

RESOLUTION NO. 2024-183

**A RESOLUTION OF THE CITY OF SAN BERNARDINO
CONSIDERING AN ENVIRONMENTAL IMPACT
REPORT, MAKING RESPONSIBLE AGENCY FINDINGS,
AND ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS, MITIGATION MONITORING AND
REPORTING PROGRAM, AND AN ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE CAJON
CREEK CONSOLIDATION PROJECT**

WHEREAS, in 1993 the City of San Bernardino (“City”), as lead agency, prepared and certified the 1993 CalMat Cajon Creek Specific Plan (SP No. 90-01, et al.) (“1993 EIR”) and approved the Cajon Creek Specific Plan (“Specific Plan”). The City reviewed, studied and found by the City Council that the Specific Plan and the EIR comply with the California Environmental Quality Act (“CEQA”) (Public Resources Code, § 21000 *et seq.* and California Code of Regulations, title 14, § 15000 *et seq.*); and

WHEREAS, on May 10, 1993, the City also adopted Environmental Findings, a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations pursuant to CEQA; and

WHEREAS, the Specific Plan is a comprehensive planning and zoning document encompassing approximately 1,392 acres that authorized aggregate (sand and gravel) mining and related uses, industrial uses, and open space. The Specific Plan is divided into 16 individual planning areas denominated by letters (Area A through Area P); and

WHEREAS, the Specific Plan, along with associated permits, authorizes mining and processing operations at the Cajon Creek Quarry (comprising of Areas L, M, and N) on approximately 298 acres. The Specific Plan also authorizes light industrial uses on Area K, which are intended, among other things, to screen the eastern boundary of existing mining operations at the Cajon Creek Quarry; and

WHEREAS, in 2020, the County of San Bernardino, as lead agency, prepared and certified an EIR for the Area Q Quarry (“2020 EIR”), and found EIR complies with the California Environmental Quality Act (“CEQA”) (Public Resources Code, § 21000 *et seq.* and California Code of Regulations, title 14, § 15000 *et seq.*); and

WHEREAS, on September 3, 2020, the County of San Bernardino also adopted Environmental Findings, and a Mitigation Monitoring and Reporting Program pursuant to CEQA; and

WHEREAS, as mineral production progresses at the Cajon Creek Quarry, Vulcan Materials Company – Western Division intends to mine in Area Q to provide additional materials for ongoing operations at the Cajon Creek Quarry; and

WHEREAS, Specific Plan areas (Areas K, L, M, and N) and Area Q are designated by

the State of California as deposits of Regional Significance. In California, this designation is the highest form of recognition for the importance of aggregate deposits; and

WHEREAS, the proposed project involves the operation of two separate and adjacent aggregate surface mining and processing operations in the City and the County of San Bernardino. The existing Cajon Creek Quarry is located in the City. The existing Area Q Quarry is located in the County of San Bernardino. In order to increase the efficiency of Vulcan's two mining operations, Vulcan plans to combine these two operations into one quarry with one Surface Mining and Reclamation Action of 1975 (SMARA) Reclamation Plan. The consolidation of the Cajon Creek Quarry with the Area Q Quarry is the project ("Project") subject to environmental review.

WHEREAS, the Project proposes changes to existing operations and entitlements including the following:

1. Mining in Area K, currently designated for light industrial use, to a depth of 240 feet below ground surface ("bgs");
2. Mining in Areas L, M and Q to a depth of 240 feet bgs, an increase from the currently permitted 120 feet bgs;
3. Mining in the northern portion of Area N, currently designated for mineral processing, to a depth of 120 feet bgs, followed by mineral processing in Area N as Area M is mined to the 240-foot bgs depth; and
4. Mining the resources located between Areas K, L, and Q in one mining area, and M and N in another, creating two consolidated mining pits for efficient mineral resource recovery.

WHEREAS, no other changes to the operation are proposed; and

WHEREAS, the County prepared an Addendum to the 1993 EIR and 2020 EIR; and

WHEREAS, the Addendum identified the City as a responsible agency; and

WHEREAS, the purpose of this Resolution is to identify the City as a potential Responsible Agency; and

WHEREAS, the City has determined that none of the conditions requiring preparation of a subsequent or supplemental EIR as specified in State CEQA Guidelines section 15162(a) arise in connection with this modification and that preparation of an addendum to the project EIRs is appropriate; and

WHEREAS, the City has reviewed the EIRs and Addendum and all other relevant information regarding the Project; and

WHEREAS, the City, considering the EIRs, Environmental Findings, Mitigation Monitoring and Reporting Programs, and the Statement of Overriding Considerations, and after

evaluating the environmental impacts associated with the Project and the Addendum, has concluded that none of the conditions requiring preparation of a subsequent or supplemental EIR have occurred and that an addendum to the project EIRs is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Bernardino as follows:

SECTION 1. Findings on EIR and Addendum. As the decision-making body for the Cajon Creek Consolidation Project and in the City’s limited role as a responsible agency under CEQA, the City Council has reviewed and considered the information contained in the Addendum, the EIRs, Environmental Findings, Mitigation Monitoring and Reporting Programs, and a Statement of Overriding Considerations, and supporting documentation. Based on this review, the City Council finds that, as to those potential environmental impacts within the City’s powers and authorities as responsible agency, that the EIRs contain a complete, objective, and accurate reporting of those potential impacts, that there are no environmental impacts associated with the modification to the Project stated in the Addendum, and that these findings reflect the independent judgment and analysis of the City Council. The City Council further finds that the Addendum has been completed in compliance with CEQA and the State CEQA Guidelines. The Addendum, the Final Environmental Impact Report for the CalMat Cajon Creek Specific Plan, the Final Environmental Impact Report for the Area Q Quarry, and the Environmental Findings and Mitigation Monitoring and Reporting Program are attached hereto as Exhibits “A,” “B,” “C,” and “D” respectively, and are incorporated by reference as if fully set forth herein.

SECTION 2. Compliance with the California Environmental Quality Act. Based on the Addendum, the EIRs, Environmental Findings, Mitigation Monitoring and Reporting Programs, the Statement of Overriding Considerations, and all related information presented to the City Council, the City Council finds that the preparation of a subsequent or supplemental EIR is not required because the modification specified in the Addendum: (1) does not constitute substantial changes to the Project that will require major revisions of the 1993 EIR or 2020 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) does not constitute substantial changes with respect to the circumstances under which the Project is administered that will require major revisions of the 1993 EIR or 2020 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and (3) does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1993 EIR or 2020 EIR was certified, that shows any of the following: (a) the modification will have one or more significant effects not discussed in the 1993 EIR or 2020 EIR; (b) significant effects previously examined will be substantially more severe than shown in the 1993 EIR or 2020 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 City Council declined to adopt such measures; or (d) mitigation measures or alternatives considerably different from those analyzed in the 1993 EIR or 2020 EIR would substantially reduce one or more significant effects on the environment, but which the City Council declined to adopt.

SECTION 3. Findings on Environmental Impacts and Statements of Overriding Considerations. In its limited role as a responsible agency under CEQA, the City Council finds

that there are no feasible alternatives to the proposed Project which would avoid or substantially lessen the Project's potentially significant environmental impacts but still achieve most of the Project's objectives. The City Council further finds that there are no additional feasible mitigation measures within the City's authority which would eliminate or reduce the Project's potentially significant impacts to a level of less than significant.

SECTION 4. Approval of the Project and Addendum. As required by State CEQA Guidelines Section 15096 and its role as responsible agency under CEQA, the City Council hereby approves the Cajon Creek Consolidation Project and the Addendum to the same.

SECTION 5. Adoption of Mitigation Monitoring and Reporting Program. The City Council hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project and approved by the County of San Bernardino, and included within its written Findings.

SECTION 6. Notice of Determination. The Planning Division of the Community Development and Housing Department is hereby directed to file a Notice of Determination with the Clerk of the Board of San Bernardino County and the Office of Planning and Research within five (5) working days of final project approval certifying the City's compliance with the California Environmental Quality Act in approving the Project.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution and the above findings have been based are located at the City of San Bernardino, 290 North D Street, San Bernardino, CA 92401.

SECTION 8. Severability: If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 9. Execution of the Resolution. The Mayor of the City of San Bernardino shall sign this Resolution and the City Clerk shall certify the adoption thereof.

APPROVED AND ADOPTED by the City Council and signed by the Mayor
and attested by the City Clerk this 21st day of August, 2024.

Helen Tran
Mayor, City of San Bernardino

Attest:

Genoveva Rocha, CMC, Acting City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-183, adopted at a regular meeting held on the 21st day of August 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this __ day of ____ 2024.

Genoveva Rocha, CMC, City Clerk