Fifth Street Widening and Replacement of the City Creek Bridge (#54C0016) in the City of Highland, San Bernardino County, California,* dated October 2000

Appendix B-1: *San Bernardino Kangaroo Rat Trapping Results for the 5th Street Storm Drain Connection to City Creek Project*, prepared by Origin Biological, dated September 27, 2022

Appendix B-2: *Biological Resources and Jurisdictional Assessment for the 5th Street Storm Drian Connection at City Creek Project Located in the City of Highland, San Bernardino, County, California*, prepared by ELMT Consulting, dated April 25, 2025

Appendix C: *Historical/ Archaeological Resources Survey Report, Fifth Street Storm Drain Improvement Project, City of Highland*, prepared by CRM Tech, February 11, 2024

Appendix D-1 *Supplemental Hydrology Report, 5th Street Storm Drain Connection to City Creek*, prepared by ERSC, November 8, 2024 and

Appendix D-2 *Supplemental Hydraulics Report, 5th Street Storm Drain Connection to City Creek,* prepared by ERSC, November 8, 2024.

Appendix E: *5th Street Storm Drain Connection, Air Quality, Greenhouse Gas, and Energy Impact Study*, prepared by MD Acoustics, September 18, 2024

Appendix F *Project Plans*

LIST OF ACRONYMS

Acronym	Definition
AAQS	Ambient Air Quality Standards
AB 52	Assembly Bill 52
AMSL	Above Mean Sea Level
AQMP	Air Quality Management Plan
APN	Assessor Parcel Number
BMPs	Best Management Practices
BUOW	Burrowing Owl
CAA	Clean Air Act
CARB	California Air Resources Board
CALGreen	California Green Building Standards Code
CBC	California Building Codes
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CESA	California Endangered Species Act
CGP	Construction General Permit
CEQA	California Environmental Quality Act
City	City of Highland
City-GP	General Plan, City of Highland
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CONFIRE	Consolidated Fire Agencies
County	County of San Bernardino
dB	Decibel
dBA	A-Weighted Decibels
DTSC	Department of Toxic Substance Control
EIA	Energy Information Administration
EPA	Environmental Protection Agency
ERIS	Environmental Risk Information Service
ESA	Endangered Species Act
FAR	Federal Aviation Regulations
FAR	Floor Area Ratio
Farmland	Prime Farmland, Unique Farmland or Farmland of Statewide Importance
FEMA	Federal Emergency Management Agency
FGC	California Fish and Game Code
Form	Environmental Checklist Form
GCC	Global Climate Change
GHG	Greenhouse Gas
GWh	Gigawatt-Hours
HbA	Hanford sandy loam
HCP	Habitat Conservation Plan
HSC	Health and Safety Code
ICEMA	Inland Counties Emergency Medical Agency
IL	Industrial Light
ISD	Information Services Department
kBTU	Kilo British Thermal Units
kWh	Kilowatt-Hours
LED	Light Emitting Diode

LEQ	Equivalent Sound Level
LOS	Level of Service
LST	Localized Significance Threshold
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendent
MRZ	Mineral Resources Zone
MS4	Municipal Separate Storm Water Sewer System
$MTCO_2e$	Metric Tons Carbon Dioxide Equivalent
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
ND	Negative Declaration
NO_2	Nitrogen Dioxide
NOI	Notice of Intent
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
O_3	Ozone
OES	Office of Emergency Services
OPR	Office of Planning and Research
Pb	Lead
PF	Public Facilities
PM-2.5	Particulate Matter Less Than 2.5 Microns in Diameter
PM-10	Particulate Matter Less Than 10 Microns in Diameter
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB 100	Senate Bill 100
SBKR	San Bernardino Kangaroo Rat
SBIA	San Bernardino International Airport
SBMWD	San Bernardino Municipal Water Department
SCAG	Southern California Association of Governments
SCE	Southern California Edison
SCAQMD	South Coast Air Quality Management District
SF	Square Feet/Square Foot
SCAB	South Coast Air Basin
SO_2	Sulfur Dioxide
SoCalGas	Southern California Gas
SP	Service Populations
SRA	Source Receptor Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TIA	Traffic Impact Analysis
VMT	Vehicle Miles Traveled
WQMP	Water Quality Management Plan
USDA	US Department of Agriculture
USFWS	US Fish & Wildlife Service
USGS	US Geological Survey
VOC	Volatile Organic Compounds

1 INTRODUCTION

The City of Highland (City) proposes to replace the existing storm drain facilities and the outfall into City Creek Channel that exist on the south side of the 5th Street Bridge at City Creek to accommodate additional storm flows from the City. Storm flows from the City's existing regional 72-inch storm drain are currently contained at a bulkhead at the 5th Street bridge over City the Creek Channel and pumped out after each storm. The Project would connect the City's regional 72-inch storm drain to outlet the City Creek channel by constructing a new underground pipe, new underground box culvert, and a new outfall structure that is designed to slow the velocity of the flows to near existing conditions before outletting to the City Creek channel bottom thereby reducing the scour potential from the additional volume. The Project may also remove or abandoned in place the existing 24-inch pipeline and outfall that currently conveys the other storm flows, that do not originate from the 72-inch regional pipeline, into City Creek. The area of the proposed work is the same area impacted by the construction of the 5th Street Bridge in 2000. The area of proposed work is also occupied by the San Bernardino Kangaroo Rat (SBKR) which is listed as endangered by the US Fish and Wildlife Service (CDFW) and the California Dept of Fish and Wildlife (CDFW).

1.1 BACKGROUND

In 2000, the City of Highland completed an Initial Study/Environmental Assessment (IS/EA) under the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) to widen the existing bridge 5th Street at City Creek and the widening of 5th Street between State Route 30 and Palm Avenue (referred to herein as the 2000 Project). The 2000 Project was partially funded through the Federal Highway Administration (FHWA).

As part of the 2000 Project, the existing 24-inch outfall was modified to accommodate the newly widened 5th Street drainage, the sideslopes adjacent to the outfall were lined with rip-rap, and a concrete pad was placed in City Creek, under the bridge.

On October 10, 2000, the City adopted a Mitigated Negatived Declaration (MND) based on IS/EA for the 2000 Project, State Clearinghouse No. 2000061092. The IS/EA is located in **Appendix A - 2000 Final IS/EA** and is titled, *Initial Study/Environmental Assessment, Fifth Street Widening and Replacement of the City Creek Bridge (#54C0016) in the City of Highland, San Bernardino County, California*, dated October 2000. Herein, this document is referred to as the 2000 Final IS/EA.

A portion of the 2000 Project area lies within City Creek was known to be occupied by the San Bernardino Kangaroo Rat (SBKR), which was listed as endangered by the USFWS in 1998. The Project would also impact the City Creek streambed. Therefore, the 2000 Project received a number of approvals including but not limited to:

- United States Department of Transportation - Right-of-Way Amendments to the 1975 Deed (US DOT 9-26-75 Highway Easement Deed).

- United States Army Corp of Engineers (Corps) - Section 404 Permit (Nationwide Permit Nos. 13, 25, and 33, permit application File No. 199915016- AJS.

- California Dept of Fish and Game (CDFG) – Streambed Alteration Agreement 6-2001-281 (with amendment), May 2022

- US Fish and Wildlife Service (USFWS) – Formal Section 7 Consultations (FWS-SB-1162.4 and FWS-SB-1162.5), June 13, 2001 that addressed 4 acres of impact to SBKR habitat and an unknown number of SBKR that would be trapped and relocated. An August 7, 2002 reinitiation resulted in increasing impacts by 1.69 additional acres, along with associated mitigation and conditions.

- Regional Water Quality Control Board - National Pollution Discharge Elimination Systems (NPDES) Permit and Section 401 Water Quality Certification.

Also in 2000, the City began conceptual planning for a new regional storm drain to be constructed in 5th Street/Greenspot Road beginning from east of State Highway 210 with its terminus at the 5th Street bridge, to discharge at in the existing 24-inch RCP outfall under the City Creek bridge - the same outfall that was part of the original 5th Street widening project. The plans for a regional storm drain were not complete at the time, therefore, the work could not be completed at the same time as the bridge and widening project.

In 2005, the City finalized the regional storm drain plans, which would consist of a 72-inch storm drain, from east of State Highway 210 to the edge of 5th Street, just past the City Creek Bridge. The 2005 plans identified replacing the 24-inch RCP and associated outfall with a 60-inch RCP and associated outfall. As part of the planning process, the City obtained the following permits in 2009/2010:

- CDFG Streambed Alteration Agreement No. 1600-2009-0075-R6, November 4, 2009 (Operation of Law Letter)

- USACE 404 File No. SPL-2009-00737-SLP Letter of No Impact, October 22, 2009 (issued because the limits of work were designed to be above the federal ordinary high water mark, therefore, the USACE would not have jurisdiction to issue a permit under the Clean Water Act).

- RWQCB Storm water Discharge Covered under the San Bernardino County MS4 Permit, February 2010

The San Bernardino County Flood Control District (District) owns and operates the outfall in City creek along with the stormdrain and associated catch basin in 5th Street. Permits from the District were not issued by the time the State and Federal permits were issued due to the requirement to also obtain a USFWS incidental take permit under the federal Endangered Species Act (ESA) and the need to provide additional engineering information.

Therefore, in 2013, construction was only completed for the City's 72-inch regional storm drain facility in the City's road rights-of-way within 5th Street, beginning just east of State Highway 210 and terminating within the 5th Street bridge, just several feet north of the existing District catch basin that is within the roadway curb. Because City does not have approval from the District to outlet flows into the existing 24-inch pipe and outfall, the new 72-inch storm drain line was placed in a new bulkhead near the existing catch basin in a manner that allows the flows from the City's pipeline to pool in the existing bulkhead. City crews have been hand-pumping stormwater from the bulkhead at the catch basin since its construction.

Through continuing discussions with the District, the District finally agreed that the City could remove and the existing 24-inch outfall structure and replace it with a pipeline and outfall structure that would be suitable to accept both the City's existing 72-inch storm drain system flows and the localized street flows from 5th Street which collect in the existing 7-foot wide catch basin. The City and the District also agreed that:

- The elevation of the outfall structure would not change; the elevation would be approximately 1 foot above the toe of slope, which is outside of the ordinary high water mark for federal waters jurisdiction, but within the State CDFW jurisdiction.

- A design flow for the storm drain of less than 3 percent of the 100-year (Q100) storm event.

- All new permanent work would occur within the area of land and creek disturbed during the 2000 bridge project, and no new areas would need to be permanently disturbed.

- The outfall work would occur within the existing grouted rock that was installed as part of the 2000 bridge project, and no extension of the grouted rock area along the sideslopes are required.

- The City would obtain all State and Federal permits to conduct the work, even in the areas temporarily impacted by construction. The area identified for temporary disturbance would primarily consist of the area adjacent to the City Creek channel where District crews have had to stockpile excessive debris from the creek that built up under and around the bridge following several major storm events.

In 2018, the City and the USFWS prepared a Draft Low-Effect Habitat Conservation Plan (LEHCP) for the Project under Section 10 of the federal Endangered Species Act (ESA) for the USFWS to authorize incidental take of SBKR and address the temporary impacts to habitat. The Project did not qualify under Section 7 of the ESA because the Project would not impact federal jurisdictional waters, according to the "No Impact" memo from the USACE in 2009.

In 2019, the California Department of Fish and Wildlife (CDFW, formerly the Department of Fish and Game) listed the SBKR as species of Special Concern under the California Endangered Species Act (CESA).

In April 2002, the USFWS adopted the final designation of Critical Habitat for the SBKR. The Project Site is located within the Santa Ana River and Wash Unit, which is approximately 830 acres within the Santa Ana Wash watershed and includes the City Creek watershed.

In September 2022, the City conducted SBKR trapping in the Project area of the proposed 72-inch RCP connection from 5th Street to the City Creek outfall, and within the area of the LEHCP, which is the same area of work disturbed by the 2000 project. The survey yielded positive results of two individuals in the proposed area of work.

In September 2023, the CDFW listed the SBKR as an endangered species under CESA. As such, the City would be required to also obtain a CDFW authorization under Fish and Game Code Section 2081 to address impacts to SBKR.

In July 2024, during final design, the City desired to further reduce stormwater velocity from 15 feet per second (fps) to less than 6 fps for the 100-year storm event to significantly reduce and/or eliminate scour potential to the City Creek Channel at the new outfall location. This new design was conceived to ensure minimal impacts to the City Creek Channel hydraulics to provide a more environmentally sensitive option given that the area was occupied by SBKR. The revised design includes utilizing various sizes and shapes of pipeline between 5th Street and the proposed new outfall, as well as a modified outfall structure. The elevation of the outfall remains at approximately 1 foot above the toe of the grouted rip rap slope, consistent with the 2005 original design. The hydrology and hydraulics reports are provided in **Appendix D-1, *Supplemental Hydrology Report, 5th Street Storm Drain Connection to City Creek*,** prepared by ERSC, November 8, 2024 and **Appendix D-2, *Supplemental Hydraulics Report, 5th Street Storm Drain Connection to City Creek***, prepared by ERSC, November 8, 2024.

In 2024, the City and the USFWS made minor modifications to the Draft LEHCP to address the design modification. No substantive changes to the number of SBKR or area of temporary or permanent disturbance was determined to be required as a result of the minor design revisions. Finalizing the LEHCP is pending the submittal of an SBKR relocation plan and coordination with the CDFW's take permit to be obtained through CESA. The CDFW take permit requires that the project that is subject to a take permit be evaluated through the California Environmental Quality Act (CEQA).

1.2 PREVIOUSLY APPROVED INITIAL STUDY/ENVIRONMENTAL ASSESSMENT

On October 10, 2000, the City, as the CEQA Lead Agency, adopted the Final IS/EA (also referred to in this document as the 2000 Final IS/EA) for the City's 5th Street bridge replacement City Creek and street widening project (2000 Fifth Street Bridge Project). The Draft IS/EA was prepared and was circulated to interested agencies, organizations, and the public for comment pursuant to CEQA and NEPA in September 2000. On October 10, 2000, the City held a public hearing and adopted the 2000 Final IS/EA (refer to Appendix A).

1.2.1 Previous CEQA/NEPA Determinations

The 2000 Final IS/EA included analysis of the Project's potential impacts associated with categories that were based on the CEQA Guidelines Environmental Checklist and the Caltrans Environmental Handbook. In the checklist, the significance determination applies primarily to the CEQA definition of "significance." For the answer to also apply to significance under NEPA, a portion of the answer is reflected in the checklist and the remainder of the answer lies within the narrative explanation contained in Chapter 5.0 of the 2000 Final IS/EA.

The NEPA regulations (Council on Environmental Quality [CEQ] Regulations, Section 1508.27) defines "significantly" in terms of two considerations: context and intensity. The regulations state that context is the setting within which the proposed project and its impacts should be considered. Context encompasses all aspects of the project setting, including physical, social, political, and geographic factors. Consideration of context puts the magnitude of impacts into their proper perspective. Section 5.0 of the 2000 IS/EA provided additional discussion. Therefore, all answers to the checklist are based on the CEQA Guidelines and

Table 1: *2000 IS/EA Environmental Significance Checklist* identifies the 2000 Final IS/EA Significance Determinations.

Table 1: 2000 Final IS/EA Environmental Significance Checklist

Checklist Questions	Yes, No or Maybe	If Yes, is it Significant? Yes or No
PHYSICAL - Will the proposal either directly or indirectly:		
1. Appreciably change the topography or ground surface relief features?	NO	
2. Destroy, cover or modify any unique geologic, palaeontologic, or physical features?	NO	
3. Result in unstable earth surfaces or increase the exposure of people or property to geologic or seismic hazards	NO	
4. Result in or be affected by soil erosion or siltation (whether by water or wind)?	**YES**	**NO**
5. Result in the increased use of fuel or energy in large amounts or in a wasteful manner?	NO	
6. Result in an increase in the rate of use of any natural resource?	NO	
7. Result in the substantial depletion of any nonrenewable resource?	NO	
8. Violate any published Federal, State or local standards pertaining to hazardous waste, solid waste or litter control?	NO	
9. Modify the channel of a river or stream or the bed of the ocean or any inlet or lake?	NO	
10. Encroach upon a floodplain or result in or be affected by floodwaters or tidal waves?	NO	
11. Adversely affect the quantity or quality of surface water, groundwater or public water supply?	NO	
12. Result in the use of water in large amounts or in a wasteful manner?	NO	
13. Affect wetlands or riparian vegetation?	**YES**	**NO**
14. Violate or be inconsistent with Federal, State or local water quality standards?	NO	
15. Result in changes in air movement, moisture, or temperature, or any climatic conditions?	NO	
16. Result in an increase in air pollutant emissions, adverse effects on or deterioration of ambient air quality?	NO	
17. Result in the creation of objectionable odors?	NO	
18. Violate or be inconsistent with Federal, State or local air standards or control plans?	NO	
19. Result in an increase in noise levels or vibration for adjoining areas?	NO	
20. Result in any Federal, State or local noise criteria being equal or exceeded?	NO	
21. Produce new light, glare or shadows?	NO	
BIOLOGICAL - Will the proposal result in (either directly or indirectly):		
22. Change in the diversity of species or number of any species of plants (including trees, shrubs, grass, microflora, and aquatic plants)?	NO	
23. Reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of plants?	NO	
24. Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?	NO	
25. Reduction in acreage of any agriculture crop or commercial timber stand, or affect prime, unique, or other farmland of State or local importance?	NO	
26. Removal or deterioration of existing fish or wildlife habitat?	NO	
27. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	NO	
28. Reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of animals?	NO	
29. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	NO	
SOCIAL AND ECONOMIC - Will the proposal directly or indirectly:		
30. Cause disruption of orderly planned development?	NO	

Checklist Questions	Yes, No or Maybe	If Yes, is it Significant? Yes or No
31. Be inconsistent with any elements of adopted community plans, policies or goals?	NO	
32. Be inconsistent with a Coastal Zone Management Plan?	NO	
33. Affect the location, distribution, density, or growth rate of the human population of an area?	NO	
34. Affect life-styles, or neighborhood character or stability?	NO	
35. Affect minority, elderly, handicapped, transit-dependent or other specific interest groups?	NO	
36. Divide or disrupt an established community?	NO	
37. Affect existing housing, require the acquisition of residential improvements or the displacement of people or create a demand for additional housing?	NO	
38. Affect employment, industry or commerce, or require the displacement of businesses or farms?	NO	
39. Affect property values or the local tax base?	NO	
40. Affect any community facilities (including medical, educational, scientific, recreational, or religious institutions, ceremonial sites or sacred shrines)?	NO	
41. Affect public utilities, or police, fire, emergency or other public services?	NO	
42. Have substantial impact on existing transportation systems or alter present patterns of circulation or movement of people and/or goods?	NO	
43. Generate additional traffic?	NO	
44. Affect or be affected by existing parking facilities or result in demand for new parking?	NO	
45. Involve a substantial risk of an explosion or the release of hazardous substances in the event of an accident or otherwise adversely affect overall public safety?	NO	
46. Result in alterations to waterborne, rail or air traffic?	NO	
47. Support large commercial or residential development?	**YES**	**NO**
48. Affect a significant archaeological or historic site, structure, object, or building?	NO	
49. Affect wild or scenic rivers or natural landmarks?	NO	
50. Affect any scenic resources or result in the obstruction of any scenic vista or view open to the public, or creation of an aesthetically offensive site open to public view?	NO	
51. Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)?	NO	
52. Result in the use of any publicly-owned land from a park, recreation area, or wildlife and waterfowl refuge?	NO	
MANDATORY FINDINGS OF SIGNIFICANCE		
53. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	NO	
54. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	NO	
55. Does the project have environmental effects which are individually limited, but cumulatively considerable? Cumulatively considerable means that the incremental effect of an individual project is considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. It	NO	

Checklist Questions	Yes, No or Maybe	If Yes, is it Significant? Yes or No
includes the effects of other projects which interact with this project and, together, are considerable.		
56. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	NO	

1.2.2 Mitigation Measures

Table 2: *2000 Final IS/EA Mitigation Measures* lists the measures identified in the 2000 Final IS/EA to reduce potentially significant impacts to less than significant. These measures would apply to the 2024 Proposed Project.

Table 2: 2000 Final IS/EA Mitigation Measures

Questions Addressed	Mitigation Measure
4. Result in or be affected by soil erosion or siltation (whether by water or wind)?	Prepare a Stormwater Pollution Prevention Plan (SWPPP) that would include Good Management Practices (GMPs) from the Caltrans Stormwater Quality Handbook (May 10, 1996). (*Note: specific measures were identified in the 2000 IS/EA and are only incorporated by reference in this table for the purpose of brevity).*
13. Affect wetlands or riparian vegetation?	1. For direct impacts (temporary disturbance of up 0.27 hectare [0.67 acre] of waters/streambed) construction activities shall be limited to the minimal area necessary and that upon completion of construction, impacted areas be restored to replicate existing conditions. A one-time revegetation of the site shall be required. At the onset of construction topsoil (where present) and plant materials shall be salvaged for use in restoration activities. The top three to six inches of topsoil shall be scraped off and stockpiled on site, upon completion of construction, the stockpiled soil shall be spread over areas targeted for restoration. Prior to removal of vegetation, cuttings shall be taken from shrubs and trees (i.e., mulefat, cottonwood, and willows), cuttings shall be rooted and maintained for post-construction planting. Topsoil shall be spread and cuttings planted in areas where adequate water is available for the growth of riparian vegetation. No long-term monitoring of the site shall be required. Impacts to waters of the U.S. and streambed would require authorization from the Corps, Regional Water Quality Control Board (RWQCB), and CDFG. As part of the authorization process, the regulatory agencies would review and approve appropriate mitigation measures. It is anticipated that the measure outlined above would satisfy the requirements of the involved agencies.
16. Result in an Increase in Air Pollutant Emissions, Adverse Effects on or Deterioration of Ambient Air Quality?	Adherence to existing policies, regulations, and/or design standards would reduce any adverse impact of the project. The following standard measures shall be implemented. • The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment would be tuned and maintained in accordance with the manufacturer's specifications. • The Construction Contractor shall ensure that construction grading plans include a statement that work crews would shut off equipment when not in use. During smog season (May through October), the overall length of the construction period should be extended,

Questions Addressed	Mitigation Measure
	thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time. • The Construction Contractor shall time the construction activities so as not to interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways. The following measures would reduce or minimize fugitive dust emissions associated with grading or other soil disturbance: • The SCAQMD rules addressing fugitive dust control measures, Rules 402 and 403, shall be adhered to during the construction process. • A fugitive dust control plan shall be submitted to and approved by the SCAQMD prior to beginning project construction. The following measure would reduce or minimize air pollutant emissions associated with asphalt paving: • The Construction Contractor shall adhere to the recommendations set forth by the U.S. Environmental Protection Agency (EPA) and adopted by reference by the SCAQMD addressing the emission control measures covering the asphalt paving emissions.
26. Removal or Deterioration of Existing Fish or Wildlife Habitat?	• The City will compensate for biological impacts by purchasing mitigation credits from the Calmat Mitigation Bank. Impacts to SBKR and RAFSS will be mitigated by purchasing a total of 4 hectares (10 acres) of credits from the bank. The mitigation is for the permanent loss of 0.17 hectare (0.43 acre) of SBKR habitat at a 3:1 ratio (.52 hectare [1.29 acres] of mitigation required) and the temporary loss of 1.6 hectares (4.0 acres) of SBKR habitat at a 2:1 ratio (3.2 hectares [8.0 acres] of mitigation required). The total impact area, including permanent and temporary habitat loss, is 1.77 hectares (4.43 acres), requiring a total of 3.72 hectares (9.29 acres) of mitigation credits. The proposed mitigation results in the permanent preservation of 0.28 hectare (0.71 acre) beyond that which is required. • Prior to construction, the limits of construction will be fenced with 1.25-meter (4- foot) silt fencing to provide a barrier to prevent SBKR from entering the construction area and to prevent impacts to alluvial fan sage scrub vegetation outside the construction limits. Access to SBKR habitat outside the construction limits will be prohibited and these areas will be posted accordingly. • The areas within the limits of the construction area will be trapped for SBKR and any trapped animals will be relocated outside the fenced construction limits. • All project-related activities will be monitored by a qualified biologist. The monitoring biologist will be present during all clearing of vegetation to be con- ducted for the project. The monitoring biologist will ensure that only RAFSS within the construction limits will be removed or disturbed. • Access to SBKR habitat outside the project limits will be prohibited and these areas will be posted accordingly.

Questions Addressed	Mitigation Measure
	• All movement of construction contractors, including ingress and egress of equipment and personnel, will be limited to the designated project limits. • The staging area for construction equipment will be limited to designated locations which are physically separate from potential SBKR habitat areas. • Orientation meetings will be conducted for construction personnel. Contractors' pets will be prohibited in and adjacent to the construction area. • The proper use and disposal of oil, gasoline, and diesel fuel will be enforced. • Upon completion of construction, the area of temporary impact (1.6 hectares [4.0 acres]) will be recontoured to its original state and the silt fencing will be re- moved. An upland revegetation program will be completed for the areas temporarily disturbed by the proposed project. This revegetation program serves as a one time revegetation effort to encourage the growth of native vegetation in the area that will be affected temporarily. The revegetation program will include the following elements: identifying plant material and seed mix, site preparation and planting implementation, vegetation and topsoil salvage, and planting and seeding methods. Weed abatement will be conducted twice yearly in the form of hand weeding (which may include hand held mechanical weeders) to be conducted in the early spring (March thru April)and fall (September thru October) for the first two years after the initial revegetation effort. However, no monitoring or success criteria will be applied because of the (I) short duration and minimal effects of the pro- posed project, and (2) the temporary impacts are being mitigated at a 2:1 ratio in the unlikely event that habitat temporarily affected is not suitable for use by the SBKR after project completion. • Shielded lighting to direct night-time lighting onto the roadways and away from SBKR habitat will be utilized to minimize potential impacts. This biological assessment is intended to minimize the potential impact to the SBKR and contribute to its continued existence. The City is committed to provide the necessary funding to support the mitigation as outlined above.

2 PROJECT DESCRIPTION – 2024 PROPOSED PROJECT

The City of Highland (City) proposes to replace the existing storm drain facilities and the outfall into City Creek Channel that exist on the south side of the 5th Street Bridge at City Creek to accommodate additional storm flows from the City. Storm flows from the City's existing regional 72-inch storm drain currently are contained at a bulkhead at the 5th Street bridge over City the Creek Channel and pumped out after each storm.

The Project would connect the City's regional 72-inch storm drain to outlet the City Creek channel by constructing a new underground pipe, new underground box culvert, and a new outfall structure that is designed to slow the velocity of the flows before outletting to the City Creek channel bottom. The Project may also remove or abandoned in place the existing 24-inch pipeline and outfall that currently conveys the other storm flows, that do not originate from the 72-inch regional pipeline, into City Creek. The area of the proposed work is the same area impacted by the construction of the 5th Street Bridge in 2000 (the 2000 Project). The area of proposed work is also occupied by SBKR which is listed as endangered by the USFWS and the CDFW.

Ground disturbance onsite would not exceed 0.85 acre, of which 0.14 acre is occupied SBKR habitat to be restored and is included within the permanent impacts associated with the 2001 Biological Opinion for the 5th Street Bridge Replacement Project. Staging would occur along the shoulders of 5th Street adjacent to the bridge.

2.1 PROJECT LOCATION

The Project would occur on the south side and adjacent to 5th Street and adjacent to the City Creek Bridge in the City of Highland, primarily at latitude 34° 6'27.40"N, longitude 117°12'6.72"W. All work will occur within the approximately 8.48 acre parcel, APN 1210-371-17 and possibly within a few square feet of the adjacent APN 1210-371-28 both owned by District (**Figure 1: *Regional Vicinity Map: 2000 Project and 2023 Project*** and **Figure 2: *2023 Project Location – Aerial View***). The site can be found on the U.S. Geological Survey (USGS) *Redlands.* 7.5' Topographic Map, within Section 4, Township 1 South, Range 3 West.

The Proposed Project plans are provided in **Figure 3: *2023 Proposed Project Plan*** and is in essentially the same location as the 2000 Project assessed by the 2000 Final IS/EA, as identified in **Figure 4: *2000 IS/EA Project Plan View and 2023 Project*** and the area that was subject to the original USFWS Biological Opinion (**Figure 5: *2000 Section 7 Consultation Figure and 2023 Project Location***).

Figure 6: *2024 Project Boundary and USFWS LEHCP Area* identifies the 2024 Project in relation to the 2018 LEHCP (as revised in 2024).

2.2 EXISTING CONDITIONS

The Project Site is an undeveloped area bounded by SR-210 to the east, City Creek to the west, 5th Street/Greenspot Road to the north, and additional undeveloped land owned by the District to the south. Areas of undisturbed suitable SBKR habitat are located approximately 600 feet south of the site on the contiguous undeveloped land. Portions of the undeveloped area are periodically disturbed by the District

when creek and facility maintenance is required following severe storm events. Other portions of the area have remained undisturbed for years and consist of Riversidean alluvial fan sage scrub (RAFSS), which is habitat for SBKR.

A portion of the District-owned lands immediately adjacent to the proposed Project Site was previously disturbed as recently as 2011 as it was completely denuded (mechanically disturbed) and in 2005-2006 when aerial photography suggest it was used as a stockpile area for sediment removed from City Creek after heavy rainfall.

A focused trapping survey was conducted on five consecutive nights from June 10 through June 15, 2012, and the results were positive, with two SBKR individuals observed. Another focused trapping survey was conducted between September 22, 2022 and September 24, 2022 in a survey area that was larger than the proposed work area. A total of eight individuals were captured, including one near the Project work area (refer to **Appendix B-1: *San Bernardino Kangaroo Rat Trapping Results for the 5th Street Storm Drain Connection to City Creek Project*, prepared by Origin Biological, dated September 27, 2022,** and **Figure 7 – *2022 SBKR Locations in Project Vicinity***).

Therefore, despite the historical disturbance from the bridge project and District maintenance, the Project area functions as good quality, occupied SBKR habitat.

2.3 PROJECT COMPONENTS

The Project would connect the City's regional 72-inch storm drain to outlet the City Creek channel by constructing a new underground pipe, new underground box culvert, and a new outfall structure that is designed to slow the velocity of the flows before outletting to the City Creek channel bottom.

The revised storm drain design transitions through various conduit types, starting with 84 lineal feet of proposed 84-inch reinforced concrete pipe (RCP) connection to the existing 72-inch RCP located within 5th Street east of 5th Street Bridge. From the 84 inch RCP, the storm drain transitions to approximately 26 lineal feet of 8 foot by 8 foot concrete box culvert, then to approximately 40 lineal feet of an 15-foot-wide grouted rip-rap open channel. From there, the storm drain transitions to a 20 linear foot 15-foot-wide irregular channel outfall before joining approximately 1 foot above the existing City Creek channel toe of slope. The existing 24-inch RCP storm drain and outfall adjacent to the 5th Street Bridge would be removed.

The following are included in the Proposed Project and are provided on Figure 3 and **Appendix F– *Project Plans***.

Site Access. The existing disturbed area on the south side of 5th Street would be utilized for the Project. New disturbance would occur to allow for construction equipment access and materials laydown for a total of approximately 1 acre adjacent to the work area and within the concrete area under the bridge, along the levee top.

Connection to City Creek. The storm drain design transitions through various conduit types: starting at the 72-inch RCP located within 5th Street, east of the 5th Street bridge, an 84-inch reinforced concrete pipe (RCP) would extend approximately 84 lineal feet to an 8-foot by 8-foot concrete box culvert that would

be 26 feet long, then transitions to an 15-foot-wide grouted rip-rap open channel for 40 feet, then transitions to a 15-foot-wide irregular open channel outfall for 20 feet where it will outfall in the existing rip rap area along the sideslope. The new stormdrain would vary in depth from 0 to 16 feet, while the outlet would be situated approximately 1 foot above the existing City Creek channel toe of slope. A trash grate would be placed between the box culvert and the grouted rip-rap open channel to prevent unlawful access and to further control debris from flowing into City Creek. Following construction, the area disturbed by the pipe and box culvert would be buried by approximately up to 6 to 8 feet of native soil and restored with native plants. It is anticipated that because the new facilities would be placed adjacent or near the existing facilities, that the existing pipeline and outfall would be removed. The open channel and irregular outfall will remain open because it is designed to reduce the stormwater design velocity from 15 feet per second (fps) to less than 6 fps for the 100-year storm event, thus reducing and/or eliminating scour potential to the City Creek Channel.

Construction between the street and the 15-foot-wide grouted rip-rap open channel includes excavating trenches that vary in depth from 16 feet to 0 feet deep and 15 feet wide to place the pipe and box culvert. The area of the open channel is anticipated to be approximately 0 to 20 feet deep by 15 feet wide and will be cast in place concrete.

Work Method, Stockpiles and Equipment Staging/Storage. **Table 3: *List of Typical Equipment*** identifies the typical equipment expected to be utilized for the Project. The City would require the contractor to locate equipment off site and only bring in and store materials to be used for the day, and/or keeping rip-rap in small quantities overnight only when needed. The contractor would be provided copies of all permits and be required to adhere to all conditions.

It is anticipated that most of the work to remove the rip rap and current culvert would be performed from the top of the channel, with smaller equipment staged at the toe of slope as needed.

Table 3: List of Typical Equipment

Typical Equipment	Number
Rubber tire loader	1
Track Excavator	2
Bobcat	2
Water Truck	1
Pile Driver with Shoring Plates	1
Dump Truck	1
Concrete Mix Delivery Truck	1

2.4 2024 PROPOSED PROJECT STATE AND FEDERAL PERMITS

The 2024 Proposed Project would also require permitting from the following State Agencies which require that the Project comply with CEQA prior to issuance of their respective permits:

- CDFG Code Section 2081 to authorize the incidental take of SBKR. Ground disturbance onsite will not exceed 0.85 acre, of which 0.14 acre is occupied SBKR habitat to be restored (Exhibit 4A) and

is included within the permanent impacts associated with the 2001 Biological Opinion for the 5th Street Bridge Replacement Project (Exhibit 4b).

- CDFG Code Section 1600 for Streambed Alteration

- Clean Water Act Section 401 (Santa Ana Regional Water Quality Control Board), or inclusion in the County and City's MS-4 permit

The 2024 Proposed Project would also require permitting from the following Federal Agencies

- USFWS – Section 10 Endangered Species Act Low Impact Habitat Conservation Act (LEHCP). As the design does not have an impact on federal jurisdictional waters, and therefore no federal lead agency, the City and the USFWS have completed a Section 10 consultation and developed a draft Low-Effect Habitat Conservation Plan (LEHCP). The Section 10 LEHCP would be implemented for the area between Fifth Street and the outfall at City Creek as this area is outside of federal/Corps jurisdiction but still inside critical habitat for the SBKR. The boundary covered by the LEHCP is shown on Figure 6. The LEHCP area includes an assumed onsite area of 0.85 acre that includes all areas of potential ground disturbance, and within which, 0.14 acre would be restored.

No federal Clean Water Act Section 404 (US Army Corps of Engineers) is required because the outfall does not extend into the ordinary high water mark that would impact federal jurisdictional waters.

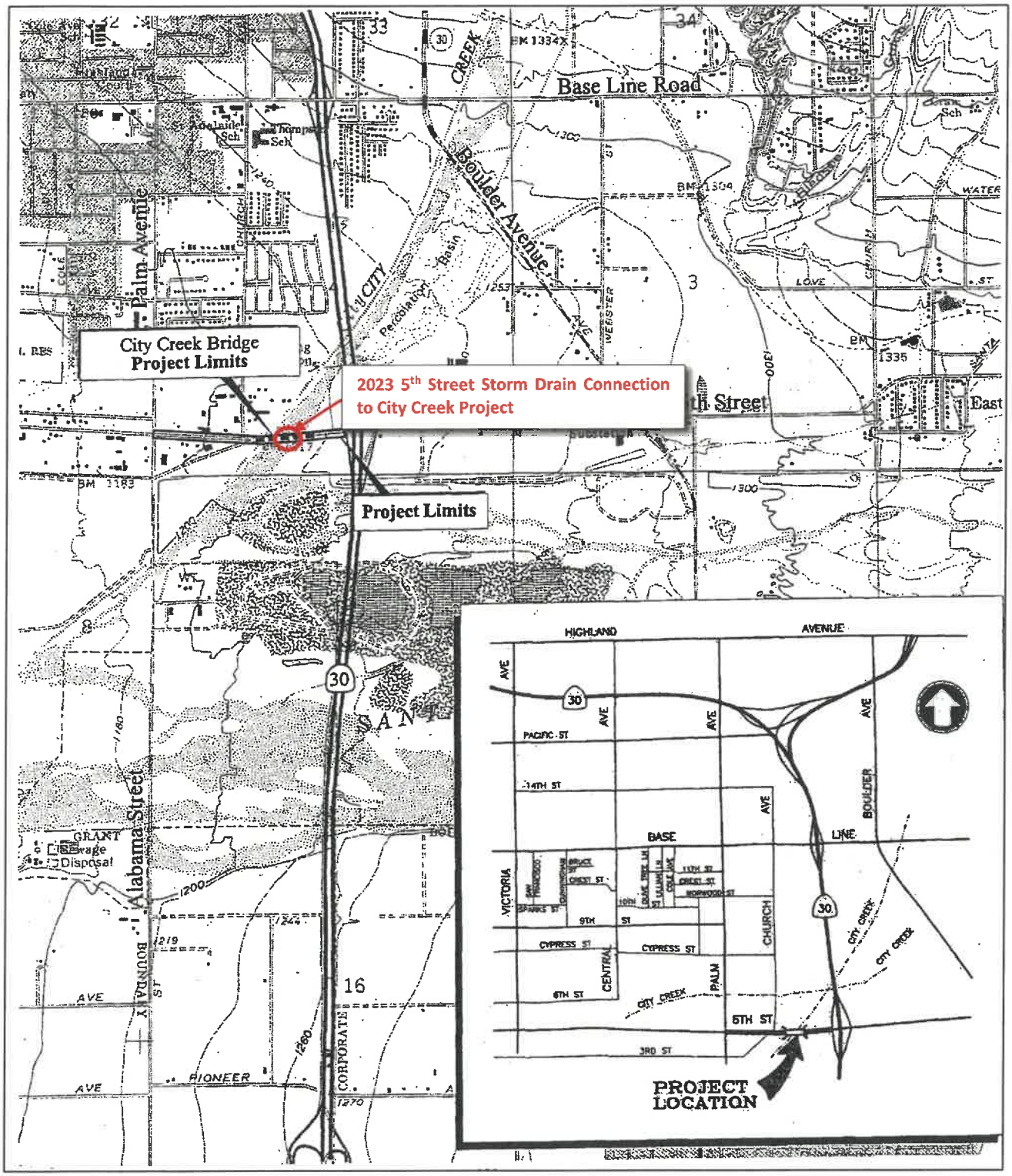


Figure 1- Regional Vicinity Map: 2000 Project and 2024 Project

Not to Scale

Source: *2000 IS/EA*
Page 23

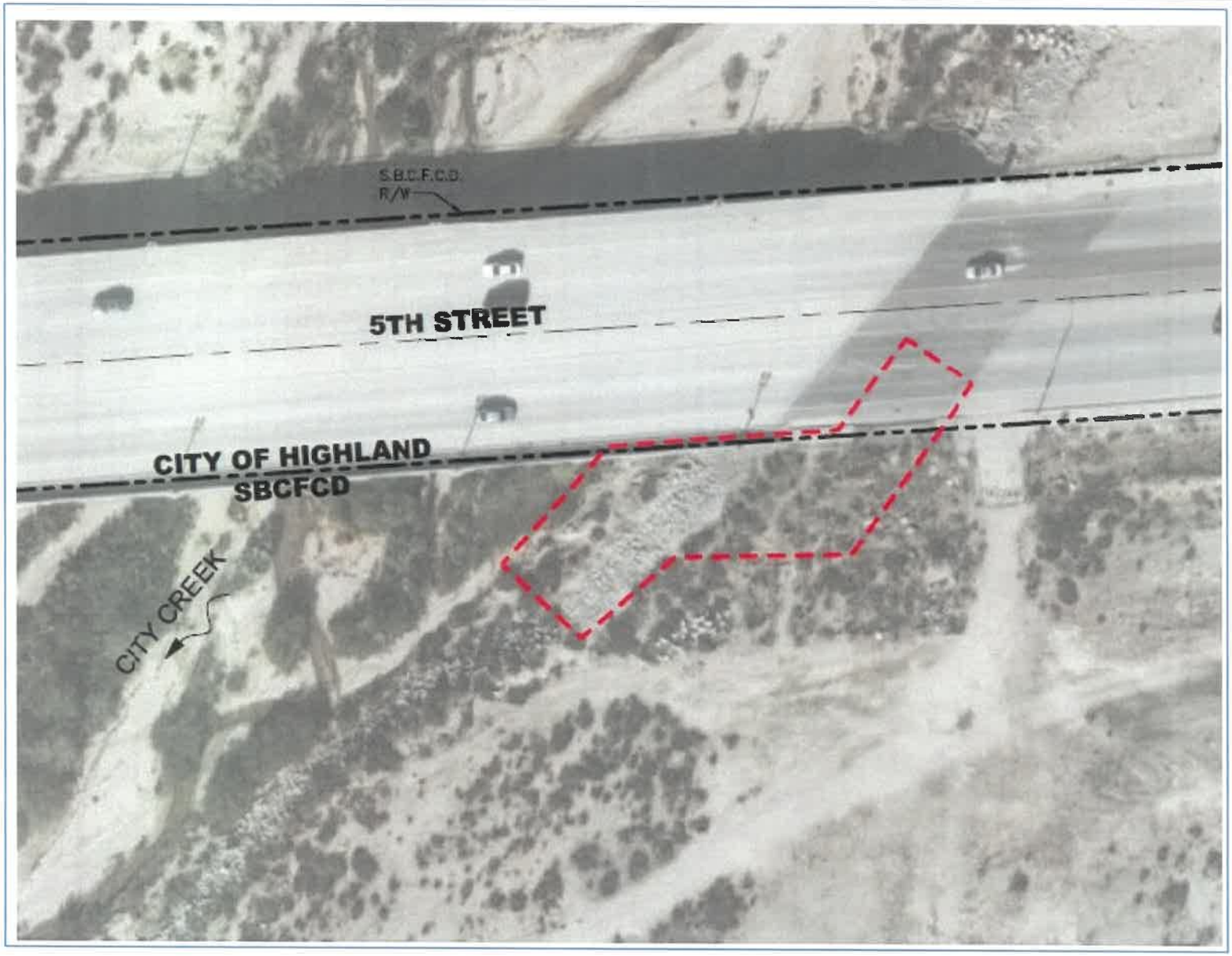


Figure 2- 2024 Project Location – Aerial View

Not to Scale

Source: *Google Earth*

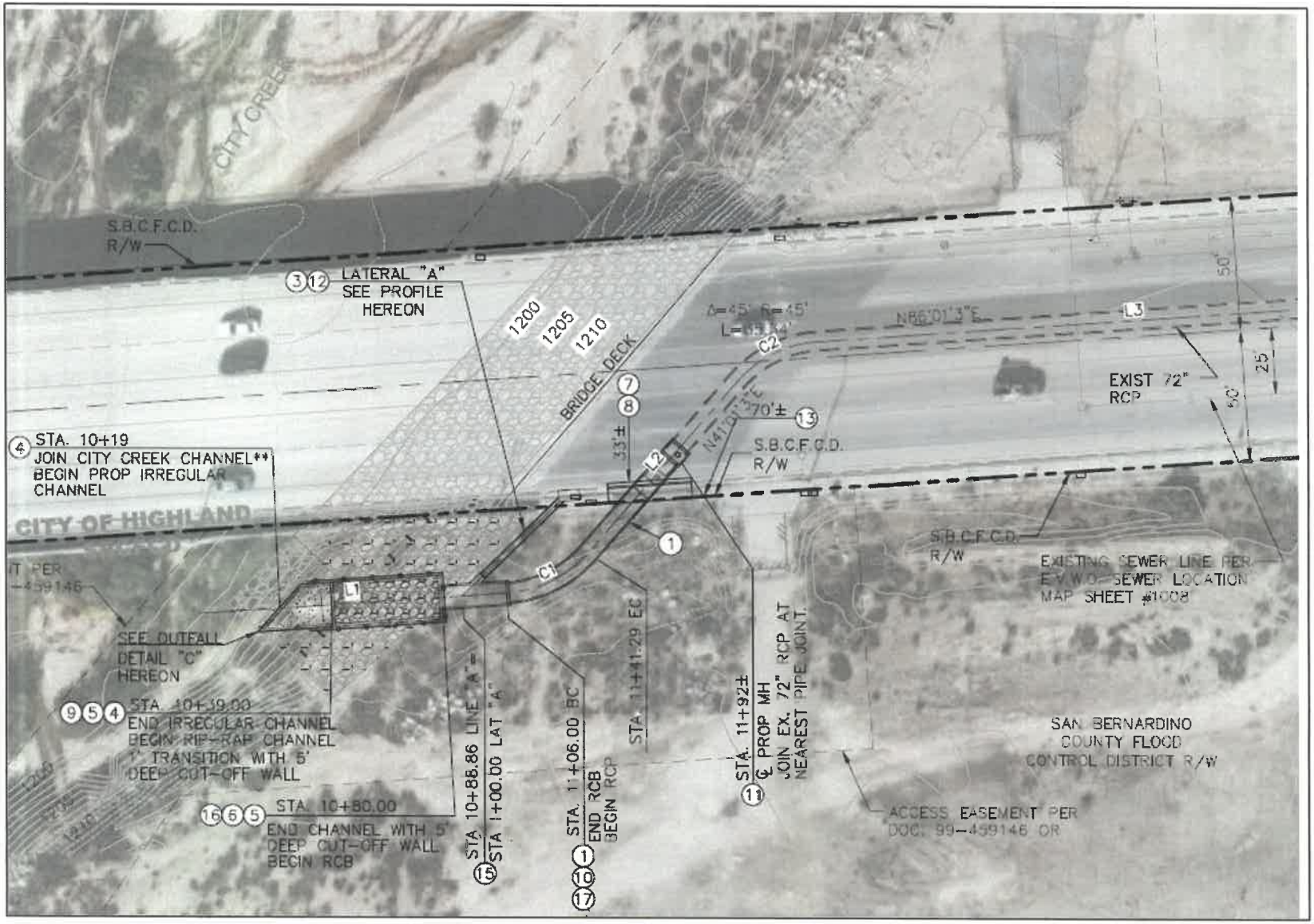


Figure 3 – 2024 Proposed Project Plan

Not to Scale

Source: *Google Earth*

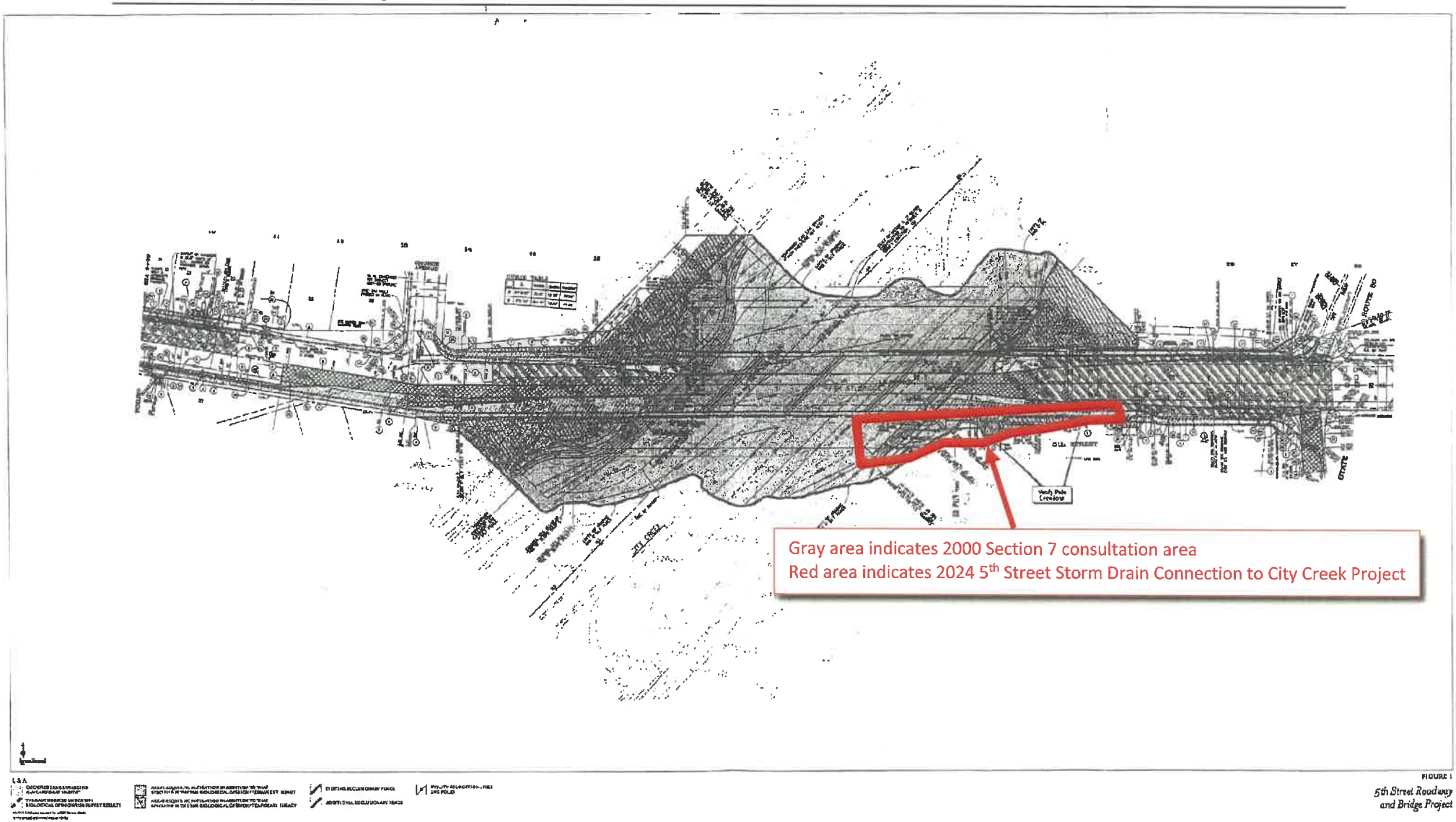
Figure 3

2222/00(COH732/stk/EA)

Figure 4 – 2000 IS/EA Project Plan View and 2024 Project

Not to Scale

Source: *2000 IS/EA*



Not to Scale

Figure 5 – 2000 Section 7 Consultation Figure

Source: *August 7, 2002 USFWS Section 7 Consultation*

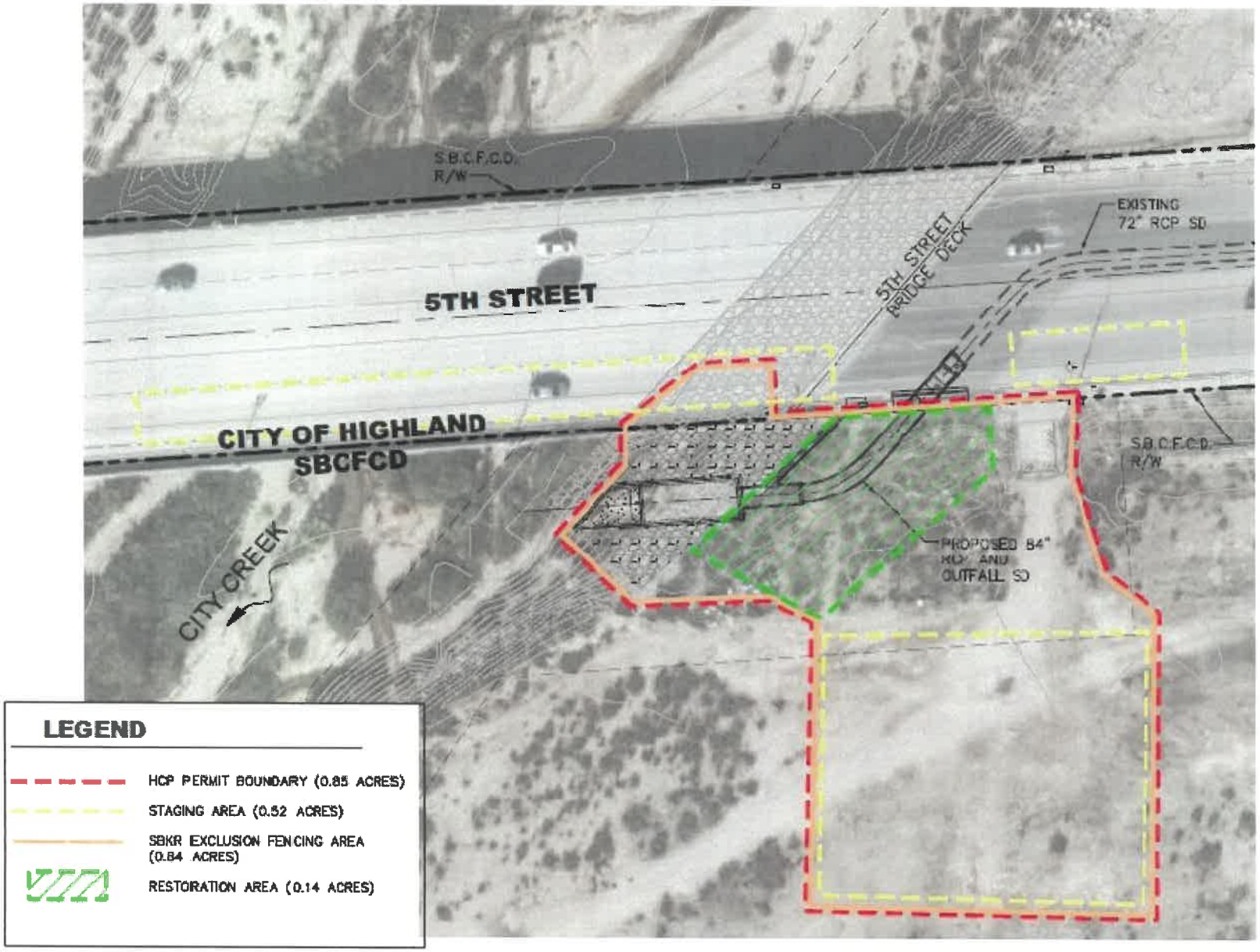


Figure 6 – 2024 Project Boundary and USFWS LEHCP Area

Not to Scale

Source: *ERSC Project Drawings*

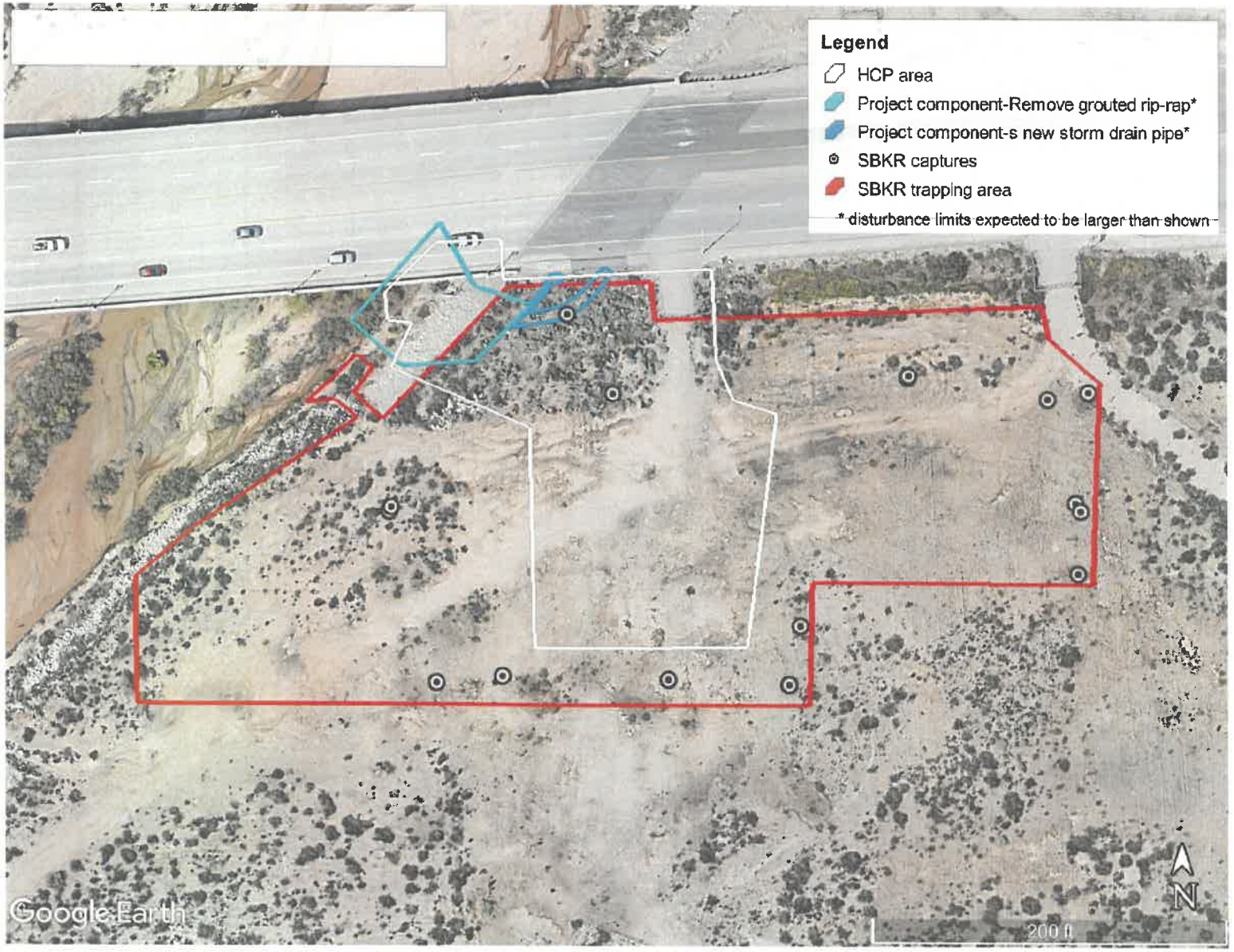


Figure 7 – 2022 SBKR Locations in Project Vicinity

Not to Scale

Source: *SBKR Trapping report, LEHCP, Engineered Drawings*

3 CEQA/NEPA DETERMINATION - 2024 PROPOSED PROJECT

3.1 REGULATORY FRAMEWORK

In 2000, the City of Highland completed an Initial Study/Environmental Assessment (IS/EA) under CEQA and NEPA to construct a new bridge on 5th Street at City Creek and the widening of 5th Street between State Route 30 and Palm Avenue, titled *Initial Study/Environmental Assessment for the Fifth Street Widening and Replacement (#54C0016) in the City of Highland*, SCH No. 2000061092 (2000 IS/EA). As that project was partially funded through the Federal Highway Administration, an analysis under NEPA was required, and the document approved by Caltrans.

CEQA Guidelines Section 15162 states that when a negative declaration has been adopted for a project, no subsequent negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more conditions. CEQA Guidelines 15162 states:

> *(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
>
> *(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
>
> *(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
>
> *(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
>
> *(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
>
> *(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
>
> *(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
>
> *(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
>
> *(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*
>
> *(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants*

the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

CEQA Guidelines Section 15164 sets out the conditions in which an adopted MND can be revised or amended as follows:

(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

3.2 ANALYSIS EVALUATION

Section 4 – Environmental Analysis of this document summarizes the analysis of the 2000 IS/EA and provides information on how the 2024 Proposed Project impacts would be similar to those assessed in the 2000 IS/EA. The table also provides columns that provide the conclusions required by CEQA Guidelines Section 15162 as follows. The conclusions are based on the narrative provided in the analysis.

Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the 2024 Proposed Project will result in new significant environmental impacts not previously identified or mitigated by the 2000 IS/EA or whether the 2024 Proposed Project will result in a substantial increase in the severity of a previously identified significant impact.

New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether the 2024 Proposed Project results in substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the 2000 IS/EA due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2000 IS/EA was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the 2000 IS/EA remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered "no" and no additional environmental document would be required.

Mitigation Measures Implemented or Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the 2000 IS/EA provides mitigation measures to address effects in the related impact category. Any previously adopted mitigation measures are identified in Table 2. These mitigation measures will be implemented with the construction of the 2024 Proposed Project, as applicable. If "None" is indicated, the 2000 IS/EA concluded that the impact either does not occur with this project or is not significant, and therefore no mitigation measures are needed.

Any change in an mitigation measure from the 2000 IS/EA would not trigger additional environmental review as long as the change clarifies or provide for more stringent measures.

4 ENVIRONMENTAL EVALUATION: PHYSICAL

The potential impacts associated with Physical changes to the environment as a result of the 2000 Project are identified in the 2000 IS/EA (Appendix A), on pages 5-1 through 5-17, Questions 1 through 21 (represented in each heading as Q and the number). This section provides a summary of the analysis of the 2000 IS/EA and an analysis of 2024 Project as it compares to CEQA Guidelines Section 15162.

4.1 Q1: TOPOGRAPHY

1. Will the proposal either directly or indirectly appreciably change the topography or ground surface relief features?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.1.1 Discussion

2000 IS/EA:

The topography in the project study area is generally flat. The natural terrain has been previously disturbed by the construction of Fifth Street. The project area between SR- 30 and Church Avenue is identified in the General Plan as being within the 100-year floodplain. City Creek flows southwest to the Santa Ana River and is identified in the General Plan as a major natural drainage facility for the City. A mixed use trail is proposed in the General Plan along City Creek connecting to the Santa Ana River Trail system.

2024 Proposed Project:

The Proposed Project will follow the general topography of the area, which is flat between 5th Street and the new outfall will be placed in the existing rip rap slope constructed as part of the bridge project to protect the existing City Creek slope. None of the construction requires a regrading of the channel sideslopes in a manner that would change the flow line properties from the existing condition. Additionally, the Project has been designed to reduce scour in City Creek from the additional flows, thereby not changing the topography of the City Creek flowline in the future. No aspect of the Project would prohibit the City's planned Mixed Use Trail. Impacts are similar to those previously assessed, and there would be no change.

4.1.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.1.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.2 Q2: UNIQUE FEATURES

2. Will the proposal either directly or indirectly destroy, cover or modify any unique geologic, paleontologic, or physical features?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.2.1 Discussion

2000 IS/EA:

No unique geologic, palaeontologic, or physical features exist in the project area, therefore no impacts would occur.

2024 Proposed Project:

The Project occurs in the same location as the 2000 IS/EA assessment. A cultural resources study was performed to update the conditions that may have occurred since the 2000 Project (**Appendix C –**

Historical/ Archaeological Resources Survey Report, Fifth Street Storm Drain Improvement Project, City of Highland, prepared by CRM Tech, February 11, 2024). The report identified that there were no new resources discovered since the time of the 2000 Project evaluation. Therefore, there would be no change in impacts.

4.2.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.2.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.3 Q3: GEOLOGIC/SEISMIC HAZARDS

3. Will the proposal either directly or indirectly result in unstable earth surfaces or increase the exposure of people or property to geologic or seismic hazards

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.3.1 Discussion

2000 IS/EA:

The Fifth Street project is subject to ground shaking from regional and local fault activity, as is all of California. The primary potential hazard, in the event of a major earthquake, would be ground motion;

however, secondary hazards could include soil settlement. The site has a low liquefaction potential due to the quick dissipation of excess pore water pressure and the dense nature of the soils. The project does not include any structures that would increase the risk of exposure to people. Potential geologic and seismic hazards associated with project implementation would be reduced by designing the project to comply with Caltrans' most recent seismic design standards.

2024 Proposed Project:

The Project occurs in the same location as the 2000 IS/EA assessment, therefore, there would be no change in impacts.

4.3.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.3.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.4 Q4: SOIL EROSION

4. Will the proposal either directly or indirectly result in or be affected by soil erosion or siltation (whether by water or wind)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
YES	NO	No	No	No	Yes

4.4.1 Discussion

2000 IS/EA:

Construction activities in the vicinity of City Creek would increase the potential for wind or water erosion of soils and result in short-term changes in deposition, erosion, or siltation that may modify City Creek or the Santa Ana River. Once construction is complete, the erosion rate at the project site would be the same as the existing rate. Short-term soil erosion impacts from demolition and construction of the bridge within the City Creek area would be mitigated through the implementation of a Storm Water Pollution Prevention Plan (SWPPP) and are not substantial.

2024 Proposed Project:

The Project occurs in the same location as the 2000 IS/EA assessment, therefore, there would be no change in impacts. The Project does not disturb more than 1 acre of land, therefore, the City does not need to obtain coverage under the 2022 Construction General Permit and a SWPPP is not required. However, given the sensitivity of the Project area, the City will require the contractor to install and maintain erosion and sediment control BMPs for the entire construction phase such that the contractor does violate the City's NPDES requirements.

4.4.2 Mitigation Measures

The 2000 IS/EA identified that the 2000 Project would prepare a Stormwater Pollution Prevention Plan (SWPPP) that would include Good Management Practices (GMPs) from the Caltrans Stormwater Quality Handbook (May 10, 1996). (Note: specific measures were identified in the 2000 IS/EA and are incorporated by reference herein for the purpose of brevity).

The Project does not disturb more than 1 acre of land, therefore, the City is not required to obtain coverage under the 2022 Construction General Permit, and a SWPPP is not required. However, given the sensitivity of the Project area, the City will require the contractor to install and maintain erosion and sediment control BMPs for the entire construction phase such that the contractor does violate the City's NPDES requirements. Many of the BMPs are anticipated to be similar in nature to those identified in the 2000 IS/EA, and will follow Best Management Practices from the latest version of the Caltrans Stormwater Quality Handbook.

4.4.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.5 Q5: FUEL/ENERGY

5. Will the proposal either directly or indirectly result in the increased use of fuel or energy in large amounts or in a wasteful manner?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.5.1 Discussion

2000 IS/EA:

Due to the relatively small scale of the project, construction of the proposed improvements would not require use of large or wasteful amounts of fuel or energy. The use of energy to construct the project would not be a substantial irrevocable commitment of fossil fuel resources.

2024 Proposed Project:

The Proposed Project is small, and construction does not require special processes or equipment that would require use of large or wasteful amounts of fuel or energy.

4.5.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.5.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.6 Q6: NATURAL RESOURCES

6. Will the proposal either directly or indirectly result in an increase in the rate of use of any natural resource?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.6.1 Discussion

2000 IS/EA:

Due to the relatively small scale of the project, construction of the proposed improvements would not substantially affect the rate of use of any natural resources. Also, there are no important quantities of natural resources (e.g., sand and gravel deposits) within the Fifth Street project limits.

2024 Proposed Project:

Due to the relatively small scale of the project, construction of the proposed improvements would not substantially affect the rate of use of any natural resources. Also, there are no important quantities of natural resources (e.g., sand and gravel deposits) within the Proposed Project limits.

4.6.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.6.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.7 Q7: NONRENEWABLE RESOURCES

7. Will the proposal either directly or indirectly result in the substantial depletion of any nonrenewable resource?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.7.1 Discussion

2000 IS/EA:

As noted above in Response Nos. 5 and 6, the use of energy to construct the project would not be a substantial irrevocable commitment of fossil fuel resources or natural resources.

2024 Proposed Project:

Refer to Response Nos. 5 and 6. No aspect of the project would represent a substantial depletion of nonrenewable resources.

4.7.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.7.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.8 Q8: WASTE STANDARDS

8. Will the proposal either directly or indirectly violate any published Federal, State or local standards pertaining to hazardous waste, solid waste or litter control?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.8.1 Discussion

2000 IS/EA:

There are no hazardous sites within the 2024 Proposed Project boundaries. During construction, the City of Highland shall mitigate any areas of contamination found within the Project limits through implementation of standard cleanup and disposal procedures (i.e., removing and transporting the waste to an appropriate landfill).

2024 Proposed Project:

The Project occurs in the same location as the 2000 IS/EA assessment, therefore, there would be no change in impacts.

4.8.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.8.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.9 Q9: MODIFY STREAM/RIVER

9. Will the proposal either directly or indirectly modify the channel of a river or stream or the bed of the ocean or any inlet or lake?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.9.1 Discussion

2000 IS/EA:

Demolition and reconstruction of the bridge over City Creek would result in minor alterations to surface water within the channel. Implementation of Best Management Practices (BMPs) during construction would reduce impacts to less than significant.

2024 Proposed Project:

The Proposed Project would occur within the same location within City Creek as the 2000 Project, but within a much smaller footprint by only demolishing and reconstructing a portion of the existing outfall and rip rap slope immediately adjacent to the outfall on the slope on the east side adjacent to the bridge, for the purpose of outfall relocation. The new pipeline, box culvert and open rip rap channel prior to the outfall point are designed to slow flows before they enter City Creek to reduce scour. Project-specific hydrology and hydraulic reports were prepared (Appendix D-1 and D-2) that identify that the new flows from the outlet would be similar in velocity than what the existing outfall experiences. Therefore, the Project would modify City Creek in the same location as the previous project and control flows to what is similar of existing conditions.

4.9.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.9.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.10 Q10: FLOODPLAIN ENCROACHMENT

10. Will the proposal either directly or indirectly encroach upon a floodplain or result in or be affected by floodwaters or tidal waves?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.10.1 Discussion

2000 IS/EA:

Portions of the proposed project lie within the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) and are depicted in the Location Hydraulic Study Bridge Project Floodplain Study, which was prepared as part of the 2000 IS/EA. FIRM panel 8702 of 9400, dated March 18, 1996, shows this reach of City Creek within a Zone A designation. Zone A is applied when no base flood elevations were determined. In addition, the Project area is not proximate to bodies of water large enough to generate tidal waves.

2024 Proposed Project:

The 2024 Proposed Project does not change the invert elevation of the City Creek Channel at the Project location and therefore would not result in effects to the floodplain.

4.10.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.10.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.11 Q11: WATER QUALITY AND SUPPLY

11. Will the proposal either directly or indirectly adversely affect the quantity or quality of surface water, groundwater or public water supply?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.11.1 Discussion

2000 IS/EA:

The project would result in a slight increase of surface runoff due to the additional pavement on 5th Street, which can contain various oils and grease, which would be greatest during the "first flush" after a storm.

These constituents would be minimal over the existing conditions, and concentrations would be highly diluted before reaching groundwater. Runoff and erosion during construction would be managed through BMPs.

2024 Proposed Project:

The Proposed Project would add flows to the system as the pipeline connection represents a larger stormwater collection area than the existing facilities. However, the Proposed Project has been designed new, larger underground pipe, new underground box culvert, and a new outfall structure that is designed to slow the velocity of the flows to near existing conditions before outletting to the City Creek channel bottom and reduces the scour potential from the additional flows. Additionally, overall, the design includes nearly 60 feet of open channel where flows are slowed before entering the channel and whereby sunlight can assist in naturally removing constituents of concern. Potential runoff and erosion during construction would be managed through BMPs.

4.11.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.11.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.12 Q12: WATER USAGE

12. Will the proposal either directly or indirectly result in the use of water in large amounts or in a wasteful manner?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.12.1 Discussion

2000 IS/EA:

Project development is not expected to result in the use of large amounts of water during construction and operation. Application of standard Caltrans specifications for roadway construction and maintenance provides for installation of water conserving designs and maintenance programs.

2024 Proposed Project:

Project development is not anticipated to use large amounts of water during construction or operation. Application of water for dust control as necessary is anticipated during construction. No supplemental water is anticipated for operation.

4.12.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.12.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.13 Q13: WETLANDS/RIPARIAN VEGETATION

13. Will the proposal either directly or indirectly affect wetlands or riparian vegetation?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
YES	NO	No	No	No	YES

4.13.1 Discussion

2000 IS/EA:

Based on the wetland delineation analysis conducted for the project area, a small area of wetland would be displaced by the proposed project. A total of 318.5 linear meters (1.045 linear feet) of streambed, including 0.27 hectare (0.67 acre) of jurisdictional water of the U.S. consisting of 0.22 hectare (0.55 acre) of wetland water, and 0.05 hectare (0.12 acre) of non-wetland water, was identified as being affected by the project. The benefits provided by the wetland sites within the project area are minimal because of the limited acreage and, therefore, the impact is not considered substantial. However, this adverse impact would be reduced to ensure no net loss of riparian habitat and wetlands after implementation of a mitigation measure. The project is also subject to the conditions of a CDFW Lake and Streambed Alteration Agreement which serves to reduce impacts on wetlands and/or riparian vegetation. The Streambed Alteration Agreements were subsequently issued for the project.

2024 Proposed Project:

While Proposed Project activities are anticipated to primarily occur in the upland area and along the existing rip rap slope, some minor impacts may occur to the riparian vegetation that exists at the toe of the slope so equipment can better access the work area. The Proposed Project's work area would be limited to that which is necessary to perform the current Project, or approximately 0.04 acre of CDFW jurisdictional waters, which does not exceed the 0.67 acre impacted by the project assessed in the 2000 IS/EA. The mitigation measures identified in the 2000 IS/EA for the previous project would also apply to the Proposed Project. Additionally, the Proposed Project would also obtain a CDFW Streambed Alteration Agreement for the currently proposed work that would also reduce impacts. A Biological Assessment/Jurisdictional Waters Delineation was prepared for the Proposed Project and is provided in **Appendix B-2: *Biological Resources and Jurisdictional Assessment for the 5th Street Storm Drian Connection at City Creek Project Located in the City of Highland, San Bernardino, County, California.***

4.13.2 Mitigation Measures

The 2000 IS/EA identified the following mitigation measure that was applicable to the 2000 Project:

1. For direct impacts (temporary disturbance of up 0.27 hectare [0.67 acre] of waters/streambed) construction activities shall be limited to the minimal area necessary and that upon completion of construction, impacted areas be restored to replicate existing conditions. A one-time revegetation of the site shall be required. At the onset of construction topsoil (where present) and plant materials shall be salvaged for use in restoration activities. The top three to six inches of topsoil shall be scraped off and stockpiled on site, upon completion of construction, the stockpiled soil shall be spread over areas targeted for restoration. Prior to removal of vegetation, cuttings shall be taken from shrubs and trees (i.e., mulefat, cottonwood, and willows), cuttings shall be rooted and maintained for post-construction planting. Topsoil shall be spread and cuttings planted in areas where adequate water is available for the growth of riparian vegetation. No long-term monitoring of the site shall be required.

   Impacts to waters of the U.S. and streambed would require authorization from the Corps, Regional Water Quality Control Board (RWQCB), and CDFG. As part of the authorization process, the regulatory agencies would review and approve appropriate mitigation measures. It is anticipated that the measure outlined above would satisfy the requirements of the involved agencies.

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, this mitigation measure would apply, and no new mitigation measures are required to implement the 2024 Project.

4.13.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.14 Q14: WATER QUALITY STANDARDS

14. Will the proposal either directly or indirectly violate or be inconsistent with Federal, State or local water quality standards?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.14.1 Discussion

2000 IS/EA:

The project is not anticipated to have a substantial impact on local water quality with implementation of City of Highland design standards for controlling storm runoff. Runoff and erosion during construction would be controlled by contract specifications and BMPs. Construction industry standard stormwater BMPs can be found in the State of California Storm Water Best Management Practice Handbook, Construction Activity. With implementation of BMP measures, the potential for increased runoff during construction would not be substantial.

2024 Proposed Project:

The Proposed Project is not anticipated to have a substantial impact on local water quality with implementation of all Federal, State, and Local guidelines and regulations. Flows into City Creek are regulated by Clean Water Act Section 401 (Santa Ana Regional Water Quality Control Board), by inclusion in the County and City's National Pollutant Elimination System (NPDES) MS-4 permit.

4.14.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.14.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.15 Q15: AIR PROPERTIES

15. Will the proposal either directly or indirectly result in changes in air movement, moisture, or temperature, or any climatic conditions?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.15.1 Discussion

2000 IS/EA:

Due to the relatively limited scale of the project, construction of the proposed facility would not affect existing local air movement patterns, or alter temperature or other climatic conditions in the Project study area.

2024 Proposed Project:

Due to the relatively limited scale of the project, construction of the proposed facility would not affect existing local air movement patterns, or alter temperature or other climatic conditions in the Project area.

4.15.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.15.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.16 Q16: AIR EMISSIONS/AIR QUALITY

16. Will the proposal either directly or indirectly result in an increase in air pollutant emissions, adverse effects on or deterioration of ambient air quality?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	Yes

4.16.1 Discussion

2000 IS/EA:

An Air Quality Analysis was preformed for the project. The project would not increase air pollutant emissions or a deterioration in Air Quality. However, a mitigation measure was required to ensure construction maintained equipment and followed procedures to reduce potential emissions.

2024 Proposed Project:

An Air Quality, Greenhouse Gas and Energy Impact Study was prepared for the 2024 Project (***Appendix E -5th Street Storm Drain Connection, Air Quality, Greenhouse Gas, and Energy Impact Study***, *prepared by MD Acoustics, September 18, 2024*) that determined that the 2024 Project, during construction and operation, would not result in an increase of air emissions or a deterioration of ambient air quality. The Mitigation Measure for the previous project would also apply to the 2024 Proposed Project.

4.16.2 Mitigation Measures

The 2000 IS/EA identified the following mitigation measure to reduce impacts to less than significant:

> Adherence to existing policies, regulations, and/or design standards would reduce any adverse impact of the project. The following standard measures shall be implemented.
>
> - The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment would be tuned and maintained in accordance with the manufacturer's specifications.

- The Construction Contractor shall ensure that construction grading plans include a statement that work crews would shut off equipment when not in use. During smog season (May through October), the overall length of the construction period should be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.

- The Construction Contractor shall time the construction activities so as not to interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

The following measures would reduce or minimize fugitive dust emissions associated with grading or other soil disturbance:

- The SCAQMD rules addressing fugitive dust control measures, Rules 402 and 403, shall be adhered to during the construction process.

- A fugitive dust control plan shall be submitted to and approved by the SCAQMD prior to beginning project construction.

The following measure would reduce or minimize air pollutant emissions associated with asphalt paving:

- The Construction Contractor shall adhere to the recommendations set forth by the U.S. Environmental Protection Agency (EPA) and adopted by reference by the SCAQMD addressing the emission control measures covering the asphalt paving emissions.

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, this mitigation measure would apply, and no new mitigation measures are required to implement the 2024 Project.

4.16.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.17 Q17: ODORS

17. Will the proposal either directly or indirectly result in the creation of objectionable odors?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.17.1 Discussion

2000 IS/EA:

The proposed project would not generate new odors, in and of itself; however, short-term odor impacts (i.e., diesel fumes) associated with Project construction may occur adjacent to the project right-of-way during construction. These fumes would dissipate quickly, and do not pose a potentially substantial odor impact.

2024 Proposed Project:

The Proposed Project would also not generate odors in of itself, but may generate short-term odors associated with project construction, which would dissipate quicky and do not result in the creation of objectionable odors.

4.17.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.17.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.18 Q18: AIR QUALITY STANDARDS

18. Will the proposal either directly or indirectly violate or be inconsistent with Federal, State or local air standards or control plans?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.18.1 Discussion

2000 IS/EA:

As discussed under Response No. 16, the Fifth Street project is included in the existing RTIP, does not require amendment to any local General Plan, and is considered consistent with the air quality related regional plan. The FHWA and FTA issued a conformity determination on the SCAG 1998 Regional Transportation Plan and Fiscal Year 1998/99 - 2004/5 Regional Transportation Improvement Program (RTIP) on October 5, 1998.

2024 Proposed Project:

The Air Quality analysis in Appendix C assessed the 2024 Project's consistency with current applicable air Federal, State or local air standards or control plans and found the 2024 Project would be consistent with those plans.

4.18.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.18.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.19 Q19: NOISE LEVELS

19. Will the proposal either directly or indirectly result in an increase in noise levels or vibration for adjoining area?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.19.1 Discussion

2000 IS/EA:

The widening of 5th Street and associated bridge may increase traffic, which may increase noise levels and vibration for adjoining areas. However, along this segment of 5th Street, there are no residential or commercial uses where sensitive receptors would be disturbed by the noise. Additionally, the incremental noise did not meet the Caltrans requirement to perform a noise study or install noise attenuation structures.

2024 Proposed Project:

The Proposed Project is the replacement of an existing storm drain, and would not introduce new traffic trips to the Project site. Temporary noise associated with construction is anticipated, but any noise would dissipate and is temporary in nature. Along this segment of Fifth Street, there are no residential uses or commercial uses with outdoor activities that would have frequent human use. Therefore, there are no exterior receptors that would be impacted by the temporary construction noise.

4.19.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.19.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.20 Q20: NOISE STANDARDS

20. Result in any Federal, State or local noise criteria being equal or exceeded?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.20.1 Discussion

2000 IS/EA:

During construction activities, nearby land uses may be exposed to periodic short-term noise levels in excess of the City of Highland's threshold levels when construction occurs near the Project construction boundaries. Due to the short-term nature of construction activities, the absence of sensitive receptors adjacent to the project, and the restrictions on nighttime and weekend work (as imposed by the City of Highland Noise Ordinance), potential noise impacts are not considered substantial.

2024 Proposed Project:

The Proposed Project would generate noise during construction, but there are no receptors nearby. The Project would abide by the City of Highland's noise ordinance.

4.20.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.20.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

4.21 Q21: LIGHT/GLARE

21. Will the proposal either directly or indirectly produce new light, glare or shadows?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

4.21.1 Discussion

2000 IS/EA:

The proposed project would provide new lights on the bridge. Street lighting is provided as a safety feature and would not create a substantial intrusion of light into the area. Lighting sources would be shielded to

prevent spillover of light from the bridge to adjacent lands so as not to affect the SBKR. Therefore, no impact is anticipated.

2024 Proposed Project:

The Proposed Project does not propose or include new lighting.

4.21.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

4.21.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5 ENVIRONMENTAL EVALUATION: BIOLOGICAL

The potential impacts associated with Physical changes to the environment as a result of the 2000 Project are identified in the 2000 IS/EA (Appendix A), on pages 5-17 through 5-21, Questions 22 through 29 (represented in each heading as Q and the number). This section provides a summary of the analysis of the 2000 IS/EA and an analysis of 2024 Project as it compares to CEQA Guidelines Section 15162.

5.1 Q22: SPECIES DIVERSITY

22. Will the proposal result in (either directly or indirectly) change in the diversity of species or number of any species of plants (including trees, shrubs, grass, microflora, and aquatic plants)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.1.1 Discussion

2000 IS/EA:

The proposed project would have temporary impacts on plant communities within City Creek. The areas adjacent to the roadway that would be affected by the roadway widening are disturbed, contain non-native landscaping or ruderal species. Temporary impacts include grubbing, clearing, and grading operations that result from construction operations, but would not result in a permanent conversion of habitat to human use. Permanent conversion of habitat will occur in the areas where the pylons of the bridge would be permanently widened in City Creek.

2024 Proposed Project:

The Proposed Project would occur within the same footprint as assessed by the 2000 IS/EA. Temporary impacts would include grubbing, clearing, and grading operations that result from construction operations, but would not result in a permanent conversion of habitat to human use. All areas where native plants are disturbed would be restored to pre-construction condition through hydroseeding and planting of native plants. Permanent impacts of areas that would not be restored represents approximately 800 SF, which is the 40 feet of the 15-foot-wide grouted rip-rap open channel and 20 feet of the the 15-foot-wide irregular open channel adjacent to the sideslope. This area would not be revegetated. This 800 SF in the upland area is not significant and would not cause a change in the diversity of species or number of any species of plants (including trees, shrubs, grass, microflora, and aquatic plants). This 800 SF in the upland area is designed to reduce impacts, including plants, in City Creek, due to the increased flows.

5.1.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.1.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.2 Q23: CRITICAL HABITAT

23. Will the proposal result in (either directly or indirectly) reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of plants?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.2.1 Discussion

2000 IS/EA:

As discussed in the Natural Environmental Study Report, the area of the City Creek Bridge contains habitat for the federally listed endangered SBKR. The U.S. Fish and Wildlife Service (USFWS) had not officially designated "critical" habitat for the SBKR . Twelve of the species were trapped during focused surveys for the species both north and south of the existing bridge. The loss of alluvial fan sage scrub habitat on the site itself is not considered substantial because of the relatively small amount of this habitat within the

proposed project area. However, because the alluvial fan sage scrub is occupied by the SBKR, any impacts to this species are considered substantial.

The proposed project would impact approximately 0.22 hectare (0.55 acre) of mulefat riparian habitat associated with defined channels and approximately 0.05 hectare (0.12 acre) of unvegetated drainages. Impacts to drainages are not considered substantial because the riparian vegetation is of low habitat value to wildlife species and because the impact to the drainage will be temporary. However, these drainages are protected under the provisions of the Clean Water Act and Section 1600 seq. of the California Fish and Game Code and mitigation is provided in Response No. 13 to reduce the proposed project's temporary effects on wetlands.

2024 Proposed Project:

A Section 7 consultation was conducted for the 5th Street Bridge Project, and all mitigation measures were implemented at that time which avoided, minimized and mitigated for SBKR and SBKR habitat.

The 2024 Proposed Project has been in various stages of planning and design since 2005, resulting in the final design which is the subject of this 2024 Proposed Project. In 2009, the US Army Corps determined that the Proposed Project would not impact federally jurisdictional waters. As such, in 2018, the City initiated a consultation with USFWS for a Section 10 Low Effect HCP to reduce impacts to critical habitat and the SBKR as a result of the 2024 Proposed Project. The City is required to implement the measures proposed in the HCP to ensure that impacts to SBKR and its habitat are avoided or minimized. In September 2022, the City conducted SBKR trapping in the Project area of the proposed 72-inch RCP connection from 5th Street to the City Creek outfall, and within the area of the LEHCP, which is the same area of work disturbed by the 2000 project. The survey yielded positive results of two individuals in the proposed area of work. The 2024 Proposed Project is situated within the same footprint as the 2009 determination, therefore, the 2024 Proposed Project would not result in a different determination from the US Army Corps. As such, the City is in the process of completing its consultation with the USFWS for the Low Effect HCP to ensure that the 2024 Proposed Project continues to minimize and avoid potential impacts to SBKR and critical habitat.

5.2.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.2.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.3 Q24: NEW SPECIES INTRODUCTION

24. Will the proposal result in (either directly or indirectly) introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.3.1 Discussion

2000 IS/EA:

Existing properties east of Palm Avenue and west of City Creek Bridge are currently landscaped with non-native and ornamental vegetation. Landscaping will be established or replaced in this area as required. Landscaping materials will consist of species common to the City of Highland and the region in general. The introduction of non-native landscaping materials would not result in a barrier to the normal replenishment of existing native species.

2024 Proposed Project:

The Proposed Project would restore with native plant species those areas disturbed by construction. The existing conditions consist of rocks and vegetation. An 800 SF area that represents an open rip rap channel would not be restored but the rip rap would not be dissimilar to the rocky portions of the existing area. This 800 SF of grouted rip rap would be available for wildlife to traverse and would not represent a barrier or designed in a manner that these species would become trapped that would result in a barrier of normal replenishment of existing species.

5.3.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.3.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.4 Q25: AGRICULTURE

25. Will the proposal result in (either directly or indirectly) reduction in acreage of any agriculture crop or commercial timber stand, or affect prime, unique, or other farmland of State or local importance?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.4.1 Discussion

2000 IS/EA:

No prime, unique, or State or locally important agricultural land, cultivation of agricultural crops or timber stands are present within the project study area and, therefore, no impacts to these resources would occur.

2024 Proposed Project:

The Project occurs in the same location as the project assessed in the 2000 IS/EA. There are no impacts to these resources.

5.4.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.4.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.5 Q26: WILDLIFE HABITAT

26. Will the proposal result in (either directly or indirectly) removal or deterioration of existing fish or wildlife habitat?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	Yes

5.5.1 Discussion

2000 IS/EA:

Impacts to wildlife in general are not considered substantial because of the relatively small amount of wildlife habitat present on site and because project impacts are relatively minor. However, the area of the City Creek Bridge contains habitat for the SBKR, a federally listed endangered species. The City, Corps, and FHWA are currently in Section 7 consultation with the USFWS. Mitigation measures for project impacts to the SBKR were discussed with the USFWS (Jack Easton. of LSA, pers comm. Arthur Davenport of the USFWS, April 14, 1998 and field visit Denise Woodard of LSA pers comm. P.J. White, Scott Eliason), and two Section 7 consultations were initiated which resulted in two Biological Opinions where mitigation

measures were implemented for a total disturbance area of 5.69 acres were disturbed for the construction of the bridge and sideslopes.

2024 Proposed Project:

In 2018, the City and the USFWS prepared a Low-Effect HCP for the USFWS to authorize incidental take of the species to construct the Project and to authorize avoidance and minimization measures of the construction area, which has been determined to be 0.84 acre, located within the 5.69 acres previously disturbed. As the previous project abided by the Section 7 Biological Opinions for that project, so will the 2024 Proposed Project abide by the terms of the Section 10 Low Effect HCP, which includes but is not limited to revegetation of all construction areas and relocating SBKR out of the construction zone, installing SBKR fencing around the construction site, and providing a biological monitor during construction and restoration.

Additionally, because the CDFW formally listed the SBKR as an endangered species in September 2023, the City is now required to comply with Fish and Game Code Section 2081 to obtain an Incidental Take Permit (ITP) from the CDFW. The City would also be required to abide by the terms and conditions of the ITP which would serve to avoid and minimize impacts to the SBKR and its habitat. Because the Low Effect HCP also serves to conserve the SBKR, it is assumed that the measures of the Low Effect HCP would also be applied to the ITP.

5.5.2 Mitigation Measures

The 2000 IS/EA identified the following mitigation measure to reduce impacts to less than significant:

- The City will compensate for biological impacts by purchasing mitigation credits from the Calmat Mitigation Bank. Impacts to SBKR and RAFSS will be mitigated by purchasing a total of 4 hectares (10 acres) of credits from the bank. The mitigation is for the permanent loss of 0.17 hectare (0.43 acre) of SBKR habitat at a 3:1 ratio (.52 hectare [1.29 acres] of mitigation required) and the temporary loss of 1.6 hectares (4.0 acres) of SBKR habitat at a 2:1 ratio (3.2 hectares [8.0 acres] of mitigation required). The total impact area, including permanent and temporary habitat loss, is 1.77 hectares (4.43 acres), requiring a total of 3.72 hectares (9.29 acres) of mitigation credits. The proposed mitigation results in the permanent preservation of 0.28 hectare (0.71 acre) beyond that which is required.

- Prior to construction, the limits of construction will be fenced with 1.25-meter (4- foot) silt fencing to provide a barrier to prevent SBKR from entering the construction area and to prevent impacts to alluvial fan sage scrub vegetation outside the construction limits. Access to SBKR habitat outside the construction limits will be prohibited and these areas will be posted accordingly.

- The areas within the limits of the construction area will be trapped for SBKR and any trapped animals will be relocated outside the fenced construction limits.

- All project-related activities will be monitored by a qualified biologist. The monitoring biologist will be present during all clearing of vegetation to be con- ducted for the project.

The monitoring biologist will ensure that only RAFSS within the construction limits will be removed or disturbed.

- Access to SBKR habitat outside the project limits will be prohibited and these areas will be posted accordingly.

- All movement of construction contractors, including ingress and egress of equipment and personnel, will be limited to the designated project limits.

- The staging area for construction equipment will be limited to designated locations which are physically separate from potential SBKR habitat areas.

- Orientation meetings will be conducted for construction personnel. Contractors' pets will be prohibited in and adjacent to the construction area.

- The proper use and disposal of oil, gasoline, and diesel fuel will be enforced.

- Upon completion of construction, the area of temporary impact (1.6 hectares [4.0 acres]) will be recontoured to its original state and the silt fencing will be removed. An upland revegetation program will be completed for the areas temporarily disturbed by the proposed project. This revegetation program serves as a one-time revegetation effort to encourage the growth of native vegetation in the area that will be affected temporarily. The revegetation program will include the following elements: identifying plant material and seed mix, site preparation and planting implementation, vegetation and topsoil salvage, and planting and seeding methods.

- Weed abatement will be conducted twice yearly in the form of hand weeding (which may include hand held mechanical weeders) to be conducted in the early spring (March thru April)and fall (September thru October) for the first two years after the initial revegetation effort. However, no monitoring or success criteria will be applied because of the (I) short duration and minimal effects of the pro- posed project, and (2) the temporary impacts are being mitigated at a 2:1 ratio in the unlikely event that habitat temporarily affected is not suitable for use by the SBKR after project completion.

- Shielded lighting to direct night-time lighting onto the roadways and away from SBKR habitat will be utilized to minimize potential impacts.

This biological assessment is intended to minimize the potential impact to the SBKR and contribute to its continued existence. The City is committed to provide the necessary funding to support the mitigation as outlined above.

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, this mitigation measure would apply. The City worked with the USFWS during the preparation of the Low Effect HCP to develop measures that would be applicable and appropriate for the 2024 Project. The Low Effect HCP contains a number of measures that are similar in nature to the measures from the Biological Opinion, which are defined in the mitigation measure outlined in the 2000 IS/EA. Because the City purchased credits from the Cajon Mitigation Bank for the 2000 Project, and the City is disturbing the

same area, the USFWS will not require additional credits to be purchased in the mitigation bank as part of the Low Effect HCP conditions.

The City is required to comply with Fish and Game Code Section 2081 to obtain an ITP from the CDFW. Because the Low Effect HCP also serves to conserve the SBKR, it is assumed that the measures of the Low Effect HCP would also be applied to the ITP. Compliance with State, Federal and local regulations, and the permit conditions that result from compliance with regulations, which include obtaining an ITP from the CDFW, is not considered mitigation. Therefore, no new mitigation measures are required.

5.5.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.6 Q27: CHANGE IN DIVERSITY

27. Will the proposal result in (either directly or indirectly) change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.6.1 Discussion

2000 IS/EA:

The proposed improvements to the existing Fifth Street facility would not result in a change in the diversity of species or numbers of any species of animals.

2024 Proposed Project:

The proposed improvements to the existing Fifth Street facilities would not result in a change in the diversity of species or numbers of any species of animals.

5.6.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.6.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.7 Q28: CRITICAL HABITAT FOR SENSITIVE SPECIES

28. Will the proposal result in (either directly or indirectly) reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of animals?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.7.1 Discussion

2000 IS/EA:

Refer to Response to Section 5.5, Question 26.

2024 Proposed Project:

Same as previously identified in Section 5.5, Question 26.

5.7.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.7.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

5.8 Q29: INTRODUCTION OF NEW SPECIES

29. Will the proposal result in (either directly or indirectly) introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

5.8.1 Discussion

2000 IS/EA:

The proposed improvements to the existing Fifth Street facility would not result in either the introduction of new species of animals into the area or the formation of a barrier to wildlife movement. Contractor's dogs or other domestic animals would not be allowed on site during construction activities.

2024 Proposed Project:

The proposed improvements to the existing Fifth Street stormwater facilities would not result in either the introduction of new species of animals into the area or the formation of a barrier to wildlife movement. Contractor's dogs or other domestic animals would not be allowed on site during construction activities.

5.8.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

5.8.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6 ENVIRONMENTAL EVALUATION: SOCIAL AND ECONOMIC

The potential impacts associated with Social and Economic changes to the environment as a result of the 2000 Project are identified in the 2000 IS/EA (Appendix A), on pages 5-21 through 5-24, Questions 30 through 52 (represented in each heading as Q and the number).. This section provides a summary of the analysis of the 2000 IS/EA and an analysis of 2024 Project as it compares to CEQA Guidelines Section 15162.

6.1 Q30: PLANNED DEVELOPMENT

30. Will the proposal directly or indirectly cause disruption of orderly planned development?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.1.1 Discussion

2000 IS/EA:

The area in the vicinity of City Creek and Fifth Street is presently developed with industrial, commercial, and residential uses. The proposed project would not disrupt the development or divide an existing community.

2024 Proposed Project:

The Project is located in the same area as the previous project. No major changes or shifts in land use have occurred between the 2000 IS/EA assessment and the current assessment.

6.1.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.1.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.2 Q31: CONSISTENCY WITH ADOPTED PLANS

31. Will the proposal directly or indirectly be inconsistent with any elements of adopted community plans, policies or goals?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.2.1 Discussion

2000 IS/EA:

The project would not result in a conflict with the City's General Plan designation, zoning, applicable environmental plans, or policies.

2024 Proposed Project:

The Project is located in the same area as the previous project. No major changes or shifts in land use have occurred between the 2000 IS/EA assessment and the current assessment.

6.2.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.2.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.3 Q32: COASTAL ZONE PLAN

32. Will the proposal directly or indirectly be inconsistent with a Coastal Zone Management Plan?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.3.1 Discussion

2000 IS/EA:

The project study area is not within the Coastal Zone.

2024 Proposed Project:

The Project is located in the same area as the previous project, which is not within or near a Coastal Zone.

6.3.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.3.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.4 Q33: POPULATION

33. Will the proposal directly or indirectly affect the location, distribution, density, or growth rate of the human population of an area?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.4.1 Discussion

2000 IS/EA:

Improvements to Fifth Street and reconstruction of the bridge over City Creek would not affect the location, distribution, density, or growth rate of human population in the area, since Fifth Street is an existing facility.

2024 Proposed Project:

The Project is located in the same area as the previous project, and no aspect of the project would impact the location, distribution, density, or growth rate of human population in the area, since the Fifth Street stormdrain facilities are existing facilities.

6.4.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.4.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.5 Q34: NEIGHBORHOOD CHARACTER

34. Will the proposal directly or indirectly affect life-styles, or neighborhood character or stability?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.5.1 Discussion

2000 IS/EA:

Fifth Street is an existing facility. Widening the street and replacing the bridge would not affect personal lifestyles and neighborhood character.

2024 Proposed Project:

The Project is located in the same area as the previous project, and no aspect of the project would affect personal lifestyles and neighborhood character.

6.5.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.5.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.6 Q35: DISADVANTAGED PERSONS

35. Will the proposal directly or indirectly affect minority, elderly, handicapped, transit-dependent or other specific interest groups??

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.6.1 Discussion

2000 IS/EA:

Due to the limited disruption of people during construction from the widening of Fifth Street through the project study area, minority, elderly, handicapped, transit dependent or other specific interest groups would not be affected.

2024 Proposed Project:

The Project is located in the same area as the previous project. Construction staging would occur within the shoulder of 5th Street, however, any lane and sidewalk closures would be in accordance with Caltrans and City of Highland guidelines and be temporary in nature. The Proposed Project therefore would not effect minority, elderly, handicapped, transit-dependent or other specific interest groups.

6.6.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.6.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.7 Q36: DISADVANTAGED PERSONS

36. Will the proposal directly or indirectly divide or disrupt an established community?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.7.1 Discussion

2000 IS/EA:

Fifth Street is an existing facility. Widening the street and replacing the bridge would not divide or disrupt an established community.

2024 Proposed Project:

The Project is located in the same area as the previous project, and the purpose is to replace existing facilities which would not divide or disrupt an established community.

6.7.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.7.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.8 Q37: HOUSING

37. Will the proposal directly or indirectly affect existing housing, require the acquisition of residential improvements or the displacement of people or create a demand for additional housing?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.8.1 Discussion

2000 IS/EA:

Fifth Street is an existing facility. Widening the street and replacing the bridge would not divide or disrupt an established community. The proposed project would not displace any residences.

2024 Proposed Project:

The Project is located in the same area as the previous project, and no aspect of the project would displace residences.

6.8.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.8.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.9 Q38: BUSINESSES

38. Will the proposal directly or indirectly affect employment, industry or commerce, or require the displacement of businesses or farms?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.9.1 Discussion

2000 IS/EA:

Additional right-of-way would be required to accommodate the widening of Fifth Street. Property would be acquired from nine adjacent industrial and commercial land uses. However, because the area to be acquired from each parcel is small (0.92 meter [3 feet] in width for the length of each of the nine parcels, the project would not prohibit the current uses from continuing operation during construction, nor after the proposed project is completed. Access to properties along Fifth Street would be maintained during construction.

2024 Proposed Project:

The Project is located in the same area as the previous project. The land underlying the Proposed Project is owned by the San Bernardino County Flood Control District. The City of Highland would acquire an easement over the District's land for construction and maintenance of the Proposed Project. No aspect of the project would affect employment, industry or commerce, or require the displacement of businesses or farms.

6.9.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.9.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.10 Q39: PROPERTY VALUES/TAX

39. Will the proposal directly or indirectly affect property values or the local tax base?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.10.1 Discussion

2000 IS/EA:

Widening Fifth Street and reconstructing the bridge over City Creek would have an imperceptible effect on property values and the local tax base.

2024 Proposed Project:

The Project is located in the same area as the previous project, and no aspect of the project affect property values or the local tax base.

6.10.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.10.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.11 Q40: COMMUNITY FACILITIES

40. Will the proposal directly or indirectly affect any community facilities (including medical, educational, scientific, recreational, or religious institutions, ceremonial sites or sacred shrines)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.11.1 Discussion

2000 IS/EA:

There are no medical, educational, scientific, recreational, or religious institutions in the project study area. The proposed project would not impact religious institutions, ceremonial sites, or sacred shrines.

2024 Proposed Project:

The Project is located in the same area as the previous project, and no aspect of the project affect religious institutions, ceremonial sites, or sacred shrines.

6.11.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.11.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.12 Q41: PUBLIC SERVICES

41. Will the proposal directly or indirectly affect public utilities, or police, fire, emergency or other public services?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.12.1 Discussion

2000 IS/EA:

Construction of the bridge is anticipated to enhance police, fire and emergency access across City Creek. During construction, portions of 5th Street and the surrounding streets would be temporarily closed as needed in accordance with all requirements for closures and maintaining business and emergency access.

2024 Proposed Project:

The Project is located in the same area as the previous project. Some construction activities may require lane closures and/or shoulder and sidewalk closures. However, all traffic closures would be in accordance with State and Local traffic guidelines, which includes maintaining emergency access and access to businesses.

6.12.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.12.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.13 Q42: TRANSPORTATION SYSTEMS

42. Will the proposal directly or indirectly have substantial impact on existing transportation systems or alter present patterns of circulation or movement of people and/or goods?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.13.1 Discussion

2000 IS/EA:

As stated in question 41, long-term operation of the Fifth Street improvements is anticipated to have a beneficial effect on the transportation system, existing circulation patterns, and movement of people and goods by providing improved access between SR-30 and Palm Avenue. However, short-term construction impacts would affect circulation patterns throughout the area. SR-30 will be used as a detour to maintain access during construction.

2024 Proposed Project:

Refer to the answer for Question 41, Section 6.12 of this document.

6.13.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.13.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.14 Q43: TRAFFIC GENERATION

43. Will the proposal directly or indirectly generate additional traffic?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.14.1 Discussion

2000 IS/EA:

The objective of the proposed project is to improve the safety and congestion along this segment of Fifth Street. The project would not generate additional traffic.

2024 Proposed Project:

All Proposed Project is to replace existing underground storm drain facilities that are located off-highway. The project would not generate additional traffic.

6.14.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.14.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.15 Q44: PARKING

44. Will the proposal directly or indirectly affect or be affected by existing parking facilities or result in demand for new parking?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.15.1 Discussion

2000 IS/EA:

There are no parking facilities substantially affected by the project.

2024 Proposed Project:

All Proposed Project is to replace existing underground storm drain facilities that are located off-highway. The project would not affect or be affected by existing parking facilities or result in demand for new parking.

6.15.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.15.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.16 Q45: HAZARDOUS MATERIALS

45. Will the proposal directly or indirectly involve a substantial risk of an explosion or the release of hazardous substances in the event of an accident or otherwise adversely affect overall public safety?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.16.1 Discussion

2000 IS/EA:

The proposed project is not anticipated to involve a risk of an explosion or the release of hazardous substances. Risk of upset caused by a traffic accident involving a vehicle carrying hazardous materials is unlikely. Fifth Street is defined as a major highway in the City's General Plan and, therefore, truck traffic does utilize this road. However, the future roadway would be designed to meet City of Highland roadway safety standards, thus reducing any potential risk of upset. Because the proposed project improves the safety of the Fifth Street, the potential for a spill along the road- way would be reduced. Best management practices would be employed during construction to ensure that impacts from a release of hazardous substance do not occur to adjacent lands and the City Creek bed.

2024 Proposed Project:

The Project occurs in the same location as the previous project and would have similar impacts during construction because similar equipment would be used.

6.16.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.16.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.17 Q46: TRAFFIC PATTERNS

46. Will the proposal directly or indirectly result in alterations to waterborne, rail or air traffic?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.17.1 Discussion

2000 IS/EA:

The project would not affect waterborne, rail, or air traffic.

2024 Proposed Project:

The Project occurs in the same location as the previous project and would have no impacts because no waterborne rai or air traffic exist in the Project area.

6.17.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.17.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.18 Q47: COMMERCIAL DEVELOPMENT

47. Will the proposal directly or indirectly support large commercial or residential development?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
YES	**NO**	No	No	No	None

6.18.1 Discussion

2000 IS/EA:

The proposed Fifth Street project provides infrastructure improvements to support existing development and anticipated growth of the San Bernardino International Airport/Inland Valley Redevelopment Agency Specific Plan area, consistent with adopted local and regional plans.

2024 Proposed Project:

The Project occurs in the same location as the previous project. The purpose of the Project is to consolidate storm flows from the City of Highland's eastern portion and outfall them to City Creek and complete the intent of the 2000 Project.

6.18.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.18.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.19 Q48: HISTORICAL/ARCHAEOLOGICAL RESOURCES

48. Will the proposal directly or indirectly affect a significant archaeological or historic site, structure, object, or building?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.19.1 Discussion

2000 IS/EA:

No archaeological or historic resources were identified within or immediately adjacent to the APE. A Negative Archaeological Survey Report and Negative Historic Property Survey Report were signed by the FHWA Transportation Engineer.

2024 Proposed Project:

The Project occurs in the same location as the previous project. The Proposed Project would not affect a significant archaeological or historic site, structure, object, or building because none exist in the Project area.

6.19.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.19.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.20 Q49: SCENIC RIVERS/NATURAL LANDMARKS

49. Will the proposal directly or indirectly affect wild or scenic rivers or natural landmarks?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.20.1 Discussion

2000 IS/EA:

City Creek through the Fifth Street area is not designated as a scenic river and no natural landmarks are present within the project area. Therefore, no impact is anticipated.

2024 Proposed Project:

The Project occurs in the same location as the previous project. Therefore, no impact is anticipated.

6.20.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.20.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.21 Q50: SCENIC VISTAS

50. Will the proposal directly or indirectly affect any scenic resources or result in the obstruction of any scenic vista or view open to the public, or creation of an aesthetically offensive site open to public view?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.21.1 Discussion

2000 IS/EA:

Fifth Street is not designated as a scenic highway and would not affect a scenic vista. Improvements to Fifth Street would be at grade. No scenic views would be altered by the project. Surface improvements are not expected to present any aesthetically offensive views. Therefore, no impact is anticipated.

2024 Proposed Project:

The Project occurs in the same location as the previous project, and all improvements are also underground or at grade. Therefore, no impact is anticipated.

6.21.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.21.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.22 Q51: CONSTRUCTION RELATED IMPACTS

51. Will the proposal directly or indirectly result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.22.1 Discussion

2000 IS/EA:

Construction of the project would potentially result in the following environmental impacts: soil erosion and siltation, air quality, noise, lane closures, and traffic detours. These impacts are not considered substantial due to the limited area affected, and the temporary nature of the construction schedule (nine months). Standard construction practices identified in Responses 4, 16, 19, and 41 would reduce construction related impacts.

2024 Proposed Project:

The Project occurs in the same location as the previous project, would result in similar environmental impacts as previously addressed, and are not considered substantial because standard construction practices would also be implemented to reduce impacts.

6.22.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.22.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

6.23 Q52: PUBLIC LANDS

52. Will the proposal directly or indirectly result in the use of any publicly-owned land from a park, recreation area, or wildlife and waterfowl refuge?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

6.23.1 Discussion

2000 IS/EA:

No parks or recreational opportunities exist within the project vicinity; therefore, no impact is anticipated on recreational uses or plans.

2024 Proposed Project:

The Project occurs in the same location as the previous project. The underlying lands are owned by the San Bernardino County Flood Control District, and the City would be provided an easement for construction and operation/maintenance of the new facilities. The District does not operate these lands as a park, recreation or wildlife or waterfowl refuge. Therefore, no impact is anticipated on recreational uses or plans.

6.23.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

6.23.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

7 ENVIRONMENTAL EVALUATION – MANDATORY FINDINGS OF SIGNIFICANCE

The 2000 IS/EA (Appendix A) addressed findings of significance on pages 5-24 through 5-25 and are based on the questions found in the CEQA Guidelines, Appendix G Checklist for Mandatory Findings of Significance. This section provides a summary of the analysis of the 2000 IS/EA and an analysis of 2024 Project as it compares to CEQA Guidelines Section 15162.

7.1 Q53: HABITAT AND LANDS

53. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	Refer to Mitigation Measures for Questions 13 and 26

7.1.1 Discussion

2000 IS/EA:

The endangered SBKR was found in the project area within the construction right of way. Impacts to the SBKR and its habitat are short-term and temporary. The measures specified in Response No. 26 would be implemented to reduce potential impacts of the project on the endangered SBKR. There would be no impacts on cultural resources with implementation of the proposed project.

2024 Proposed Project:

The Project occurs in the same location as the previous project, but will only occur over approximately 0.84 acre of the 5.62 acres disturbed by the previous project. A portion of the District-owned lands immediately adjacent to the proposed area was previously disturbed as recently as 2011 as it was completely denuded (mechanically disturbed) in 2005-2006 when aerial photography suggest it was used as a stockpile area for sediment removed from City Creek after heavy rainfall.

A focused trapping survey was conducted on five consecutive nights from June 10 through June 15, 2012, and the results were positive, with two SBKR individuals observed. Another focused trapping survey was conducted between September 22, 2022 and September 24, 2022 in a survey area that was larger than the proposed work area. A total of eight individuals were captured, including one near the project work area.

Therefore, despite the historical disturbance from the bridge project and District maintenance, the site functions as good quality, occupied SBKR habitat.

The Proposed Project would comply with the terms of the USFWS LEHCP and an ITP from the CDFW which will further avoid and minimize impacts to SBKR. This is similar to implementation of mitigation measures identified in the 2000 IS/EA response to Question 26.

No cultural resources existing within the Project area, and the Project would occur within lands that were previously disturbed.

Therefore, with the implementation of the LEHCP and the ITP, the Proposed Project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

7.1.2 Mitigation Measures

Mitigation Measures were identified for Question 13 (Section 4.14 *Q14: Water Quality Standards* of this document) that identifies small amounts of riparian vegetation may be impacted, and that the City is required to comply with the laws, which require obtaining permits from the CDFW, the Corps of Engineers and RWQCB. For the 2024 Project, the City also must comply with the requirement to obtain permits and/or authorizations from the applicable agencies, which include but are not limited to the CDFW, the Corps of Engineers and RWQCB

Mitigation was also required for Question 26 (Refer to Section 5.5 *Q26: Wildlife Habitat* of this document) regarding impacts to SBKR. The mitigation measures outlined in the 2000 IS/EA follow the USFWS Biological Opinion measures that included purchasing credits in a conservation bank, pre-construction trapping and relocation, and protective measures during construction.

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, these mitigation measures would still be applicable. For the 2024 Project, the City worked with the USFWS during the preparation of the Low Effect HCP to develop measures that would be applicable and appropriate for the 2024 Project.

The City is also required to comply with Fish and Game Code Section 2081 to obtain an ITP from the CDFW. Because the Low Effect HCP also serves to conserve the SBKR, it is assumed that the measures of the Low Effect HCP would also be applied to the ITP. Compliance with State, Federal and local regulations, and the permit conditions that result from compliance with regulations, which include obtaining an ITP from the CDFW, is not considered mitigation.

Therefore, as the impacts of the 2024 Project are similar to those assessed in the 2000 Project, there are no additional impacts, no new mitigation measures are required, and the existing mitigation measures are appropriate and would be updated or modified to represent the 2024 Project.

7.1.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

7.2 Q54: SHORT-TERM AND LONG-TERM IMPACTS

54. Does the project have the potential to achieve short-term, to the disadvantage of long- term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

7.2.1 Discussion

2000 IS/EA:

Project implementation would not achieve short-term goals to the disadvantage of long-term environmental goals. The project is consistent with applicable local and regional plans.

2024 Proposed Project:

The Project occurs in the same location as the previous project, and the purpose is to modify and reconstruct existing facilities. The project is consistent with applicable local and regional plans.

7.2.2 Mitigation Measures

Mitigation Measures were identified for Question 13 (Section 4.14 *Q14: Water Quality Standards* of this document) that identifies small amounts of riparian vegetation may be impacted, and that the City is required to comply with the laws, which require obtaining permits from the CDFW, the Corps of Engineers and RWQCB. For the 2024 Project, the City also must comply with the requirement to obtain permits and/or authorizations from the applicable agencies, which include but are not limited to the CDFW, the Corps of Engineers and RWQCB

Mitigation was also required for Question 26 (Refer to Section 5.5 *Q26: Wildlife Habitat* of this document) regarding impacts to SBKR. The mitigation measures outlined in the 2000 IS/EA follow the USFWS Biological Opinion measures that included purchasing credits in a conservation bank, pre-construction trapping and relocation, and protective measures during construction.

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, these mitigation measures would still be applicable. For the 2024 Project, the City worked with the USFWS during the preparation of the Low Effect HCP to develop measures that would be applicable and appropriate for the 2024 Project.

The City is also required to comply with Fish and Game Code Section 2081 to obtain an ITP from the CDFW. Because the Low Effect HCP also serves to conserve the SBKR, it is assumed that the measures of the Low Effect HCP would also be applied to the ITP. Compliance with State, Federal and local regulations, and the permit conditions that result from compliance with regulations, which include obtaining an ITP from the CDFW, is not considered mitigation.

Therefore, as the impacts of the 2024 Project are similar to those assessed in the 2000 Project, there are no additional impacts, no new mitigation measures are required, and the existing mitigation measures are appropriate and would be updated or modified to represent the 2024 Project.

7.2.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

7.3 Q55: CUMULATIVE IMPACTS

55. Does the project have the potential to achieve short-term, to the disadvantage of long- term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	None

7.3.1 Discussion

2000 IS/EA:

The proposed project does not have environmental effects that are cumulatively considerable. Implementation of the project would modify an existing facility for safety purposes and to be consistent with the City's General Plan. The City of High- land General Plan Circulation Element (June 1992) includes a policy to systematically improve the public roadway system to meet existing and future demands within the planning area. The proposed project will facilitate land use planning and economic development by providing circulation infrastructure consistent with local and regional plans. Cumulative impacts of the proposed project were analyzed in the City's General Plan EIR.

2024 Proposed Project:

The Project occurs in the same location as the previous project, and the purpose is to modify and reconstruct existing facilities. The project is consistent with applicable local and regional plans.

7.3.2 Mitigation Measures

No mitigation measures were identified in the 2000 IS/EA. Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, no new mitigation measures are required to implement the 2024 Project.

7.3.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

7.4 Q56: IMPACTS TO HUMAN BEINGS

56. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

2000 Project		2024 Project			
2000 IS/EA: Yes, No or Maybe	**2000 IS/EA: If Yes, is it Significant? Yes or No**	**Do the Proposed Changes Involve New or More Severe Impacts?**	**New Circumstances Involving New or More Severe Impacts?**	**New Information Requiring New Analysis or Verification?**	**Mitigation Measures**
NO		No	No	No	Refer to the Response to Question 16.

7.4.1 Discussion

2000 IS/EA:

Project implementation would not cause direct or indirect substantial adverse effects on human beings. See responses to Question 16 and Question Nos. 30 to 52.

2024 Proposed Project:

The Project occurs in the same location as the previous project, and the purpose is to modify and reconstruct existing facilities. Refer to the responses for Question No. 16 (Section 4.16 *Q16: Air Quality/ Air Emissions* in the document) and Questions 30 to 52 located in Section *6 Environmental Evaluation: Social and Economic*. Mitigation was recommended in response to Question 16 which was placed as a preventative measure only to ensure minimal impacts to air quality. The air quality impacts of construction were also evaluated for the Proposed Project, and it was determined that the Proposed Project emissions would not exceed thresholds that would cause a substantial adverse effect on human beings, either directly or indirectly. However, a mitigation measure was identified in the 2000 IS/EA to ensure emissions during construction would not be significant. The Proposed Project would abide by the mitigation identified in the response to Question 16.

7.4.2 Mitigation Measures

Based on the similarity of the 2024 Project impacts to the impacts of the 2000 Project, as assessed in the 2000 IS/EA, the mitigation measure applied to Question 16 measure would apply to the 2024 Project, and no new mitigation measures are required to implement the 2024 Project.

7.4.3 Conclusion

Based on the analysis, the following is concluded:

1. The 2024 Project does not propose changes that involve new or more severe impacts than what was identified in the 2000 IS/EA for the 2000 Project.

2. There are no new circumstances that involve new or more severe impacts.

3. There is no new information requiring new analysis or verification.

4. Previously identified mitigation measures would be implemented with the 2024 Project, and none have been found infeasible. No new mitigation measures are required to reduce impacts from the 2024 Project.

8 DETERMINATION SUMMARY – 2024 PROPOSED PROJECT

The 2024 Proposed Project will make the final storm drain connection to City Creek by replacing the existing 24-inch RCP connection between 5th Street and the outfall, as well as the 24-inch RCP outfall structure, with an 84-inch RCP and proposed grouted riprap outfall structure. The area of disturbance for the extension of the proposed 84-inch RCP and riprap outfall structure, as well as the area of disturbance for the replacement of the outfall structure and grouted rip-rap, is within the same area which was disturbed by the 5th Street/City Creek Bridge Project in 2000. No federal funding is proposed.

The Project Area for the 2024 Proposed Project is within the same disturbance area as identified in the *Initial Study/Environmental Assessment For the Fifth Street Widening and Replacement (#54C0016) in the City of Highland*, prepared in 2000, (2000 IS/EA, State Clearinghouse Number 2000061092, on file with the City). Had plans for the regional storm drain been more than conceptual at the time of construction, the outfall and connection would have been upgraded during the construction of that project.

Because none of the circumstances set forth in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred, and because only minor changes and additions are necessary to make the 2000 IS/EA adequate for purposes of approving the 2024 Proposed Project, an Addendum is the appropriate environmental document. Pursuant to Section 15164(c) of the CEQA Guidelines, an Addendum need not be circulated for public review but can be included in or attached to the Final EIR. This Addendum, together with the Final IS/EA, is being considered by the City prior to approving the 2024 Proposed Project.

8.1 DETERMINATION

There are no substantial changes proposed by the 2023 Proposed Project to upgrade the storm drain outfall structure or in the circumstances in which the 2023 Proposed Project will be undertaken that require major revisions of the 2000 IS/EA. The proposed 2023 Proposed Project does not require preparation of a new subsequent or supplemental EIR, ND, or MND, due to either the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the proposed 2023 Proposed Project is consistent with the previous 2000 IS/EA and would involve only minor changes; therefore, an Addendum is appropriate CEQA compliance for the proposed project.

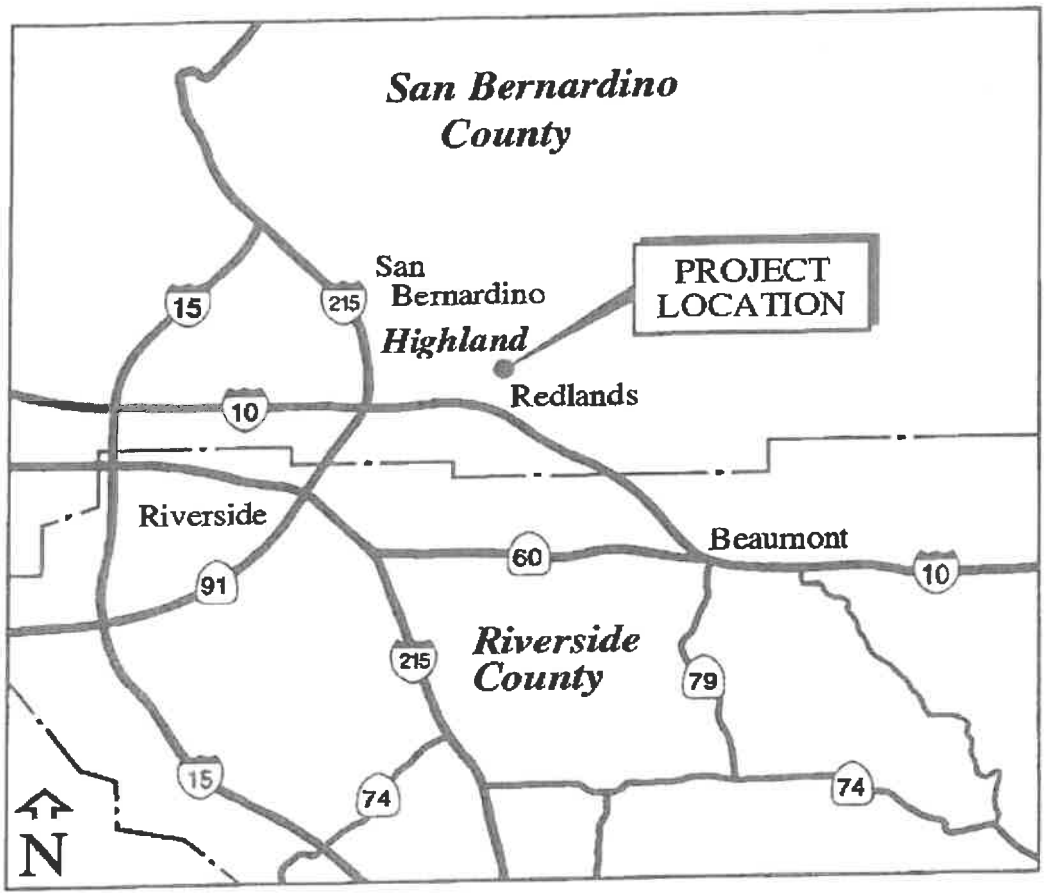
8.2 FINDING

Based on an examination of the analysis, findings, and conclusions of the 2000 IS/EA, the potential impacts of the proposed 2023 Proposed Project remain within the impacts previously analyzed and disclosed in the 2000 IS/EA and none of the conditions in CEQA Guidelines Section 15162 exist (CEQA Guidelines § 15164). Therefore, an addendum to the 2000 IS/EA is the appropriate environmental document for the 2023 Proposed Project and no further analysis is required under CEQA before undertaking the proposed project.

Signature	Date
Name	Title

Appendix A

INITIAL STUDY/
ENVIRONMENTAL ASSESSMENT



FIFTH STREET WIDENING AND REPLACEMENT OF THE CITY CREEK BRIDGE (#54C0016) IN THE CITY OF HIGHLAND, SAN BERNARDINO COUNTY, CALIFORNIA

October 2000

INITIAL STUDY/ENVIRONMENTAL ASSESSMENT FOR THE FIFTH STREET WIDENING AND REPLACEMENT OF THE CITY CREEK BRIDGE (#54C0016) IN THE CITY OF HIGHLAND

Construction of a new bridge on Fifth Street at City Creek and the widening of Fifth Street between State Route 30 and Palm Avenue in the City of Highland, San Bernardino County.

City of Highland
27215 Base Line
Highland, California 92346

Pursuant to 42 U.S.C. 4332 (2)(C)

Ernest Y.T. Wong
City of Highland

5-18-00
Date

Sumner Baker
Caltrans Environmental Planning

5-22-00
Date

Louis Flores
Caltrans Local Assistance

5-22-00
Date

Michael G. Ritchie
Division Administrator
Federal Highway Administration

6-09-00
Date

Comments on this document are due by **August 2, 2000** and should be sent to:

Mr. Sumner Baker
Environmental Chief
Caltrans, District 8
464 W. Fourth Street, 6th Floor
San Bernardino, CA 92401-14000
(909) 383-4079
(909) 383-6494 Fax

Mr. Ernest Wong
City Engineer
27215 Base Line
Highland, CA 92346
(909) 864-8732, ext. 212
(909) 862-3180 Fax

Mr. C. Glen Clinton
Team Leader Prog. Delivery Team S.
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724
(916) 498-5037
(916) 498-5008 Fax

CITY OF HIGHLAND

27215 Base Line, Highland, CA 92346
Telephone (909) 864-8732 - Fax (909) 862-3180

TO: Clerk of the Board
385 N. Arrowhead Ave., 2nd Floor
San Bernardino, CA 92411

FROM: City of Highland
Community Development Department
27215 Base Line
Highland, CA 92346
Telephone: (909) 864-8732

MITIGATED NEGATIVE DECLARATION

PROPOSAL: Fifth Street Widening and Replacement of the City Creek Bridge (#54C0016) in the City of Highland, San Bernardino County, California.

APPLICANT: City of Highland

PURPOSE OF PROPOSED PROJECT: The proposed street widening and bridge replacement will improve Fifth Street to be consistent with the City's General Plan Circulation Element, remove the traffic bottle neck on Fifth Street at City Creek Bridge to improve traffic flow and safety, increase roadway capacity to support anticipated continued growth of San Bernardino International Airport/Inland Valley Redevelopment Agency Specific Plan Area, and replace 50-year old City Creek Bridge with a modern structure that will fully meet current load and seismic requirements.

PROJECT DESCRIPTION/LOCATION: The City of Highland, Department of Public Works, Division of Engineering proposes construction of a new bridge on Fifth Street at City Creek and the widening of Fifth Street between State Route 30 and Palm Avenue. The proposed project consists of the demolition of the existing two-lane City Creek Bridge (#54C0016) and construction of a four-lane bridge 26.8 meters (88 feet) wide curb to curb and 30.5 meters (100 feet) wide railing to railing. The project also includes completing street improvements to Fifth Street between SR-30 and Palm Avenue, including new curb, gutter, sidewalk, and future installation of a traffic signal at the intersection of Fifth Street and Church Avenue. Fifth Street will be widened to 26.8 meters (88 feet) from Church Avenue to the ramps on the west side of SR-30. From Church Avenue east to Palm Avenue, Fifth Street will be widened to 24.4 meters (80 feet). The project length is approximately 0.64 kilometer (0.4 mile).

The proposed project would include the acquisition of right-of-way for completion and the detour of traffic during construction.

FINDING OF NON-SIGNIFICANCE: Based on the analysis performed in the Initial Study/Environmental Assessment by the City of Highland, it has been determined that the proposed project with mitigation incorporated will not have a significant effect on the environment for the following reasons:

1. The project will not have an effect on land use, aesthetics, economic activities, housing, businesses or recreational activities.

2. There will be no effect on a flood plain, air quality (long-term impacts), noise, open space, public services/utilities, or energy use.

3. The project will not have an effect on fish or sensitive plants.

4. Mitigation measures have been incorporated in the project to reduce short-term impacts of construction activities to less than significant levels for air quality, soil erosion and siltation (water quality), wetlands, the San Bernardino kangaroo rat, and wildlife habitat.

DOCUMENTATION TO SUPPORT FINDING STATEMENT: The finding statement is supported by the analyses presented in the combined Initial Study/Environmental Assessment completed for the proposed project.

Ernest Y.T. Wong, City Engineer

Date

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Appendix D - Natural Environment Study Report and Delineation of Wetlands and Jurisdictional Waters of the United States
Appendix E - Cultural Resources Study
Appendix F - Hazardous Waste Initial Site Assessment

LIST OF ACRONYMS

AAQS	Ambient Air Quality Standards
ADA	Americans with Disabilities Act
AQMP	Air Quality Management Plan
APE	Area of Potential Effect
Basin	South Coast Air Basin
BMP	Best Management Practice
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CEQ	Council on Environmental Quality
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
Corps	U.S. Army Corps of Engineers
dBA	decibels
DOF	Department of Finance
EA	Environmental Assessment
EDA	Economic Development Agency
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EVWD	East Valley Waster District
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
GMPs	Good Management Practices
HPSR	Historic Property Survey Report
HUD	Housing and Urban Development
ISA	Initial Site Assessment
IS/EA	Initial Study/Environmental Assessment
kg	kilograms
kph	kilometers per hour
Leq	Equivalent-Continuous Sound Level
Lmax	maximum noise level
LOS	level of service
mph	miles per hour
$\mu g/m^3$	micrograms/cubic meter
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPDES	National Pollution Discharge Elimination Systems
OHWM	ordinary high water mark
PM_{10}	Particulate Matter
ppm	parts per million
RTIP	Regional Transportation Improvement Program
RWQCB	Regional Water Quality Control Board
ROW	right-of-way
SANBAG	San Bernardino Associated Governments
SBCH	San Bernardino County Hospital

SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SIP	State Implementation Plan (SIP)
SCAQMD	South Coast Air Quality Management District
SO_2	Sulfur Dioxide
SR-30	State Route 30
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USFWS	United States Fish and Wildlife Service

1.0 PURPOSE AND NEED

1.1 *INTRODUCTION*

The proposed project is located on Fifth Street within the City of Highland (Figures 1 and 2). The City of Highland is located in the eastern portion of the San Bernardino Valley, east of the City of San Bernardino and north of the City of Redlands. The City of Highland is bounded by the San Bernardino Mountains to the north, agricultural lands to the east, and the Santa Ana River and floodplain to the south. The City of Highland is predominately a residential community.



Figure 1 - Regional Location

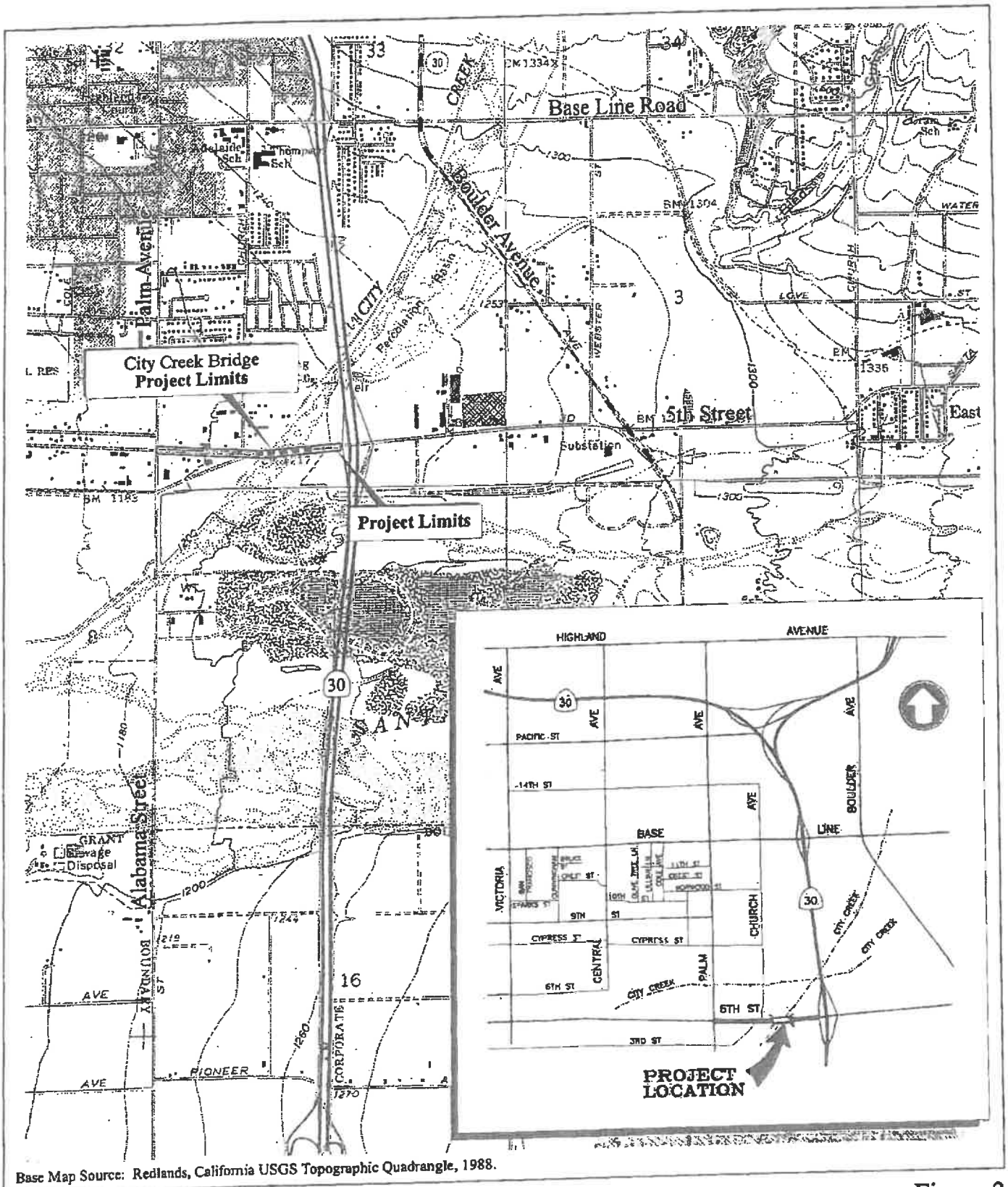
The proposed project is located in the southern portion of the City of Highland, just west of State Route 30 (SR-30). Fifth Street crosses City Creek between SR-30 and Church Avenue. Fifth Street west of the City Creek Bridge is predominately fronted by industrial uses on the north, and commercial on the south. Residential neighborhoods lie further to the north and east. The City Creek area is identified as open space.

The City of Highland proposes to widen Fifth Street to be consistent with the City's General Plan Circulation Element and improve traffic operations.

Two alternatives have been studied by the City of Highland, the No Build Alternative and Build Alternative. The Build Alternative consists of the demolition of the existing two-lane City Creek Bridge (#54C0016) and construction of a four-lane bridge 26.8 meters (88 feet) wide curb to curb and 30.5 meters (100 feet) wide railing to railing. The project also includes completing street improvements to Fifth Street between SR-30 and Palm Avenue, including new curb, gutter, sidewalk, and future installation of a traffic signal at the intersection of Fifth Street and Church Avenue (Figures 3 through 8). Fifth Street will be widened to 26.8 meters (88 feet) from Church Avenue to the ramps on the west side of SR-30. From Church Avenue east to Palm Avenue, Fifth Street will be widened to 24.4 meters (80 feet). The project length is approximately 0.64 kilometer (0.4 mile).

1.2 *EXISTING TRANSPORTATION FACILITY*

Fifth Street is designated as a two-lane major highway and extends east-west from the City of San Bernardino on the west through the City of Highland, becoming Greenspot Road east of Church Street and continuing to the eastern city limits and into the County unincorporated lands, and eventually the City of Redlands, south of the Santa Ana River. The existing bridge over City Creek is a two-lane facility which is 9.8 meters (32 feet) wide. A diamond type interchange with SR-30 exists east of the bridge. Fifth Street is designated as a truck route in the City of Highland General Plan. There are no designated bicycle lanes on Fifth Street or the City Creek Bridge.



Base Map Source: Redlands, California USGS Topographic Quadrangle, 1988.

5/16/00(COH732-5th St/EA)

Figure 2

N

0' 1,000' 2,000'

City Creek Bridge
Project Vicinity Map

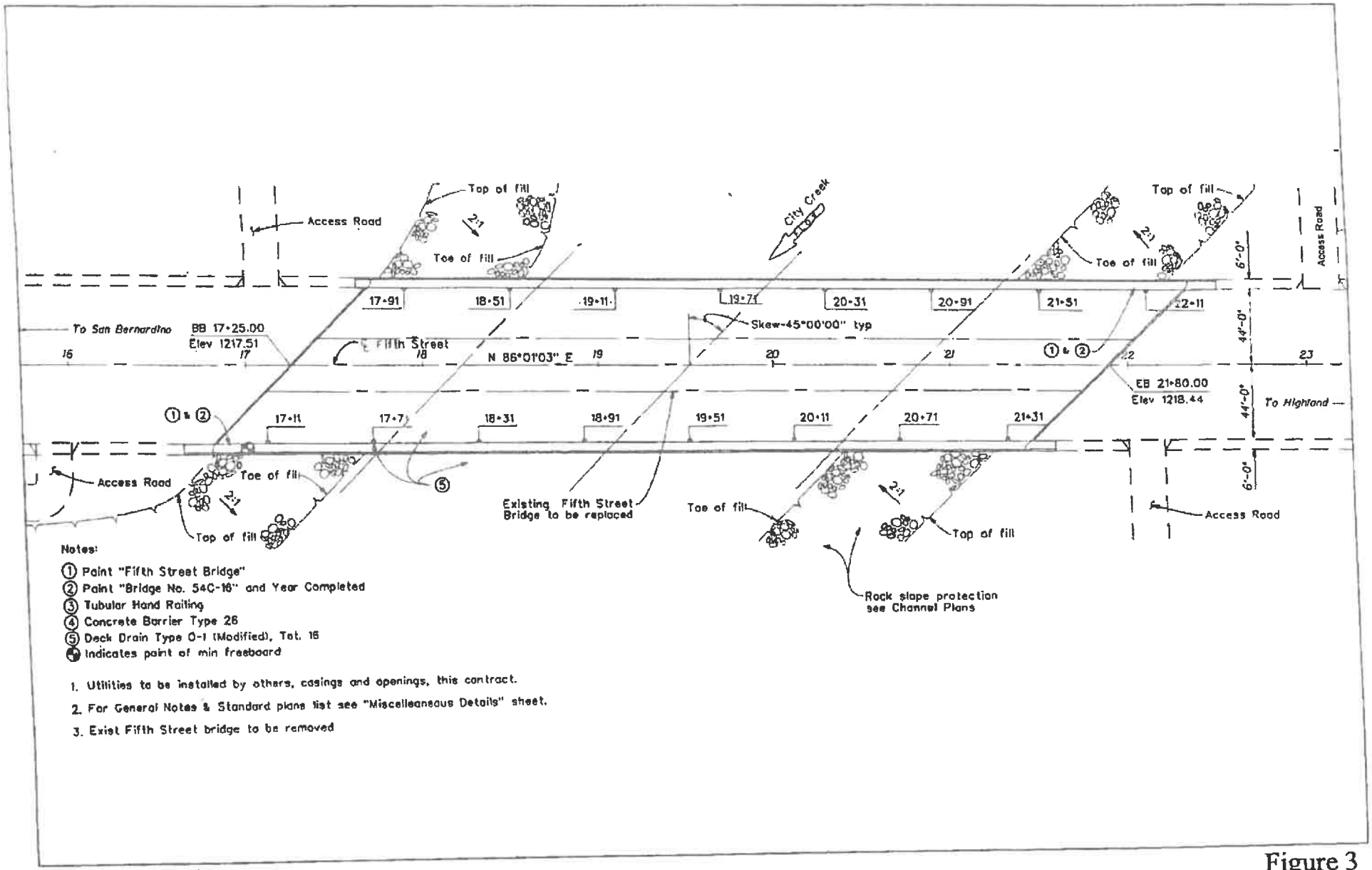
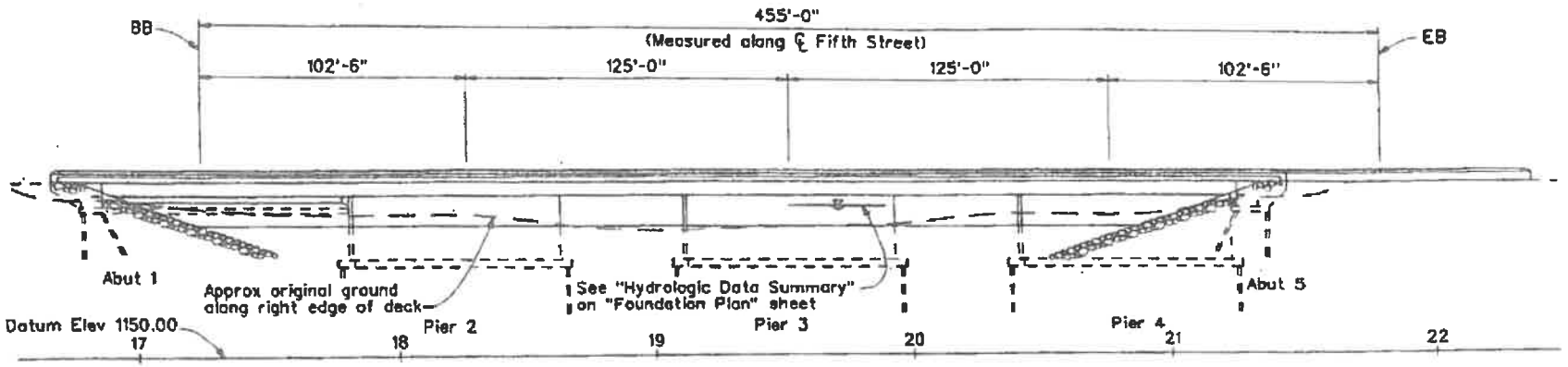


Figure 3

2/22/00(COH732/5th/EA)

City Creek Bridge
Proposed Project Plan View



2/22/00(COH732/EA/5th)

Figure 4

N

0' 65'

City Creek Bridge
Proposed Project Elevation

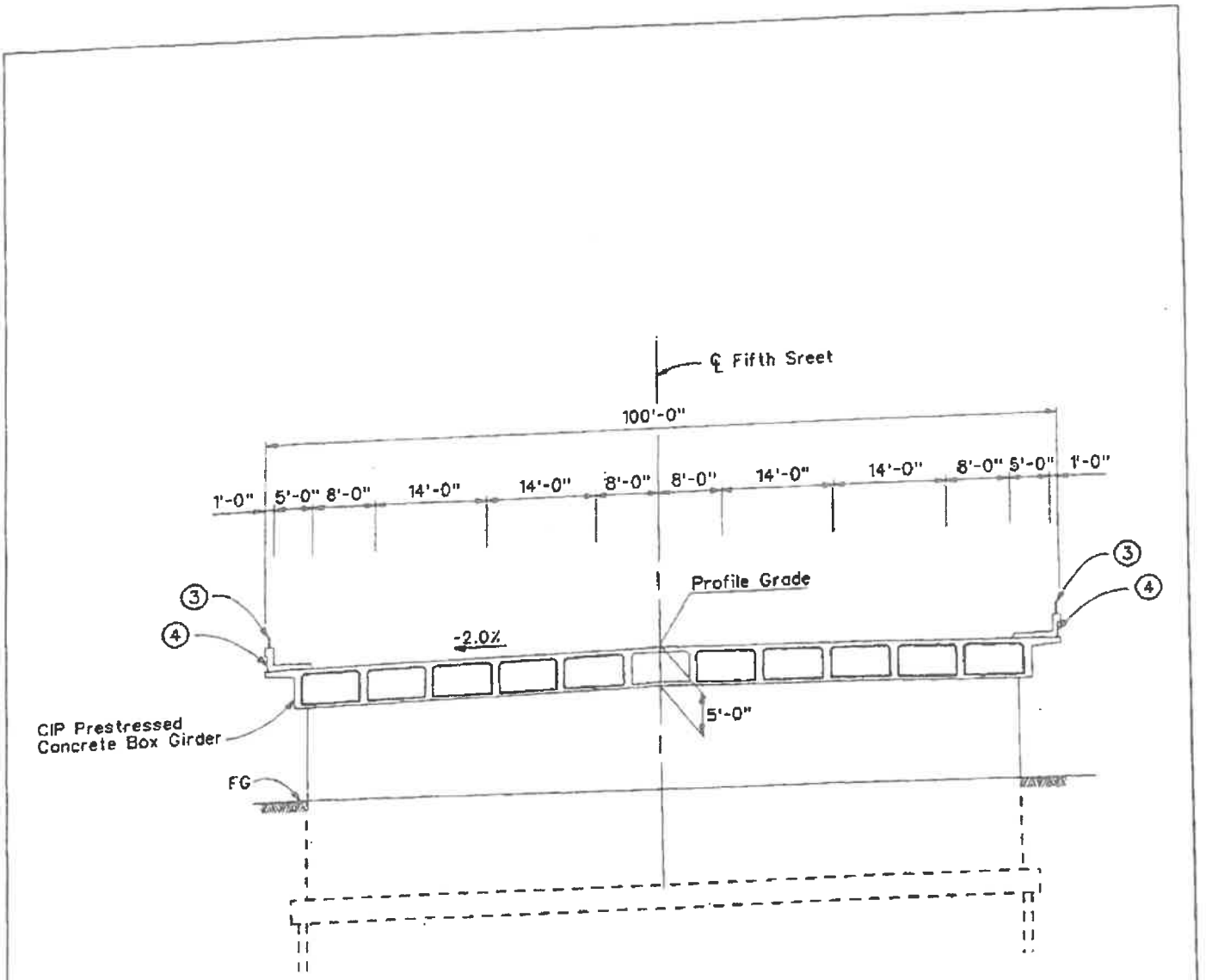


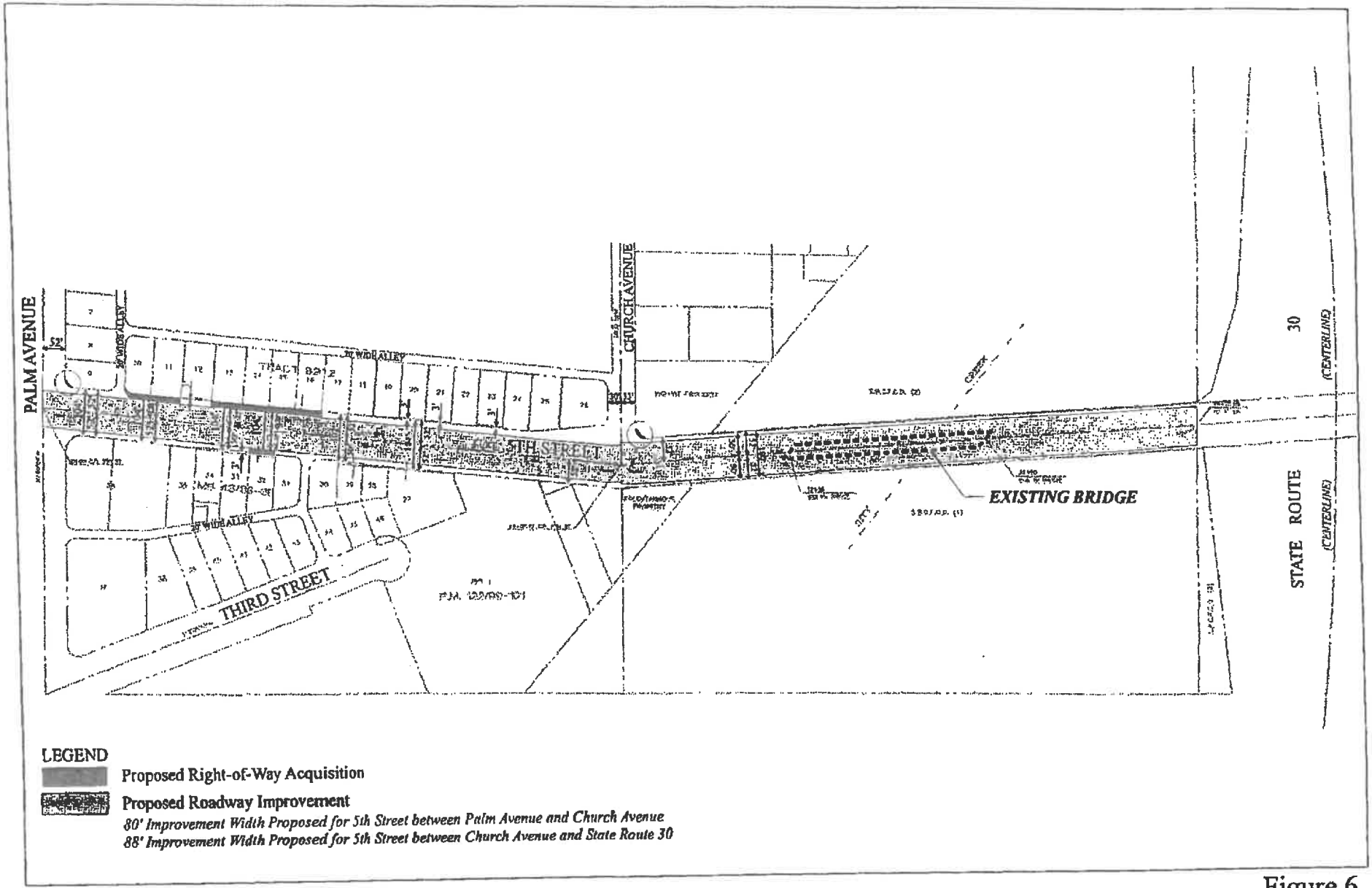
Figure 5

2/22/00(COH732-5th St./EA)

N

0' 10' 20'

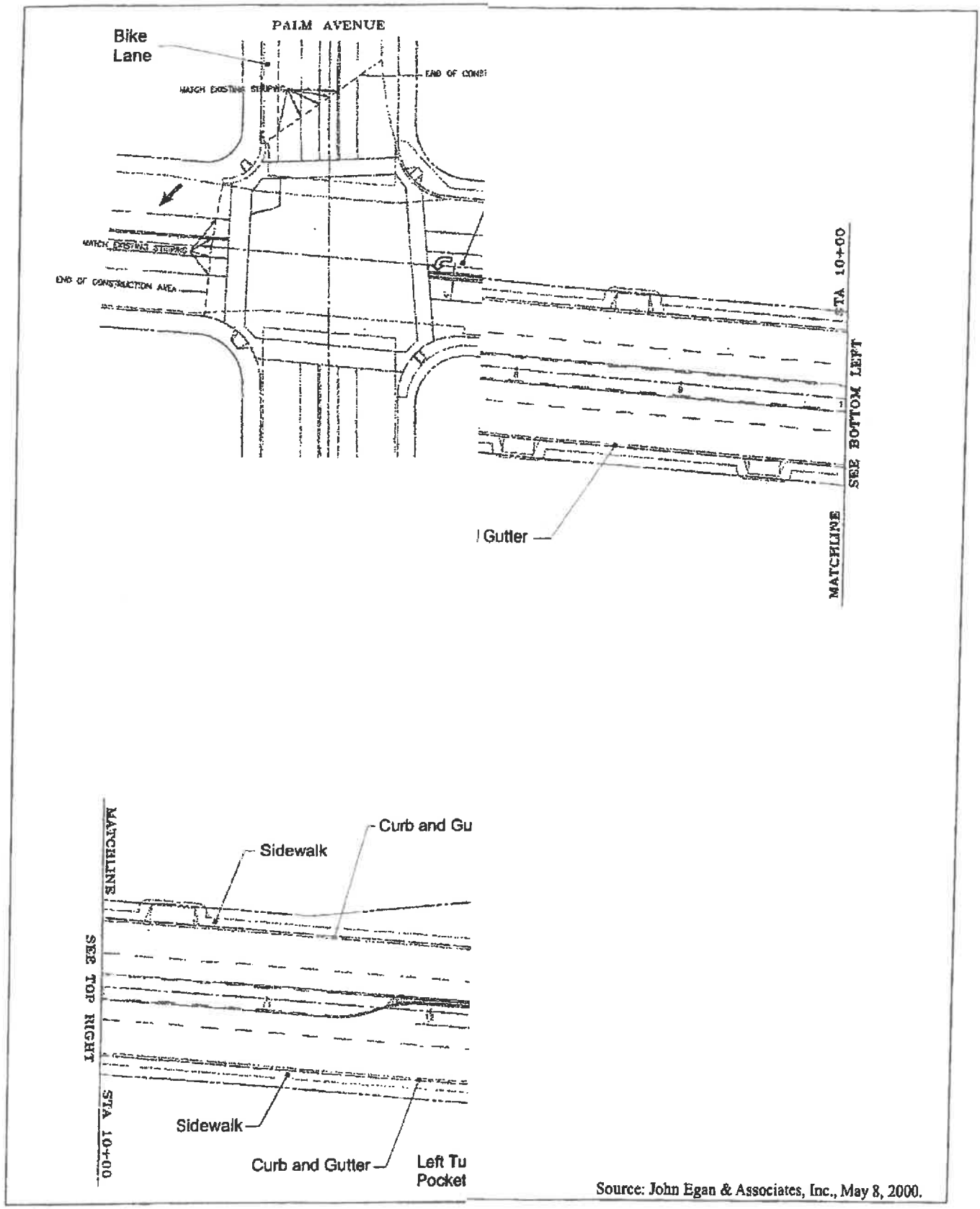
City Creek Bridge
Proposed Project Typical Section



5/16/00(COH732/5th St./EA)

Figure 6

City Creek Bridge and
5th Street Proposed Right-Of-Way



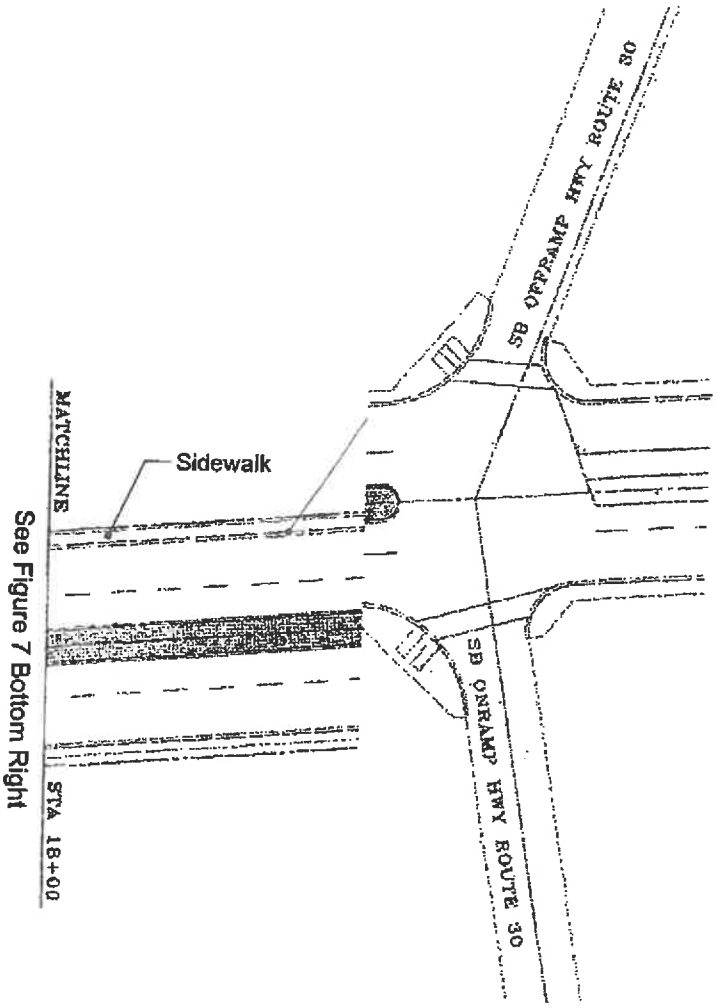
Source: John Egan & Associates, Inc., May 8, 2000.

5/16/00(COH732/5th/EA)

Figure 7

0' 40' 80' N

City Creek Bridge and
5th Street Roadway Improvements



Source: John Egan & Associates, Inc., May 8, 2000.

5/16/00(COH732/5th/EA)

Figure 8

0' 40' 80' N

City Creek Bridge and
5th Street Roadway Improvements

Fifth Street currently operates at level of service (LOS) C. Average daily traffic on Fifth Street is projected to drastically increase from the current level of 9,500 to 18,300 by year 2015, and could reach 25,700 as a result of anticipated development of the San Bernardino International Airport/Inland Valley Redevelopment Agency Specific Plan Area. Due to the close proximity of the City Creek Bridge to the freeway ramps, and the significant reduction of pavement width on Fifth Street, safe traffic operation at the ramps can only be maintained by construction of a wider street section at the bridge to avoid traffic backing up from the bridge to the ramps. A traffic signal will facilitate safer traffic turning movements at Fifth Street and Church Avenue west of the bridge.

History of the City Creek Bridge

The U.S. Army Corps of Engineers (Corps) constructed the existing bridge in 1960 under the title "City Creek Levee at AT & SF Railway to Third Street". It was designed for the Standard Project Flood of 420 cubic meters per second (15,000 cubic feet per second). Fifth Street was called Third Street at the time of improvements. There was an existing bridge at the West Bank that was approximately 30.5 meters (100 feet) long. In 1960, the Corps added approximately 108.28 meters (355 feet) to the structure including eight piers and two abutments. The channel both upstream and downstream of the bridge was excavated to a width of 125.05 meters (410 feet) with a low flow channel. The levees were lined with rock riprap protection. The west levee upstream and downstream of the bridge does not match the bridge opening. The existing bridge constricts to a width of 79.3 meters (260 feet).

1.3 PURPOSE OF THE PROPOSED PROJECT

The purpose of the proposed roadway and bridge improvement project is as follows:

1. Improve Fifth Street to be consistent with the City's General Plan Circulation Element.

2. Remove the traffic bottle neck on Fifth Street at City Creek Bridge to improve traffic flow and safety.

3. Increase roadway capacity to support anticipated continued growth of San Bernardino International Airport/Inland Valley Redevelopment Agency Specific Plan Area.

4. Replace 50-year old City Creek Bridge with a modern structure that will fully meet current load and seismic requirements.

1.4 ENVIRONMENTAL PROCEDURES

Since the proposed project is partially funded by federal funds, it is subject to environmental review under the National Environmental Policy Act (NEPA), in addition to the

California Environmental Quality Act (CEQA). The City is the Lead Agency for CEQA and is responsible for the Initial Study; the Federal Highway Administration (FHWA) will be the Lead Agency pursuant to NEPA and is responsible for the review and approval of the Environmental Assessment, with Caltrans providing oversight through the Local Assistance Engineer. This environmental evaluation has been prepared as a combined Initial Study/Environmental Assessment (IS/EA).

Environmental review of the project has been conducted in accordance with Caltrans' Local Assistance Programs Procedures Manual, Environmental Handbook, and FHWA's Technical Advisory T-6640.8A. This Initial Study/Environmental Assessment (IS/EA) has been prepared in accordance with CEQA, established in 1970, as amended (Public Resources Code, Section 21000 et. seq.), the State Guidelines for Implementation of CEQA (California Code of Regulations, Section 15000 et. seq.), and NEPA. This environmental document also complies with the procedures of the City of Highland for implementing CEQA and the procedures of Caltrans and FHWA for implementing NEPA.

In accordance with CEQA and NEPA, this IS/EA will be made available for public review. The document will be circulated to all responsible and trustee agencies, interested groups, organizations, and individuals for a 30-day review period. Substantive comments received within the review period will be formally responded to and incorporated into the Final IS/EA.

1.5 SUPPORTING PERMIT APPROVALS AND AGREEMENTS

This environmental document has been prepared to support the following permits and agreements:

- United States Department of Transportation - Right-of-Way Amendments to the 1975 Deed (US DOT 9-26-75 Highway Easement Deed).
- United States Army Corp of Engineers (Corps) - Section 404 Permit (Nationwide Permit Nos. 13, 25, and 33). A permit application (File No. 199915016-AJS) was submitted to the Corps on November 13, 1998. According to the Corps, because the permit was submitted prior to June 7, 2000, it remains eligible for a Nationwide Permit under the old regulations and is not subject to new Nationwide Permit regulations.[1]
- California Department of Fish and Game - Section 1601 Streambed Alteration Agreement.
- Regional Water Quality Control Board - National Pollution Discharge Elimination Systems (NPDES) Permit and Section 401 Water Quality Certification.
- U.S. Fish and Wildlife Service - Section 7 Consultation and Issuance of a Biological Opinion.

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1 Federal Register Volume 65, Number 47, March 9, 2000, page 12818 and personal conversation with Antal Szijj on May 8, 2000.

2.0 DESCRIPTION OF THE PROPOSED PROJECT

2.1 INTRODUCTION

This section presents the proposed project (Build Alternative) in detail, and discusses the No Build Alternative. The project description defines those elements of the project that were evaluated to determine whether the project would result in any substantial adverse environmental impacts.

2.2 ALTERNATIVES UNDER CONSIDERATION

Build Alternative

As shown in Figure 3, the proposed project includes the demolition of the existing two-lane (9.8 meters [32 feet] wide) City Creek Bridge and reconstruction of a four-lane bridge 26.8 meters (88 feet) wide (curb to curb). The project also includes completing street improvements to Fifth Street between SR-30 and Palm Avenue, including new curb, gutter, sidewalk, and future installation of a traffic signal at the intersection of Fifth Street and Church Avenue. The project length is approximately 0.64 kilometer (0.4 mile).

Specific project elements include the following:

- ***Structures***. The proposed improvements include the demolition of the existing 9.8-meter (32-foot) wide, 150-meter (492-foot) long steel girder/concrete deck of the City Creek Bridge. A 26.8-meter (88-foot wide [curb to curb], 30.5 meters [100 feet] outside of railing to outside of railing), 150-meter (492-foot) long prestressed cast-in-place concrete bridge will be constructed in the same location as the existing structure. The proposed structure will include four lanes of through traffic, curb and gutter, lighting, and sidewalks (refer to Figures 3 though 5). The estimated cost to remove the existing bridge and construct a new bridge would be $3,540,000.00 (McDaniel Engineering, 1998a). Although the widened bridge will be capable of accommodating bicycle traffic, dedicated bike lanes will not be installed as part of the proposed project. All proposed improvements will comply with applicable provisions of the Americans with Disabilities Act (ADA).

- ***Roadway***. As shown in Figures 6, 7, and 8, Fifth Street will be widened to accommodate two through lanes in each direction and left turn pockets on Fifth Street at Church Avenue and Palm Avenue. The majority of the widening of Fifth Street will occur between SR-30 and Church Avenue. Fifth Street between Church Avenue and Palm Avenue will require only a small increase in roadway width to accommodate the proposed project width of 24.4 meters (80 feet). Fifth Street will not contain dedicated bike lanes. All proposed improvements will comply with applicable provisions of the ADA.

- ***Right-Of-Way***. Fifth Street right-of-way will be expanded to a total of 31.7 meters (104 feet). Small linear portions (up to 30.5 meters [10 feet] in width) of nine properties adjacent to Fifth Street will be required from the north and south sides of Fifth Street, west of the bridge, to accommodate the widening (refer to Figure 6). The structural improvements on the adjacent parcels will not be affected by the proposed project; thus, displacement is not considered an issue. Access to the properties fronting Fifth Street will remain; some modifications of driveway approaches will be required. Easements of 0.92 meter (3 feet) on nine parcels will also be required to construct driveway approaches. Table 2.A presents the right-of-way acquisition for the City Creek Bridge project.

Table 2.A - Right-of-Way (ROW) Acquisition for the City Creek Bridge Project

Lot No.	ROW Required (Square Meters/Square Feet)	Assessor Parcel Number
9	9.31/100.05	290-201-20
10	58.97/634.05	290-201-19
11	69.98/752.50	290-201-18
13	69.98/752.50	290-201-16
14	59.99/645.00	290-201-15
15	59.99/645.00	290-201-14
16	59.99/645.00	290-201-13
32	59.99/645.00	290-211-06
Kienast Property	12.14/130.49	290-221-61

- ***Utilities.*** The proposed project will require relocation of some existing telephone, electric, gas, water, and cable lines. Existing water and sewer lines to the north of City Creek Bridge will be protected in place. All work will be coordinated with the appropriate utility company and the San Bernardino County Flood Control District.

- ***Replacement Plantings***. The proposed improvements will require removal of some adjacent landscaping. Vegetation to be removed is within the City's right-of-way, and the area will be either paved or revegetated according to the desires of the business owners. Existing vegetation will be preserved in place whenever possible.

- ***Funding***. Funding for the widening of the City Creek Bridge will be provided from a variety of sources including: a $3.0 million grant from the U.S. Department of Housing and Urban Development (HUD), a $750,000.00 grant from

the FHWA, $2.3 million of San Bernardino County Measure "I" funds, and $197,000.00 of State of California matching funds. The balance of the funding required for the bridge widening will be provided by the City of Highland.

No Build Alternative

The No Build Alternative would maintain the existing arterial (Fifth Street) and bridge widths. This alternative does not address existing or future deficiencies resulting from continued growth projected in the City's General Plan and increasing traffic levels. Traffic conditions would continue to deteriorate under the No Build Alternative. The No Build Alternative would provide no street or drainage improvements, or improvements to traffic safety along Fifth Street.

2.3 ALTERNATIVES WITHDRAWN FROM CONSIDERATION

Alternative Bridge Alignment

Alternatives to the proposed project were influenced by the existing location of Fifth Street. Alternative alignments of the bridge to be reconstructed over City Creek were withdrawn from further consideration due to the existing location of Fifth Street and the need to tie into the existing street.

Alternative Bridge Construction

This alternative would demolish the existing bridge and build a new bridge which would include the widening of the existing abutment on the west side of City Creek under the existing bridge. Currently, there is a bulge in the bank under the bridge in this area. This alternative would require the new bridge to be longer by approximately 30.5 meters (100 feet) and, therefore, more costly to build. This alternative would also change the course of City Creek as it passes under the bridge. The proposed bridge has been designed to eliminate scour (erosion). By widening the bank, creek flows will cause scour upstream and downstream of the bridge. Based on an average cost of $100.00 per square foot to build a bridge of this type, it would cost an additional $1,000,000.00. This alternative was not considered further because the additional cost to add approximately 30.5 linear meters (100 linear feet) of bridge structure does not incorporate the efficient use of public funds.

Widen Existing Bridge on Two Sides

This alternative would salvage the existing bridge and widen it on both sides to the ultimate width of Fifth Street. The new widened portions of the bridge were assumed to be precast prestressed concrete girders or steel girders. The span arrangement and deck joints would match the existing structure. The existing superstructure of the bridge has been retrofitted for earthquakes; however, it is expected that the substructure (pilings) would require retrofit for seismic loads. The anticipated life of the resulting bridge would be from 50 to 60 years for the widened portion and approximately 20 years for the existing portion. At the end of 20 years, the center portion of

the bridge would need to be replaced. The estimated cost for this alternative is $6,742,200.00 including future replacement of the center of the bridge in 20 years (Simon Wong Engineering 1994). This alternative was not considered further because the cost to replace the center section does not incorporate the efficient use of public funds.

Widen Existing Bridge on One Side

This alternative would salvage the existing bridge and widen it on one side to the ultimate width of Fifth Street. Widening of one side of the bridge would be more cost effective for the bridge construction; however, it would add cost for the realignment of the roadway. Just as with the alternative to widen the bridge on two sides, this alternative would require the substructure to be retrofitted for seismic loads; anticipated life of the resulting bridge would be from 50 to 60 years for the widened portion and approximately 20 years for the existing portion; and at the end of 20 years, the center portion of the bridge would need to be replaced. The estimated cost for this alternative is $6,234,200.00 including future replacement of the center of the bridge in 20 years (Simon Wong Engineering 1994). This alternative was not considered further because the cost to replace the center section of the bridge and to realign Fifth Street do not incorporate the efficient use of public funds.

Other Alternatives

Alternatives to the proposed project were influenced by the existing location of Fifth Street. Alternative locations of the bridge to be reconstructed over City Creek were withdrawn from further consideration due to the existing location of Fifth Street and the need to tie into the existing street. The bridge has also been designed to avoid a water and sewer line that parallels the north side of the existing bridge in the City Creek channel.

2.4 RELATED PROJECTS

Related Projects

Disposal and Reuse of Norton Air Force Base

The widening of the City Creek Bridge to four lanes is a mitigation measure required in the *Final Environmental Impact Statement (EIS) for the Disposal and Reuse of Norton Air Force Base* dated June 1993 to accommodate anticipated future growth. Norton Air Force Base has now been transferred to the local reuse agency (Inland Valley Development Agency) and is no longer owned by the federal government; however, the EIS is still valid.

The widening of the City Creek Bridge was required as mitigation in the Final EIS to reduce projected traffic impacts on local roadways by the proposed action and maintain a LOS E or above along Fifth Street.

City of Highland General Plan

The City of Highland General Plan Circulation Element (June 1992) includes a policy to systematically improve the public roadway system to meet existing and future demands within the planning area. The proposed project will facilitate land use planning and economic development by providing circulation infrastructure consistent with local and regional plans.

3.0 ENVIRONMENTAL SETTING

The following is a discussion of the existing environmental conditions of the study area that would either affect or be affected by project implementation.

3.1 TOPOGRAPHY

The topography in the project study area is generally flat. The natural terrain has been previously disturbed by the construction of Fifth Street. The project area between SR-30 and Church Avenue is identified in the General Plan as being within the 100-year floodplain. City Creek flows southwest to the Santa Ana River and is identified in the General Plan as a major natural drainage facility for the City. A mixed use trail is proposed in the General Plan along City Creek connecting to the Santa Ana River Trail system.

3.2 SOILS/SEISMICITY

Soils

The soil in the proposed project area is described as alluvial fan deposits and artificial fill. The existing subsurface data near the project site show dense to very dense sand and gravel with cobbles and boulders. Liquefaction potential is low in this area. The subsurface materials would allow the immediate dissipation of excess pore water pressure during intense ground shaking. The quick dissipation of excess pore water pressure and the dense nature of the soils at this site would support a low liquefaction potential.

Regional Seismicity

The project area is west of the Alquist-Priolo Earthquake Zone for seismic activity. The San Jacinto Fault is located about 8.5 kilometers (5.3 miles) south of the project site, and the South Eastern Branch of the San Andreas Fault is approximately 3 kilometers (1.9 miles) to the north.[1] The project area as is (approximately 54 percent of the City) lies within Mineral Resource Zone 2, describing the area as one where adequate information indicates that significant mineral deposits are present or likely to be present.

3.3 HYDROLOGY

Surface Waters

City Creek is a second order tributary to the Pacific Ocean via the Santa Ana River. City Creek is confined by levees and consists of several meandering stream channels

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1 Earth Mechanics, Inc. Draft Foundation Report for Fifth Street Improvements. April 1998. (Volume II, Appendix A)

within the boundaries of the levees. The average of the mean annual flow for City Creek from 1925 to 1988 was 0.3 cubic meter (11.14 cubic feet) per second.[1] Two channels within the creek bed are considered jurisdictional wetland waters.

Groundwater

The City of Highland is serviced by the East Valley Water District (EVWD), which relies on local groundwater, surface runoff from natural watershed and drainage areas, and State Water Project sources for domestic, commercial, and agricultural uses. A majority of the water used in the study area is currently obtained from the San Bernardino Groundwater Basin. The groundwater is extracted from an aquifer known as the Bunker Hill Basin. Most of the EVWD's wells currently pump water from depths exceeding 183 meters (600 feet). Groundwater in the project area was found between 346.6 and 347.5 meters (1,137 and 1,140 feet) during surveys conducted for the Bridge Foundation Report.[2]

3.4 AIR QUALITY

Climate

The project site is located in southwestern San Bernardino County in the City of Highland, an area within the South Coast Air Basin (Basin) that includes Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. Air quality conditions in the Basin are under the jurisdiction of the South Coast Air Quality Management District (SCAQMD), a regional agency that regulates stationary sources of pollution throughout the Basin.

The Basin climate is determined by its terrain and geographical location. The Basin is a coastal plain with connecting broad valleys and low hills. The Pacific Ocean forms the southwestern border, and high mountains surround the rest of the Basin. The region lies in the semipermanent high pressure zone of the eastern Pacific. The resulting climate is mild and tempered by cool ocean breezes. This climatological pattern is rarely interrupted. However, periods of extremely hot weather, winter storms, or Santa Ana wind conditions do exist.

The annual average temperature varies little throughout the Basin, ranging from the low to middle 60s, measured in degrees Fahrenheit (°F). With a more pronounced oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas. The climatological station nearest to the site that

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1 LSA Associates, Inc., Delineation of Wetlands and Jurisdictional Waters Subject to U.S. Army Corp of Engineers and California Department of Fish & Game Regulatory Authority for City Creek Bridge. February 1998. (Volume II, Appendix D)

2 Earth Mechanics, Inc. Draft Foundation Report, Fifth Street Improvements. April 1998. (Volume II, Appendix A)

monitors temperature is the San Bernardino County Hospital (SBCH) station.[1] The SBCH station monitored monthly average temperatures ranging from 19°C (67°F) in January to 35.5°C (96°F) in August in 1999. January is typically the coldest month in this area of the Basin.

The majority of annual rainfall in the Basin occurs between October and March. Summer rainfall is minimal and generally is limited to scattered thundershowers in coastal regions and slightly heavier showers in the eastern portion of the Basin and along the coastal side of the mountains. The climatological station nearest to the site that monitors precipitation is the SBCH station. Rainfall measured in the San Bernardino area in 1999 varied from 7.26 cm (2.86 inches) in January to 0.20 cm (0.78 inch) between April and December. Moreover, monthly and yearly rainfall totals are extremely variable.

Even though the Basin has a semi-arid climate, air near the surface is generally moist because of the presence of a shallow marine layer. With very low average wind speeds, there is a limited capacity to disperse air contaminants horizontally. The dominant daily wind pattern is an onshore 11.26 to 12.87 kilometers per hour (kph) (8 to 12 miles per hour [mph]) daytime breeze and an offshore 4.8 to 8.05 km (3 to 5 mph) nighttime breeze. The typical wind flow pattern fluctuates only with occasional winter storms or strong northeasterly Santa Ana winds from the mountains and deserts northeast of the Basin. Summer wind flow patterns represent worst case conditions, as this is the period of higher temperatures and more sunlight, which results in ozone formation.

Existing Air Quality

Both the State and federal governments have established health based Ambient Air Quality Standards (AAQS) for six criteria air pollutants: carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, lead, and suspended particulate matter. The Basin does not attain State and federal AAQS for four of the six criteria air pollutants. The Basin is in compliance with federal sulfur dioxide and lead standards, but ambient carbon monoxide, ozone, and particulate levels (PM10) exceed twice the standards. In addition, the Basin has been the only area in the country that does not attain the federal nitrogen dioxide standard. However, because nitrogen dioxide levels have met the federal standard within the past few years, the SCAQMD is in the process of requesting redesignation. The State AAQS are more stringent than the federal AAQS.

The site is located within SCAQMD jurisdiction. The SCAQMD maintains ambient air quality monitoring stations throughout the Basin. The San Bernardino air quality monitoring station monitors four criteria pollutants: carbon monoxide, ozone, nitrogen

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1 California Climatological Data Annual Summary, 1999; National Oceanic and Atmospheric Administration.

dioxide, and suspended particulates.[1] Air quality trends identified from data collected at the San Bernardino air quality monitoring station between 1992 and 1998 are listed in Table 3.A and discussed below. From the ambient air quality data listed, it can be seen that carbon monoxide and nitrogen dioxide levels are below the relevant State and federal standards. Ozone levels exceeded the State and federal standard in each of the past seven years. Ozone exceeded the State 1-hour standard from 76 to 141 times a year during the last seven years and exceeded the federal 1-hour standard from 35 to 96 times a year. The PM10 level in the project area exceeded the State standards in each of the past seven years, but exceeded the federal standards only twice in 1995. PM10 levels exceeded the State standard from 19 to 38 times a year in the past seven years. The Basin is in compliance with federal lead and sulfur dioxide levels. The ambient level of lead and sulfur dioxide is low enough as to not require analysis; therefore, levels of this pollutant are not reported by the San Bernardino air quality monitoring station.

Table 3.A - Ambient Air Quality San Bernardino Air Monitoring Station[1]

	Carbon Monoxide				Ozone		Fine Suspended Particulates		Nitrogen Dioxide	
	Max. 1-Hour Conc. (ppm)	Number of Days Exceeded	Max. 8-Hour Conc. (ppm)	Number of Days Exceeded	Max. 1-Hour Conc. (ppm)	Number of Days Exceeded	Max. 24-Hour Conc. ($\mu g/m^3$)	Number of Days Exceeded	Max. 1-Hour Conc. (ppm)	Number of Days Exceeded
State Stds.	> 20 ppm/1-hr		≥ 9.1 ppm/8-hr		> .09 ppm/1-hr		> 50 ug/m³, 24 hrs		> .25 ppm/1-hr	
1998	--	--	--	--	.22	76	97	19	--	--
1997	--	--	--	--	.20	108	103	23	--	--
1996	6.0	0	4.6	0	.24	113	136	35	.15	0
1995	8.0	0	6.3	0	.22	111	178	35	.17*	0
1994	9.0	0	6.5	0	.25	132	147	38	.18	0
1993	7.0	0	6.0	0	.21	132	139	37	.15	0
1992	7.0	0	5.9	0	.28	141	136	36	.13	0
MAXI-MUM	**9.0**		**6.5**		**.28**		**178**		**.18**	
Federal Stds.	> 35 ppm/1-hr		≥ 9.5 ppm/8-hr		> .12 ppm/1-hr		> 150 ug/m³, 24 hrs		0.053 ppm, annual average	
1998	--	--	--	--	.22	43	97	0	--	--
1997	--	--	--	--	.20	35	103	0	--	--
1996	6.0	0	4.6	0	.24	63	136	0	0.0380	0
1995	8.0	0	6.3	0	.22	61	178	2	0.0424*	0
1994	9.0	0	6.5	0	.25	96	147	0	0.0411	0
1993	7.0	0	6.0	0	.21	65	139	0	0.0376	0
1992	7.0	0	5.9	0	.28	85	136	0	0.0356	0
MAXI-MUM	**9.0**		**6.5**		**.28**		**178**		**0.0424**	

Notes: [1] The San Bernardino East Valley Monitoring Station does not monitor for lead or sulfur dioxide.
* Less than 12 full months of data. May not be representative.
ppm - parts per million.
-- Pollutant not monitored.
$\mu g/m^3$ = micograms/cubic meter

Source: SCAQMD Air Quality Data, 1992 to 1998.

1 Air Quality Tables, 1992-1998 South Coast Air Quality Management District.

3.5 NOISE

Existing Noise Environment

The California Department of Transportation (Caltrans) has set noise abatement criteria for land uses along highways/freeways. When considering potential traffic noise impacts, primary consideration is given to exterior uses, with the exception of residences, schools, and hospitals which have interior noise criteria. Transportation sources are the major contributing factors to the ambient noise in the project vicinity. Vehicular traffic along SR-30, Fifth Street, Palm Avenue, Church Avenue, and other local streets, and aircraft operations associated with the San Bernardino International Airport are the major contributing transportation sources in the project vicinity. Along this segment of Fifth Street, there are no existing residential uses or commercial uses with outdoor activity areas that would have frequent human use. Therefore, there are no exterior receivers that will be affected by noise associated with the proposed project and a noise study is not required.

3.6 BIOLOGICAL RESOURCES

Vegetation and Soils

The City Creek Bridge project site is characterized by the City Creek flood plain. The site lies between the City Creek levee and is relatively flat with exception to the existing bridge infrastructure and levee walls. The site ranges in elevation from 366 to 372 meters (1,200 to 1,220 feet) above mean sea level. The vegetation on site consists of three primary plant communities; the mule fat series (Sawyer and Keeler-Wolf, 1995), the California annual grassland series (Sawyer and Keeler-Wolf, 1995), and alluvial fan sage scrub (Holland, 1986). The mule fat series occurs along two of four drainages that meander within the City Creek floodplain and is dominated by mulefat (*Baccharis salicifolia*). Fremont's cottonwood (*Populus fremontii*) and willow (*Salix sp.*) were present on the extreme northern boundary along the main drainage channel. The two other drainages are virtually unvegetated and show evidence of occasional water flow. The California annual grassland series occurs predominantly on the northeastern portion of the site and is also understory to the alluvial fan sage scrub present on site. Dominant grassland species identified include red brome (*Bromus madritensis rubens*), ripgut grass (*Bromus diandrus*), short podded mustard (*Hirschfeldia incana*), and storksbill (*Erodium cicutarium*). The alluvial fan sage scrub plant community occurs on the northwestern and southeastern portions of the project site. The northwestern portion of the site is dominated almost solely by California buckwheat (*Eriogonum fasciculatum*) whereas the southeastern portion of the site is vegetated by species of yerba santa (*Eriodictyon trichocalyx*), California buckwheat and deerweed (*Lotus scoparius*), and scalebroom (*Lepidospartum squamatum*).

Plant species observed in the vicinity of the proposed project site are identified in the Natural Environment Study Report, included as Appendix D of this report. Non-native and potentially invasive species are further identified in the listing of plant species

observed on site and include tocalote *(Centaurea melitensis)*[1], short-podded mustard *(Hirschfeldia incana)*[2], Castor bean (*Ricinus communis*)[1], tree tobacco (*Nicotiana glauca*)[2], slender wild oats (*Avena barbata*)[3], red brome (*Bromus madritensis rubens*)[4], and common sunflower (*Helianthus annus*)[5].

The soils in City Creek flood plain at City Creek Bridge are mapped as Psamments and Fluvents (Soil Conservation Service 1979). These soils consist of sandy and gravelly material and are found in large creeks and their major tributaries. The on-site inspection of soils was consistent with the mapped soil description.

Wildlife

Wildlife activity at the City Creek Bridge project site was relatively low because the site has a relatively low vegetative cover and is dominated by riverwash soils consisting of boulders, rocks, and cobbles. The more dense upland vegetation occurred along the levee banks and the more dense riparian vegetation occurred along two drainage channels present on site.

A complete list of wildlife species observed is provided in Appendix D.

Sensitive Biological Resources

Appendix D contains detailed information on the sensitive plant and animal species potentially present on the project site, including the species' habitat and distribution, activity period, State and federal status designations, and probability of occurrence.

San Bernardino Kangaroo Rat

Trapping studies were conducted for the San Bernardino kangaroo rat (SBKR) to determine its presence/absence on the City Creek Bridge project site. The SBKR was emergency listed as endangered on January 27, 1998 (U.S. Fish and Wildlife Service, 1998).

Trapping studies were conducted according to protocol established for the SBKR. The protocol calls for five nights of trapping. However, because of positive findings,

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1 List B: Wildland Pest Plants of Lesser Invasiveness, California Exotic Pest Plant Council (CalEPPC).

2 Need more information. Plants for which current information applies does not adequately describe nature of threat to wildlands, CalEPPC.

3 A species of annual grass abundant and widespread in California, that poses a significant threat to wildlands, CalEPPC.

4 List A-2: Most Invasive Wildland Pest Plants; Regional, CalEPPC.

5 Not rated, California Department of Food and Agriculture, Noxious Weed Index.

trapping was conducted on only three nights, May 20, 21, and 22, 1998. Traps were placed in suitable habitat areas containing potential SBKR sign in the area of the City Creek Bridge. A total of 12 SBKRs were trapped on the project site.

Plant Species Surveys

Four sensitive plant species were identified as potentially occurring on the project site: the slender-horned spineflower (*Dodechema leptoceras*), Santa Ana River woollystar (*Eriastrum densifolium var. sanctorum*), Nevin's barberry (*Berberis nevinii*), and Parry's spineflower (*Chorizanthe parryi var. parryi*). Two of the plant species, Nevin's barberry and Santa Ana River woollystar, are readily identifiable year round and were not observed during the general biological assessment conducted on the project site in January 1998. Focused surveys for the slender-horned spine flower and Parry's spine flower were conducted in June 1998 and were not observed on the project site.

Delineation of Wetlands and Jurisdictional Waters of the U.S.

On-site examination of vegetation, soils, and hydrology was conducted according to the U.S. Corps of Engineers' three parameter method and is described in detail in Appendix D. Based on this analysis, a total of 318.5 linear meters (1,045 linear feet) of stream bed was identified, composed of 0.27 hectare (0.67 acre) of jurisdictional waters of the U.S. consisting of 0.22 hectare (0.55 acre) of wetland waters, and 0.05 hectare (0.12 acre) of non-wetland waters. A total of 0.27 hectare (0.67 acre) was found to fall under California Department of Fish and Game (CDFG) jurisdiction.

Functions and values of wetlands within the project area include providing groundwater recharge and discharge, flood control, water quality enhancement, and wildlife habitat. The benefits provided by the wetland sites within the project boundary are minimal because of the limited area of wetland habitat.

3.7 LAND USE/PLANNING

The project area is composed of predominately commercial and industrial land uses adjacent to Fifth Street with residential neighborhoods to the north. As shown in Table 3.B, commercial and industrial uses exist adjacent to Fifth Street. The large planned development of East Highlands Ranch, consisting of both residential and commercial uses, lies 3.2 kilometers (2.0 miles) east of the project area. The project is within the City of Highland.

Table 3.B - Surrounding Land Uses

	Land Use	General Plan	Zoning
North	Industrial/General Commercial	Industrial/General Commercial	Industrial
South	Industrial/General Commercial	Industrial/General Commercial	Industrial/General Commercial (GC)
East	Business Park/Open Space	Business Park/ Open Space	SR-30, Planned Development
West	Residential	Residential	Planned Commercial/ Planned Development

3.8 HISTORIC AND CULTURAL RESOURCES

An Area of Potential Effect (APE) map was approved by Caltrans and FHWA in 1998. Historic studies were performed by qualified persons and no prehistoric or historic cultural resources were identified in the APE. A Negative Archaeological Survey Report and Negative Historic Property Survey Report were signed by the FHWA Transportation Engineer. A copy of the reports is included in Appendix E.

3.9 HAZARDOUS WASTE

A Hazardous Waste Initial Site Assessment (ISA) was prepared for this project and is included as Appendix F. A site survey did not reveal any evidence of hazardous material contamination or significant hazardous waste concerns within the areas proposed for construction and/or right-of-way acquisition.

The governmental records search conducted for the proposed project found 16 properties within a 2.4-kilometer (1.5-mile) radius of the project site that either store hazardous materials or have hazardous materials contamination on site. One of these sites has a significant history of hazardous materials violations and is located within close proximity of the project alignment. However, due to relatively deep depth to groundwater in the area (greater than 40 meters [131.24 feet]), it is unlikely that any contamination at this site could have migrated to within the project alignment or impacted near surface soils to be graded as part of the project. Based on the details of the records search results, it is unlikely that any other nearby sites have impacted the project area or have the potential to affect proposed construction activities.

Lead was found in the paint on the existing bridge girders. A technical specification will be included in the design documents directing the removal and deposition of the lead coated portions in accordance with State and federal regulations.

3.10 SOCIOECONOMICS/DEMOGRAPHICS

Development in the vicinity of the proposed project, including the reuse of the former Norton Air Force Base will require improvements in local roadway infrastructure. The widening of the City Creek Bridge was identified as a mitigation measure in the Final Environmental Impact Statement for the Disposal and Reuse of Norton Air Force Base (Final EIS for Norton Reuse June 1993); therefore, socioeconomic and demographic issues associated with the proposed project have been previously addressed in that document. Businesses in the vicinity of the proposed project will not be affected during project construction. Adequate access to businesses will be maintained throughout the construction period. No commercial or residential structures will be demolished.

The Final EIS for the former Norton Air Force Base Reuse predicted that employment resulting from civilian use of the deactivated air base would total 7,269 (direct) and 6,783 (indirect) jobs in the year 2000. Population increases resulting from these uses were estimated to equal 7,220 persons in the San Bernardino - Riverside County area. By the year 2015, direct and indirect employment at Norton were estimated to total 30,624 and 22,962, jobs, respectively. It was estimated that population growth in the San Bernardino - Riverside County region would increase by approximately 34,300 persons as a result of civilian jobs at the former air base. The Final EIS for the former Norton Air Force Base Reuse stated that the reuse of Norton Air Force Base would, "...generate positive economic benefits by increasing employment and earnings in the region."

The California Department of Finance (DOF) states the City's population to be 44,450 persons (January 2000). The City's population grew at an annual average rate of 2.9 percent during the 1990s. The population of the City is anticipated to grow to approximately 66,941 persons by the year 2020. The current population resides in approximately 14,171 dwelling units. A majority (73 percent) of dwelling units in the City are single-family detached units. By the year 2020, approximately 21,714 dwelling units will be occupied within the City. The San Bernardino Associated Governments (SANBAG) estimates current (2000) employment in the City of Highland to be 7,206 jobs. Employment is expected to reach 19,771 jobs by the year 2020. The San Bernardino County Economic Development Agency (EDA) states the City's largest employer is Western Entertainment Corporation (288 employees). Other major employers in the City include Robertson's Ready Mix, Sunwest Sand and Gravel, and Rogers Drywall, each with approximately 200 employees each.

Improvements to Fifth Street, including the replacement of City Creek Bridge will facilitate the passage of persons and goods through the City, and will accommodate growth anticipated and planned for in the City's General Plan.

4.0 ENVIRONMENTAL EVALUATION

4.1 TECHNICAL STUDIES

The technical studies listed below were prepared to evaluate the impacts of the proposed Fifth Street improvement project. The technical studies are in the Technical Appendices, bound separately in Volume II, and are available for review at Caltrans District 8, 464 W. Fourth Street, San Bernardino, California and at the City of Highland, 27215 Base Line, Highland, California 92346.

Appendix A - Draft Foundation Report
Appendix B - Floodplain Study
Appendix C - Air Quality Technical Report
Appendix D - Natural Environment Study Report and Delineation of Wetlands and Jurisdictional Waters of the United States
Appendix E - Cultural Resources Study
Appendix F - Hazardous Waste Initial Site Assessment

In addition to the technical studies prepared for the project, the previous documents listed below, prepared by the City of Highland, were also used as reference documents in this evaluation for general setting information, such as topography, climate, noise, and land use.

- City of Highland, General Plan and Environmental Impact Report. October 27, 1992.
- City of Highland, City Creek Bridge Type Selection Report. February, 1998. Prepared by McDaniel Engineering.

4.2 ENVIRONMENTAL SIGNIFICANCE CHECKLIST

The following checklist was used to identify physical, biological, social, and economic factors that might be impacted by the proposed project. In many cases, the background studies performed in connection with this project clearly indicate that the project will not affect a particular item. A "NO" answer in the first column documents this determination. Where there is a need for clarifying discussion, the discussion is provided in Section 5.0 following the checklist.

The checklist is based on the Environmental Checklist from the CEQA Guidelines and Caltrans Environmental Handbook. In the checklist, the significance determination applies to CEQA.

Section 15064 of the CEQA Guidelines states that the determination as to whether a project may have a significant effect on the environment calls for careful judgement on the part of the public agency involved based, to the extent possible, on scientific and factual data. An ironclad definition of significant effect is not possible, because the significance of an activity may vary with the setting.

The NEPA regulations (Council on Environmental Quality [CEQ] Regulations, Section 1508.27) define "significantly" in terms of two considerations: context and intensity. The regulations state that context is the setting within which the proposed project and its impacts should be considered. Context encompasses all aspects of the project setting, including physical, social, political, and geographic factors. Consideration of context puts the magnitude of impacts into their proper perspective.

		YES, NO OR MAYBE	IF YES, IS IT SIGNIFICANT? YES OR NO
PHYSICAL - Will the proposal either directly or indirectly:			
1.	Appreciably change the topography or ground surface relief features?	NO	
2.	Destroy, cover or modify any unique geologic, paleontologic, or physical features?	NO	
3.	Result in unstable earth surfaces or increase the exposure of people or property to geologic or seismic hazards?	NO	
4.	Result in or be affected by soil erosion or siltation (whether by water or wind)?	YES	NO
5.	Result in the increased use of fuel or energy in large amounts or in a wasteful manner?	NO	
6.	Result in an increase in the rate of use of any natural resource?	NO	
7.	Result in the substantial depletion of any nonrenewable resource?	NO	
8.	Violate any published Federal, State or local standards pertaining to hazardous waste, solid waste or litter control?	NO	
9.	Modify the channel of a river or stream or the bed of the ocean or any inlet or lake?	NO	
10.	Encroach upon a floodplain or result in or be affected by floodwaters or tidal waves?	NO	
11.	Adversely affect the quantity or quality of surface water, groundwater or public water supply?	NO	
12.	Result in the use of water in large amounts or in a wasteful manner?	NO	
13.	Affect wetlands or riparian vegetation?	YES	NO
14.	Violate or be inconsistent with Federal, State or local water quality standards?	NO	
15.	Result in changes in air movement, moisture, or temperature, or any climatic conditions?	NO	
16.	Result in an increase in air pollutant emissions, adverse effects on or deterioration of ambient air quality?	NO	
17.	Result in the creation of objectionable odors?	NO	
18.	Violate or be inconsistent with Federal, State or local air standards or control plans?	NO	
19.	Result in an increase in noise levels or vibration for adjoining areas?	NO	
20.	Result in any Federal, State or local noise criteria being equal or exceeded?	NO	
21.	Produce new light, glare or shadows?	NO	
BIOLOGICAL - Will the proposal result in (either directly or indirectly):			
22.	Change in the diversity of species or number of any species of plants (including trees, shrubs, grass, microflora, and aquatic plants)?	NO	
23.	Reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of plants?	NO	
24.	Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?	NO	

		YES, NO OR MAYBE	IF YES, IS IT SIGNIFICANT? YES OR NO
25.	Reduction in acreage of any agriculture crop or commercial timber stand, or affect prime, unique, or other farmland of State or local importance?	NO	
26.	Removal or deterioration of existing fish or wildlife habitat?	NO	
27.	Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	NO	
28.	Reduction of the numbers of or encroachment upon the critical habitat of any unique, threatened or endangered species of animals?	NO	
29.	Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	NO	
SOCIAL AND ECONOMIC - Will the proposal directly or indirectly:			
30.	Cause disruption of orderly planned development?	NO	
31.	Be inconsistent with any elements of adopted community plans, policies or goals?	NO	
32.	Be inconsistent with a Coastal Zone Management Plan?	NO	
33.	Affect the location, distribution, density, or growth rate of the human population of an area?	NO	
34.	Affect life-styles, or neighborhood character or stability?	NO	
35.	Affect minority, elderly, handicapped, transit-dependent or other specific interest groups?	NO	
36.	Divide or disrupt an established community?	NO	
37.	Affect existing housing, require the acquisition of residential improvements or the displacement of people or create a demand for additional housing?	NO	
38.	Affect employment, industry or commerce, or require the displacement of businesses or farms?	NO	
39.	Affect property values or the local tax base?	NO	
40.	Affect any community facilities (including medical, educational, scientific, recreational, or religious institutions, ceremonial sites or sacred shrines)?	NO	
41.	Affect public utilities, or police, fire, emergency or other public services?	NO	
42.	Have substantial impact on existing transportation systems or alter present patterns of circulation or movement of people and/or goods?	NO	
43.	Generate additional traffic?	NO	
44.	Affect or be affected by existing parking facilities or result in demand for new parking?	NO	
45.	Involve a substantial risk of an explosion or the release of hazardous substances in the event of an accident or otherwise adversely affect overall public safety?	NO	
46.	Result in alterations to waterborne, rail or air traffic?	NO	
47.	Support large commercial or residential development?	YES	NO
48.	Affect a significant archaeological or historic site, structure, object, or building?	NO	
49.	Affect wild or scenic rivers or natural landmarks?	NO	
50.	Affect any scenic resources or result in the obstruction of any scenic vista or view open to the public, or creation of an aesthetically offensive site open to public view?	NO	
51.	Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)?	NO	

	YES, NO OR MAYBE	IF YES, IS IT SIGNIFICANT? YES OR NO
52. Result in the use of any publicly-owned land from a park, recreation area, or wildlife and waterfowl refuge?	NO	
MANDATORY FINDINGS OF SIGNIFICANCE		
53. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	NO	
54. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	NO	
55. Does the project have environmental effects which are individually limited, but cumulatively considerable? Cumulatively considerable means that the incremental effect of an individual project is considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. It includes the effects of other projects which interact with this project and, together, are considerable.	NO	
56. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	NO	

5.0 DISCUSSION OF THE ENVIRONMENTAL CHECKLIST FORM RESPONSES

The discussion of the environmental evaluation checklist answers describes in detail the potential impacts associated with the proposed improvements to Fifth Street and identifies mitigation measures that will be implemented to reduce or eliminate adverse impacts.

1. ***Appreciably Change the Topography or Ground Surface Relief Features?***

   No. As described in Section 3.1 (Topography), the topography of the area would not be affected by the proposed improvements. The project would include widening of the existing Fifth Street at grade and replacing the bridge at the existing height, thereby not changing geologic features, topography or ground surface relief.

2. ***Destroy, Cover or Modify Any Unique Geologic, Paleontologic, or Physical Features?***

   No. No unique geologic, paleontologic, or physical features exist in the project area; therefore, adverse impacts to such resources as a result of project implementation would not occur.

3. ***Result in Unstable Earth Surfaces or Increase the Exposure of People or Property to Geologic or Seismic Hazards?***

   No. The Fifth Street project is subject to ground shaking from regional and local fault activity, as is all of California. The primary potential hazard, in the event of a major earthquake, would be ground motion; however, secondary hazards could include soil settlement. The site has a low liquefaction potential due to the quick dissipation of excess pore water pressure and the dense nature of the soils. The project does not include any structures that would increase the risk of exposure to people. Potential geologic and seismic hazards associated with project implementation would be reduced by designing the project to comply with Caltrans' most recent seismic design standards.

4. ***Result in or be Affected by Soil Erosion or Siltation (Whether by Water or Wind)?***

   Yes. Construction activities in the vicinity of City Creek would increase the potential for wind or water erosion of soils and result in short-term changes in deposition, erosion, or siltation that may modify City Creek or the Santa Ana River. Once construction is complete, the erosion rate at the project site would be the same as the existing rate. Short-term soil erosion impacts from demolition and construction of the bridge within the City Creek area would be mitigated through the implementation of a Storm Water Pollution Prevention Plan (SWPPP) and are not substantial.

Short-term construction effects of the Fifth Street widening improvements on soil erosion would be minimal due to the limited amount of exposed soil anticipated with the road widening; therefore, mitigation is not required.

To reduce potential project impacts to water quality, a SWPPP will be implemented after a Notice of Intent (NOI) has been filed with the State Water Resources Control Board (SWRCB), in accordance with the NPDES permit requirement of the Federal Clean Water Act. The NOI and the SWPPP are required prior to commencing construction of the project. The SWPPP will address reduction of excessive erosion and sedimentation caused by construction activities, prevention of off-site contamination from construction materials used at the site, and reduction of non-stormwater discharges from the construction site, and will provide appropriate measures to reduce impacts to waterways resulting from the finished project.

The SWPPP will include, at a minimum, the following Good Management Practices (GMPs) summarized from the Caltrans Stormwater Quality Handbook (May 10, 1996).

Infiltration

- Infiltration systems percolate stormwater runoff from small storms into the ground rather than discharging to a surface water body. Infiltration systems include buffer strips, swales, porous pavement, and infiltration trenches.

  The primary function of infiltration systems is to remove pollutants from stormwater runoff by infiltration. The systems remove pollutants in both the suspended and dissolved form by absorption on soil particles and through biological activity. Secondary benefits include the recharge or replenishment of groundwater and a reduction in total annual surface runoff volumes.

Scheduling

- A specified work schedule coordinates the timing of land disturbing activities and the installation of erosion and sedimentation control practices to reduce on-site erosion and off-site sedimentation. For some critical situations, specific scheduling requirements may need to be included in the contract special provisions rather than left to the construction contractor.

Preservation of Existing Vegetation

- Protection of desirable plants and trees in any areas subject to land disturbing activities is beneficial. Existing vegetation can be used as an effective form of erosion and sediment control, as well as watershed protection, landscape beautification, dust control, pollution control, noise reduction, and shade.

Permanent Seeding and Planting

- Permanent seeding and planting should be completed to establish a permanent perennial vegetative cover on areas that have been disturbed by construction. The establishment of permanent vegetation is beneficial for long-term aesthetics, reducing erosion by slowing runoff velocities, enhancing infiltration and transpi-

ration, trapping sediment and other particulates, protecting soil from raindrop impact, and providing habitat for wildlife. Some permanent vegetation is self-sustaining, requires low maintenance, and is compatible with the surrounding environment.

Mulching

- Loose bulk materials should be applied to the soil surface as a temporary cover to reduce erosion by protecting bare soil from rainfall impact, increasing infiltration, and reducing runoff. Mulches also moderate soil temperature, a characteristic that is beneficial for plant establishment and growth.

  Mulches are generally used to complement seeding and vegetation establishment techniques, although some mulches such as wood/bark chips have been used in lieu of long-term established vegetation.

Soil Stabilizers

- Stabilizing materials should be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities. The purpose of dust control on a construction site is to reduce the potential for soil particles being transported into surface water bodies, resulting in reduced water quality.

Stabilized Construction Roadway

- A stabilized access road to construction areas off existing public roads, for temporary access during the construction period, and the control of dust and erosion created by vehicular tracking, should be considered:

  - For all construction sites where vehicles travel across unpaved areas.
  - For construction during wet weather conditions.
  - For construction during dry weather conditions where dust is a problem or where mud may be tracked from the site.
  - For short-term detour roads.

Earth Dikes, Drainage Swales, and Lined Ditches

- Structures that intercept, divert, and convey surface runoff, generally sheet flow, to prevent erosion and reduce pollutant loading should be used for the following:

  - To convey surface runoff down sloping land.
  - To intercept and divert runoff, to avoid sheet flow over sloped surfaces.

- To direct runoff towards a stabilized watercourse, drainage pipe, or channel.

- Below steep grades where runoff begins to concentrate.

- Along roadways and around facility improvements that are subject to flood damage.

Slope Drains and Subsurface Drains

- A slope or subsurface drain is a pipe used to intercept and direct surface runoff or groundwater into a stabilized watercourse, trapping device, or stabilized area. Slope drains can also be a lined channel. Slope drains are slope stabilization measures designed to protect cut or fill slopes. Slope drains should be used where slopes may be eroded by surface runoff.

  Subsurface drains are improvements designed to allow proper drainage and soil stabilization in sloping areas where excessive soil saturation exists. Subsurface drains should be used where subsurface water must be removed from the soil, to lower groundwater table, or to prevent excessive soil saturation.

Outlet Protection/Velocity Dissipation Devices

- Physical devices should be placed at outlets of pipes and channels to reduce the velocity and/or energy of exiting water. Outlet protection helps to prevent scour and to minimize the potential for downstream erosion by reducing the velocity and/or energy of concentrated stormwater flows.

Flared Culvert End Selections

- Physical devices should be placed at inlets and outlets of pipes and channels to improve the hydraulic operation and retain the embankment near pipe conveyances. Flared end sections help prevent scour and minimize erosion at inlets and outlets.

Check Dams

- A check dam is a small, usually temporary, dam constructed of rocks, logs, or timbers placed across a natural or man-made channel or drainage ditch. Check dams reduce drainage ditch erosion caused by stormwater runoff by restricting the velocity of flow in the ditch. Check dams can also be used to prevent erosion, even after a channel has been permanently lined with vegetation or other materials. They should be provided in the following circumstances:

  - In small open channels that drain 4 hectares (10 acres) or less.

  - In steep channels where stormwater runoff velocities exceed 1.5 meters/second (5 feet/second) and must be reduced to protect against erosion.

- During the establishment of grass linings in drainage ditches or channels.

- In temporary ditches or channels, where the short length of service does not allow or warrant establishment or construction of an erosion resistant lining.

Slope Roughening/Terracing/Rounding

- Roughening and terracing are techniques for creating unevenness on bare soil through the construction of furrows running across a slope, creation of stair steps, or by utilization of construction equipment to track the soil surface. Surface roughening or terracing reduces erosion potential by decreasing runoff velocities, trapping sediment, and increasing infiltration of water into the soil, aiding in the establishment of vegetative cover from seed. These techniques should be used as follows:

  - All construction slopes require surface roughening or terracing of some kind to facilitate long-term stabilization with vegetation, particularly slopes steeper than 3:1 (horizontal to vertical) and greater than 1.5 meters (5 feet) in height.

  - Where seeding, planting, and mulching to stabilize exposed soils will benefit from surface roughening.

  - On graded areas with smooth, hard surfaces.

5. ***Result in the Increased Use of Fuel or Energy in Large Amounts or in a Wasteful Manner?***

No. Due to the relatively small scale of the project, construction of the proposed improvements would not require use of large or wasteful amounts of fuel or energy. The use of energy to construct the project would not be a substantial irrevocable commitment of fossil fuel resources.

6. ***Result in an Increase in the Rate of Use of Any Natural Resource?***

No. Due to the relatively small scale of the project, construction of the proposed improvements would not substantially affect the rate of use of any natural resources. Also, there are no important quantities of natural resources (e.g., sand and gravel deposits) within the Fifth Street project limits.

7. ***Result in the Substantial Depletion of Any Nonrenewable Resource?***

No. As noted above in Response Nos. 5 and 6, the use of energy to construct the project would not be a substantial irrevocable commitment of fossil fuel resources or natural resources.

8. ***Violate any Published Federal, State or Local Standards Pertaining to Hazardous Waste, Solid Waste or Litter Control?***

No. A site survey was conducted as part of the Hazardous Waste Initial Site Assessment (ISA), Appendix F; no evidence of hazardous waste contamination that could substantially impact project implementation was observed. The site survey did not reveal any substantial hazardous waste concerns within the areas proposed for construction and/or right-of-way acquisition. The majority of new right-of-way acquisition would occur below the City Creek Bridge and on vacant land east of Church Avenue. No visual evidence of surface contamination was observed below the bridge or on the adjacent vacant lands.

The governmental records search conducted for the proposed project found 16 properties within a 2.4-kilometer (1.5-mile) radius of the project site that either store hazardous materials, or have hazardous materials contamination on site. One of these sites, the Safety Kleen Corporation property located at 7979 Palm Avenue, has had a substantial history of hazardous materials violations and is located within close proximity of the project alignment. Due to relatively deep depth to groundwater in the area (greater than 346.6 and 347.5 meters [1,137 and 1,140 feet]), it is unlikely that any contamination at this site could have migrated to within the project alignment or impacted near surface soils to be graded as part of the project. During construction, the City of Highland shall mitigate any areas of contamination found within the Fifth Street project limits through implementation of standard cleanup and disposal procedures (i.e., removing and transporting the waste to an appropriate landfill). Based on the details of the records search results, it is unlikely that any other nearby sites have impacted the project area or have the potential to affect proposed construction activities.

9. ***Modify the Channel of a River or Stream or the Bed of the Ocean or Any Inlet or Lake?***

No. Demolition and reconstruction of the bridge over City Creek would result in minor alterations to the surface water within the channel. Appendix C contains a detailed wetland delineation conducted for the proposed project. As indicated under Response No. 13, the proposed project would remove approximately a total of 318.5 linear meters (1,045 linear feet) of streambed, including 0.27 hectare (0.67 acre) of jurisdictional water of the U.S. consisting of 0.22 hectare (0.55 acre) of wetland water, and 0.05 hectare (0.12 acre) of non-wetland water.

Surface water levels and flow movements during construction would be controlled by contract specifications and Best Management Practices (BMPs). With implementation of these measures, the potential for adverse alterations to surface waters during construction would not be substantial.

10. ***Encroach upon a Floodplain or Result in or Be Affected by Floodwaters or Tidal Waves?***

No. Portions of the proposed project lie within the 100-year floodplain as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) and are depicted in the Location Hydraulic Study Bridge Project Floodplain

Study, Appendix B. FIRM panel 8702 of 9400, dated March 18, 1996, shows this reach of City Creek within a Zone A designation. Zone A is applied when no base flood elevations were determined; therefore, the approximate limit is 30.5 meters (100 feet) wide at the City Creek Bridge. The proposed bridge improvements would not create an impact to the floodplain. The proposed bridge would be constructed with 0.76 meter (2.5 feet) of freeboard for the 100-year storm and pass the 434 cubic meters (15,500 cubic feet per second) discharge as required by the San Bernardino County Flood Control District.

In addition, the project area is not proximate to bodies of water large enough to generate tidal waves.

11. Adversely Affect the Quantity or Quality of Surface Water, Groundwater or Public Water Supply?

Surface Water

No. The proposed project would result in a slight increase in the amount of surface runoff due to the additional roadway pavement on Fifth Street and the widened bridge area. However, the increase is not anticipated to result in an impact since the increase in impervious surfaces over existing conditions is minor. The additional runoff anticipated with the expansion of the bridge would be accommodated by the design of the bridge storm drain system.

Storm runoff from the roadway surfaces may contain oil, grease, petroleum products, or other pollutants. Zinc, and to a lesser extent copper, lead, cadmium, iron and other trace metals, may also accumulate on road surfaces. The concentrations of these pollutants in stormwater runoff would be greatest during the "first flush" storm event, at the end of the dry season. The amount of contaminants reaching groundwater is expected to be minimal over existing conditions in the project area, and any concentrations would be highly diluted. Thus, no substantial impacts to groundwater quality or its beneficial uses are expected.

Runoff and erosion during construction would be controlled by contract specifications and BMPs. Construction industry standard stormwater BMPs can be found in the *State of California Storm Water Best Management Practice Handbook, Construction Activity*. With implementation of BMP measures, the potential for increased runoff during construction would not be substantial.

Groundwater

No. The proposed project would not result in changes to groundwater. Groundwater in the project area was found between 346.6 and 347.5 meters (1,137 and 1,140 feet) during surveys conducted for the Bridge Foundation Report.[1]

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1 Earth Mechanics, Inc. Draft Foundation Report, Fifth Street Improvements. April 1998.

Public Water Supply

No. The City of Highland's public water supplies are from the EVWD whose sole water source is groundwater. The proposed project would not have an effect on groundwater, alter water movement, or surface waters. Therefore, the proposed project would not have an effect on public water supplies.

12. Result in the Use of Water in Large Amounts or in a Wasteful Manner?

No. Project development is not expected to result in the use of large amounts of water during construction and operation. Application of standard Caltrans specifications for roadway construction and maintenance provides for installation of water conserving designs and maintenance programs.

13. Affect Wetlands or Riparian Vegetation?

Yes. Based on the wetland delineation analysis conducted for the project area (Appendix D), a small area of wetland would be displaced by the proposed project. A total of 318.5 linear meters (1,045 linear feet) of streambed, including 0.27 hectare (0.67 acre) of jurisdictional water of the U.S. consisting of 0.22 hectare (0.55 acre) of wetland water, and 0.05 hectare (0.12 acre) of non-wetland water, was identified as being affected by the project. The benefits provided by the wetland sites within the project area are minimal because of the limited acreage and, therefore, the impact is not considered substantial.

However, this adverse impact would be reduced to ensure no net loss of riparian habitat and wetlands after implementation of the following mitigation measure.

Mitigation Measure

1. For direct impacts (temporary disturbance of up 0.27 hectare [0.67 acre] of waters/streambed) construction activities shall be limited to the minimal area necessary and that upon completion of construction, impacted areas be restored to replicate existing conditions. A one-time revegetation of the site shall be required. At the onset of construction topsoil (where present) and plant materials shall be salvaged for use in restoration activities. The top three to six inches of topsoil shall be scraped off and stockpiled on site, upon completion of construction, the stockpiled soil shall be spread over areas targeted for restoration. Prior to removal of vegetation, cuttings shall be taken from shrubs and trees (i.e., mulefat, cottonwood, and willows), cuttings shall be rooted and maintained for post-construction planting. Topsoil shall be spread and cuttings planted in areas where adequate water is available for the growth of riparian vegetation. No long-term monitoring of the site shall be required.

Impacts to waters of the U.S. and streambed would require authorization from the Corps, Regional Water Quality Control Board (RWQCB), and CDFG. As part of the authorization process, the regulatory agencies would review and approve appropriate mitigation measures. It is anticipated that the measure outlined above would satisfy the requirements of the involved agencies.

Measures to Minimize Harm

The proposed project includes all practicable measures to minimize harm to wetlands. The project also proposes mitigation in the form of restoring wetland and riparian habitats, resulting in no net loss of these natural resources.

Wetlands Finding

Pursuant to federal Executive Order 11990 (Protection of Wetlands), a discussion of practicable alternatives to the proposed project, measures to minimize harm to wetlands, and a wetlands finding are provided below.

Alternatives

There are no practicable alternatives to the proposed action. Alternative alignments would impact the same drainages, but at different locations. Section 2.0 (Alternatives) discusses previous alternatives and alternatives withdrawn from consideration. Alternative crossings would not match the existing roadway alignment and, therefore, would not be feasible.

Finding

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed new construction in wetlands, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.

14. *Violate or Be Inconsistent with Federal, State or Local Water Quality Standards?*

No. The project is not anticipated to have a substantial impact on local water quality with implementation of City of Highland design standards for controlling storm runoff. Runoff and erosion during construction would be controlled by contract specifications and BMPs. Construction industry standard stormwater BMPs can be found in the *State of California Storm Water Best Management Practice Handbook, Construction Activity*. With implementation of BMP measures, the potential for increased runoff during construction would not be substantial.

15. *Result in Changes in Air Movement, Moisture, or Temperature, or Any Climatic Conditions?*

No. Due to the relatively limited scale of the project, construction of the proposed facility would not affect existing local air movement patterns, or alter temperature or other climatic conditions in the project study area.

16. ***Result in an Increase in Air Pollutant Emissions, Adverse Effects on or Deterioration of Ambient Air Quality?***

Appendix C contains a detailed air quality analysis conducted for the proposed Fifth Street project. The air quality impacts of the proposed project are summarized below.

No. Air pollutants would be generated during project construction, primarily from construction vehicle emissions and fugitive dust caused by earth disturbance. Construction emissions are expected to be typical of a project of this type, and no unusually high levels of pollutants are expected to be generated by construction activities.

Because the proposed project would not generate new traffic trips, no new long-term regional emissions would result from implementation of the proposed project. The proposed project would widen this segment of Fifth Street, moving travel lanes outwards from the centerline. However, no existing sensitive receptors are located along the affected segment, and no significant local air quality impact is anticipated. The following discusses the possible emissions generating activities associated with the proposed project and their significance (CEQA).

Construction Emissions

Thresholds for Construction Emissions

The following significance thresholds for construction emissions have been established by the SCAQMD:

- 2.5 tons per quarter or 75 pounds per day of ROC
- 2.5 tons per quarter or 100 pounds per day of NOx
- 24.75 tons per quarter or 550 pounds per day of CO
- 6.75 tons per quarter or 150 pounds per day of PM10
- 6.75 tons per quarter or 150 pounds per day of SOx.

Projects in the Basin with construction related emissions that exceed any of the emission thresholds above are considered to have a substantial impact on air quality by the SCAQMD.

Thresholds for Operational Emissions

Specific criteria for determining whether the potential air quality impacts of a project are substantial are set forth in the SCAQMD's *CEQA Air Quality Handbook.* The criteria include emissions thresholds, compliance with State and national air quality standards, and conformity with the existing SIP or consistency with the current AQMP. The daily operational emissions thresholds are as follows:

Regional Emissions Thresholds

- 55 pounds per day of ROC
- 55 pounds per day of NOx
- 550 pounds per day of CO

- 150 pounds per day of PM10
- 150 pounds per day of SOx.

Projects in the Basin with operation related emissions that exceed any of the emission thresholds are considered to have a substantial effect on air quality by the SCAQMD.

Local Emission Standards

- California State 1-hour CO standard of 20.0 parts per million (ppm)
- California State 8-hour CO standard of 9.0 ppm.

Localized project impacts depends on whether ambient CO levels in the vicinity of the project are above or below State and federal CO standards. If ambient levels are below the standards, a project is considered to have an impact on air quality if project emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a State or federal standard, project emissions are considered substantial if they increase 1-hour CO concentrations by 1.0 ppm or more or 8-hour CO concentrations by 0.45 ppm or more.

The potential air quality impacts of the proposed project were assessed using guidelines developed by Caltrans *Transportation Project-Level Carbon Monoxide Protocol*, the SCAQMD *CEQA Air Quality Handbook* and the CALINE4 CO hot spot analysis model.

Standard Conditions. There are standard requirements with which all development projects in the Basin are required to comply. The following summarizes these standard requirements applicable to the proposed project.

The project would be required by law to comply with regional rules 403 and 402, which would assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site.

These dust suppression techniques are summarized below. Implementation of these dust suppression techniques, as required by the SCAQMD, can reduce the fugitive dust generation (and thus the PM10 component) by 50 to 75 percent. Compliance with these rules would reduce impacts on any nearby sensitive receptors.

- Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until vegetation cover is grown.

- All active portions of the construction site shall be watered to prevent excessive amounts of dust.

- On-site vehicle speed shall be limited to 24.2 kph (15 mph).

- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized.
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 40.3 kph [25 mph] averaged over one hour) or during Stage 1 or Stage 2 episodes.
- All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized at all times.

Equipment Exhausts

Construction activities would cause combustion emissions from utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting the construction crew. Exhaust emissions during the construction activities envisioned on site would vary daily as construction activity levels change. The use of construction equipment for the project would result in localized exhaust emissions. Based on analysis of similar projects, construction emissions associated with the proposed project have been estimated and are shown in Table 5.A.

As shown, when properly coordinated, construction equipment emissions would not exceed the daily thresholds for the criteria pollutants of NO_x, ROC, CO, SO_x and PM_{10}.

Table 5.A - Daily Construction Equipment Exhaust Emissions

Number and Equipment Type[1]	No. of Hours in Operation	Pollutants (Lbs/day)				
		CO	ROC	NO_x	SO_x	PM10
1 - Off-Hwy Trucks	4	10.8	1.2	25.0	2.7	1.5
2 - Motor Graders	6	1.8	0.5	8.6	1.0	0.7
1 - Scrapers	4	5.1	1.2	15.4	1.9	1.6
2 - Tracked Loaders	4	1.6	0.8	6.6	0.6	0.5
1 - Wheeled Dozers	6	10.8	1.2	25.0	2.7	1.0
2 - Tracked Tractors	4	2.8	1.0	10.0	1.2	1.0
TOTAL		**33**	**6**	**91**	**10**	**6**
Threshold		**550**	**75**	**100**	**150**	**150**
Exceeds Threshold?		**NO**	**NO**	**NO**	**NO**	**NO**

Note: [1] Emission factors provided in EPA, AP-42, Volume II.
Source: LSA Associates, Inc., 1998.

Fugitive Dust

Fugitive dust emissions are generally associated with land clearing, exposure, and cut and fill operations. Dust generated during construction activities would vary substantially, depending on the level of activity, the specific operations, and weather conditions. Sensitive receptors in the project vicinity and construction crew may be exposed to blowing dust, depending upon prevailing wind conditions. A near balance of project related soil is anticipated. Therefore, a limited amount of debris would be imported or exported from the project site, minimizing the exhaust emissions from haul trucks and dust from soil transfer.

Based on a method developed by the SCAQMD, each acre of graded surface creates about 12 kilograms (26.4 pounds) of PM_{10} per workday during the construction phase of the project and 9.9 kilograms (21.8 pounds) of PM_{10} per hour from dirt/debris pushing per dozer. The project area covers approximately 2 hectares (5 acres). It is, therefore, assumed as a worst case scenario that the entire site would be under construction or exposed on any one day. It is also assumed that one dozer would be used six hours a day each, together with other equipment. Therefore, a total of 263 pounds (119 kg) of PM_{10} per day would be generated from soil disturbance without mitigation during the construction phase. This level of dust emission would exceed the threshold of 150 pounds (68 kg) per day for fine particulates. The SCAQMD rules 403 and 402 addressing the regulation and corresponding dust suppression techniques would be adhered to during the construction process. Implementation of the recommended dust suppression measures would reduce 50 to 75 percent of the fugitive dust during construction. A fugitive dust control plan would be submitted to and approved by the SCAQMD prior to beginning project construction.

Asphalt Paving Emissions

Implementation of the proposed project would involve the pavement of the widened road and bridge with asphalt. There would be VOC emissions associated with asphalt paving process. The standard SCAQMD rules that address the regulation and mitigation measures for asphalt paving during road development would be adhered to during the construction process.

Local CO Hot Spot Impact Analysis

There would be no new vehicular trips associated with the proposed project. The proposed widening would help mitigate the anticipated congestion at intersections along Fifth Street in the project vicinity.

The primary mobile source pollutant of local concern is CO. CO is a direct function of vehicle idling time and, thus, traffic flow conditions. CO transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations proximate to a congested roadway or intersection may reach unhealthful levels affecting local sensitive receptors (residents, school children, the elderly, hospital

patients, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentration, modeling of CO concentrations is recommended in determining a project's effect on local CO levels.

Existing CO concentrations in the immediate project vicinity are not available. However, ambient CO levels monitored at the San Bernardino Air Quality Monitoring Station, the closest station with monitored CO data, are generally low, with the highest recorded 1-hour concentration of 9.0 ppm (State standard is 20 ppm) and 8-hour concentration of 6.5 ppm (State standard is 9 ppm) during the past seven years (both 1-hour and 8-hour maximum CO concentrations monitored occurred in 1994). The second highest CO concentrations were 8.0 ppm for the 1-hour and 6.3 ppm for the 8-hour concentrations. These second highest CO levels have been used in this analysis as the existing and future background CO concentrations. Actual background CO concentrations in the project vicinity would possibly be lower given the greater relative distance from the urbanized City of Highland area.

Because the highest CO concentrations occur during peak traffic hours, CO impacts calculated under peak traffic conditions represent a worst case analysis. Modeling of the CO hot spot analysis was based on traffic volumes provided by the City of Highland engineer (City of Highland, April 1998), which identified the existing and projected future traffic conditions, during afternoon peak hours, generated in the project area. CO concentrations were calculated for the 1-hour averaging period and then compared to the State 1-hour CO standard of 20 ppm. CO 8-hour averages were extrapolated from the 1-hour CO calculations, using techniques outlined in the Air Quality Technical Analysis Notes (California Department of Transportation, 1988). Concentrations are given in parts per million (ppm) at each receptor location.

The Screening Procedure for CO hot spot analysis in Caltrans Transportation Project-Level Carbon Monoxide Protocol (Caltrans, May 1996) has been used to assess the CO concentrations along Fifth Street in the project vicinity, at the intersections of Fifth Street and Palm Avenue. Although there are no existing sensitive receptors located near that intersection, this CO hot spot analysis provides an example of local CO levels along Fifth Street.

Data in Appendix C, CO Concentrations Fact Sheet, show that there would be no exceedance of either the State or federal CO standards for the 1-hour or the 8-hour durations. The 1-hour CO concentration near this intersection is 10.2 ppm for the existing (1998) and 9.9 ppm for the future (2010) conditions, both much lower than the 20 ppm State standard and the 35 ppm federal standard. The 8-hour CO concentration is 7.8 ppm for the existing (1998) and 7.6 ppm for the future (2010) conditions, both also lower than the 9.0 ppm State and federal standards. Therefore, implementation of the project would not have an adverse impact on local air quality. Because no CO hotspots were identified, no nearby sensitive receptors would be affected by project related local air quality impacts.

Air Quality Conformity Analysis

A consistency determination plays an essential role in local agency project review by linking local planning and unique individual projects to the AQMP. It fulfills the CEQA goal of fully informing local agency decision makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans, and significantly unique projects need to undergo a consistency review due to the AQMP strategy being based on projections from local General Plans.

The proposed widening project has been included in the Regional Transportation Improvement Program (RTIP), and does not require amendment to any local General Plan and is considered consistent with the air quality related regional plan. The FHWA and FTA issued a conformity determination on the SCAG 1998 Regional Transportation Plan and Fiscal Year 1998/99 - 2004/5 Regional Transportation Improvement Program (RTIP) on October 5, 1998.

The Fifth Street widening project is included in the 1998 SCAB Transportation Plan and the 1998/99 - 2004/5, Regional Transportation Improvement Program. The Fifth Street widening project does not create any new CO violations but decreases the frequency and severity of existing CO violations.

Therefore, it is determined that the Fifth Street widening project is in conformance with the SIP and is consistent with the requirements of the Transportation Conformity Rule.

Mitigation Measures

Adherence to existing policies, regulations, and/or design standards would reduce any adverse impact of the project. The following standard measures shall be implemented.

The following measures are provided to reduce air pollutants generated by vehicle and equipment exhaust during the project construction phase:

- The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment would be tuned and maintained in accordance with the manufacturer's specifications.
- The Construction Contractor shall ensure that construction grading plans include a statement that work crews would shut off equipment when not in use. During smog season (May through October), the overall length of the construction period should be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- The Construction Contractor shall time the construction activities so as not to interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

The following measures would reduce or minimize fugitive dust emissions associated with grading or other soil disturbance:

- The SCAQMD rules addressing fugitive dust control measures, Rules 402 and 403, shall be adhered to during the construction process.
- A fugitive dust control plan shall be submitted to and approved by the SCAQMD prior to beginning project construction.

The following measure would reduce or minimize air pollutant emissions associated with asphalt paving:

- The Construction Contractor shall adhere to the recommendations set forth by the U.S. Environmental Protection Agency (EPA) and adopted by reference by the SCAQMD addressing the emission control measures covering the asphalt paving emissions.

17. Result in the Creation of Objectionable Odors?

No. The proposed project would not generate new odors, in and of itself; however, short-term odor impacts (i.e., diesel fumes) associated with project construction may occur adjacent to the project right-of-way during construction. These fumes would dissipate quickly, and do not pose a potentially substantial odor impact.

18. Violate or be Inconsistent with Federal, State or Local Air Standards or Control Plans?

No. As discussed under Response No. 16, the Fifth Street project is included in the existing RTIP, does not require amendment to any local General Plan, and is considered consistent with the air quality related regional plan. The FHWA and FTA issued a conformity determination on the SCAG 1998 Regional Transportation Plan and Fiscal Year 1998/99 - 2004/5 Regional Transportation Improvement Program (RTIP) on October 5, 1998.

19. Result in an Increase in Noise Levels or Vibration for Adjoining Areas?

No. Implementation of the proposed project would not introduce new traffic trips to the project site; therefore, it would not add a new traffic noise source along this segment of Fifth Street. However, due to the improvements of traffic flow on Fifth Street, traffic speed in the project vicinity may increase slightly from its current level. Traffic noise has the potential to increase slightly.

The California Department of Transportation (Caltrans) has set noise abatement criteria for land uses along highways/freeways. When considering potential traffic noise impacts, primary consideration is given to exterior uses, with the exception of residences, schools, and hospitals which have interior noise criterion. Along this segment of Fifth Street, there are no existing residential uses or commercial uses with outdoor activity areas that would have frequent human use. Therefore, there are no exterior receivers that would be substantially disturbed by the construction or use of the wid-

ened roadway and a noise study is not required. The increase in traffic speed in this area is not anticipated to increase the traffic noise by a substantial amount, and is not expected to result in a substantial traffic noise impact; therefore, no mitigation for long-term traffic noise is required.

20. ***Result in Any Federal, State or Local Noise Criteria Being Equal or Exceeded?***

No. During construction activities, nearby land uses would be exposed to periodic short-term noise levels in excess of the City of Highland's threshold levels when construction occurs near the project boundaries. Due to the short-term nature of construction activities, the absence of sensitive receptors adjacent to the project, and the restrictions on nighttime and weekend work (as imposed by the City of Highland Noise Ordinance), potential noise impacts are not considered substantial.

21. ***Produce New Light, Glare or Shadows?***

No. The proposed project would provide new lights on the bridge. Street lighting is provided as a safety feature and would not create a substantial intrusion of light into the area. Lighting sources would be shielded to prevent spillover of light from the bridge to adjacent lands so as not to affect the SBKR. Therefore, no impact is anticipated.

22. ***Change in the Diversity of Species or Number of Any Species of Plants (Including Trees, Shrubs, Grass, Microflora, and Aquatic Plants)?***

No. The proposed project would have temporary impacts on plant communities within City Creek. The areas adjacent to the roadway that would be affected by the roadway widening are disturbed, contain non-native landscaping or ruderal species. Temporary impacts include grubbing, clearing, and grading operations that result from construction operations, but would not result in a permanent conversion of habitat to human use. Permanent conversion of habitat will occur in the areas where the pylons of the bridge would be permanently widened in City Creek.

23. ***Reduction of the Numbers of or Encroachment upon the Critical Habitat of Any Unique, Threatened or Endangered Species of Plants?***

No. As discussed in the Natural Environmental Study Report (Appendix D). The area of the City Creek Bridge contains habitat for the federally listed endangered SBKR. The U.S. Fish and Wildlife Service (USFWS) has not officially designated "critical" habitat for the SBKR . Twelve of the species were trapped during focused surveys for the species both north and south of the existing bridge. The loss of alluvial fan sage scrub habitat on the site itself is not considered substantial because of the relatively small amount of this habitat within the proposed project area. However, because the alluvial fan sage scrub is occupied by the SBKR, any impacts to this species are considered substantial.

The proposed project would impact approximately 0.22 hectare (0.55 acre) of mulefat riparian habitat associated with defined channels and approximately 0.05 hectare (0.12 acre) of unvegetated drainages. Impacts to drainages are not considered substantial because the riparian vegetation is of low habitat value to wildlife species and because the impact to the drainage will be temporary. However, these drainages are protected under the provisions of the Clean Water Act and Section 1600 seq. of the California Fish and Game Code and mitigation is provided in Response No. 13 to reduce the proposed project's temporary effects on wetlands.

The project site, however, does not contain any endangered or threatened species of plants; therefore, the project would not have any impacts on sensitive plant species.

24. ***Introduction of New Species of Plants into an Area, or Result in a Barrier to the Normal Replenishment of Existing Species?***

No. Existing properties east of Palm Avenue and west of City Creek Bridge are currently landscaped with non-native and ornamental vegetation. Landscaping will be established or replaced in this area as required. Landscaping materials will consist of species common to the City of Highland and the region in general. The introduction of non-native landscaping materials would not result in a barrier to the normal replenishment of existing native species.

25. ***Reduction in Acreage of Any Agriculture Crop or Commercial Timber Stand, or Affect Prime, Unique, or Other Farmland of State or Local Importance?***

No. No prime, unique, or State or locally important agricultural land, cultivation of agricultural crops or timber stands are present within the project study area and, therefore, no impacts to these resources would occur.

26. ***Removal or Deterioration of Existing Fish or Wildlife Habitat?***

No. Impacts to wildlife in general are not considered substantial because of the relatively small amount of wildlife habitat present on site and because project impacts are relatively minor. However, the area of the City Creek Bridge contains habitat for the SBKR, a federally listed endangered species. The City, Corps, and FHWA are currently in Section 7 consultation with the USFWS. Mitigation measures for project impacts to the SBKR were discussed with the USFWS (Jack Easton of LSA, pers comm. Arthur Davenport of the USFWS, April 14, 1998 and field visit Denise Woodard of LSA pers comm. P.J. White, Scott Eliason). Per this discussion, appropriate mitigation would require maintaining the "status quo" of existing habitat on site or increasing the extent of occupied and/or suitable habitat on site.During formal consultation, the USFWS evaluates information relating to potential project effects on the listed species. At the conclusion of this evaluation, the USFWS formulates a Biological Opinion as to whether the project is likely to jeopardize the continued existence of the listed species. If a "jeopardy opinion" is issued, the USFWS is to include reason-

able and prudent alternatives to the federal action. In the case of a "no jeopardy opinion" (or with the implementation of reasonable and prudent alternatives), the USFWS may also issue an "incidental take" statement, which allows the incidental take of a listed species in accordance with terms and conditions specified in the Biological Opinion.

Because the new bridge structure will replace the existing bridge and no substantial changes to the already leveed City Creek are proposed, no changes to City Creek stream dynamics are anticipated as a result of the proposed project (pers. comm. David Hunt, Engineer with Willdan Associates, November 1998). The City agrees to implement the following measures.

Mitigation Measures

- The City will compensate for biological impacts by purchasing mitigation credits from the Calmat Mitigation Bank. Impacts to SBKR and RAFSS will be mitigated by purchasing a total of 4 hectares (10 acres) of credits from the bank. The mitigation is for the permanent loss of 0.17 hectare (0.43 acre) of SBKR habitat at a 3:1 ratio (.52 hectare [1.29 acres] of mitigation required) and the temporary loss of 1.6 hectares (4.0 acres) of SBKR habitat at a 2:1 ratio (3.2 hectares [8.0 acres] of mitigation required). The total impact area, including permanent and temporary habitat loss, is 1.77 hectares (4.43 acres), requiring a total of 3.72 hectares (9.29 acres) of mitigation credits. The proposed mitigation results in the permanent preservation of 0.28 hectare (0.71 acre) beyond that which is required.

- Prior to construction, the limits of construction will be fenced with 1.25-meter (4-foot) silt fencing to provide a barrier to prevent SBKR from entering the construction area and to prevent impacts to alluvial fan sage scrub vegetation outside the construction limits. Access to SBKR habitat outside the construction limits will be prohibited and these areas will be posted accordingly.

- The areas within the limits of the construction area will be trapped for SBKR and any trapped animals will be relocated outside the fenced construction limits.

- All project related activities will be monitored by a qualified biologist. The monitoring biologist will be present during all clearing of vegetation to be conducted for the project. The monitoring biologist will ensure that only RAFSS within the construction limits will be removed or disturbed.

- Access to SBKR habitat outside the project limits will be prohibited and these areas will be posted accordingly. All movement of construction contractors, including ingress and egress of equipment and personnel, will be limited to the designated project limits.

- The staging area for construction equipment will be limited to designated locations which are physically separate from potential SBKR habitat areas.

- Orientation meetings will be conducted for construction personnel. Contractors' pets will be prohibited in and adjacent to the construction area.

- The proper use and disposal of oil, gasoline, and diesel fuel will be enforced.

- Upon completion of construction, the area of temporary impact (1.6 hectares [4.0 acres]) will be recontoured to its original state and the silt fencing will be removed. An upland revegetation program will be completed for the areas temporarily disturbed by the proposed project. This revegetation program serves as a one time revegetation effort to encourage the growth of native vegetation in the area that will be affected temporarily. The revegetation program will include the following elements: identifying plant material and seed mix, site preparation and planting implementation, vegetation and topsoil salvage, and planting and seeding methods.

  Weed abatement will be conducted twice yearly in the form of hand weeding (which may include hand held mechanical weeders) to be conducted in the early spring (March thru April)and fall (September thru October) for the first two years after the initial revegetation effort. However, no monitoring or success criteria will be applied because of the (1) short duration and minimal effects of the proposed project, and (2) the temporary impacts are being mitigated at a 2:1 ratio in the unlikely event that habitat temporarily affected is not suitable for use by the SBKR after project completion.

- Shielded lighting to direct night-time lighting onto the roadways and away from SBKR habitat will be utilized to minimize potential impacts.

This biological assessment is intended to minimize the potential impact to the SBKR and contribute to its continued existence. The City is committed to provide the necessary funding to support the mitigation as outlined above.

27. ***Change in the Diversity of Species, or Numbers of Any Species of Animals (Birds, Land Animals Including Reptiles, Fish and Shellfish, Benthic Organisms, Insects or Microfauna)?***

No. The proposed improvements to the existing Fifth Street facility would not result in a change in the diversity of species or numbers of any species of animals.

28. ***Reduction of the Numbers of or Encroachment upon the Critical Habitat of Any Unique, Threatened or Endangered Species of Animals?***

No. Refer to discussion in response to Question No. 26 above.

29. ***Introduction of New Species of Animals Into an Area, or Result in a Barrier to the Migration or Movement of Animals?***

No. The proposed improvements to the existing Fifth Street facility would not result in either the introduction of new species of animals into the area or the formation of a

barrier to wildlife movement. Contractor's dogs or other domestic animals would not be allowed on site during construction activities.

30. ***Cause Disruption of Orderly Planned Development?***

No. The area in the vicinity of City Creek and Fifth Street is presently developed with industrial, commercial, and residential uses. The proposed project would not disrupt the development or divide an existing community.

31. ***Be Inconsistent With Any Elements of Adopted Community Plans, Policies or Goals?***

No. The project would not result in a conflict with the City's General Plan designation, zoning, applicable environmental plans, or policies.

32. ***Be Inconsistent with a Coastal Zone Management Plan?***

No. The project study area is not within the Coastal Zone.

33. ***Affect the Location, Distribution, Density, or Growth Rate of the Human Population of an Area?***

No. Improvements to Fifth Street and reconstruction of the bridge over City Creek would not affect the location, distribution, density, or growth rate of human population in the area, since Fifth Street is an existing facility.

34. ***Affect Lifestyles, or Neighborhood Character or Stability?***

No. Fifth Street is an existing facility. Widening the street and replacing the bridge would not affect personal lifestyles and neighborhood character.

35. ***Affect Minority, Elderly, Handicapped, Transit-Dependent or Other Specific Interest Groups?***

No. Due to the limited disruption of people during construction from the widening of Fifth Street through the project study area, minority, elderly, handicapped, transit dependent or other specific interest groups would not be affected.

36. ***Divide or Disrupt an Established Community?***

No. Fifth Street is an existing facility. Widening the street and replacing the bridge would not divide or disrupt an established community.

37. ***Affect Existing Housing, Require the Acquisition of Residential Improvements or the Displacement of People or Create a Demand for Additional Housing?***

No. The proposed project would not displace any residences.

38. ***Affect Employment, Industry or Commerce, or Require the Displacement of Businesses or Farms?***

No. Additional right-of-way would be required to accommodate the widening of Fifth Street. Property would be acquired from nine adjacent industrial and commercial land uses. However, because the area to be acquired from each parcel is small (0.92 meter [3 feet] in width for the length of each of the nine parcels, see Figure 6), the project would not prohibit the current uses from continuing operation during construction, nor after the proposed project is completed. Access to properties along Fifth Street would be maintained during construction.

39. ***Affect Property Values or the Local Tax Base?***

No. Widening Fifth Street and reconstructing the bridge over City Creek would have an imperceptible effect on property values and the local tax base.

40. ***Affect Any Community Facilities (Including Medical, Educational, Scientific, Recreational, or Religious Institutions, Ceremonial Sites or Sacred Shrines)?***

No. There are no medical, educational, scientific, recreational, or religious institutions in the project study area. The proposed project would not impact religious institutions, ceremonial sites, or sacred shrines.

41. ***Affect Public Utilities, or Police, Fire, Emergency or Other Public Services?***

No. Construction of the proposed project is anticipated to enhance police, fire, and emergency access in the vicinity once completed. However, during construction, lane and bridge closures would be necessary, thereby having a temporary impact on access. The existing two-lane bridge would be demolished, and the new four-lane bridge constructed in its place. This process is anticipated to take nine months. Access through the area would be maintained via detours; traffic over City Creek would be diverted north to Base Line Street. Detours and temporary lane closures of Fifth Street would be done by the Construction Contractor in accordance with City of Highland standards, including notification of lane restrictions and detours to adjacent uses.

Improvements proposed to Fifth Street between the bridge and Palm Avenue would not require full closure of the road. Access to industrial and commercial properties along Fifth Street would be maintained during construction.

Construction traffic would be limited to existing streets, paved areas, and areas within the right-of-way, including both construction equipment and personal vehicles. Barriers (e.g., fencing) would be placed to prevent vehicular access into habitat areas.

42. ***Have Substantial Impact on Existing Transportation Systems or Alter Present Patterns of Circulation or Movement of People and/or Goods?***

No. As stated in question 41, long-term operation of the Fifth Street improvements is anticipated to have a beneficial effect on the transportation system, existing circulation patterns, and movement of people and goods by providing improved access between SR-30 and Palm Avenue. However, short-term construction impacts would affect circulation patterns throughout the area. SR-30 will be used as a detour to maintain access during construction.

43. ***Generate Additional Traffic?***

No. The objective of the proposed project is to improve the safety and congestion along this segment of Fifth Street. The project would not generate additional traffic.

44. ***Affect or be Affected by Existing Parking Facilities or Result in Demand for New Parking?***

No. There are no parking facilities substantially affected by the project.

45. ***Involve a Substantial Risk of an Explosion or the Release of Hazardous Substances in the Event of an Accident or Otherwise Adversely Affect Overall Public Safety?***

No. The proposed project is not anticipated to involve a risk of an explosion or the release of hazardous substances. Risk of upset caused by a traffic accident involving a vehicle carrying hazardous materials is unlikely. Fifth Street is defined as a major highway in the City's General Plan and, therefore, truck traffic does utilize this road. However, the future roadway would be designed to meet City of Highland roadway safety standards, thus reducing any potential risk of upset. Because the proposed project improves the safety of the Fifth Street, the potential for a spill along the roadway would be reduced. Best management practices would be employed during construction to ensure that impacts from a release of hazardous substance do not occur to adjacent lands and the City Creek bed.

46. ***Result in Alterations to Waterborne, Rail or Air Traffic?***

No. The project would not affect waterborne, rail, or air traffic.

47. ***Support Large Commercial or Residential Development?***

Yes. The proposed Fifth Street project provides infrastructure improvements to support existing development and anticipated growth of the San Bernardino International

Airport/Inland Valley Redevelopment Agency Specific Plan area, consistent with adopted local and regional plans.

48. ***Affect a Significant Archaeological or Historic Site, Structure, Object, or Building?***

No. No archaeological or historic resources were identified within or immediately adjacent to the APE. A Negative Archaeological Survey Report and Negative Historic Property Survey Report were signed by the FHWA Transportation Engineer.

49. ***Affect Wild or Scenic Rivers or Natural Landmarks?***

No. City Creek through the Fifth Street area is not designated as a scenic river and no natural landmarks are present within the project area. Therefore, no impact is anticipated.

50. ***Affect Any Scenic Resources or Result in the Obstruction of Any Scenic Vista or View Open to the Public, or Creation of an Aesthetically Offensive Site Open to Public View?***

No. Fifth Street is not designated as a scenic highway and would not affect a scenic vista. Improvements to Fifth Street would be at grade. No scenic views would be altered by the project. Surface improvements are not expected to present any aesthetically offensive views. Therefore, no impact is anticipated.

51. ***Result in Substantial Impacts Associated with Construction Activities (e.g., Noise, Dust, Temporary Drainage, Traffic Detours and Temporary Access, etc.)?***

No. Construction of the project would potentially result in the following environmental impacts: soil erosion and siltation, air quality, noise, lane closures, and traffic detours. These impacts are not considered substantial due to the limited area affected, and the temporary nature of the construction schedule (nine months).

Standard construction practices identified in Responses 4, 16, 19, and 41 would reduce construction related impacts.

52. ***Result in the Use of Any Publicly-Owned Land from a Park, Recreation Area, or Wildlife and Waterfowl Refuge?***

No. No parks or recreational opportunities exist within the project vicinity; therefore, no impact is anticipated on recreational uses or plans.

53. ***Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

No. The endangered SBKR was found in the project area within the construction right of way. Impacts to the SBKR and its habitat are short-term and temporary. The measures specified in Response No. 26 would be implemented to reduce potential impacts of the project on the endangered SBKR. There would be no impacts on cultural resources with implementation of the proposed project.

54. ***Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)***

No. Project implementation would not achieve short-term goals to the disadvantage of long-term environmental goals. The project is consistent with applicable local and regional plans.

55. ***Does the project have environmental effects which are individually limited, but cumulatively considerable? Cumulatively considerable means that the incremental effect of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. It includes the effects of other projects which interact with this project and, together, are considerable.***

No. The proposed project does not have environmental effects that are cumulatively considerable. Implementation of the project would modify an existing facility for safety purposes and to be consistent with the City's General Plan. The City of Highland General Plan Circulation Element (June 1992) includes a policy to systematically improve the public roadway system to meet existing and future demands within the planning area. The proposed project will facilitate land use planning and economic development by providing circulation infrastructure consistent with local and regional plans. Cumulative impacts of the proposed project were analyzed in the City's General Plan EIR.

56. ***Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

No. Project implementation would not cause direct or indirect substantial adverse effects on human beings. See response to Question Nos. 30 to 52.

6.0 CONSULTATION AND COORDINATION

Caltrans' procedures specify that an interdisciplinary team approach for project planning and development be used for all projects. An interdisciplinary approach is an orderly process through which the interaction of different disciplines is brought to bear in the planning, development, and evaluation of alternatives. All interested parties will have an opportunity to comment on the project during circulation of this document.

For this project, the following agencies and individuals were consulted.

CITY OF HIGHLAND

Ernie Wong, City Engineer
Steve Walker, City Planner

CALTRANS DISTRICT 8

Leonard Cornett, Environmental Control
Sumner Baker, Environmental Control
David Bricker, Environmental/Cultural and Biological Studies
Steve Hansen, Environmental/Cultural and Biological Studies
Steve Hammond, Environmental/Cultural and Biological Studies
Paul Gonzales, Environmental/Cultural and Biological Studies
Alan Manee, Biological Studies

FEDERAL HIGHWAY ADMINISTRATION

Scott McHenry, Transportation Engineer
Tay Dam, Transportation Engineer
Jason Dietz, Transportation Engineer
Mary Ann Rondinella, Environmental Specialist

U.S. ARMY CORPS OF ENGINEERS

Antal Szijj, Field Visit, February 4, 1999

U.S. FISH AND WILDLIFE SERVICE

Beth Stevens, Field Supervisor, Carlsbad Field Office
Jeff Newman, Branch Chief, Carlsbad Field Office
Scott Eliason, Biologist, Field Visit, March 11, 1999
P.J. White, Biologist, Field Visit, March 11, 1999
Nancy Ferguson, Biologist, Carlsbad Field Office, Field Visit, March 2000

CALIFORNIA DEPARTMENT OF FISH AND GAME

Kevin Brennan, Biologist

OTHERS

Bob McKernan, San Bernardino County Museum

7.0 LIST OF PREPARERS

LSA ASSOCIATES, INC.

Lynn Calvert-Hayes, AICP, Environmental Document Project Manager
Stephanie Eklund, Assistant Project Manager[1]
Tony Chung, Ph.D., Air Quality Analyst/Noise Analyst
John Staight, Environmental Analyst (Water Quality, Hazardous Waste)[1]
Carl Winter, Environmental Analyst (Floodplain Study)
Jack Easton, Associate Biologist
Denise Woodard, Project Biologist
Richard Erickson, Wildlife Biologist
Deborah McLean, Archaeology Principal Investigator
Gary Dow, Graphics
Kris Walden, Graphics
Jennifer Schuk, Graphics
David Cisneros, Graphics
Elsa Brewer, Word Processing
Sabrina Nicholls, Word Processing
Richard Nelson, Word Processing
Michele Douglas, Word Processing
Tisha Choate, Document Production[1]
Jennifer Jeppesen, Document Production

---

[1] Former LSA staff.

8.0 REFERENCES

The following documents were used as general references in preparing the IS/EA. Detailed reference lists for technical reports are provided in the Appendices:

Air Quality Tables, 1992-1998 South Coast Air Quality Management District.

California Climatological Data Annual Summary, 1999;
National Oceanic and Atmospheric Administration.

California Department of Finance, 1999
Report E-5, City and County Population/Housing Estimates 1991-1999

California Department of Food and Agriculture, 2000
Noxious Weed Index

California Exotic Pest Plant Council, 1999
Exotic Pest Plants of Greatest Ecological Concern in California

City of Highland, 1992a
General Plan and Environmental Impact Report, October 27.

City of Highland, 1992b
General Plan Land Use Map, June 26.

Earth Mechanics, Inc. Draft Foundation Report for Fifth Street Improvements.
April 1998. (Volume II, Appendix A)

Federal Register Volume 65, Number 47, March 9, 2000, page 12818.

LSA Associates, Inc., Delineation of Wetlands and Jurisdictional Waters Subject to U.S. Army LSA Associates, Inc., Delineation of Wetlands and Jurisdictional Waters Subject to U.S. Army Corp of Engineers and California Department of Fish & Game Regulatory Authority for City Creek Bridge. February 1998. (Volume II, Appendix D).

McDaniel Engineering, 1998a
Type Selection Report for Bridge No. 54C-16, February.

McDaniel Engineering, 1998b
Draft Foundation Report, April 4.

San Bernardino Associated Governments, 2000
Forecasted Growth for the City of Highland

Simon Wong Engineering, 1994
City Creek Bridge at Fifth Street Bridge No. 54C-16, Replacement Alternatives Analysis, July.

U.S. Department of Agriculture, Soil Conservation Service, 1980.
Soil Survey of San Bernardino County, Southwestern Part, California.

U.S. Department of the Air Force, 1993
Final Environmental Impact Statement Disposal and Reuse of the Norton Air Force Base, California, June.

U.S. Fish and Wildlife Service, 1998.
Emergency Rule To List The San Bernardino Kangaroo Rat, San Bernardino and Riverside Counties in Southern California, as Endangered. Vol. 63, No. 17.

9.0 DISTRIBUTION LIST

The distribution list for public review of this Initial Study/Environmental Assessment and Draft Negative Declaration is provided on the following pages. The document is being circulated to federal, State, and local elected officials and public agencies, as well as other interested parties.

California Regional Water
Quality Control Board Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Larry Signaigo
Pacific Bell
3939 East Coronado Street, 2nd Floor
Anaheim, CA 92807

Redlands Unified School District
20 West Lugonia Avenue
Redlands, CA 92373

San Bernardino Valley Municipal
Water District
P O Box 5906
San Bernardino, CA 92412

San Bernardino International Airport
294 S. Leland Norton Way
San Bernardino, CA 92408

Fred Dimmitt, General Telephone Engr
1500 Crafton Avenue Box 1-18
Rc 3660d Building 125
Mentone, CA 92359

John Gomez, Construction Service
Southern Calif Gas Company
155 South "G" Street
San Bernardino, CA 92410-3317

San Bernardino County
Flood Control
825 East Third Street
San Bernardino, CA 92415

Linda Grimes, Chief Forecasting
IGR CEQA Review, Dept of Transptn
464 W 4th Street 6th Floor Ms726
San Bernardino, CA 92401-1400

Bob Martin
East Valley Water & Sewer
P O Box 3427
San Bernardino, CA 92413

City of San Bernardino
Planning Department
300 North "D" Street
San Bernardino, CA 92418

State of California
Department of Fish & Game
330 Goldenshore #50
Long Beach, CA 90802

City of Redlands
Planning Department
P.O. Box 2090
Redlands, CA 92373

U.S. Fish & Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008

SCAG
818 West 7th Street
12th Floor
Los Angeles, CA 90017

Lisa Salinas
Southern Calif Edison Co
14803 Chestnut Street
Westminster, CA 92683

San Bernardino County
Planning Department
385 North Arrowhead Ave
San Bernardino, CA 92415-0160

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Ty Schuiling
Director of Comprehensive Planning
SANBAG
472 North Arrowhead Avenue
San Bernardino CA 92401

U.S. Army Corps of Engineers
Mr. Antal Szijj
32330 Santa Ana Canyon Rd.
Highland, CA 92346

Calif. State Highway Patrol
2211 Western Avenue
San Bernardino, CA 92411

Local Government -
CEQA Program Supervisor
South Coast Air Quality Mgmt District
21865 East Copley Drive
Diamond Bar CA 91765-4182

City of San Bernardino
Mayor Judith Valles
300 North D Street
San Bernardino, CA 92418

City of Redlands
Mayor Patricia Gilbreath
35 Cajon Street
Redlands, CA 92373

City of Loma Linda
Mayor Floyd Petersen
25541 Barton Road
Loma Linda, CA 92354

County of San Bernardino
Supervisor 3rd District, Dennis Hansberger
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415

State Representative Joe Baca
201 North "E" Street, Suite 206
San Bernardino, CA 92401

State Senator James L. Brulte
10681 Foothill Blvd, Suite 325
Rancho Cucamonga, CA 91730

State Assemblyman Bill Leonard
10535 Foothill Blvd., Suite 276
Rancho Cucamonga, CA 91730

State Representative Jerry Lewis
1150 Brookside Avenue, Suite J-5
Redlands, CA 92373

State Senator Nell Soto
822 N. Euclid Avenue
Ontario, CA 91762

Kurt & Ilse Kienast
8009 Church Avenue
Highland CA 92346

Albert & Dorothy Monson
3777 Lynwood Drive
Highland, CA 92346

Mildred Nelson
39506 Prospect Drive
Forest Falls, CA 92339

Nina Linck
771 Norbert Drive
San Bernardino CA 92404

Kasler Corporation
P.O. Box 73
Boise, ID 83729

Highland Branch Library
27167 Base Line
Highland CA 92346

Jurgen & Iris Meyer
29036 Elder Creek Lane
Highland CA 92346

Kellie Green
9073 Caballero Drive
Alta Loma CA 91737

Thomas & Kimberly Firek
23642 Hillview Road
San Bernardino CA 92404

Atlantic Richfiled Co.
P.O. Box 512485
Los Angeles CA 90051

Peter Forteza
29043 Shadow Creek Lane
Highland CA 92346

Richard & Phyllis Enoch
7957 Church Avenue
Highland CA 92346

Paul Kolo & Michael Tannourji
1636 W. 8th Street, #324
Los Angeles CA 90017

10.0 RESPONSE TO COMMENTS ON THE DRAFT IS/EA

In accordance with Section 15088 of the CEQA Guidelines and Section 150-3.4 of the Council on Environmental Quality's Regulations implementing NEPA, Caltrans and FHWA have evaluated comments received on the Draft IS/EA and have prepared written responses to these comments. There have been no revisions made to the IS/EA resulting from public review of the Draft IS/EA.

Section 10.1 describes the methods used by the City of Highland and Caltrans to solicit public review and input on the IS/EA.

Section 10.2 includes comment letters and responses to those comments. Response letters were received by two State agencies and one regional agency.

10.1 PUBLIC PARTICIPATION AND REVIEW

The City of Highland and Caltrans notified all responsible and trustee agencies, interested groups, organizations, and individuals that a Draft IS/EA had been completed for the proposed Fifth Street widening and replacement of the Fifth Street Bridge over City Creek. A list was established for distributing copies of the Draft IS/EA and notification of a public hearing. This distribution list was shown earlier in Section 9.0 (Distribution List) of the Draft IS/EA document, and the letters and published public notices are shown later in this section.

Notices of the availability of the Draft IS/EA for review and of the public hearing were published in The *San Bernardino County Sun* and *Highland Community News* on June 22, 2000 and July 6, 2000. Copies of these notices are provided in Attachment B.

A public hearing on the proposed project was held on July 18, 2000 before the City of Highland Planning Commission at the City of Highland Council Chambers. The purpose of the meeting was to give public agencies and private citizens an opportunity to review the project, ask questions, and provide testimony. A copy of the meeting minutes pertaining to the proposed project is included in Attachment C of this document.

10.2 WRITTEN COMMENTS RECEIVED AND SPECIFIC RESPONSES TO THOSE COMMENTS

Copies of all written comments received on the Draft IS/EA as of August 2, 2000, are contained in this section. Written responses from individual agencies have been designated with a letter (A, B, C, etc.). Substantive comments from each agency were identified with a numeric designation. These numbers correspond with the numbered responses on the page(s) immediately following each comment letter.

Comments were received by the following agencies:

- California Regional Water Quality Control Board
- Southern California Association of Governments
- State of California, Governor's Office of Planning and Research

STATE AGENCIES

- **Document A** - STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

- **Document B** - STATE OF CALIFORNIA GOVERNORS OFFICE OF PLANNING AND RESEARCH

California Regional Water Quality Control Board

Santa Ana Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: http://www.swrcb.ca.gov
3737 Main Street, Suite 500, Riverside, California 92501-3339
Phone (909) 782-4130 ∃ FAX (909) 781-6288

Gray Davis
Governor

RECEIVED
JUL 10 2000
Records

July 7, 2000

Mr. Ernest Wong
City Engineer
City of Highland
27215 Base Line
Highland, CA 92346

INITIAL STUDY/ENVIRONMENTAL ASSESSMENT FOR THE FIFTH STREET WIDENING AND REPLACEMENT OF THE CITY CREEK BRIDGE (#54C0016) IN THE CITY OF HIGHLAND

Dear Mr. Wong:

We have reviewed the transmittal regarding the proposed project referenced above. As stipulated in the California Environmental Quality Act (CEQA) Guidelines Section 15063, the lead agency shall conduct an initial study to determine if the proposed project may have a significant effect on the environment. We have reviewed your "Initial Study/Environmental Assessment for the Fifth Street Widening and Replacement of the City Creek Bridge in the City of Highland" and have the following comments on the document. 1

General Comments

On page 1-9, your document states that "average daily traffic on Fifth Street is projected to drastically increase from the current level of 9,500 to 18,300 by year 2015, and could reach 25,700 ...", however, there is no mention of BMPs to control stormwater runoff into City Creek after completion of the project. On page 5-7 you only mention that "the additional runoff anticipated with the expansion of the bridge would be accommodated by the design of the bridge storm drain system." We are concerned that the additional volume of traffic may significantly increase the amount of pollutants in stormwater runoff that may enter City Creek. Therefore, we would like to see your specific plans for long term implementation of BMPs addressing additional runoff after project completion. 2

In describing the mitigation measure of impacts to wetlands or riparian vegetation, page 5-8, your document states that "no long-term monitoring of the site shall be required." The Santa Ana Regional Water Quality Control Board (SARWQCB) would like monitoring of the impacted site to be done, to ensure there will be "no net loss of riparian habitat and wetlands." 3

CEQA Content Requirements

For your information, we list the CEQA Content Requirements below.

If the lead agency determines from the initial study that a Negative Declaration, Mitigated Negative Declaration, or an EIR is necessary for the proposed project, the CEQA report should address the following water quality issues: 4

I. Water Quality and Beneficial Uses

A. Potential impacts of the proposed project on surface and groundwater quality:

- Any impacts that could cause violations of the narrative water quality objectives or numerical water quality objectives contained in the 1995 Water Quality Control Plan for the Santa Ana River Basin need to be addressed. Appropriate mitigation for any impacts should be identified.
- Construction activities (including grading) that could result in water quality impacts.
- Soil characteristics related to water quality (potential for erosion and subsequent siltation, increase or decrease in percolation). 5
- Impacts of toxic substances handling and/or disposal (if appropriate).

B. Potential impacts of the proposed project on surface and groundwater beneficial uses.

- If the project impacts any riparian or wetland habitats, a complete description of the impacts, acreage of the impacts, and any proposed mitigation should be provided

C. Mitigation of Adverse Impacts.

II. Water, Wastewater and Solid Waste Service

A. Water

- Availability of water for the proposed project.
- Existing infrastructure: location of water supply lines, tie-ins. 6
- Applications or permits required for water acquisition.
- Impact or calculated project demand on water supply.

B. Waste Disposal/Treatment

- Types and amounts of waste materials generated by project.
- Proposed waste treatment and disposal methods. Existing infrastructure:
  - treatment facilities: location, current capacity, treatment standards, master treatment facilities expansion plan (if appropriate) 7
  - treatment plant collection system: location of major trunk lines and tie-ins, current capacity

- disposal facilities: location, capacity

Applications or permits required to implement waste disposal.

Impact of calculated project waste volume on capacity of existing and proposed treatment and disposal facilities. 7

III Permits

- If no new point discharges are created from the proposed project, the stormwater runoff will be regulated by an areawide stormwater discharge permit under the National Pollutant Discharge Elimination System (NPDES). 8
- If reclaimed water is to be used in the proposed project, Water Reclamation Requirements will have to be issued by the Regional Board. 9

We look forward to reviewing the CEQA report when it becomes available. If you or the project proponent have any questions, please call me at (909) 320-2006.

Sincerely,

Heather Boyd

Heather Boyd
Planning Section – Inland Waters

O:\Planning\HBoyd\Data\ceqa\5thStBridge_070600.doc

RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SANTA ANA REGION

1. Comment noted, no response required.

2. The demolition and reconstruction of the Fifth Street Bridge is a mitigation measure contained in the Final Environmental Impact Statement for the Disposal and Reuse of Norton Air Force Base. Future traffic volumes would occur as a result of the planned redevelopment and reuse of Norton Air Force Base and adjacent areas of the City and are not attributable to the demolition and reconstruction of the bridge. The City of Highland provides street sweeping services along Fifth Street on a monthly basis. Additionally, the City is a co-permitee with San Bernardino County for a National Pollution Discharge Elimination System (NPDES) permit, issued by the Regional Water Quality Control Board (Santa Ana Region).

   The City of Highland and U.S. Federal Highways Administration have been in Section 7 Consultation with the U.S. Fish and Wildlife Service (FWS) under the Endangered Species Act (ESA). Both the City and the FWS have agreed that no monitoring will be required and that the City will revegetate the site after construction. (Please see response to Comment No. 3)

3. The City of Highland and the Federal Highway Authority (FHWA) have consulted with the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG), regarding potential impacts which may occur during and subsequent to the demolition and reconstruction of the 5th Street Bridge.

   Based on the wetland delineation analysis conducted for the project, a total of 0.22 hectare (0.55 acre) of wetland water, and 0.05 hectare (0.12 acre) of non-wetland water, was identified as being affected by the project. Because of the limited amount of area involved, the benefits provided by the wetland sites within the project area are minimal. While impacts to these areas are not substantial, measures have been prepared to mitigate any adverse impact to wetland areas within the project area.

   Construction activities shall be limited to the minimal area necessary. Upon completion of construction activities, impacted areas will be restored to replicate existing conditions. A one-time revegetation of the site shall be required. At the onset of construction topsoil (where present) and plant materials shall be salvaged for use in restoration activities. The top three to six inches of topsoil shall be scraped off and stockpiled on site, upon completion of construction, the stockpiled soil shall be spread over areas targeted for restoration. Prior to removal of vegetation, cuttings shall be taken from shrubs and trees (i.e., mulefat, cottonwood, and willows), cuttings shall be rooted and maintained for post-construction planting. Topsoil shall be spread and cuttings planted in areas where adequate water is available for the growth of riparian vegetation.

   City Creek is an active channel, subject to the natural and routine alteration of its streambed, banks and vegetation, during and subsequent to storm events. Just as in undisturbed wetland areas, the revegetated impact area will be exposed to natural

stream activity. The long-term monitoring of natural stream processes shall not be required.

4. Comment noted. The City has prepared a mitigated negative declaration.

5. The Draft IS/EA stated that construction in the vicinity of City Creek would increase the potential for wind and/or water erosion of on-site soils. To reduce potential impacts to water quality a Storm Water Pollution Prevention Plan (SWPPP) will be implemented. The SWPPP will address the reduction of erosion and sedimentation which may adversely impact water quality.

   Impacts to wetland areas and measures prepared to mitigate these impacts are stated in Response No. 3.

6. The project consists of the demolition and reconstruction of the 5th Street Bridge. The City of Highland's public water supplies are provided by the East Valley Water District (EVWD) whose sole water source is groundwater. The use of a limited amount of water may be necessary during the demolition and/or reconstruction of this structure. Any such use is not anticipated to significantly impact local water supplies or water infrastructure. Upon completion, the reconstructed bridge will not generate a demand for water or the need for water delivery infrastructure.

7. The project consists of the demolition and reconstruction of the 5th Street Bridge and does not include components which require the provision of wastewater conveyance and/or treatment systems. With the exception of demolition waste, the project will not generate solid waste. Therefore, no permanent or impact to waste collection services or solid waste disposal facilities will occur.

8. Comment noted. No new point discharges will be created as a result of the demolition and/or reconstruction of the 5th Street Bridge.

9. Comment noted. Reclaimed water will not be utilized during the demolition and/or reconstruction of the 5th Street Bridge.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Steve Nissen
ACTING DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

JUN 30 2000

DATE: June 27, 2000

TO: Ernest Wong
City of Highland
27215 East Base Line
Highland, CA 92346

RE: Fifth Street Widening and Replacement of the City Creek Bridge (#54C0016)
SCH#: 2000061092

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: June 22, 2000
Review End Date: July 21, 2000

We have distributed your document to the following agencies and departments:

Air Resources Board, Transportation Projects
California Highway Patrol
Caltrans, District 8
Department of Conservation
Department of Fish and Game, Region 6
Department of Parks and Recreation
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Regional Water Quality Control Board, Region 8
Resources Agency
State Lands Commission

1

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA GOVERNORS OFFICE OF PLANNING AND RESEARCH

10. Comment noted, no response is required.

REGIONAL AGENCIES

- **Document C** - SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

RECEIVED
JUL 11 2000

SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

Main Office
818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

(213) 236-1800
(213) 236-1825

www.scag.ca.gov

[boilerplate boards of directors]

July 7, 2000

Mr. Ernest Wong
City Engineer
City of Highland
27215 Base Line
Highland, CA 92346

RE: SCAG Clearinghouse I20000330 Fifth Street Widening and replacement of the City Creek Bridge (#54C0016)

Dear Mr. Wong:

We have reviewed the above referenced document and determined that it is not regionally significant per Areawide Clearinghouse criteria. Therefore, the project does not warrant clearinghouse comments at this time. Should there be a change in the scope of the project, we would appreciate the opportunity to review and comment at that time. 1

A description of the project was published in the July 1, 2000 Intergovernmental Review Report for public review and comment. 2

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1917. 3

Sincerely,

J. DAVID STEIN
Manager, Performance Assessment and Implementation

RESPONSES TO COMMENTS FROM THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

1. Comment noted. It is acknowledged that the proposed project is not regionally significant. However, as a courtesy to SCAG, the Initial Study/Environmental Assessment Study was transmitted to the agency for an opportunity to review and comment on the proposed project. The proposed project has not changed in scope; therefore, it remains not regionally significant.

2. Comment noted, no response required.

3. Comment noted, any correspondence with the Clearinghouse Coordinator will contain the project title and SCAG Clearinghouse number.

11.0 MITIGATION MONITORING PROGRAM

This mitigation monitoring plan has been prepared for use in implementing mitigation measures identified in the Mitigated Negative Declaration/Environmental Assessment for the Fifth Street Widening and Replacement of the City Creek Bridge project in the City of Highland. This program has been prepared in compliance with the State law to ensure compliance with mitigation measures adopted for the project by the City of Highland. Assembly Bill 3180 (Public Resources Code, Paragraph 201081.6), effective January 1, 1989, requires adoption of a reporting or monitoring program for those conditions of approval placed on a project to mitigate or avoid adverse effects on the environment. The law states that the monitoring or reporting program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1. Conditions of approval that act as impact mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action, such as plan review, may be used to verify implementation of several conditions of approval.

2. A procedure of compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.

3. The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based on recommendations by those responsible for the program. If changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Mitigation Measures	Monitoring and Reporting Process	Monitoring Milestones	Responsible Party	Initials	Date	Remarks
AIR QUALITY						
AQU-1. The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
AQU-2. The Construction Contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period should be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer.			
AQU-3. The Construction Contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
AQU-4. SCAQMD rules addressing fugitive dust control measures, Rules 402 and 403, shall be adhered to during the construction process.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
AQU-5. A fugitive dust control plan shall be submitted to and approved by the SCAQMD prior to beginning project construction.	The approved plan shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
AQU-6. The Construction Contractor shall adhere to the recommendations set forth by the EPA and adopted by reference by the SCAQMD addressing the emission control measures covering asphalt paving emissions.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			

Mitigation Measures	Monitoring and Reporting Process	Monitoring Milestones	Responsible Party	Initials	Date	Remarks
BIOLOGY						
BIO-1. The City will compensate for biological impacts by purchasing mitigation credits from the Calmat Mitigation Bank. Impacts to SBKR and RAFSS will be mitigated by purchasing a total of 4 hectares (10 acres) of credits in the bank. The mitigation is for the permanent loss of 0.17 hectare (0.43 acre) of SBKR habitat at a 3:1 ratio (0.52 hectare [1.29 acres] of mitigation required) and the temporary loss of 1.6 hectares (4.0 acres) of SBKR habitat at a 2:1 ratio (3.2 hectares [8.0 acres] of mitigation required). The total impact area, including permanent and temporary habitat loss, is 1.77 hectares (4.43 acres), requiring a total of 3.72 hectares (9.29 acres) of mitigation credits. The proposed mitigation results in the permanent preservation of 0.28 hectare (0.71 acre) beyond that which is required.	City will enter into an agreement with U.S. Fish and Wildlife Service through the section 7 ESA process.	Prior to the issuance of grading permits.	City Engineer			
BIO-2. Prior to construction, the limits of construction will be fenced with 1.25-meter (4-foot) silt fencing to provide a barrier to prevent SBKR from entering the construction area and to prevent impacts to alluvial fan sage scrub vegetation outside the construction limits. Access to SBKR habitat outside the construction limits will be prohibited and these areas will be posted accordingly.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
BIO-3. The areas within the limits of the construction area will be trapped for SBKR and any trapped animals will be relocated outside the fenced construction limits.	The listed mitigation shall be included in the construction documents.	Prior to the issuance of grading permits				
BIO-4. All project related activities shall be monitored by a qualified biologist. The monitoring biologist shall be preset during all clearing of all vegetation to be conducted for the project. The monitoring biologist shall ensure that only RAFSS within the construction limits is removed or disturbed.	The City shall hire a qualified biologist to monitor construction activities.	Prior to issuance of grading permits.	City Engineer			
BIO-5. Access to SBKR habitat outside the project limits will be prohibited and these areas will be posted accordingly. All movement of construction contractors, including ingress and egress of equipment and personnel, will be limited to the designated project limits.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
BIO-6. The staging area for construction equipment will be limited to designated locations which are physically separate from potential SBKR habitat areas.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			
BIO-7. Orientation meetings shall be conducted for construction personnel. Contractor pets shall be prohibited in and adjacent to the construction area.	The listed mitigation shall be included in the construction documents.	Prior to issuance of grading permits.	City Engineer			

Mitigation Measures	Monitoring and Reporting Process	Monitoring Milestones	Responsible Party	Initials	Date	Remarks
BIO-8. The proper use and disposal of oil , gasoline and diesel fuel shall be enforced.	The listed mitigation shall be included in the construction documents	Prior to issuance of grading permits.	City Engineer			
BIO-9. Upon completion of construction, the area of temporary impact (1.6 hectares [4.0 acres]) will be recontoured to its original state and the silt fencing will be removed. An upland revegetation program will be completed for the areas temporarily disturbed by the proposed project. This revegetation program serves as a one time revegetation effort to encourage the growth of native vegetation in the area that will be affected temporarily. The revegetation program will include the following elements: identifying plant material and seed mix, site preparation and planting implementation, vegetation and topsoil salvage, and planting and seeding methods. Weed abatement will be conducted twice yearly in the form of hand weeding (which may include hand held mechanical weeders) to be conducted in the early spring (March thru April) and fall (September thru October) for the first two years after the initial revegetation effort. However, no monitoring or success criteria will be applied because of the (1) short duration and minimal effects of the proposed project, and (2) the temporary impacts are being mitigated at a 2:1 ratio in the unlikely event that habitat temporarily affected is not suitable for use by the SBKR after project completion.	The listed mitigation shall be included in the construction documents. The City shall monitor the RAFSS restoration and report to the FWS.	Upon completion of construction activities.	Planning Dept.			
BIO-10. Shielded lighting to direct night-time lighting onto the roadways and away from SBKR habitat will be utilized to minimize potential impacts.	The construction documents shall depict the number, type, and location of all street lighting. Project lighting plans shall be submitted to the City for review and approval.	Prior to the issuance of grading permits.	City Engineer			