<u>AGENDA</u>

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

SAN BERNARDINO CITY COUNCIL CHAMBERS 300 NORTH D STREET, FIRST FLOOR, SAN BERNARDINO

REGULAR MEETING OF DECEMBER 14, 2016

10:00 A.M. - CALL TO ORDER - FLAG SALUTE

ANNOUNCEMENT: Anyone present at the hearing who is involved with any of the changes of organization to be considered and who has made a contribution of more than \$250 in the past twelve (12) months to any member of the Commission will be asked to state for the record the Commission member to whom the contribution has been made and the matter of consideration with which they are involved.

CONSENT ITEMS:

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter

- 1. Approval of Minutes for Regular Meeting of November 16, 2016
- 2. Approval of Executive Officer's Expense Report
- 3. Ratify Payments as Reconciled for Month of November 2016 and Note Cash Receipts

PUBLIC HEARING ITEMS:

4. Consent Items Deferred for Discussion

DISCUSSION ITEMS:

- 5. Consideration of: (1) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for a Conditional Use Permit to Establish a 315,000 Sq. Ft. High Cube Warehouse with 8,000 Sq. Ft. of Office on Approximately 20.68 Acres, as CEQA Responsible Agency for LAFCO SC#409; and (2) LAFCO SC#409 City of San Bernardino Irrevocable Agreement to Annex No. 2016-218 for Sewer Service (Assessor Parcel Numbers 0266-012-13, 0266-021-28 & -29, and 0266-021-49 & -51)
- Consideration of Request for Exemption from Government Code Section 56133 for LAFCO SC#410 for Out-of-Agency Service Agreement for Sewer Service by City of Fontana to the County of San Bernardino's Crisis Residential Treatment Facility (Assessor Parcel Numbers 0235-052-11 & -12)

INFORMATION ITEMS:

- 7. Legislative Update Oral Report
- 8. Executive Officer's Oral Report
 - a. Update on Committee formed related to LAFCO 3212
 - b. Update on Relocation/Renovation Progress at Santa Fe Depot
 - c. New Proposals Received

9. Commissioner Comments

(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.)

10. Comments from the Public (By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed For Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 215 N. D St., Suite 204, San Bernardino, during normal business hours, on the LAFCO website at <u>www.sbclafco.org</u>, and at the hearing.

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE LOCAL AGENCY FORMATION COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at www.fppc.ca.gov or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

DRAFT – ACTION MINUTES OF THE – DRAFT LOCAL AGENCY FORMATION COMMISISON HEARING OF NOVEMBER 16, 2016

REGULAR MEETING	9:00 A.M.	November 16, 2016
PRESENT:		
COMMISSIONERS:	Jim Bagley Kimberly Cox, Chair Steve Farrell, Alternate Robert Lovingood	Larry McCallon James Ramos, Vice-Chair Thurston Smith, Alternate Diane Williams
STAFF:	Kathleen Rollings-McDon Clark Alsop, LAFCO Lega Samuel Martinez, Assista Michael Tuerpe, Project M Jeffrey Lum, LAFCO Ana Bob Aldrich, LAFCO Con	al Counsel Int Executive Officer Manager Iyst
ABSENT:	Jim Curatalo Janice Rutherford, Altern Aquanetta Warren, Altern	

<u>CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION</u> - CALL TO ORDER - 9:04 A.M. - SAN BERNARDINO CITY COUNCIL CHAMBERS

Chair Cox calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

ANNOUNCEMENT OF CONTRIBUTIONS

Chair Cox requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past 12 months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There was none.

ITEM 1. PRESENTATION OF RESOLUTION OF APPRECIATION TO REBECCA LOWERY:

Chair Cox reads a resolution of appreciation to Rebecca Lowery, long-time Clerk/Office Manager of San Bernardino LAFCO, noting her dedication and invaluable service to the Commission's work over the last 10 years.

Rebecca Lowery thanks the Commission and staff for their hard work and states that it has been an honor and privilege to work for LAFCO.

CONSENT ITEMS:

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

- **ITEM 2.** Approval of Minutes for Regular Meeting of October 19. 2016
- **ITEM 3.** Approval of Executive Officer's Expense Report
- ITEM 4. Ratify Payments as Reconciled for Month of October 2016 and Note Cash Receipts

Commissioner Lovingood moves approval of the Consent Calendar, second by Commissioner McCallon. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, and Williams. Noes: None. Abstain: None. Absent: Jim Curatalo (Mr. Farrell voting in his stead), James Ramos.

Commissioner Ramos arrives at 9:15 A.M.

PUBLIC HEARING ITEMS

ITEM 5 CONSENT ITEMS DEFERRED FOR DISCUSSION:

None

ITEM 6ADOPTION OF IMPARTIAL ANALYSIS FOR LAFCO 3202 –REORGANIZATION TO INCLUDE FORMATION OF WRIGHTWOOD COMMUNITYSERVICES DISTRICT, AND DISSOLUTION OF COUNTY SERVICE ARA 56

Commissioner Lovingood recuses himself from discussion on this item and leaves the dais at 9:17 A.M.

Executive Officer McDonald explains that LAFCO is required to prepare an impartial analysis for LAFCO 3202 in 500 words or less. She states that the analysis describes what the electorate will be voting for and includes a general description of the proposal's boundaries. Ms. McDonald states that the proposed impartial analysis is 482 words in length and recommends Commission approval.

Chair Cox states that LAFCO writes in technical terms and questions whether the impartial analysis will be fully understood by the electorate.

Executive Officer McDonald states that staff tried to make the analysis readable for the lay person, but the creation of a new government is a highly technical process and there are certain components of the analysis which are required by law. She states that in addition to the impartial analysis, the ballot will contain arguments both for and against the proposal which will be provide additional information for the public to better understand the proposal.

Chair Cox asks if there are any members from the public who wish to speak. There are none.

Commissioner Bagley moves approval of Item 6, second by Commissioner McCallon. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Farrell, McCallon, Ramos and Williams. Noes: None. Abstain: Lovingood. Absent: Jim Curatalo (Mr. Farrell voting in his stead).

Commissioner Lovingood returns to the dais at 9:21 A.M.

DISCUSSION ITEMS:

ITEM 7SIX MONTH UPDATE ON THE CITY OF RIALTO'S INITIATION OF ITSFIVE NORTH RIALTO ISLANDS

Assistant Executive Officer Martinez presents the staff report. He states that on May 18, 2016, the Commission approved LAFCO 3201 which included annexation of a portion of the Lytle Creek Ranch Specific Plan into the City of Rialto. Mr. Martinez further states that a condition was placed within Resolution 3222 which requires the City of Rialto to initiate annexation of the five islands in north Rialto within one year of the approval of LAFCO 3201 and required staff to provide the Commission with a six-month status report on the City's progress in meeting this condition. He states that the staff report and presentation on this item constitute the six-month status report.

Assistant Executive Officer Martinez states that on June 6, 2016, the City of Rialto City Council adopted a resolution affirming its commitment to annex the five islands. He presents the City of Rialto's 10-Point Action Plan to the Commission and states that the condition to initiate the annexation of the five islands can be accomplished within the required one year after approval of LAFCO 3201.

Chair Cox asks if the Commission has any questions on this item.

Commissioner Lovingood asks if the sand and gravel operation site is included within the five islands.

Executive Officer McDonald states that the sand and gravel operation site is not within the five islands, but the site has been in the City of Rialto's sphere of influence for many years. She indicates that the City, should it chose to do so, can initiate annexation of the site separately under the standard annexation process.

Commissioner Lovingood asks if a third party financial analysis is required to evaluate the island annexations' fiscal impacts on the City and the County; to which Executive Officer McDonald states that once it receives and reviews the City's Plan of Service, and if there are significant issues raised, staff can request outside assistance to assist with the fiscal review, but there is no legal requirement to do so.

Commissioner Lovingood emphasizes the importance of LAFCO staff's participation in the community meetings scheduled for the Rialto island annexations.

Chair Cox asks if there are any members of the public who wish to speak on this item. There are none.

Chair Cox, on behalf of the Commission, acknowledges and files the status report on Item 7.

ITEM 8 RELOCATION OF COMMISSION HEARINGS

Executive Officer McDonald states that LAFCO staff was informed in early October that the City of San Bernardino staff will be moving out of the building where LAFCO's hearings are currently held in order to retrofit the building. She states that LAFCO's last hearing in the current hearing chamber will be for the January 2017 meeting.

Ms. McDonald indicates that staff has been exploring alternative meeting locations, including facilities at the San Bernardino Transportation Authority building, located adjacent to the First Floor Lobby of the Santa Fe Depot, the City of Fontana and the City of Rancho Cucamonga. She states that moving the Commission's hearing location may also involve a change in standard hearing dates. Ms. McDonald asks the Commission for the authority to negotiate with the San Bernardino Transportation Authority to secure a hearing room and, if that option does not materialize, the authority to negotiate for the use of meeting facilities with the City of Fontana or the City of Rancho Cucamonga. Ms. McDonald also asks for the authority to negotiate with the Inland Empire Media Group of the City of San Bernardino to continue to provide video production and technical operator services for the Commission hearings. She states that she will keep the Commission fully informed on this process.

Commissioner Ramos asks what the last date the Commission will be able to use the existing hearing chamber; to which Executive Officer McDonald states that the last hearing in the current meeting room will be held in January.

Chair Cox states that her preference is to move as soon as possible.

Commissioner Ramos asks if staff investigated using the meeting room at the San Bernardino International Airport; to which Executive Officer McDonald states that staff did not look at that facility. Commissioner Ramos requests that San Bernardino International Airport facility be added to the list of alternatives.

Chair Cox asks if there are any comments from the public. There are none.

Commissioner McCallon moves approval of Item 6, amended to include the addition of the San Bernardino International Airport as an alternative site, second by Commissioner

Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Jim Curatalo (Mr. Farrell voting in his stead).

INFORMATION ITEMS

ITEM 9 LEGISLATIVE UPDATE REPORT

Executive Officer McDonald states that there is no formal legislative update this month. She informs the Commission that she has been reappointed to the CALAFCO Legislative Committee and that the Committee's first meeting will be held in mid-December. Ms. McDonald requests that if any of the Commissioners have any LAFCO-related legislative issues to make her aware, and she can bring them before the Legislative Committee.

ITEM 10 EXECUTIVE OFFICER'S ORAL REPORT

a. Update on Committee formed related to LAFCO 3212

Executive Officer McDonald states that the committee formed to gather information related to LAFCO 3212 – the proposed consolidation of the Inland Empire Utilities Agency and the Chino Basin Conservation District - met on November 14th. She states that correspondence related to the committee's formation has been forwarded to the Commission for their review, including a November 10th letter from the Chino Basin Water Conservation District which indicates that they will not participate on the committee. Ms. McDonald states that the membership of the committee has been restricted to affected parties which include the Inland Empire Utilities Agency, the Chino Basin Water Conservation District, the Inland Empire Resource Conservation District, the County, and the County Flood Control District.

Ms. McDonald states that LAFCO staff was not initially apprised of a November 7th letter sent out by the Chino Basin Conservation District to all affected and interested parties which provided their update of LAFCO's progress LAFCO 3212, but did receive a copy of the correspondence after receiving letters from both the Monte Vista Water District and the City of Montclair requesting participation the committee. She states that she responded to both requests outlining the rationale for the existing committee structure and maintaining the limitation on participation.

Ms. McDonald states that the committee's November 14th meeting was productive, and that the committee agreed on a process and schedule. She indicates that the committee will gather information related to LAFCO 3212, the proposed consolidation of the Inland Empire Utilities Agency and the Chino Basin Conservation District, and three alternatives: (1) the transfer of basin management responsibilities to the Inland Empire Utilities Agency and water education services to the Inland Empire Resource Conservation District; (2) the transfer of basin management responsibilities to County Flood Control District and water education services to the Inland Empire Resource Conservation District; and (3) the status quo.

Executive Officer McDonald states that once the information on all of the alternatives is gathered, staff will hold a Department Review Committee-like meeting in which all interested parties will be asked to participate to go over the alternatives. She indicates that the committee will meet every three weeks, with the next meeting scheduled for December 12th, and that staff will provide the Commission with updates throughout this process.

b. Update on Relocation/Renovation Progress at Santa Fe Depot

Executive Officer McDonald states that the architect is in the process of preparing a package to go out for bid on the office space renovation. She states that LAFCO's current landlord has informed LAFCO staff that our current office space has been rented to the City of San Bernardino Clerk's Office as of July 1st. She states that she and Assistant Executive Officer Martinez are working closely with the architect and will keep the Commission apprised on any schedule conflicts.

c. New Proposals Received

Executive Officer McDonald states that although no new proposals have been received, it is expected that the City of Hesperia will file for annexation to the San Bernardino County Fire Protection District shortly, followed by the City of Upland. She states that City of Victorville is also considering an annexation application to County Fire. She indicates that all three have requested a July 1st effective date.

Ms. McDonald states that LAFCO's Fiscal Indicators Program has been updated and posted to the LAFCO website as of November 11th.

Ms. McDonald announces that Jim Curatalo has been elected as President of the CALAFCO Board of Directors, and that he conducted his first meeting at the October CALAFCO conference. Ms. McDonald also announces that the Southern Region of CALAFCO was awarded the 2016 Award for Government Leadership.

Executive Officer McDonald indicates that LAFCO staff will be partnering with CSDA staff to conduct a training session on special district law. She states that the session will be held at the Mojave Water Agency on December 8th, and it will provide an opportunity for some of the smaller districts to participate in the training. She also indicates that an invitation has been extended to anyone considering running for a seat on the Wrightwood Community Services District Board.

Ms. McDonald states that a Special Districts Formation Guide has been published by CALAFCO and is now posted on LAFCO's website. She indicates that Chair Cox and Executive Officer Carolyn Emery both participated in the committee that developed the guide which provides guidance on the formation of new districts and, once formed, how to guide districts toward success. Finally, Ms. McDonald also identifies a pamphlet published by CSDA regarding redevelopment agency oversight boards as a Commission reference.

Chair Cox expresses concern regarding newspaper articles about the proposed Hesperia annexation to County Fire and the apparent lack of understanding on the part of elected officials regarding the process.

Executive Officer McDonald states that Hesperia staff is well aware of the process and, in light of serious concerns raised by LAFCO over the initial application, a new Plan of Service is being prepared to address those concerns.

ITEM 11 COMMISSIONER'S COMMENTS

Chair Cox asks if there are any Commissioner comments.

Commissioner Smith announces his resignation from LAFCO due to his appointment to the Mojave Water Agency, and he expresses his appreciation to his fellow Commissioners and LAFCO staff.

Commissioner Bagley states that he reads the LAFCO staff reports via the internet and no longer needs CDs. He states he would like to have paper copies of the staff reports available at the meetings. Executive Officer McDonald states that she will look into the different options of providing documents to the Commission and will update the Commission accordingly.

Chair Cox expresses her best wishes for a wonderful Thanksgiving.

ITEM 13 COMMENTS FROM THE PUBLIC

Chair Cox asks if there are any comments from the public. There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISISON, THE HEARING IS ADJOURNED AT 10:00 A.M.

ATTEST:

KATHLEEN ROLLINGS-McDONALD Executive Officer

LOCAL AGENCY FORMATION COMMISSION

KIMBERLY COX, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490 (909) 383-9900 • Fax (909) 383-9901 E-MAIL: lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: DECEMBER 6, 2016

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICER'S EXPENSE REPORT

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases and expense claim for November 2016 as presented.

BACKGROUND INFORMATION:

The Commission participates in the County of San Bernardino's Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policy #3(H). Staff has prepared an itemized report of purchases that covers the billing period of October 23, 2016 through November 22, 2016.

A copy of the Executive Officer's Travel Claim is also provided for the Commission's approval.

Staff recommends that the Commission approve the Executive Officer's expense report as shown on the attachment.

KRM/MT

Attachment

DETAIL SUPPORT FOR EMPLOYEE REIMBURSEMENT

TO BE COMPLETED BY EMPLOYEE

Employee No.		R	1179		Phone No.	909-388-0	480	For the Mo	onth of		N	ovember	2016	
Occup. UnitExer		kempt												
Assigned Hdqtrs.		San B	ernardino ^(City)				Pri	ncipal place of res	dence		Redlands ^(City)			
<u>`</u>	WHEN	·····	PRIVATE	WHEF	RE		WHY		B	MEAL	.S, LOD		THER EXPEN	SES
Date	Time From	Time To	MILEAGE	City of Des	tination		Purpose	,	D	Amount		E>	pense Item	
11/14/16	6:00 PM	8:00 PM		Victorville		ASBCSD			ļ	33.00	Dinne	ər - Rollir	igs-McDor	nald
														•
										<u></u>				
			-											
										,				
									2					
								<u> </u>						
_														
		•		· · · · · · · · · · · · · · · · · · ·										
								- ····						
							· · ·							
		-						· · · · · · · · · · · · · · · · · · ·						
													<u>.</u>	
TOTAL MILES THI	S CLAIM:		0	٩٩	t = .	\$			MILE	GE AMOUNT	EXE	ENSES		
								SUB TOTAL			\$	33.00		
								LESS ADVANCE	4. J				TOTAL	CLAIM
								TOTAL			\$	33.00		33.00
The undersigned decla	ares under pe	enalty of perjur	ry that the ex	penses hereon cla	aimed were n	ecessary in atte	nding to County	Business in conform	ity with	the policies e	stablish	ed by the E	Board of Supe	ervisors, and

by the County. Signed Attle Allen Abrado 0410 12, 6, 16 Kathleen Rollings-McDonald

Approved ________ Authorized Signer (Print and Sign)

Kimberly Cox, Chair



COUNTY OF SAN BERNARDINO PROCUREMENT CARD PROGRAM

MONTHLY PROCUREMENT CARD PURCHASE REPORT

Card Number			Cardholder				Billing Period			
		********	Kathleen	Rollings-McDonald		/22/16				
Date	Vendor Name	Receipt/ Invoice No.	Item Description	Purpose	\$ Amount	Reconciled (R) Disputed (D)	Sales Tax Included on invoice (Yes or No)			
10-25	Storeretrieve LLC	1	Payment	Records Storage and Maintenance	49.03	R	N			
10-25	Frontier	2	Payment	Phone line for Internet, 2 months	1,601.96	R	N			
10-25	Daisy I.T. Supplies	3	Payment	Office Supplies	79.50	R	Y			
10-25	Daisy I.T. Supplies	4	Payment	Office Supplies	142.89	R	Y			
10-25	Daisy I.T. Supplies	5	Payment	Office Supplies	230.22	R	Y			
10-26	Jobs Available Inc	6	Payment	Advertisement for Open Position	234.00	R	N			
10-26	Village Cab	7	Transportation, Rollings-McDonald	CALAFCO Conference	15.00	R	N			
10-27	Village Cab	8	Transportation, Rollings-McDonald	CALAFCO Conference	15.00	R	N			
10-27	Thompson West	9	Payment	Law Library Updates, 2 months	381.82	R	Y			
10-27	Frontier	10	Payment	Phone line for Alarm & Fax	53.87	R	N			
10-27	Advanced Copy Systems	11	Payment	Copy machine for office	471.13	R	Y			
10-29	Century Link	12	Payment	Conference Calls	19.28	R	Y			
10-28	Double Tree Hotel	13	Hotel – Farrell (night 1)	CALAFCO Conference	272.98	R	Y			
10-28	Double Tree Hotel	14	Hotel – Cox	CALAFCO Conference	377.54	R	Y			
10-29	Double Tree Hotel	15	Hotel – Rollings McDonald	CALAFCO Conference	737.35	R	Y			
10-29	Double Tree Hotel	16	Hotel – Bagley	CALAFCO Conference	566.31	R	Y			
10-29	Double Tree Hotel	17	Hotel – Curatalo	CALAFCO Conference	600.00	R	Y			
10-29	Double Tree Hotel	18	Hotel – Warren	CALAFCO Conference	377.54	R	Y			
10-29	Double Tree Hotel	19	Hotel – Martinez	CALAFCO Conference	566.31	R	Y			
10-29	Double Tree Hotel	20	Hotel – Farrell (nights 2 & 3)	CALAFCO Conference	400.00	R	Y			



COUNTY OF SAN BERNARDINO PROCUREMENT CARD PROGRAM

MONTHLY PROCUREMENT CARD PURCHASE REPORT

Card Number		-	Cardholder Kathleen Rollings-McDonald				Billing Period 10/23/16 to 11/22/16			
Date	Vendor Name	Receipt/ Invoice No.	Item Description	Purpose	\$ Amount	Reconciled (R) Disputed (D)	Sales Tax Included on invoice (Yes or No)			
10-29	Double Tree Hotel	21	Hotel – Williams	CALAFCO Conference	566.31	R	Y			
10-29	Double Tree Hotel	22	Hotel – Ramos	CALAFCO Conference	400.00	R	Y			
11-01	Denny's, Hesperia	23	Dinner- Rollings McDonald	Meeting in Hesperia	14.94	R	Y			
11-08	FedEx	24	Payment	Standard Overnight	25.75	R	N			
11-07	Metrolink	25	Train ticket	Los Angeles LAFCO hearing, Nov 9	26.50	R	Y			
11-09	LA Transit, Union Station	26	Train ticket	Los Angeles LAFCO hearing, Nov 9	8.00	R ·	Y			
11-11	Storeretrieve LLC	27	Payment	Records Storage – New file processing	232.06	R	Y			
11-12	Amazon	28	Payment	Filters for the Coffee Maker	16.50	R	Y			
11-12	Amazon	29	Payment	Coffee Maker for Office	82.27	R	Y			
11-16	Amazon	30	Payment	Picture Frames	83.52	R	Y			
11-16	Southwest Airlines	31	Payment	Airfare to Sacramento, CALAFCO Board	225.96	R	Y			
			-							

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign) Approving Official (Print & Sign) Date Date 12-6-16 12-14-16 Kathleen Rollings-McDonald Kimberley Cox, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 885-8170 E-mail: lafco@lafco.sbcounty.gov www.sbclafco.org

DATE : DECEMBER 5, 2016

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR MONTH OF NOVEMBER 2016 AND NOTE REVENUE RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the month of November 2016 and note revenue receipts for the same period.

BACKGROUND INFORMATION:

Staff has prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of November 1, 2016 through November 30, 2016.

Staff recommends that the Commission ratify the payments for November outlined on the attached listings and note the revenues received.

KRM/MT

Attachment

MONTH OF NOVEMBER 2016 PAYMENTS PROCESSED									
VOUCHER ID	ACCOUNT	NAME	WARRANT NO.	WARRANT DATE	AMOUNT				
PV890Z071423	2305	KATHLEEN ROLLINGS-MCDONALD (Petty Cash)	8955241	11/28/2016	\$ 234.86				
PV8908652	2445	ROBERT J ALDRICH	3292080	11/10/2016	\$ 3,600.00				
PV8908653	2085	DAILY JOURNAL	8948123	11/10/2016	\$ 487.92				
PV8908654	2400	BEST BEST & KRIEGER	3291820	11/10/2016	\$ 1,228.04				
PV8908655	2445	JAMES V CURATALO	8948653	11/14/2016	\$ 227.00				
PV8908656	2445	STEVEN FARRELL	8948765	11/14/2016	\$ 217.82				
PV8908657	2445	THURSTON SMITTY SMITH	8948774	11/14/2016					
PV8908658	2445	KIMBERLY COX	8948660	11/14/2016					
PV8908659	2445	DIANE WILLIAMS	8948624	11/14/2016	\$ 228.08				
PV8908660	2445	ACQUANETTA WARREN	8948579	11/14/2016					
PV8908661	2445	JIM BAGLEY	8948655	11/14/2016					
PV890866201	2445	ROBERT A LOVINGOOD	8948741	11/14/2016					
PV890866202	2445	LARRY MCCALLON	8948665	11/14/2016					
PV890866203	2445	JAMES C RAMOS	8948654	11/14/2016					
PV8908663	2940/2942/2945	CUCAMONGA VALLEY WATER DIST (travel claim)	8947699	11/09/2016					
PV8908664		JAMES V CURATALO	8951532	11/18/2016					
PV8908665	2905	215 NORTH D STREET BLDG LLC (lease)	3291293	11/03/2016					
PV8908666	2445	CITY OF SAN BERNARDINO	8947664	11/09/2016	-				
PV8908671	9910	APPLE VALLEY HEIGHTS COUNTY (refund to applicant)	8950210	11/16/2016					
TOTAL			- d		\$ 14,932.99				
		MONTH OF NOVEMBER 2016 INTERNAL TRANSFER	S PROCESSED						
JVIB 04072037D	2037	PHONE CHARGES - COUNTY SYSTEM		11/7/2016	\$ 255.96				
JVATXRT06151		CALCARD		11/9/2016					
JVPURRT05910	2310	COUNTY MAIL - BULK		11/8/2016					
JVPURRT05957	2310	COUNTY MAIL - 1ST CLASS		11/9/2016	\$ 8.51				
JVPURRT05958	2310	COUNTY MAIL - PRESORT 1ST CLASS		11/9/2016	\$ 90.99				
JVPURRT05961	2310	COUNTY MAIL - PRESORT FLATS		11/9/2016	\$ 33.82				
JVPURRT05966		COUNTY MAIL - INTER-OFFICE MAIL		11/9/2016	\$ 188.00				
JVPURRT05972		COUNTY MAIL - BUSINESS REPLY		11/9/2016	\$ 0.28				
JVPURRT06745		COUNTY MAIL - PACKAGING		11/22/2016					
JVPURRT05304		PRINTING SERVICES		11/1/2016					
JVPURRT05991		PRINTING SERVICES		11/14/2016					
JVIB 04072410		COUNTY DATA PROCESSING		11/7/2016					
JVATXRT06679		COWCAP (Quarterly Payment)		11/21/2016					
JVIB 04072420J		COMMUNICATION DEVICE	Same Print Park	11/7/2016					
JVIB 04072421D	2421	COUNTY DESKTOP SUPPORT		11/7/2016	\$ 770.61				

MONTHLY RECONCILIATION OF PAYMENTS

	1				
JV890RT05517	2424	ENVIRONMENTAL FILING WITH CLERK TO BOARD	11/7/2016		50.00
JV890RT05516	2445	ROV LISTING - 3212	11/7/2016		50.30
JV890RT05516	2445	ROV LISTING - 3213	11/7/2016		50.30
JVHRDRT06069	2445	HR SERVICES FOR JOB POSTING	11/14/2016		46.51
JV890RT06782	2445	ROV LISTING - SC 409	11/30/2016	; \$	50.30
TOTAL				\$	22,141.35
an an an Araba an Araba. An Araba		MONTH OF NOVEMBER 2016 CASH RE	CEIPTS		
DEPOSIT			DEPOSIT	Τ	
DOCUMENT ID	ACCOUNT	DESCRIPTION	DATE		AMOUNT
CR890A05814	9545	INDIVIDUAL NOTICE DEPOSIT	11/9/16	3 \$	700.00
	9555	LEGAL DEPOSIT		\$	650.00
	9660	ENVIRONMENTAL DEPOSIT	· · · · · · · · · · · · · · · · ·	\$	450.00
	9800	LAFCO FEES		\$	3,250.00
CR890A05815	9595	PROTEST DEPOSIT	11/9/16	3 \$	17,000.00
	9655	GIMS FEES		\$	2,200.00
CR890A06768	9910	COST RECOVERY, PRIOR YEAR REVENUE	11/30/16	\$	1,136.91
TOTAL				\$	25,386.91
		MONTH OF NOVEMBER 2016 INTERNAL TRANSI	FERS RECEIVED	-	
TRANSFER			TRANSFER	Τ	
DOCUMENT ID	ACCOUNT	NAME	DATE		AMOUNT
		NONE			
TOTAL				\$	-
Mull Tu	/ MICHAEL TUER	PE, Project Manager	12/5/2016 DATE	_	
RECONCILIATION	WATPROVED B	Y:			
Hot					
Atthew		rale/	12/5/2016	_	
	KATHLEEN RC	DLLINGS-McDONALD, Executive Officer	DATE		

7

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 885-8170 E-MAIL: lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: OCTOBER 12, 2016

- FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer SAMUEL MARTINEZ, Assistant Executive Officer
- TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5: LAFCO SC#409 – City of San Bernardino Irrevocable Agreement to Annex No. 2016-218 for Sewer Service (Assessor Parcel Numbers 0266-012-13, 0266-021-28 & -29, and 0266-021-49 & -51)

INITIATED BY:

City of San Bernardino, on behalf of the property owner/developer

RECOMMENDATION:

Staff recommends that the Commission approve LAFCO SC#409 by taking the following actions:

- 1. For environmental review as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the County's environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to Establish a 315,000 Sq. Ft. High Cube Warehouse with 8,000 Sq. Ft. of Office on Approximately 20.68 Acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA

lead agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

- 2. Approve LAFCO SC#409 authorizing the City of San Bernardino to extend sewer service outside its boundaries to the project area comprised of five (5) adjacent parcels identified as Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51; and,
- 3. Adopt LAFCO Resolution #3238 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

BACKGROUND:

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an Irrevocable Agreement to Annex that outlines the terms by which it will extend sewer service. The agreement relates to a proposed development on five (5) contiguous parcels, Assessor Parcel Numbers (APNs) 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51, comprising approximately 20.68 acres, generally located at the southwest corner of Palm Avenue and the natural extension of Industrial Parkway, within the City of San Bernardino's northwestern sphere of influence. Figure 1 below outlines the location of the contract area and Attachment #1 includes the vicinity map of the site along with a map outlining the location of the infrastructure to be extended.



FIGURE 1 – Vicinity Map

In 2009, the County Land Use Services Department (LUSD) processed and approved a Conditional Use Permit (CUP) for the development of a warehouse facility on the 20.68acre project site. The County LUSD approved a revision to the original CUP (Revision to Approved Action) in July 2015 and again in August 2016 as a result of a boundary change due to the realignment of Palm Avenue. The Conditions of Approval for the project includes the requirement to connect to the City of San Bernardino's water and sewer facilities (Conditions 35, 36, 102, and 103) and require LAFCO approval of the contract (Condition 104). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

In May 2010, the Commission confirmed that the provision of water service by the City of San Bernardino within the area previously served by the San Bernardino Water Utilities Corporation—which includes the parcels associated with the proposed development—is exempt from LAFCO review (LAFCO SC#352). Therefore, the provision of water service to the project is exempt from LAFCO.

However, the extension of sewer service will require a contract with the City for the provision of service outside its boundaries. Therefore, the City, on behalf of the property owner/develop, has requested that the Commission authorize the extension of sewer service to the project site pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

PLAN FOR SERVICE:

The City's application (included as Attachment #2 to this report) indicates that sewer service will be provided by extending an 8-inch sewer main approximately 250 linear feet along Industrial Parkway.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The City of San Bernardino has identified an estimated cost of \$316,729.16 in sewer fees. The following table provides the breakdown of fees:

FEES	COST	TOTAL
Sewer Connection Fee - Industrial	\$335.02 per 3,000 sq. ft.	\$34,842.08
Sewer Capacity – Industrial (22,400 GPD)	\$12.45 per est. GPD	\$278,880.00
Sewer Capacity Outside Service Area Fee	\$1,300.00	\$1,300.00
Inspection Fee	\$29.18	\$29.18
Off-site Improvement Permit	\$1,677.90	\$1,677.90
	Total Sewer Fees	\$316,729.16

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the sewer improvements to the project estimated at \$20,000.00. The City has indicated that there is no rate difference for providing service outside the City's boundaries; therefore, the warehouse facility will be charged the normal in-City monthly rate for sewer service.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration for a Conditional Use Permit to establish a 315,000 sq. ft. industrial building with 8,000 sq. ft. of office and a 25,000 sq. ft. multi-tenant retail/office building on a total of approximately 20.68 acres. The County then approved a revision to the original Conditional Use Permit that has reduced the original project, which now only includes the 315,000 sq. ft. industrial building with 8,000 sq. ft.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project site. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County, as lead agency, has paid said fees for its environmental determination.

CONCLUSION:

The proposed development of the warehouse facility approved by the County of San Bernardino requires that it receive water and sewer service from the City of San Bernardino. For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which includes the parcels associated with the proposed development—is exempt from LAFCO review.

However, for sewer service, the property owner/developer must show proof of its ability to connect to the City of San Bernardino's sewer infrastructure in order for the proposed development to proceed - which is the Commission's authorization for this agreement.

Staff has reviewed this request for the provision of sewer service from the City of San Bernardino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to the proposed project since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The project area, which is comprised of five (5) adjacent parcels identified as Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51, is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future. For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which includes the parcels associated with the proposed development—is exempt from LAFCO review. Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement for water and sewer connection are conditions of approval as identified in the County's conditions of approval for the warehouse facility. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

2. The Irrevocable Agreement to Annex being considered is for the provision of sewer service by the City of San Bernardino to the project site comprised of five (5) adjacent parcels, Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51, which are generally located at the southwest corner of Palm Avenue and the natural extension of Industrial Parkway, within the City of San Bernardino's northwestern sphere of influence. This contract will remain in force in perpetuity for the proposed development or until such time as the project area is annexed. Approval of this application will

allow the property owner/developer and the City of San Bernardino to proceed in finalizing the contract for the extension of this service.

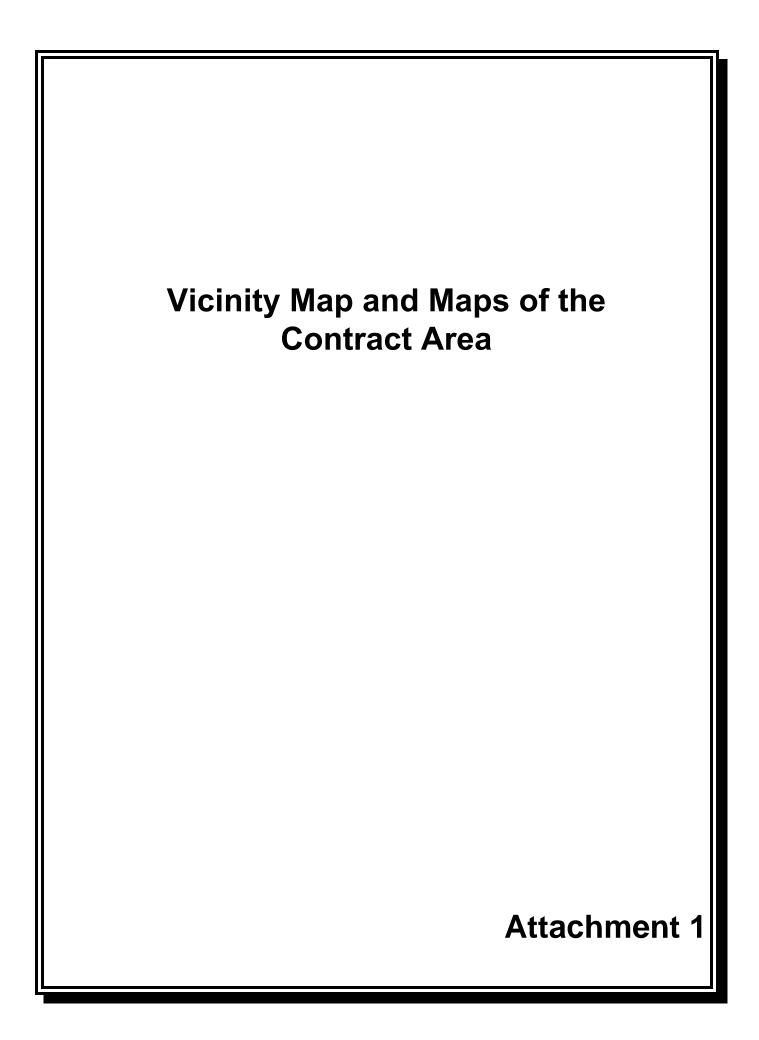
- 3. The fees charged by the City of San Bernardino for sewer service are identified as totaling \$316,729.16 (for a breakdown of fees, see table on page 3). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the sewer service to the proposed development.
- 4. During the period from July 2008 to June 2009, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit (CUP) to establish a 315,000 sq. ft. high cube warehouse with 8,000 sq. ft. of office and a 25,000 sq. ft. multi-tenant retail/office building on approximately 20.68 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. It should also be noted that the approved revision to the original CUP is smaller than the original project.

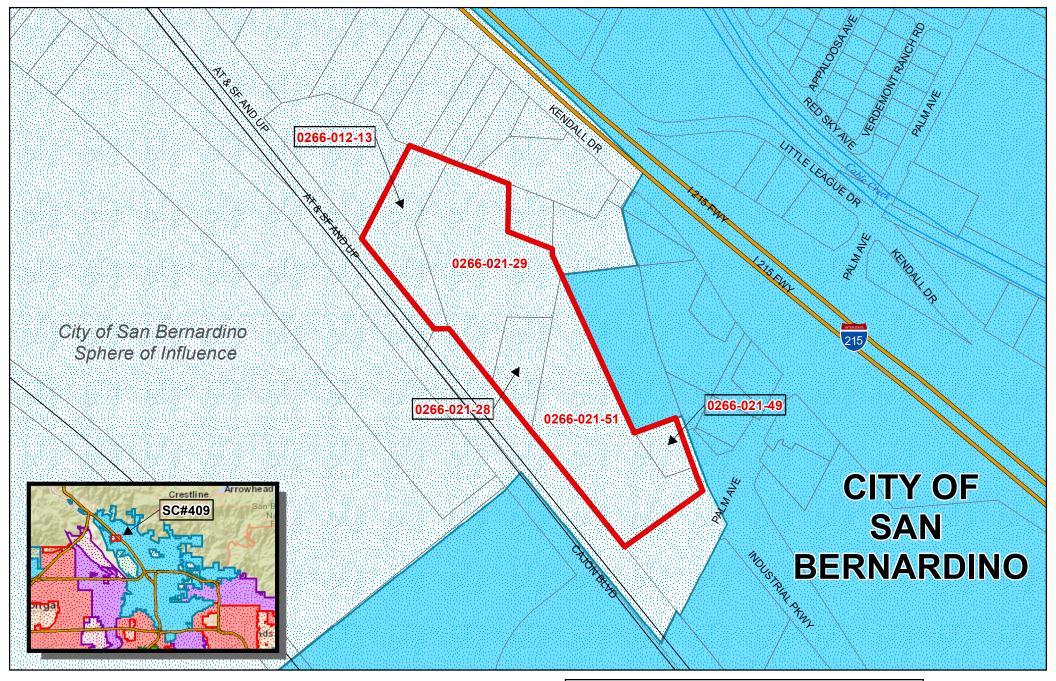
LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#409, the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

KRM/sm

Attachments:

- 1. Vicinity Map and Maps of the Contract Area
- 2. City of San Bernardino's Application and Contract
- 3. County Conditions of Approval for the Conditional Use Permit
- Tom Dodson and Associates' Response Including the County's Environmental Assessment for the Conditional Use Permit to Establish a 315,000 Sq. Ft. High Cube Warehouse with 8,000 Sq. Ft. of Office on Approximately 20.68 Acres
- 5. Draft Resolution #3238





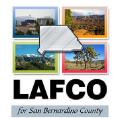
LAFCO SC #409 – City of San Bernardino Irrevocable Agreement to Annex No. 2016-218 for Sewer Service (APNs 0266-012-13, 0266-021-28 & -29, and 0266-021-49 & -51)

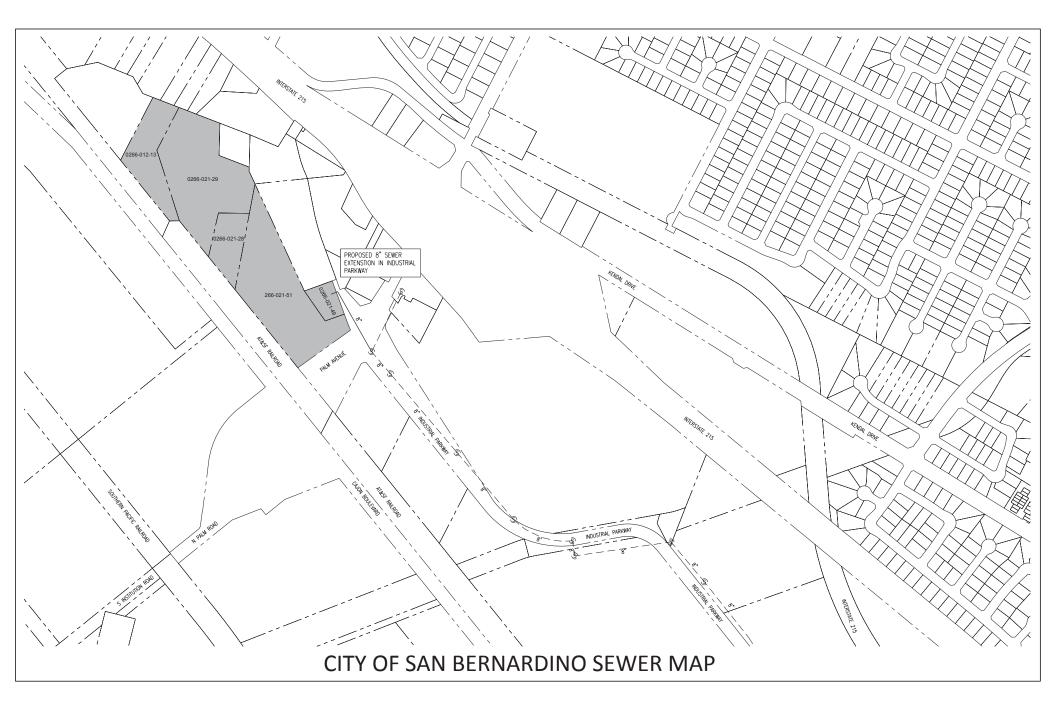
0	62.5	125	250	375	500 Varda
					Yards

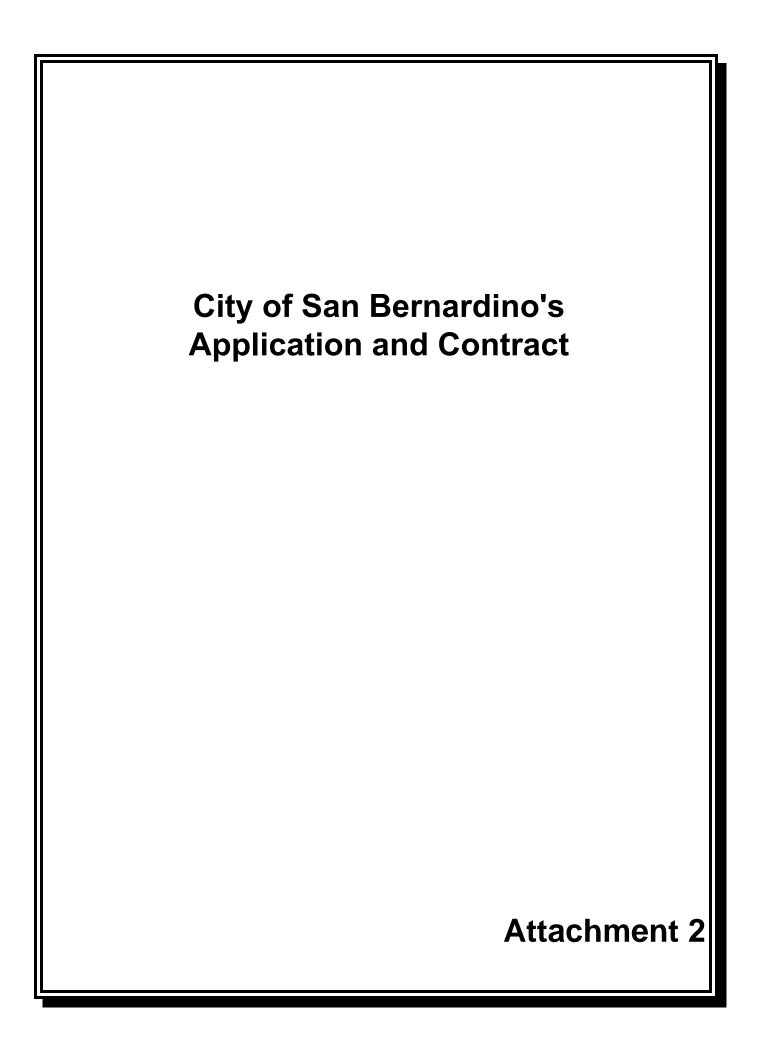


City of San Bernardino

City of San Bernardino Sphere of Influence







(FOR LAFCO USE ONLY)

SAN BERNARDINO LAFCO APPLICATION FOR EXTENSION OF SERVICE BY CONTRACT

(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of San Bernardino			
CONTACT PERSON: Ryan Aschenbrenner			
ADDRESS:	300 N. "D" Street, 3rd Floor		
	San Bernardino, CA 92407		
PHONE:	909.384.5126		
EMAIL:	aschenbrenner_ry@sbcity.org		

CONTRACTING PARTY:

NAME OF PROPERTY OWNER:

CONTACT PERSON:

MAILING ADDRESS:

PHONE:

EMAIL:

ADDRESS OF PROPERTY PROPOSED FOR CONTRACT:

CONTRACT NUMBER/IDENTIFICATION:

PARCEL NUMBER(S):

ACREAGE:

PALMKEN JJJ LLC

Adrienne Cord

450 Newport Center Drive, #230

Newport Beach, CA 92660

949-720-8050

acord@phelandevco.com

20225 Kendall Drive

San Bernardino CA

2016-218

0266-021-28 & 29, 0266-12-13, 0266-49 & 51

~ 20.68

Extension of Service by Contract Application Form

(FOR LAFCO USE ONLY)

The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

(a)	List the type or types of service(s) to be provided by this agreement/contract. Sanitary Sewer						
(b)	Are any of the services identified above "new" services to be offered by the agency? YES INO. If yes, please provide explanation on how the agency is able to provide the service.						
la tha							
	property to be served within the agency's sphere of influence? I YES NO						
Pleas	e provide a description of the service agreement/contract.						
Prop	perty owner to execute written irrevocable agreement to annex.						
(a)	Is annexation of the territory by your agency anticipated at some point in the future? YES INO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.						
	(b) Is the Pleas Pro						

(FOR LAFCO USE ONLY)

Extension of Service by Contract Application Form

Is the property to be served contiguous to the agency's boundary? (b) YES NO. If yes, please provide explanation on why annexation to the agency is not being contemplated. Due to historic opposition to annexation, there is no City requirement to annex the property. 5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)? YES INO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board). 6. What is the existing use of the property? (a) Vacant land (b) Is a change in use proposed for the property?
YES INO. If yes, please provide a description of the land use change. 7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status. Proposed development of an approx. 311,275 sf warehouse entitled by the County of San Bernardino

X X

Extension of Service by Contract Application Form

8. Are there any land use entitlements/permits involved in the agreement/contract? YES NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

> Tentative Tract Map / Parcel Map Permit (Conditional Use Permit, General Plan Amendment, etc.) Conditions of Approval Negative Declaration (Initial Study) Notice of Determination (NOD)/Notice of Exemption (NOE) Department of Fish and Game (DFG) Receipt Others (please identify below)

9. Has the agency proposing to extend service conducted any CEQA review for this contract? YES NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. <u>Plan for Service</u>:

(a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension. The City of San Bernardino currently has a 8" Sewer stub out and manhole located on Industrial Parkway, west of Palm Ave. The property owner will construct approximately 250 LF of 8" sewer main in Industrial Parkway, modify one existing manhole and construct one new manhole. The property owner will be required to pull an Off-Site Improvement permit for the construction of the sewer main and manholes, in addition to paying for Sewer Connection and Sewer Capacity Fees.

(FOR LAFCO USE ONLY)

Extension of Service by Contract Application Form

- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

Description of Fees/Charges	Cost	Total
Sewer Connection Fee: Industrial (311,275 sf)	\$ 335.02 per 3,000 sq ft	\$ 34,842.08
Sewer Capacity Industrial (22,400 GPD)	\$ 12.45 per est GPD	\$ 278,880.00
Sewer Capacity Outside Service Area Fee	1300.00	\$ 1,300.00
Inspection Fee	29.18	\$ 29.18
LAFCO Legal Deposit	575.00	\$ 575.00
LAFCO Environmental review Deposit	450.00	\$ 450.00
LAFCO Landowner notification Requirement	700.00	\$ 700.00
LAFCO filing for Out-of-Agency Service Contract Review	750.00	\$ 750.00
Construct 8" VCP sewer pipe	\$ 60 per LF	\$ 15,000.00
Construct Sewer Manhole	3500.00	\$ 3,500.00
Modify Existing Sewer Manhole	1500.00	\$ 1,500.00
Off-Site Improvement Permit (est const cost \$ 20k)	1677.90	\$ 1,677.90
Total Costs		\$ 339,204.16

(c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3rd-party user fees and charges (i.e. fees/charges attributable to other agencies).

Water and sewer fees are the same whether the property resides

inside or outside the City.

Extension of Service by Contract Application Form

(FOR LAFCO USE ONLY)

(d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

Property owner responsible for all fees and for the construction of improvements.

11

Does the City/District have any policies related to extending service(s) outside its boundary? YES NO. If yes, has a copy been provided to LAFCO? YES NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application. Mayor and Common Council Resolution 83-279 and 97-275

CERTIFICATION

As a part of this application, the City/Town of <u>San Bernardino</u>, or the District/Agency agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

Extension of Service by Contract Application Form

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED NAME: POSITION TITLE: DATE:

Ryan Aschenbrenner

Acting Real Property Specialist

11/2/2016

REQUIRED EXHIBITS TO THIS APPLICATION:

- 1. Copy of the agreement/contract.
- 2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
- 3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County 215 North D Street, Suite 204 San Bernardino, CA 92415-0490 PHONE: (909) 388-0480 • FAX: (909) 885-8170

Rev: krm – 8/19/2015

LAFCO SC# 409

IRREVOCABLE AGREEMENT TO ANNEX

No. 2016-218

THIS AGREEMENT, entered into this <u>17th</u> day of <u>October</u>, 2016; by and between the **PALMKEN JJJ**, **LLC**, hereinafter referred to as "OWNER," and the **CITY OF SAN BERNARDINO**, a municipal corporation, hereafter referred to as "CITY."

WITNESSETH:

WHEREAS, OWNER holds title to the unincorporated parcel(s), located at 20225 Kendall Drive, San Bernardino, California, 92407, and parcels are more fully described in Exhibit "A" attached hereto and made a part hereof.

Assessor's Parcel Number(s) <u>0266-021-28-0000</u>, <u>0266-021-29-0000</u>, <u>0266-021-</u> 51-0000, <u>0266-012-13-0000</u> and <u>0266-021-49-0000</u>; and

WHEREAS, said parcels are within the Sphere of Influence of CITY; and

WHEREAS, OWNER desires to obtain sewer service for said parcels; and

WHEREAS, sewer service could be provided to said parcels by connecting to the CITY'S sewage system; and

WHEREAS, CITY'S sewage system and wastewater treatment plant have sufficient capacity to convey and treat the sewage generated by said parcel; and

WHEREAS, CITY is willing to allow connection of said unincorporated parcels to its sewage system, due to the expectation that said parcels will be annexed to the City of San Bernardino at some future date, due to the fact that the parcel is within CITY'S Sphere of Influence.

WHEREAS, the covenants and conditions set forth herein shall create an equitable servitude upon the parcel, and shall be fully binding upon OWNERS' heirs, successors and assigns.

LAFCO SC#_

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1: OWNER Agrees -

- a. To grant irrevocable consent to annex to the City of San Bernardino at such time as the annexation may be properly approved through appropriate legal proceedings, and owner does further agree to provide all reasonable cooperation and assistance to the CITY in the annexation proceedings. Said cooperation is contemplated to include signing any applications of consent prepared by the CITY, and submitting any evidence reasonably within the control of OWNER to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of OWNER to institute any litigation of judicial proceeding whatsoever to force the annexation to the City of San Bernardino.
- b. To pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of property to the CITY. Said fees shall be payable when the same becomes due and payable.
- c. To pay all fees and charges and make all deposits required by the CITY for connection to and use of CITY'S sewer, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this Irrevocable Agreement to Annex is on behalf of all future heirs, successors and assigns; and that said Agreement shall be irrevocable without written consent of CITY.
- e. To comply with Chapter 13.32, of the San Bernardino Municipal Code relating to discharge of materials into CITY's sewage system.
- f. Allow CITY to make application on behalf of the Owner to the Local Agency Formation Commission (LAFCO), and pay all application fees necessary for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.
- g. To execute a standard form Agreement (Sewer Connection and Service) with CITY stipulating the terms and conditions under which the connection shall be made and maintained.

SECTION 2: CITY Agrees -

a. To allow OWNERS' parcel, described herein before, to connect to the City of San Bernardino's sewage system, subject to payment of all applicable fees and permits.

IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218

LAFCO SC#

SECTION 3: Be it mutually agreed, as follows:

- a. City Clerk for CITY shall record this agreement with the County Recorder.
- b. The benefit to the subject parcel will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and upon the land.
- c. The approval granted to connect said parcels to City's Sewage is contingent upon OWNERS securing approval from the Local Agency Formation Commission.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials' thereunto duly authorized.

PALMKEN JJJ, LLC.

By: Name: MANAGER Title:

CITY OF SAN BERNARDINO

Lach Acott By:

City Manager

ATTEST City Clerk

Approved as to form:

. Alter

Bv D. SAENZ, City Attorney

EXHIBIT "A" LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE UNICORPORATED AREA OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THAT PORTION OF BLOCKS 66 AND 72 OF IRVINGTON LAND AND WATER COMPANY'S SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, AS THE LINES OF THE GOVERNMENT SURVEY MAY BE EXTENDED ACROSS THE RANCHO MUSCUPIABE, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7 PAGE 23, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID BLOCK 72,

WITH THE SOUTHWESTERLY LINE OF KENDALL DRIVE; THENCE SOUTH 27 DEGREES 54

MINUTES 40 SECONDS WEST ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 72, 566.37

FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF THE ATCHISON, TOPEKA,

AND SANTA FE RAILROAD STATION GROUNDS; THENCE SOUTH 38 DEGREES 30 MINUTES 30

SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID STATION GROUNDS, 296.90 FEET;

THENCE NORTH 78 DEGREES 39 MINUTES 40 SECONDS EAST 205.80 FEET; THENCE SOUTH 67

DEGREES 18 MINUTES 10 SECONDS EAST 245 FEET; THENCE SOUTH 30 **DEGREES 02 MINUTES**

40 SECONDS EAST 125 FEET; THENCE SOUTH 68 DEGREES 33 MINUTES 00 SECONDS EAST 250

FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 27 DEGREES 46 MINUTES 10

SECONDS WEST 310 FEET TO A POINT; THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO THE

POINT OF INTERSECTION OF THE CENTER LINE OF CHESTNUT AVENUE, NOW VACATED, WITH THE NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, AS SHOWN ON LICENSED LAND SURVEYOR'S MAP, RECORDED IN BOOK 6 OF

IRREVOCABLE AGREEMENT TO ANNEX NO. 2016- 218 LAFCO SC#

RECORD SURVEYS, PAGE 79; THENCE SOUTH 38 DEGREES 30 MINUTES 30 SECONDS EAST ALONG THE NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY TO A POINT WHICH BEARS NORTH 38 DEGREES 30 MINUTES 30 SECONDS WEST 980 FEET FROM THE CENTER LINE OF PALM AVENUE; THENCE NORTHEASTERLY IN A STRAIGHT LINE TO A POINT WHICH BEARS SOUTH 32 DEGREES 14 MINUTES 20 SECONDS WEST 682.47 FEET FROM A POINT IN THE SOUTHWESTERLY LINE OF KENDALL DRIVE WHICH IS DISTANT 1,013.45 FEET NORTHWESTERLY FROM THE INTERSECTION OF SOUTHWESTERLY THE LINE OF KENDALL DRIVE WITH THE NORTHWESTERLY LINE OF PALM AVENUE, AS SHOWN ON SAID LICENSED LAND SURVEYOR'S MAP RECORDED IN BOOK 6, PAGE 79 OF RECORD SURVEYS; THENCE NORTH 24 DEGREES 22 MINUTES 50 SECONDS WEST 90.20 FEET; THENCE NORTH 1 DEGREE 45 MINUTES 40 SECONDS EAST 234.06 FEET; THENCE NORTH 68 DEGREES 33 MINUTES 00 SECONDS WEST 489.80 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, AS SHOWN ON LICENSED LAND SURVEYOR'S MAP RECORDED IN BOOK 6. PAGE 79. RECORD SURVEYS, AT A POINT WHICH BEARS NORTH 38 DEGREES 30 MINUTES 30 SECONDS WEST 980 FEET FROM THE CENTER LINE OF PALM AVENUE; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF PROPERTY DEEDED TO CARL M. PRESTON AND GLADYCE J. PRESTON. HUSBAND AND WIFE AS JOINT TENANTS, BY DEED DATED JUNE 18, 1952. AND RECORDED JUNE 27, 1952 IN BOOK 2975, PAGE 292, OFFICIAL RECORDS, A DISTANCE OF 500 FEET; THENCE IN A SOUTHWESTERLY DIRECTION NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 200 FEET TO A POINT WHICH IS 300 FEET NORTHWESTERLY FROM A POINT ON THE NORTHEASTERLY LINE OF THE RAILROAD RIGHT OF WAY WHICH IS NORTH 38 DEGREES 30 MINUTES 30 SECONDS WEST 270 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY AND PARALLEL WITH THE MOST EASTERLY LINE OF THE ABOVE MENTIONED PRESTON PROPERTY A DISTANCE OF 300 FEET TO THE NORTHEASTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, THENCE SOUTH 38 DEGREES 30 MINUTES 30 SECONDS EAST ALONG THE RAILROAD 270 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID BLOCK 66 AND 72, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID BLOCK 72, WITH THE SOUTHWESTERLY LINE OF KENDALL DRIVE; IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218 LAFCO SC#

THENCE SOUTH 27 DEGREES 54 MINUTES 40 SECONDS WEST ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 72, 566.37 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF THE ATCHISON, TOPEKA AND SANTA FE STATION GROUNDS; THENCE SOUTH 38 DEGREES 30 MINUTES 30 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID STATION GROUNDS, 296.90 FEET; THENCE NORTH 78 DEGREES 39 MINUTES 40 SECONDS EAST 205.80 FEET: THENCE SOUTH 67 DEGREES 18 MINUTES 10 SECONDS EAST 245 FEET; THENCE SOUTH 30 DEGREES 02 MINUTES 40 SECONDS EAST 125 FEET; THENCE SOUTH 68 DEGREES 33 MINUTES 00 SECONDS EAST 531.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 66 DEGREES 33 MINUTES 00 SECONDS EAST 208.00 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 40 SECONDS WEST 208.00 FEET: THENCE NORTH 68 DEGREES 33 MINUTES 00 SECONDS WEST 208.00 FEET; THENCE NORTH 1 DEGREE 45 MINUTES 40 SECONDS EAST 208.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS AS CONVEYED TO STANDARD PROPERTIES, INC., A CORPORATION BY DEED RECORDED NOVEMBER 15, 1950, IN BOOK 2696, PAGE 557, OFFICIAL RECORDS.

PARCEL NO. 2:

ALL THAT PORTION OF BLOCK 66 AND BLOCK 72, OF THE IRVINGTON LAND AND WATER COMPANY SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3. PAGE 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID BLOCK 72, WITH THE SOUTHWESTERLY LINE OF KENDALL DRIVE: THENCE SOUTH 27 DEGREES 54 MINUTES 40 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 72, 566.37 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF THE ATCHISON, TOPEKA AND SANTA FE STATION GROUNDS; THENCE SOUTH 38 DEGREES 30 MINUTES 30 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF SAID STATION GROUNDS, 296.90 FEET: THENCE NORTH 78 DEGREES 39 MINUTES 40 SECONDS EAST, 205.80 FEET; THENCE SOUTH 67 DEGREES 18 MINUTES 10 SECONDS EAST, 245.00 FEET; THENCE SOUTH 30 DEGREES 02 MINUTES 40 SECONDS EAST, 125 FEET; THENCE SOUTH 68 DEGREES 33 MINUTES 00 SECONDS EAST, 250 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 27 DEGREES 46 MINUTES 10 SECONDS WEST 310 FEET TO A POINT; THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO THE POINT OF INTERSECTION OF THE CENTER LINE OF CHESTNUT AVENUE, NOW VACATED, WITH THE NORTHEASTERLY RIGHT OF WAY, OR PROPERTY IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218 LAFCO SC#

LINE OF SAID RAILROAD, AS SHOWN ON LICENSED LAND SURVEYOR'S MAP, RECORDED IN BOOK 6, PAGE 79 RECORDS OF SURVEY; THENCE WESTERLY ALONG SAID RAILROAD PROPERTY, 64.22 FEET; THENCE NORTH 38 DEGREES 30 MINUTES 30 SECONDS WEST ALONG SAID NORTHEASTERLY LINE OF SAID RAILROAD, 502.81 FEET TO A POINT; THENCE NORTH 27 DEGREES 46 MINUTES 10 SECONDS EAST, 455.97 FEET; THENCE SOUTH 68 DEGREES 33 MINUTES 00 SECONDS EAST, 180 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID LAND, ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW, OR AT ANY TIME HEREAFTER SITUATED THEREIN AND THEREUNDER OR PRODUCEABLE THEREFROM, TOGETHER WITH THE FREE RIGHT TO MINE, DRILL AND BORE BENEATH THE SURFACE OF SAID LAND AT ANY LEVEL OR LEVELS FOR THE PURPOSE OF DEVELOPMENT OR REMOVAL OF SUCH SUBSTANCES, TOGETHER WITH THE RIGHT OF INGRESS, AND EGRESS UPON, SAID LAND, AS RESERVED IN THE DEED FROM CHARLES S. OLDER ET AL, RECORDED JULY 13, 1955, IN BOOK 3689, PAGE 587, OFFICIAL RECORDS.

PARCEL NO. 3:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITY AND SEWER LINE PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY:

THOSE PORTIONS OF LOT 66 OF THE IRVINGTON LAND AND WATER COMPANY SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 OF RECORD SURVEYS PAGE 32 AND THAT PORTION OF LOT 1 OF TRACT NO. 3613, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50 OF MAPS, PAGE 5, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWEST LINE OF BLOCK 72 OF SAID IRVINGTON LAND AND WATER COMPANY SUBDIVISION, WITH THE SOUTHWESTERLY LINE OF KENDALL DRIVE; THENCE ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 72, SOUTH 27 DEGREES 54 MINUTES 40 SECONDS WEST 566.37 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY LINE OF THE ATCHISON, TOPEKA AND SANTA FE STATION GROUNDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID STATION GROUNDS, SOUTH 38 DEGREES 30 MINUTES 30 SECONDS EAST 296.90 FEET; THENCE NORTH 78 DEGREES 39 MINUTES 40 SECONDS EAST 205.80 FEET; THENCE SOUTH 67 DEGREES 18 MINUTES 10 SECONDS EAST 245.00 FEET; THENCE SOUTH 30 DEGREES 02 MINUTES 40 SECONDS EAST 125.00 FEET; THENCE SOUTH 68 DEGREES 33 MINUTES 00 SECONDS EAST 739.80 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 40 SECONDS WEST 234.06 FEET; THENCE SOUTH 24 DEGREES 22 MINUTES 50

SECONDS EAST 90.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF THAT CERTAIN PROPERTY DEEDED CARL PARTIN AND LEILA E. PARTIN, HUSBAND AND WIFE, BY DEED NO. 1565, RECORDED IN BOOK 6305 PAGE 162, OFFICIAL RECORDS, NORTH 84 DEGREES 34 MINUTES 00 SECONDS EAST 339.94 FEET TO THE MOST EASTERLY CORNER OF SAID PARTIN PROPERTY; THENCE ALONG THE NORTHEASTERLY LINE OF THE AFOREMENTIONED PARTIN PROPERTY, NORTH 11 DEGREES 09 MINUTES 00 SECONDS WEST 46.98 FEET TO THE BEGINNING OF A CURVE TO THE WEST, HAVING A RADIUS OF 680.00 FEET; THENCE ALONG SAID CURVE TO THE WEST THROUGH A CENTRAL ANGLE OF 8 DEGREES 30 MINUTES 00 SECONDS AN ARC DISTANCE OF 100.86 FEET THEREOF: THENCE CONTINUING ALONG SAID END TO THE NORTHEASTERLY LINE OF THE AFOREMENTIONED PARTIN PROPERTY: NORTH 19 DEGREES 39 MINUTES 00 SECONDS WEST 113.13 FEET, MORE OR LESS. TO THE INTERSECTION OF SAID LINE WITH THE SOUTHWESTERLY LINE OF LOT 1, TRACT NO. 3613, RECORDED IN BOOK 50 OF MAPS, PAGE 5, RECORDS OF SAID COUNTY; THENCE NORTH 31 DEGREES 50 MINUTES 36 SECONDS EAST 93.76 FEET TO THE SOUTHWESTERLY LINE OF KENDALL DRIVE; THENCE ALONG SAID SOUTHWESTERLY LINE OF KENDALL DRIVE, BEING AN ARC OF A CURVE TO THE WEST HAVING A RADIUS OF 18.125 FEET; 20.00 FEET; THENCE SOUTH 31 DEGREES 50 MINUTES 36 SECONDS WEST 103 FEET MORE OR LESS. TO A LINE WHICH IS 20 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE AFOREMENTIONED NORTHEASTERLY LINE OF THE PARTIN PROPERTY; THENCE ALONG SAID LINE, WHICH IS 20 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID PARTIN PROPERTY, SOUTH 19 DEGREES 39 MINUTES 00 SECONDS EAST 125 FEET, MORE OR LESS, TO THE BEGINNING OF A CURVE TO THE EAST HAVING A RADIUS OF 660.00 FEET; THENCE ALONG SAID CURVE TO THE EAST THROUGH A CENTRAL ANGLE OF 8 DEGREES 30 MINUTES 00 SECONDS AN ARC DISTANCE OF 97.91 FEET TO THE END THEREOF: THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO A POINT WHICH BEARS SOUTH 84 DEGREES 34 MINUTES 00 SECONDS WEST 50 FEET FROM THE NORTHEASTERLY LINE OF SAID PARTIN PROPERTY AND ON A LINE WHICH LIES 20 FEET NORTHWESTERLY OF AND PARALLEL WITH THE SOUTHEASTERLY LINE OF THE AFOREMENTIONED PARTIN PROPERTY; THENCE ALONG SAID LAND, SOUTH 84 MINUTES 34 MINUTES 00 SECONDS WEST 205.00 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO A POINT WHICH BEARS NORTH 24 DEGREES 22 MINUTES 50 SECONDS WEST 9020 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 24 DEGREES 22 MINUTES 50 SECONDS EAST 90.20 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 4:

THAT PORTION OF BLOCK 66 OF IRVINGTON LAND AND WATER COMPANY SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218 LAFCO SC#_

CALIFORNIA, AS PER PLAT RECORDED IN BOOK 3 OF MAPS, PAGE 9, RECORDS OF SAID COUNTY, AND OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS THE LINE OF THE GOVERNMENT SURVEY MAY BE EXTENDED ACROSS THE RANCHO MUSCUPIABE, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 7 OF MAPS, PAGE 23, **RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY, AS SHOWN ON LICENSED LAND SURVEYOR'S MAP RECORDED IN BOOK 6 OF RECORDS OF SURVEY, PAGE 79, OF SAN BERNARDINO COUNTY, AT A POINT WHICH BEARS NORTH 38° 30' 30" WEST 980 FEET FROM THE CENTER LINE OF PALM AVENUE; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF PROPERTY DEEDED TO CARL M. PRESTON AND GLADYCE J. PRESTON, HUSBAND AND WIFE AS JOINT TENANTS, BY DEED DATED JUNE 18, 1952, AND RECORDED JUNE 27, 1952, IN BOOK 2975, PAGE 292, OFFICIAL RECORDS SAID COUNTY, A DISTANCE OF 500 FEET; THENCE IN A OF SOUTHWESTERLY DIRECTION NORTH 89° 38' 30" WEST 200 FEET TO A POINT WHICH IS 300 FEET NORTHWESTERLY FROM A POINT ON THE NORTHEASTERLY LINE OF THE RAILROAD RIGHT OF WAY WHICH IS NORTH 38° 30' 30" WEST 270 FEET, MORE OR LESS, FROM THE POINT OF BEGINNING; THENCE SOUTHEASTERLY AND PARALLEL WITH THE MOST EASTERLY LINE OF THE ABOVE MENTIONED PRESTON PROPERTY, A DISTANCE OF 300 FEET TO THE NORTHEASTERLY LINE OF THE ATCHISON. TOPEKA AND SANTA FE RAILROAD; THENCE SOUTH 38° 30' 30" EAST ALONG THE RAILROAD 270 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS AS CONVEYED IN THE DEED FROM CHARLES S. OLDER AND ELSA OLDER, HUSBAND AND WIFE, AND ROBERT T. OLDER AND BARBARA T. OLDER, HUSBAND AND WIFE TO STANDARD PROPERTIES, INC., A CALIFORNIA CORPORATION, RECORDED JANUARY 03 1951, IN BOOK 2696 OF OFFICIAL RECORDS, PAGE 557.

PARCEL NO. 5:

ALL THAT PORTION OF MUSCUPIABE RANCHO, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7 OF MAPS, PAGE 23, RECORDS OF SAID COUNTY, INCLUDING A PORTION OF LOT 66 OF THE LANDS OF THE IRVINGTON LAND AND WATER COMPANY SUBDIVISION, AS PER MAP RECORDED IN BOOK 1, PAGE 32, RECORDS OF SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF 40 FOOT WIDE PALM AVENUE. WITH THE NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., AS THE SAME IS SHOWN ON MAP RECORDED IN BOOK 6, PAGE 79, RECORDS OF SURVEY, RECORDS OF SAID COUNTY; THENCE ALONG SAID CENTER LINE OF PALM AVENUE, NORTH 27 DEG. 39' 30" EAST 461.74 FEET TO A POINT THEREIN WHICH BEARS SOUTH 27 DEG. 39' 30" WEST 1237.28 FEET FROM THE CENTER LINE INTERSECTION OF SAID PALM AVENUE AND KENDALL DRIVE, AS THE SAME IS SHOWN ON SAID MAP RECORDED IN BOOK 6, PAGE 79 OF RECORDS OF SURVEY: THENCE NORTH 29 DEG. 46' 20" WEST 23.73 FEET TO A POINT HEREINAFTER CALLED "POINT "A", ON THE WESTERLY 40 FEET RIGHT OF WAY LINE OF SAID PALM AVENUE; THENCE CONTINUING NORTH 29 DEG. 46' 20" WEST, 11.87 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF TRACT NO. 4250, AS PER MAP RECORDED IN BOOK 53, PAGE 52 OF MAPS, RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5 OF TRACT NO. 4250, NORTH 29 DEG. 46' 20" WEST 16.18 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 680.67 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE NORTHEAST AND THROUGH A CENTRAL ANGLE OF 10 DEG. 04' 30" AN ARC DISTANCE OF 119.69 FEET TO THE END THEREOF; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE OF LOT 5 OF TRACT NO. 4250, NORTH 19 DEG. 41' 50" WEST 179 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 5 OF TRACT NO. 4250; THENCE CONTINUING NORTH 19 DEG. 41' 50" WEST 105.48 FEET TO A POINT HEREINAFTER CALLED "POINT "B": THENCE SOUTH 70 DEG. 18' 10" WEST 218.58 FEET TO AN ANGLE POINT IN THE SOUTHERLY LINE SHOWN ON SAID MAP RECORDED IN BOOK 6, PAGE 79, OF RECORDS OF SURVEY; THENCE ALONG THE LAST MENTIONED SOUTHERLY LINE NORTH 24 DEG. 22' 50" WEST 759.75 FEET TO A POINT THEREIN WHICH BEARS SOUTH 32 DEG. 14' 20" WEST 759.75 FEET TO A POINT THEREIN WHICH BEARS SOUTH 32 DEG. 14' 20" WEST 722.47 FEET FROM A POINT IN THE CENTER LINE OF SAID KENDALL DRIVE, WHICH BEARS NORTH 57 DEG. 45' 40' WEST 1040.28 FEET FROM SAID CENTER LINE INTERSECTION OF KENDALL DRIVE AND PALM AVENUE; THENCE SOUTHERLY IN A STRAIGHT LINE TO A POINT IN SAID NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF THE ATCHISON. TOPEKA AND SANTA FE RAILWAY CO., WHICH BEARS NORTH 38 DEG. 30' 30" WEST 980 FEET FROM THE INTERSECTION OF SAID RAILWAY COMPANY'S RIGHT OF WAY OR PROPERTY LINE WITH THE SAID CENTER LINE OF PALM AVENUE; THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF SAID RAILWAY COMPANY, SOUTH 38 DEG. 30' 30" EAST 980 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN SAID PALM AVENUE.

IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218 LAFCO SC#

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "B" HEREINBEFORE DESCRIBED; THENCE SOUTH 70 DEG. 18' 10" WEST 218.58 FEET TO AN ANGLE POINT IN THE SOUTHERLY LINE SHOWN ON SAID MAP RECORDED IN BOOK 6, PAGE 79 OF RECORDS OF SURVEY: THENCE ALONG THE LAST MENTIONED SOUTHERLY LINE SOUTH 34 DEG. 24' 50" EAST, 235 FEET TO A POINT THEREOF; THENCE EASTERLY IN A DIRECT LINE TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 5 TRACT NO. 4250, WHICH POINT IS SOUTH 19 DEG. 41' 50" EAST, 228 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 19 DEG. 41' 50" WEST ALONG SAID SOUTHWESTERLY LINE OF LOT 5, TRACT NO. 4250, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 228 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN OIL. GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN AND THEREUNDER, IN, UNDER OR ACROSS THE SAME, AND SUBSURFACE TO A DEPTH OF 500 FEET, MEASURED IN A VERTICAL DIRECTION FROM THE EARTH SURFACE OF SAID LAND FOR THE EXPLORATION, DEVELOPMENT, EXTRACTING OR REMOVING ANY OIL, GAS OR OTHER HYDROCARBONS OR MINERALS FOUND THEREIN AS RESERVED IN THE DEED FROM CHAS S. OLDER, RECORDED FEBRUARY 14, 1956, AS INSTRUMENT NO. 276, IN BOOK 3856, PAGE 97, OFFICIAL RECORDS. SAID PROPERTY IS ALSO SHOWN ON LICENSED LAND SURVEYORS MAP IN BOOK 6, PAGE 79, RECORDS OF SURVEY.

PARCEL NO. 6:

ALL THAT PORTION OF MUSCUPIABE RANCHO, AS PER MAP RECORDED IN BOOK 7, PAGE 23 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDING A PORTION OF LOT 66 OF THE LANDS OF THE IRVINGTON LAND AND WATER COMPANY SUBDIVISION, AS PER MAP RECORDED IN BOOK 1, PAGE 32, RECORDS OF SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF 40 FOOT WIDE PALM AVENUE, WITH THE NORTHEASTERLY RIGHT OF WAY OR PROPERTY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., AS THE SAME IS SHOWN ON MAP RECORDED IN BOOK 6, PAGE 79, RECORDS OF SURVEY, RECORDS OF SAID COUNTY; THENCE ALONG SAID CENTER LINE OF PALM AVENUE. NORTH 27° 39' 30" EAST 461.74 FEET TO A POINT THEREIN WHICH BEARS SOUTH 27° 39' 30" WEST 1237.28 FEET FROM THE CENTER LINE INTERSECTION OF SAID PALM AVENUE AND KENDALL DRIVE, AS THE SAME OF SAID MAP RECORDED IN BOOK 6 OF RECORDS OF

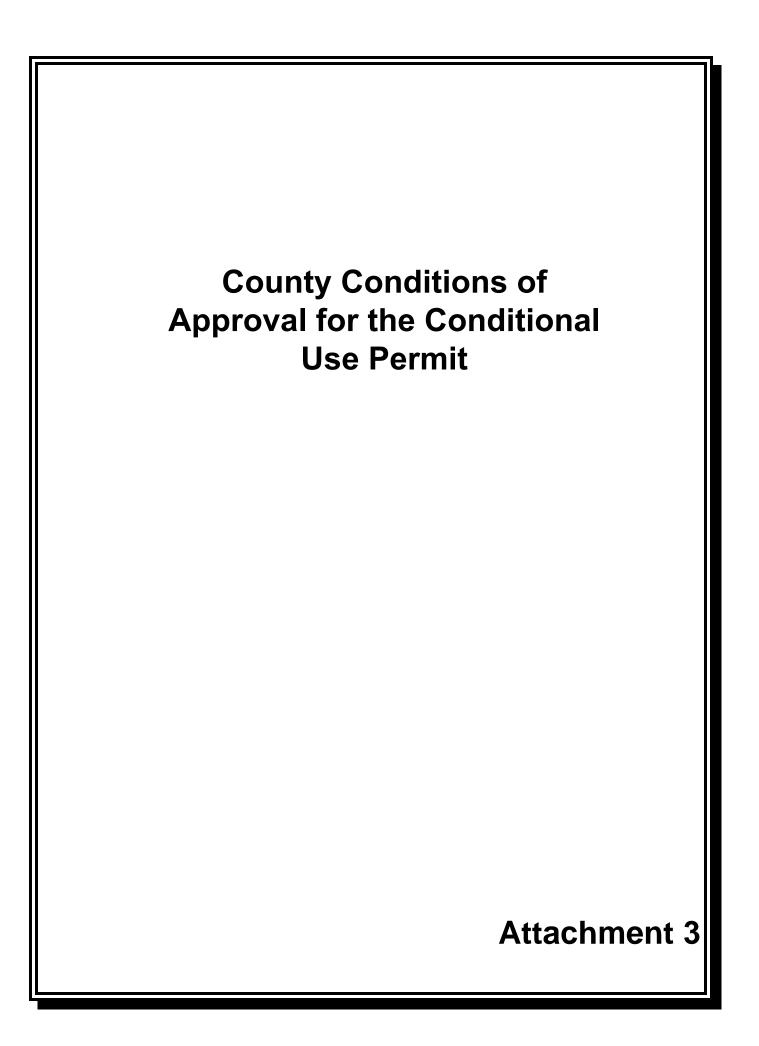
LAFCO SC#

SURVEY, PAGE 79; THENCE NORTH 29° 46' 20" WEST 23.73 FEET TO A POINT HEREINAFTER CALLED "POINT A" ON THE WESTERLY 40 FOOT RIGHT OF WAY LINE OF SAID PALM AVENUE; THENCE CONTINUING NORTH 29° 46' 20" WEST 11.87 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF TRACT NO. 4250, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGE 52, RECORDS OF SAID COUNTY: THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5 OF TRACT NO. 4250, NORTH 29° 46' 20" WEST 16.18 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 680.67 FEET; THENCE ALONG SAID CURVE CONCAVE TO THE NORTHEAST AND THROUGH A CENTRAL ANGLE OF 10° 04' 30" AN ARC DISTANCE OF 119.69 FEET TO THE END THEREOF; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE OF LOT 5 OF TRACT NO. 4250, NORTH 19° 41' 50" WEST 179 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 5, TRACT NO. 4250; THENCE CONTINUING NORTH 19° 41' 50" WEST 105.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 70° 18' 10" WEST 218.58 FEET TO AN ANGLE POINT IN THE SOUTHERLY LINE SHOWN ON SAID MAP RECORDED IN BOOK 6, PAGE 79 OF RECORDS OF SURVEY; THENCE ALONG THE LAST MENTIONED SOUTHERLY LINE SOUTH 34° 24' 50" EAST, 235 FEET TO A POINT THEREON; THENCE EASTERLY IN A DISTRICT LINE TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 5, TRACT NO. 4250, WHICH POINT IS SOUTH 19° 41' 50" EAST, 228 FEET FROM THE POINT OF THENCE NORTH 19° 14' 50" WEST ALONG SAID BEGINNING: SOUTHWESTERLY LINE OF LOT 5, TRACT NO. 4250, AND THE NORTHERLY EXTENSION THEREOF A DISTANCE OF 228 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM AN UNDIVIDED ½ INTEREST IN OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED THEREIN AND THEREUNDER, IN, UNDER OR ACROSS THE SAME AND SUBSURFACE TO DEPTH OF 500 FEET MEASURED IN A VERTICAL DIRECTION FROM THE EARTH SURFACE LAND FOR THE EXPLORATION, DEVELOPING, EXTRACTING OR REMOVING ANY OIL, GAS OR OTHER HYDROCARBONS OR MINERALS FOUND THEREIN AS RESERVED IN THE DEED FROM CHAS S. OLDER, RECORDED FEBRUARY 14, 1956, AS INSTRUMENT NO. 276, IN BOOK 3856, PAGE 97, OFFICIAL RECORDS. SAID PROPERTY IS ALSO SHOWN ON LICENSED LAND SURVEYOR'S MAP IN BOOK 6, PAGE 79, RECORDS OF SURVEYS.

APNS:

0266-012-13 (Affects Parcel 2) 0266-021-28 (Affects Parcel 4) 0266-021-29 (Affects Parcel 1) 0266-021-49 (Affects Parcel 6) 0266-021-51 (Affects Parcel 5)



www.SBCounty.gov



Land Use Services Department Planning

Tom Hudson Director

August 29, 2016

Adrienne Cord Phelan Development 450 Newport Center, Suite 230 Newport Beach, CA 92660

SUBJECT: REVISION TO APPROVED ACTION FOR A CONDITIONAL USE PERMIT THAT WAS APPROVED ON MAY 21, 2009 FOR A 315,000 SQUARE FOOT HIGH CUBE WAREHOUSE FACILITY THAT INCLUDES AN 8,000 SQUARE FOOT OFFICE ON 20.68 ACRES, APN: 0266-021-13, 28, 29, 43 AND 44, PROJECT NO.: P201500283, ORIGINAL PROJECT NO.: P200701012.

Dear Ms. Cord:

The Planning Division has reviewed and accepted the above referenced application as complete on August 9, 2016, in accordance with Planning and Zoning Law (Sec. 65943). At the time of acceptance the application was circulated to the appropriate agencies for review and comment. The review comments indicate that further design revisions are required. Of note are the following, which are required to complete the review of this application:

Land Use Services/Planning Division

1. Please submit one copy of the exterior elevations of the proposed warehouse building.

Land Use Services Department – Land Development Division (LDD)

- 2. Provide the overall project boundary with clear delineation of the affected parcels with the Municipal jurisdiction delineated on the site plan.
- 3. Provide truck turning movements onto the project site from Industrial Parkway with existing improvements for both ingress and egress.
- 4. Show existing and proposed improvements on Industrial Parkway and improved road with dimensions.
- 5. Provide curb return radius at the entrance of access drive.
- 6. Reflect legal and physical access for APN 0266-021-30 on the site plan.
- 7. Provide City comments for Industrial Parkway and driveway access.
- 8. Proof of legal and physical access for the benefit of APN 0266-021-30 shall be provided and preserved through easements or other method acceptable to Land Development prior to recommendation of project approval.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD Vice Chairman, First District JANICE RUTHERFORD

JAMES RAMOS Chairman, Third District Curt Hagman Fourth District JOSIE GONZALES Fifth District GREGORY C. DEVEREAUX Chief Executive Officer Adrienne Cord Phelan Development August 26, 2016

9. A Preliminary Water Quality Management Plan (WQMP) submitted on 8/9/16 is under review.

Department of Public Works (DPW)/Solid Waste Management Division (SWMD)

10. Trash enclosure may not be adequate size but location and/or size is not listed on the site map.

Please submit ten copies (folded) of a revised site plan that addresses the comments listed above. Upon receipt of the revised site plan the County will continue its review of the project.

Please call me at 909-387-4112 if you have any questions.

Sincerely. Chris Warrick.

Senior Planner

CW/hd

SC#409

385 N. Arrowhead Ave, First Floor, San Bernardino, CA 92415 | Phone: 909.387.8311 Fax: 909.387.3223

www.SBCounty.gov



Land Use Services Department Planning Tom Hudson Director

July 6, 2015

Jeff Phelan Palmken JJJ, LLC 12 Corporate Plaza, Suite 150 Newport Beach, CA 92660

SUBJECT: REVISION TO APPROVED ACTION AS A RESULT OF PROJECT BOUNDARY CHANGES DUE TO THE REALIGNMENT OF PALM AVENUE FOR A CONDITIONAL USE PERMIT THAT WAS APPROVED ON MAY 21, 2009 FOR A 315,000 SQUARE FOOT HIGH CUBE WAREHOUSE FACILITY THAT INCLUDES AN 8,000 SQUARE FOOT OFFICE ON 20.68 ACRES, APN: 0266-021-13, 28, 29, 43 AND 44, PROJECT NO.: P201500283, ORIGINAL PROJECT NO.: P200701012.

Dear Mr. Phelan:

On June 16, 2015, the Land Use Services Department Planning Division received the above referenced application in the unincorporated area of San Bernardino. Pursuant to California State Law, the County has (30) days to review your application for completeness and notify you of any missing items or requirements. After reviewing of your application, it has been determined that the application is incomplete for the following reasons:

- Preliminary WQMP. A revised and updated Preliminary Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at: (http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp)
- 2. <u>Traffic Impact Study.</u> A revised and updated Traffic Impact Study is required for this project. A \$3,400 deposit for review of the traffic study will be required when the traffic study is submitted to the County Traffic Division. Please contact the Traffic Division at 909-387-8186 to discuss the scope of the report.
- 3. <u>Water Will-Serve Letter.</u> Please provide a new water will-serve letter from the water purveyor.

BOARD OF SUPERVISORS

ROBERT A, LOVINGOOD Vie Claiman, Pits Disure JANICE RUTHERFORD Second Distil

JAMES RAMOS Chabmao, Thed Diarici CURT HAGMAN Fourth Dispiri IOSTE GONZALES Fille District GREGORY DEVERENCE Obstansing Officer Jeff Phelan P200701012 July 6, 2015

- 4. <u>Greenhouse Gas (GHG) Plan.</u> This project is expected to generate more than 3,000 MTCO2e per year of GHG emissions. Therefore, per the County's GHG Reduction Plan the developer is required to submit screening tables showing compliance with the GHG Plan. Projects that garner 100 or more points on the screening tables are considered to be in compliance with the GHG Plan. A copy of the GHG Emissions Development Review Process is attached for your use. The screening tables for commercial and industrial uses begins on page 27.
- 5. <u>Site Plan.</u> The site plan shall be revised to address the following items:
 - A. <u>Dimensions:</u> Show all property lines and dimensions. Also, show boundary lines of project with dimensions. Property lines shall be shown as a solid, distinctive line.
 - B. <u>Roads/Easements:</u> Clearly identify all existing and proposed street improvements of adjacent streets. This shall include all proposed and existing right-of-way lines, curb and gutter, sidewalk, parkways, drive approaches and all street striping with dimensions. Indicate location, names, centerline, existing and proposed widths of boundary streets, and recorded road, utility, and drainage easements on the property.
 - C. <u>Paving:</u> Clearly identify the project access drives at the project entry and throughout the project with dimensions. Delineate edge of paving (if any) and indicate any existing curbs, driveways, and sidewalks.
 - D. <u>Drainage:</u> Indicate any drainage or hilly terrain by flow-line arrows and contour lines. Show proposed drainage of site by flow-line arrows and swales.
 - E. <u>Grading/Topographic Information:</u>
 - Show existing contours and proposed finish contours.
 - Show finish elevations at lot corners and graded areas.
 - Show finish grades for all structures, pads and parking surfaces.
 - If no grading is proposed, state "No grading proposed."
 - Show location, size and height of any existing or proposed walls.
 - F. Landscaping: Show areas to be landscaped.
 - G. <u>Truck Traffic.</u> Show truck turning templates for ingress and egress at all truck access points and truck maneuvering areas.
 - H. <u>Path of Travel</u>: Show a marked path of travel from handicap space(s) and from the street to the main building(s).

Page 3 of 3

Jeff Phelan P200701012 July 6, 2015

de l'

I. <u>Lighting:</u> Show location of outdoor lighting. In a note, indicate the type of lighting and planned shielding design.

The application will not be accepted for further processing until the above referenced items have been addressed and an updated site plan has been submitted. I will be your contact person in the Planning Division for this project. Any questions regarding the status of your application may be directed to me at <u>Chris.Warrick@lus.sbcounty.gov</u> or by phone at (909) 387-4112. County staff will hold this application in abeyance until the requested information has been submitted. Please be advised that additional comments may be forthcoming upon receipt and review of the additional information requested. If you have any questions regarding this matter, please contact me.

Sincerelv

Chris Warrick, Senior Planner ^{CW/dp/oks}

Attachments: GHG Emissions Development Review Process

CONDITIONS OF APPROVAL Phelan Development Company

CONDITIONAL USE PERMIT

GENERAL REQUIREMENTS

Conditions of Operation and Procedures

LAND USE SERVICES – Current Planning Division (909) 387-4115

*

- 1. <u>Project Approval Description</u>. This Conditional Use Permit (herein "CUP" or "project") is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved site plan and any other required reports and approved displays (e.g. elevations). The project is an approved to establish a maximum 315,000-square foot "high cube" warehouse with 8,000 square feet of office, a maximum 25,000-square foot multi-tenant office/storage building on 22.4 acres.
 - a) Project signs shall comply with SBCC Chapter 83.13.
 - b) Project landscaping shall comply with SBCC Chapter 83.10
 - c) Project parking and internal access shall comply with SBCC Chapter 83.11. There are 195 parking spaces required (Bldg. #1 -153/ Bldg. #2 – 42). There are 231 parking spaces proposed (Bldg. #1 -158/ Bldg. #2 –73). Parking is approved for the facility to serve the needs only of the approved land use as described above.
 - d) Project construction shall comply with all applicable construction codes including the California Building Codes (CBC) and Uniform Fire Code (UFC).
 The "developer" shall provide a copy of the approved conditions and site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements.
 Project Site APN: 0266-021-28, 29, 43, 0266-012-13; Project No.: P200701012

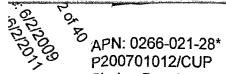
に見たいと

- 2. Project Location/Zoning. The project site is located on the northwest corner of Palm Avenue and Cajon Boulevard and within the sphere of influence of the City of San Bernardino. The General Plan Land Use designation for the site is GH/CI (Glen Helen Specific Plan-Corridor Industrial) and GH/C/TS (Glen Helen Specific Plan-Commercial/Traveler Services). The site is located within an area identified with high liquefaction susceptibility, as well as moderate to high landslide susceptibility. Landscaping covers 26.6% of net area, which is greater than the minimum 15% required. The building coverage is 33.9% of net area, which is less than the maximum of 50% allowed for a High Cube warehouse.
- 3. <u>Concurrent Applications.</u> There is an associated Lot Line Adjustment for the existing parcels.

APN: 0266-021-28* P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009 Page 2 of 40 Page

- 4. <u>High Cube Warehouse</u> "High Cube" Warehouse is defined by the National Association of Industrial and Office Properties (NAIOP) as follows: A Warehouse/Distribution Center used primarily for the storage and/or consolidation of manufactured goods prior to their distribution to retail locations or other warehouses. These facilities are commonly constructed utilizing tilt-up technique, with a typical ceiling height of at least 24 feet. "High Cube" Warehouse/Distribution of approximately 50% and a dock-high loading ratio of approximately 1 dock per 5,000-10,000 sq. ft. of warehouse storage. They are characterized by a small employment count due to a high level of automation, which reduces air quality and traffic impacts.
- 5. <u>Revisions.</u> Any proposed change to the approved use/activity on the site (e.g. from warehouse to manufacturing); or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures building locations, elevations, signs, parking allocations, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The "developer" shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
- 6. <u>Continuous Effect/Revocation</u>. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or "developer" to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, "developer" or other interested party to correct the non-complying situation.
- 7. <u>Expiration/CUP</u>. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - a) The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)

Occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:



Conditions of Approval

Phelan Development Company -Planning Commission: May 21, 2009 Effective Date: 6/2/2009 Expiration Date:6/2/2011 2012

- a) Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
- b) The land use is determined by the County to be abandoned or nonconforming.
- c) The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

<u>PLEASE NOTE</u>: This will be the ONLY notice given of the approval expiration date. The "developer" is responsible to initiate any Extension of Time application.

- 8. <u>Extension of Time/CUP.</u> Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
- 9. <u>"Developer" Defined</u>. The term "developer" as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the developer, the property owner and any lessee, tenant or subtenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
- 10. <u>Indemnification</u>. In compliance with SBCC §81.01.070, the "developer" shall agree, to defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of County approval. In the alternative, the "developer" may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code shall include a requirement that the County acts reasonably to promptly notify the "developer" of any claim, action, or proceeding and that the County, its agents, officers, or employees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County, its agents, officers or employees

APN: 0266-021-28* P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

Page 4 of 40 Page 4

and the second

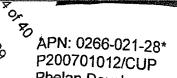
Effective Date: 6/2/2009 Expiration Date:6/2/2011

may be required by a court to pay as a result of such action. The County may at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the "developer" of their obligations under this condition to reimburse the County, its agents, officers, or employees for all such expenses.

11. NOD/MND/CDFG Fees. The California Environmental Quality Act (CEQA) requires that an environmental determination be prepared for this project. County staff completed an environmental initial study for this project and properly circulated it for review. This study represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be issued indicating that all identified impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Game (CDFG) requires that an additional fee (currently \$1993.00) be paid with the NOD filing, unless CDFG issues a determination of "No Biological Effect". The combined fees (\$2,043.00) are required to be paid to the Clerk of the Board with the NOD filing. The project approval does not become effective, until these fees are paid and the filing is posted.

12. Project Account. The Job Costing System (JCS) account number is P200701012. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$3,000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and/or operation of each approved use in each approved structure or land use activity area. There shall be sufficient funds (\$500.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. landscape performance).

13. <u>Development Impact Fees</u>. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.



Conditions of Approval

Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

- 14. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the "developer" shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - a) Grading Permits a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - b) Building Permits a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - c) Final Inspection a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County
- Additional Permits. The "developer" is responsible to ascertain and comply with all 15. laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include but are not limited to:
 - a) FEDERAL. Federal Communication Commission (FCC);
 - b) STATE: CalTrans, Fire Marshal, Fish and Game, Regional Water Quality Control, and South Coast Air Quality Management District
 - c) COUNTY: Departments of Public Health-Environmental Health Services, Land Use Services-Building and Safety/Code Enforcement, Public Works, Flood Control District, Solid Waste, , and Fire;
 - d) LOCAL: County Special Districts (Street Lighting) and City of San Bernardino (
- Continuous Maintenance. The property owner and "developer" shall continually 16. maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The "developer" shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a) Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating
 - b) Graffiti and debris shall be removed immediately with weekly maintenance.

P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

APN: 0266-021-28*

- c) <u>Landscaping</u> shall be maintained in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. Any required fuel modification zone shall be maintained annually to insure on-going protection from wildland fire.
- d) <u>Erosion control</u> measures shall be maintained to reduce water run off, siltation, and promote slope stability.
- Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
- f) <u>External Storage</u>, loading, recycling and trash storage areas shall be kept neat, orderly, and fully screened from public view. Commercial outside storage shall be fully screened from public view and not exceed the height of screening walls.
- g) <u>Metal Storage Containers</u> are NOT allowed in commercial loading areas or other areas unless specifically approved by this or subsequent land use approvals.
- h) <u>Screening</u> shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
- i) <u>Signage</u>. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.
- j) <u>Parking and on-site circulation</u> requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined, unfaded and legible, these include parking spaces, disable space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "carpool" and "Fire Lane" designations.
- k) <u>Fire Lanes</u>. All markings required by the Fire Department including "No Parking" designations, and "Fire Lane" designations shall be clearly defined and shall be maintained in good condition at all times.

Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

- Performance Standards. The approved land uses shall operate in compliance with 17. the general performance standards listed in the SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
 - a) Odors: No offensive or objectionable odor
 - b) Emissions: No emission of dirt, dust, fly ash, and other particulate matter.
 - c) Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
 - d) Radiation: No dangerous amount of radioactive emissions.
 - e) Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - f) Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
- Lighting. The glare from any luminous source, including on-site lighting shall not 18. exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
- Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall 19. be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
- Underground Utilities. 20. There shall be no new above ground power or communication lines extended to the site. All new utilities shall be placed underground in a manner, which avoids disturbing any existing/natural vegetation or the site appearance. Existing utilities around the site perimeter shall also be placed underground, where possible in coordination with the utility provider.

- 21. <u>Operational Security.</u> Implementation of operational security measures for commercial and industrial uses is highly recommended to include video surveillance and security patrols during non-business hours. The installation of exterior security lighting for all public areas in compliance with any night sky regulations is encouraged. This will assist in crime prevention and detection.
- 22. <u>Exterior Storage</u>. Exterior storage shall maintain a 30-foot setback from edge of right-of-way. The height of the storage piles shall not exceed thirty feet in height. The height of any storage on site shall not exceed the screen wall or fence within ten feet of the wall/fence and shall be no higher than twice the distance from the either the front or side property lines (e.g. 20' high pile must be 40' from the property line.)
- 23. <u>MMRP</u>. Implementation of the mitigation measures required for the Glen Helen Specific plan shall be verified according to the methods specified in the Mitigation Monitoring and Reporting Program (MMRP) of the certified EIR (SCH #2000011093). A Mitigation Monitoring and Compliance application shall be filed with the required fee deposit with the Planning Division, which will oversee and verify compliance with the mitigation measures in the MMRP.
- 24. <u>Development Standards</u>. All land use regulations and development standards, including minimum lot sizes, setbacks and height standards, shall be as established in the Glen Helen Specific Plan text. The County Development Code shall govern any standard not specified in the Specific Plan text.
- 25. <u>Tree Spacing</u>. In the interest of public safety, trees shall be planted not less than twenty-five (25) feet from the beginning of curb returns at intersections, ten (10) feet from street lights, ten (10) feet from fire hydrants and ten (10) feet from driveways.
- 26. <u>Sign Height</u>. Monument signs and landscaping installed in the vicinity of driveways and intersections shall be limited in height, as necessary to ensure safe sight distances.
- 27. <u>CSA-70-GH Trees</u>. Any trees proposed to be planted in street rights-of-way (parkways and medians) shall be maintained by CSA-70-GH, subject to the approval of the Public Works Department.

- <u>AQ/Operational Mitigation.</u> Operation of all off-road and on-road diesel vehicles/equipment shall comply to the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)] including but not limited to:
 - a) Equipment/vehicles shall not be left idling for period in excess of five minutes
 - b) Engines shall be maintained in good working order to reduce emissions
 - c) Onsite electrical power connections shall be made available where feasible
 - d) Ultra low-sulfur diesel fuel shall be utilized
 - e) Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible
 - f) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
 - g) In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.
 - h) All transportation refrigeration units (TRU's) shall be provided electric connections. [Mitigation Measure III-1] General Requirements/Planning
- 29. <u>AQ/HRA for Revisions</u>. For all new improvements, a Health Risk Assessment (HRA) shall be prepared for any subsequent development or tenant that proposes land uses that contain sensitive receptors as defined by SCAQMD to demonstrate that a significant health risk will not be posed. [Mitigation Measure III-2] General Requirements/Planning
- 30. <u>GHG/Operational Mitigation</u>. The "developer" shall implement these programs as green house gas (GHG) mitigation during operation of the approved project.
 - a) <u>Waste Stream Reduction</u>. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - b) <u>Vehicle Trip Reduction</u>. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. Mitigation Measure III-3] - General Requirements /Planning

LAND USE SERVICES - Building and Safety Division (909) 387-4226

- 31. <u>Additional Permits</u>. Submit plans and obtain separate building permits for any required walls, retaining walls, or trash enclosures.
- 32. <u>Disabled Parking.</u> Provide disabled parking in <u>each</u> parking area.

LAND USE SERVICES - Code Enforcement Division (909) 387-4044

- 33. <u>Enforcement.</u> If any County agency is required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 Development Code; Division 6 Administration, Chapter 86.09 Enforcement.
- 34. <u>Weed Abatement</u>. The "developer" shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

PUBLIC HEALTH - Environmental Health Services (DEHS) (909) 387-4666

- 35. <u>Water</u>. The water purveyor shall be the City of San Bernardino or DEHS approved.
- 36. <u>Sewer</u>. Sewer service shall be by connection to the City of San Bernardino or DEHS approved.
- 37. <u>Refuse Storage/Removal.</u> All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized and complies with SBCC §33.081 et. seq. All refuse <u>not</u> containing garbage shall be removed from the premises at least <u>one</u> time per week and all refuse containing garbage shall be removed from the premises at least <u>two</u> times per week to an approved solid waste facility in conformance with SBCC §83.01.100. Double-bin capacity trash enclosures with rainproof roofs shall be provided as specified on the approved site plan to facilitate recycling. For information, call DEHS/Local Enforcement Agency (LEA) at (909) 387-4655.

- 38. <u>Noise</u>. Noise levels of any project use or activity shall be maintained at or below adopted County noise standards (*SBCC* 83.01.080). For information, call DEHS/Land Use at (909) 387-4666.
- 39. <u>Washing/Drainage System.</u> The washing/drainage system shall be maintained so as not to create a public nuisance. For information, please call DEHS/Wastewater Section at: 909-387-4666.
- 40. <u>Vector Control.</u> The project area has a high probability of containing and breeding vectors. Obtain clearance for Design and Maintenance of the detention basins to prevent mosquito breeding. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (909) 388-4600.

COUNTY FIRE DEPARTMENT - Community Safety (909) 386-8465

- 41. <u>Jurisdiction</u>. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]
- 42. <u>Additional Requirements</u>. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F-1a]

PUBLIC WORKS - Land Development Division - Drainage Section (909) 387-8145

43. <u>Continuous BMP Maintenance</u>. The property owner is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMP's. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs

- 44. <u>BMP Enforcement</u>. In the event the property owner (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner, including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
- 45. <u>Additional Drainage Improvements</u>. In addition to the drainage requirements stated herein, other on-site and/or off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to Public Works, Land Development Division.

PUBLIC WORKS -Land Development Division - Roads Section (909) 387-8145

- 46. <u>Roads Open to Traffic</u>. Existing County roads that will require reconstruction shall be open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving. Upon completion of the grading and paving to the satisfaction of the Public Works Department, the cash deposit may be refunded.
- 47. <u>Encroachment Permit.</u> An encroachment permit shall be required from the other agencies prior to any work within their jurisdiction.
- 48. <u>Right-of-Way Grading.</u> Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all subgrades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Contracts Division of the Department of Public Works, prior to any placement of base materials and/or paving.
- 49. <u>Street Improvements</u>. All required street improvements shall comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.
- 50. <u>Additional Road Dedication.</u> Developer may be required to dedicate additional right-of-way for a roadway along future Palm Avenue Grade Separation alignment determined by the City of San Bernardino and San Bernardino Associated Governments. This potential right of way shall be dedicated prior to issuance of any permits, and the site plan shall be revised accordingly. As a result, any required fair share traffic mitigation will be adjusted based on the new plan.

PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURANCE The following shall be completed

LAND USE SERVICES - Building and Safety Division (909) 387-4226

- 51. Grading Plans. Submit grading plans for review and obtain approval.
- 52. <u>Geotechnical Report.</u> Submit a geotechnical (soil) report for review and obtain approval, when earthwork quantities exceed 5,000 cubic yards.
- 53. <u>Geology Report.</u> Submit an engineering geology report for review and obtain approval, when earthwork quantities exceed 5,000 cubic yards.
- 54. <u>NPDES.</u> A Notice of Intent (NOI) is required on all grading of one (1) acre or more. Contact the Regional Water Quality Control Board, Santa Ana Region for specifics.
- 55. <u>WDID</u>. Construction projects involving one or more acres shall be accompanied by a copy of the Regional Water Quality Control Board, Santa Ana Region permit letter. The letter must include the Waste Discharge Identification (WDID) number assigned by the Regional Board. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

LAND USE SERVICES - Current Planning Division (909) 387-4115

- 56. <u>GHSP Mitigation Fee</u>. The project site is located within the Glen Helen Specific Plan/Resource Management Plan (GHSP/RMP) Mitigation Fee Area. Under Ordinance No. 3962 this area is subject to a fee of \$7,000 dollars per developed acre, payable to the County of San Bernardino prior to the issuance of a grading permit. A proportionate amount of the per-acre fee is appropriate for development of less than an acre. The fee is necessary to offset the loss of existing habitat due to development within the GHSP/RMP. The fee is subject to change annually in accordance with changing real estate cost indicators.
- 57. <u>Grading.</u> The "developer" shall submit for review and obtain approval from County Planning of a copy of the final grading plan that incorporates the following:
 - a) Off-site grading easements shall be obtained, where necessary, and proof of such easements shall be submitted to County Planning.
 - b) Fill material quantities shall not exceed thirty feet in depth.
 - c) Maximum heights for manufactured slopes shall not exceed ten feet, where natural terrain slope is 10% or less and shall not exceed thirty feet.
 - d) The toe and crest of any slope in excess of ten feet in height shall be rounded and gradually adjusted to the angle of the natural terrain.

- e) All graded areas that remain undeveloped following construction shall be revegetated no later than ninety days after cessation of grading activities in accordance with the approved landscape plans. Plant selection in areas directly adjacent to native open spaces shall be compatible and non-invasive the surrounding native vegetation.
- 58. <u>Construction Security.</u> During construction, on-site security measures shall include the provision of low-level security lighting. Additional measures may include the provision of private security personnel during hours when construction activities are not being performed and/or the securing of all machinery and related equipment.
- 59. <u>AQ-Dust Control Plan</u>. The "developer" shall prepare, submit and obtain approval from County Planning of a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts/ subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following elements to reduce dust production:
 - a) Exposed soil shall be kept continually moist through waterings to reduce fugitive dust during all grading/construction activities. (Minimum twice daily).
 - b) Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
 - c) Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
 - d) Construction Vehicle tires shall be washed prior to leaving the project site.
 - e) All trucks hauling dirt away from the site shall be covered.
 - f) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
 - g) Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder, covered with plastic or revegetated. [Mitigation Measure III-1] Grading/Planning
- 60. <u>AQ Construction</u>. The Developer shall submit for review and approval to County Planning a signed letter agreeing to include as a condition of all construction contracts/subcontracts a contractor requirement to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation, where applicable:
 - a) Each contractor shall certify to the developer prior to use that all construction equipment engines are properly maintained and have been tuned-up within last 6 months.

- b) Each contractor shall minimize the use of diesel powered vehicles and equipment through the use of on-site electrical connections and gas/CNGpowered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
- c) All gasoline-powered equipment shall have catalytic converters.
- d) Provide onsite electrical power to encourage use of electric construction tools.
- e) Provide traffic control during all phases of construction to reduce wait times.
- f) Provide on-site food service for construction workers to reduce offsite trips.
- g) Provide County approved Dust Control Plan (DCP) submitted with the Grading Plans.
- h) Suspend use of all construction equipment operations during second stage smog alerts. NOTE: For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).
- i) Trucks/equipment shall not idle for periods in excess of 5 minutes.
- j) Contractors shall use reformulated low sulfur fuel for stationary construction equipment
- k) Substitute electric and gasoline-powered equipment for diesel-powered.
- I) Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
- 61. <u>GHG Construction</u>. The developer shall submit for review and approval to County Planning a letter agreeing to reduce impacts to GHG by implementing the following and to include as conditions of all construction contracts/subcontracts, where appropriate. The developer/construction contractor shall do the following:
 - a) Construction equipment shall be selected based on low emissions and high energy efficiency. All diesel/gasoline-powered construction equipment shall be powered by electricity or CNG equipment, where possible.
 - b) Grading plans shall include the following statements:
 - c) "All construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications".
 - d) "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
 - e) Use low-sulfur fuel for stationary equipment. (SCAQMD Rules 431.1 and 431.2).
 - f) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled.
 - g) A flag person shall be retained to maintain safety and efficient traffic flow adjacent to site on existing roadways.
 - h) Implement both the approved Dust Control Plan and Coating Restriction Plan.

- i) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) in accordance with County Solid Waste Management.
- *j)* The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
- 62. <u>Cultural Resources</u>. The "developer" shall prepare, submit for review and obtain approval of a letter agreeing to adhere to the following requirements and to include in any construction contracts/subcontracts a requirement that project contractors adhere to the following requirements:

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified. [Mitigation Measure V-1] Grading/Planning

COUNTY FIRE DEPARTMENT - Community Safety (909) 386-8465

63. <u>Water System.</u> Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. <u>Standard 903.1</u> [F-5] The Fire Flow for this project shall be:4,000 GPM for a 4 Hour duration at 20 psi residual operating pressure Fire Flow based on a maximum 315,000 sq. ft. single structure.

PUBLIC WORKS - Land Development Division- Drainage (909) 387-8145)

- 64. <u>Grading Plans.</u> Grading Plans shall be submitted for review and approval obtained.
- 65. <u>Drainage Design</u>. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off site and onsite drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed. Submit hydrology study.

- 66. <u>Topographic Map</u>. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities at the time the site is developed.
- 67. <u>Additional Drainage Improvements</u>. In addition to the drainage requirements stated herein, other onsite or offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
- 68. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted to the Public Works, Water Resources Division - Land Development (909-387-8218) for review and approval. Copies of the WQMP guidance and template can be found at: (<u>http://www.waterboards.ca.gov/santaana/html/san_bernardino_permit.html</u>
- 69. <u>Flood Zone Pad Elevation</u>. The project site is located within Flood Zone X SHADED according to FEMA Panel Number 7930F dated 3/18/96 and will require the building pad to be elevated in compliance with FEMA/San Bernardino County regulations. (Elevate PAD 1-ft. above natural adjacent ground)

PUBLIC WORKS -Solid Waste Division (909) 387-8700

70. <u>Waste Management Plan</u>. The developer shall complete Solid Waste Management Division's (SWMD) "Construction and Demolition Waste Reduction and Recycling Plan", listing the types and volumes of solid waste materials expected to be generated from grading and construction, as well as the types and volumes of materials actually diverted from landfill disposal for reuse or recycling. The completed plan shall be submitted to SWMD for review and approval. Upon completion of grading the developer shall complete SWMD's "Construction and Demolition Recycling Summary Report" and submit the report to SWMD for review and approval prior to final inspection.

PRIOR TO ISSUANCE OF BUILDING PERMITS THE FOLLOWING SHALL BE COMPLETED

LAND USE SERVICES - Building and Safety Division (909) 387-4226

- 71. <u>Building Plans</u>. Any building, sign, trash enclosure or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
- 72. <u>Fences Over 6 Feet</u>. Submit plans and obtain permits for all fences greater than six feet (6') in height.
- 73. <u>Pre-Development Runoff</u>. All runoff must be held to pre-development levels per Section 82.13.080 of the San Bernardino County Development Code.
- 74. <u>Compaction Report</u>. Upon completion of rough grading and prior to footing excavations, a compaction report shall be submitted to Building and Safety for review and approval.
- 75. <u>Disabled Parking</u>. Provide a path of travel from the disabled parking spaces up to the primary entrance of the building.
- 76. <u>Disabled Parking</u>. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated van accessible. *The words "NO PARKING" shall be painted on the ground within each eight-foot loading area as specified in the California Building Code*.

LAND USE SERVICES - Current Planning Division (909) 387-4115

- 77. <u>AQ Design</u>. The developer shall include the following air quality design considerations, where feasible, into the project design (per SBCC Section 83.14.030). The building design with these features shall be submitted for review and approval to County Planning in coordination with County Building and Safety:
 - a) <u>Bicycle parking required</u>. Bicycle racks or secured bicycle lockers shall be provided at a rate of 1 per 30 parking spaces with a minimum of a three-bike rack.
 - b) <u>Street/walkway Connections</u>. On-site pedestrian walkways and bicycle paths shall create a path of travel that ultimately connects each structure main entry to a public street.
 - c) <u>Shower facility</u>. A minimum of one shower facility accessible to both men and women shall be provided for persons bicycling or walking to work for all development generating 250 or more peak hour trips.

- d) <u>Bicycle Plan</u>. Participate in implementation of the Countywide Bicycle Plan, through construction of on/off- site facilities or contribution of fees for these.
- e) <u>Passenger loading area</u>. Passenger loading areas with a 15 minute parking time limit and equal to 5 or more parking spaces shall be provided and located in close to building entrances for developments with at least 100 parking spaces.
- f) <u>Vanpool parking</u>. Preferred parking facilities shall be provided for vanpools near building entrances. A vertical clearance of no less than 9' shall be provided.
- g) <u>Transit improvements</u>. Transit improvements (e.g., bus pullouts, bus signage, bus pads, and/or bus shelters) shall be provided along existing or planned transit routes. The need for and nature of those improvements shall be determined in cooperation with the designated local transportation authority (e.g. Omnitrans, MARTA or other).
- h) <u>Parking Reduction</u>. Parking requirements may be reduced if developer demonstrates that increased ridesharing by bus or other modes of transportation and/or incorporation on-site of either child care or senior care facilities.
- i) <u>Alternative Energy</u>. Incorporate energy saving design (e.g. passive lighting, heating, and ventilation) and conservation efforts in wastewater treatment and use of recycled water.
- j) <u>Employee Services.</u> Provide on-site employee services (e.g. cafeterias, postal machines, automated teller).
- 78. <u>GHG Design</u>. The developer shall submit for review and approval to County Planning documentation that the following measures have been incorporated into the design of the project to reduce potential project emission impacts on green house gases (GHGs):
 - a) The Developer shall document that the design of the proposed buildings or structures exceeds by a minimum of five percent (5%) the current Title 24 requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds the Title 24 minimum plus five percent (5%) cumulative goal for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006):
 - Increase insulation such that heat transfer and thermal bridging is minimized.
 - Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,

APN: 0266-021-28* Conditio P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

- Incorporate energy efficient appliances,
- Incorporate energy efficient domestic hot water systems,
- Incorporate solar panels into the electrical system,
- Incorporate cool roofs/light colored roofing,
- Incorporate other measures that will increase energy efficiency.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- b) The developer shall submit a landscape plan for the project that includes shade trees around main buildings, particularly along southern and western elevations were practical and in a manner that will not interfere with loading locations or other operational constraints. These plans shall also include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy.
- c) The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes either an onsite weather station, ET gauge or ET based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- d) The developer shall document that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas... Installation of the identified design features or equipment will be confirmed by the County prior to final inspection of each building.
- e) All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards, as confirmed by County Building & Safety.
- f) Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3, as confirmed by County Building & Safety.
- g) The developer shall submit to County Planning for review and approval landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy.

- h) The developer shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the guests and staff, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides. Documentation of compliance with this measure shall be submitted to County Planning for review and approval.
- i) The developer shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Documentation of compliance with this measure shall be provided to County Planning for review and approval. Installation of the identified design features or equipment will be confirmed by the County prior to final inspection of each building.
- j) The developer shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be submitted to County Planning for review and approval. Installation of the identified design features or equipment shall be confirmed by the County prior to final inspection of each building.
- *k)* The developer shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the County Building Official.
- I) The developer shall utilize where possible: 1) Natural day lighting through site orientation and the use of reflected light; 2) Install skylight/roof window systems; 3) use light colored building materials and finishes to reflect natural and artificial light with greater efficiency and less glare; 4) locate and orient buildings to utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities; 5) Utilize natural, low maintenance building materials that don't require finishes and regular maintenance; 6) utilize grey water systems and dual plumbing for recycled water and 7) reuse/ recycle construction waste.

- 79. <u>AQ Coating Restrictions.</u> The developer shall submit for review and approval to County Planning a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:
 - a) Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
 - b) Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
 - c) High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings.
 - d) Use precoated/pre-primed/natural colored and pre-sanded building materials, water-based or low volatile organic compound (VOC) coatings,
- 80. <u>Building Elevations</u> The developer shall obtain approval from County Planning for the exterior elevations on all four sides of the proposed building. The elevations shall demonstrate horizontal and vertical elements (e.g. trim design, architectural elements, windows, etc.). All sides of the building, except loading dock areas shall have landscape planters adjacent to the building walls. The use of trellises, arbors, planters and atriums is encouraged. All walls shall be shown and approved by County Planning prior to construction. Where possible, all new proposed structures and their related elements shall be painted, treated, or otherwise finished to blend in to the surrounding existing architectural theme. Screening materials shall blend into adjacent architectural elements. All roof mounted mechanical equipment shall be screened from view and shall be painted to match the roof color.
- 81. <u>Landscape and Irrigation Plan</u>. The developer shall submit and obtain approval from County Planning and County Public Works of four (4) copies of a Landscape and Irrigation Plan prepared by a registered landscape architect. The plan shall indicate the location of all existing and proposed landscape materials. The installation details for the permanent irrigation system shall be shown on a separate sheet. The landscape and irrigation plans shall detail and adhere to the following requirements:
 - a) <u>Minimum Land Area</u>. The minimum landscaping required for this project is fifteen percent (15%) of the net land area. Only landscape areas five feet (5') or wider shall be considered in calculating the minimum landscaping requirement. The landscape plan shall provide at minimum the equivalent of one tree for every thirty (30) linear feet of building in addition to those required for parking areas and streets. Wall expanses shall be protected from graffiti by adjacent plantings of shrubs and vines.

APN: 0266-021-28* Conditions P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

- b) <u>Plan Contents</u>. The plans shall show the size, type, number, planting specifications and locations of all existing and proposed plant material. Landscaping shall promote erosion control, reduce water consumption and increase slope stability. Where possible, the plan shall utilize indigenous landscaping or locally adaptable drought-tolerant cultivars, trees and turf capable of surviving the local climate and soil conditions with a minimum of supplemental water maintenance once established. The plan shall also detail the location and design of all hardscape elements such as patterned brick decorative rock or other surface treatments proposed for entry drives and walkways. The detail of proposed walls and fences shall be shown with elevations. Any additional landscape elements such as boulders, water features, outside furniture and other fixtures shall be shown. Maximum corner sight distance shall be shown for all trees, walls, and other objects at intersections of driveways and roadways.
- c) <u>Irrigation plans professionally prepared.</u> Irrigation plans shall be prepared by a landscape professional to design an efficient irrigation system, which minimizes water loss (runoff/ evaporation) and maximizes water delivery to reach plant roots. The irrigation plans shall indicate: 1) consumption in gallons per minute (GPM) 2) static pounds per square inch (psi) on the delivery side of the service backflow device and 3) the GPM and psi of the irrigation system located on the longest distance from the delivery service. The plans shall include the following:
 - Drip, bubbler or other non-aerial water serving methods
 - Timers and moisture sensors for controlled application.
 - All mainline connections, backflow valves and other mainline inline devices shall be the same size or larger than the delivery service connection
 - Suitable temporary irrigation methods may be substituted upon written approval by County Planning for drought/fire resistant plantings.
- d) <u>Screening.</u> Voltage boxes, mailboxes, trash enclosures, maintenance structures, backflow devices, automatic controls, air conditioning/heating units, etc., shall be screened with landscaping and/or decorative walls and fencing. All walls visible to the public shall be decorative and incorporate features such as tree planter wells, columns, or other features.
- e) <u>Parking areas.</u> Parking areas shall be densely screened with landscaping or walls to a minimum of three feet high to defuse headlights. The view from surrounding streets of truck and trailer parking areas and any loading and outside storage areas shall be fully screened with a combination of screenwalls, fencing and dense landscaping.
- e) <u>Walls</u>. All walls must be clearly shown on the landscape plans and shall be specifically approved by County Planning prior to construction. Show the location, elevation and materials proposed for use on all walls, including retaining walls. Retaining walls shall not exceed ten (10) feet in height. All walls required by this approval shall require building permits.

P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

APN: 0266-021-28*

- f) <u>Wall Screening</u>. Where landscaping is used to screen or cover walls/fences it shall achieve 90% coverage within three (3) years of building occupancy. Failure to accomplish this objective shall require additional corrective measures, as determined by County Code Enforcement and extension the required Special Use Permit.
- g) <u>Refuse Areas</u>: A six (6) foot high masonry wall shall be constructed around all refuse collection areas and shall be sized to hold a minimum of two dumpsters (trash and recycling). Trash enclosures shall have solid wood or metal doors. Trash enclosures shall be covered with a rainproof roof to prevent pollution of storm water. There shall be a hose bib within 10 feet of the trash enclosure for cleanout. Graffiti shall be discouraged through landscaping with shrubs and vines along masonry walls.
- h) Loading Zone Screening. Each landscaping plan shall provide a study demonstrating that loading zones and any outside storage within the viewshed of adjacent streets and freeways will be substantially screened through the use of plant material (within three years of planting), architectural features, or by other structures.
- i) <u>Signs.</u> All proposed on-site signs shall be shown on a separate plan, including, location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown.
- j) <u>Pedestrian Accessibility.</u> Pedestrian paths shall be provided between all major elements of the project and where such paths cross the drives pedestrian crosswalks shall be outlined with minimum 3" lines painted in white or yellow on the driveway surface. This is required in addition to any blue-painted disability path designations. High-use pedestrian pathways within of the project shall meet applicable standards for the physically disabled and the plan shall indicate a path of travel between main project features.
- k) <u>Required slope planting</u>. Slope planting shall be required for the surface of all slopes containing sufficient native soil to sustain plant growth of more, where the cut slope is more than five (5) feet in height and/or the fill slope is more than (3) feet in height. Any areas to be graded shall be landscaped with native grasses or ground cover plants for wind and water erosion control and to assist in the reduction of fugitive dust. Slopes including crib walls, exceeding ten (10) feet in vertical height shall also be planted with shrubs, spaced not to exceed ten (10) feet on centers; and trees, spaced not to exceed thirty (30) feet on centers. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site. All planters shall be used to the maximum extent possible. The landscaping plan shall include the following plant material minimums all required plantings:

- Trees*
- Shrubs:
- Groundcovers/Hardscape:

50% - 15+ gal. 50% - 5 gal. 50% - 5 gal.; 50% - 1 gal. 100% coverage after 5 years Mature palms 24"box or greater

Required Palm Rows and clusters

*This shall include specimen trees [24" box, 1 inch caliper, and multi-branched]

- Berms. Landscaped berms, or a combination of berms, landscaping and/or wall treatments of sufficient height to substantially screen parking and truck storage areas, shall be provided between parking/truck storage area and rightof-way.
- m) <u>Planters</u>. All double row parking spaces shall be separated by a five (5) foot wide planter or by planter boxes. Planters shall be enclosed by a six (6) inch, continuous, poured in place concrete curb.
- n) <u>Landscape Requirements for Parking Area.</u> The following standards shall apply to parking areas adjacent to roadways or exposed to public view from freeways, roadways or adjacent parcels:
- o) <u>Tree size</u>. Trees with a trunk height of not less than six (6) feet shall be installed in the planters at each end of an aisle, at three (3) space intervals throughout the lot, and at twenty (20) foot intervals along the periphery of the lot. Within parking lot areas, trees may be clustered in groups to achieve a more natural setting provided the total number meets the previous planting requirements.
- p) <u>Evergreens</u>. At least fifty percent (50%) of the trees shall be an evergreen variety and shall be evenly distributed throughout the lot.
- q) <u>Plant Selection</u>. Planter areas shall also contain ground cover and/or flowering shrubs. Drought tolerant planting is encouraged.
- r) <u>Parking Planter Overhang.</u> Where automobile bumpers overhang landscaped planters, two (2) feet of clear area unobstructed by trees or shrubs shall be provided for overhang.
- s) <u>Divide Parking Areas</u>. In large parking lots, parking areas shall be broken up into sections containing no more than 200 vehicles, with landscaped buffer areas at least eight (8) feet in width established between sections.
- t) Islands. A landscaped island for every twenty (20) parking spaces.
- u) <u>Landscape Percentage</u>. Landscaped islands, planters and peripheral landscaping together shall total at least seven percent (7%) of the total parking lot area.
- 82. <u>Underground Utilities</u>. All new on-site utility lines (66KV or less) located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities.

APN: 0266-021-28* Condition P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

- 83. <u>Signs.</u> The developer shall submit a signs for review and approval. Each tenant shall submit for approval any additions or modifications to the approved signs. The signs shall adhere to the following:
 - a) All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - b) All sign lighting shall not exceed one-half (0.5) foot-candle.
 - e) No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 - d) There shall be no more than one freestanding sign per frontage. No freestanding sign shall be more than 25 feet above the road to which it is oriented.
 - e) Monument signs shall not exceed six feet above ground elevation and shall be limited to one per frontage.
 - f) Directional signs shall be allowed as shown on the sign plan submitted with landscape plans.
- 84. <u>Site Design Standards and Guidelines</u>. The project shall adhere to and implement the site design standards/guidelines and the circulation design standards specified for the Glen Helen Specific Plan.
- 85. <u>Street Lights Required.</u> The project shall install streetlights in coordination with and to the satisfaction of County Special Districts.
- 86. <u>LID</u> The developer shall incorporate "Low Impact Design" concepts wherever possible to reduce storm water runoff and increase on-site infiltration. The design goal is to maintain offsite flows of storm water to predevelopment rates. Among the design concepts that may be incorporated are:
 - a) Incorporate pervious materials (e.g. pavers on gravel, porous concrete) in parking spaces not drive aisles.
 - b) Design parking lot drainage to flow into landscaped areas, wherever feasible.
 - c) Drain parking spaces into the adjacent landscaping using wheel stops in lieu of curbed planters. Parking spaces should be flush with the adjacent landscaped area to facilitate storm water runoff and absorption.
 - d) Decorative drive entry statements should utilize pervious pavers in lieu of stamped concrete.
- 87. <u>LEED</u> The developer shall incorporate wherever possible design concepts adopted by the US Green Building Council in the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System. The standards can be found at the web site: <u>http://www.usgbc.org</u>.

LAND USE SERVICES - Code Enforcement Division (909) 387-4044

88. <u>Sign Registration</u>. Prior to installation of any freestanding, wall, roof, projecting or monument sign, an approved sign registration application and plot plan are required.

SPECIAL DISTRICTS (909) 387-5940

89. <u>Street Lighting Plans</u> Developer shall submit street lighting plans and check fees for review and approval. Contact Special Districts at (909) 387-9612.

COUNTY FIRE DEPARTMENT- Community Safety (909) 386-8465

- 90. <u>Additional Requirements</u>. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F1a]
- 91. <u>Combustible Protection</u>. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]
- 92. <u>Access.</u> The development and each phase thereof shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. <u>Standard 902.2.1.</u>
- 93. <u>Building Plans.</u> Not less then two (2) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F-42]
- 94. <u>Turnaround</u>. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. <u>Standard 902.2.1</u> [F-43]

- 95. <u>Water System Large Commercial</u>. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The developer is required to provide a minimum of one new six (6) inch fire hydrant assembly with one (1) two and one half (2 1/2) inch and two (2) four (4) inch outlet. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travelways) and no more than one hundred fifty (150) feet from any portion of a structure. [F-54a]
- 96. <u>Water Service Certification</u>. The developer shall provide the Fire Department with a letter from the serving water company, verifying financial arrangements have been made for the required water improvements or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.
- 97. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The developer shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit four (4) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufactures specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F-59]
- 98. <u>Roof Certification</u>. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design. [F59a]
- 99. <u>Fire Alarm</u>. An automatic fire alarm system complying with the Uniform Fire Code, NFPA and all applicable codes is required. The developer shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit four (4) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. <u>Standard 1007.1.1FA</u>. [F-62]

Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

- 100. Class I standpipe system. A Class I standpipe system is required. A Fire Department approved fire sprinkler contractor shall submit four (4) sets of hydraulic calculations and detailed plans to the Fire Department for review and approval, showing type of storage and use with the applicable protection system. Commercial and industrial buildings in excess of two hundred thousand (200,000) square feet with an interior area less than three hundred (300) feet in width, shall be equipped with a Class I standpipe system, located at every other access door maximum of two hundred (300) feet spacing. Buildings with an interior area more then three hundred (300) feet in width shall be equipped with a Class I standpipe system located at every access door maximum of one hundred (100) foot spacing. Standpipe connections shall be configured to reach any portion of interior space within one hundred fifty (150) feet in any direction of travel. This system shall be calculated to provide two hundred and fifty 250 gpm @ 100 psi per hose outlet from an adjacent fire sprinkler riser with two hand lines flowing. The two most hydraulically remote outlets are to be included in the design for a total flow of 500 gpm minimum per system. A Fire Department approved fire sprinkler contractor shall submit hydraulic four (4) sets of hydraulic calculations and detailed plans t, showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
- Key Box. An approved Fire Department key box is required. The key box shall be 101. provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]

PUBLIC HEALTH - Environmental Health Services (909) 387-4666

- Water Verification. Water purveyor shall be City of San Bernardino. Developer 102. shall procure a verification letter from the City of San Bernardino. This letter shall state whether or not water connection and service shall be made available to the project by the City of San Bernardino. This letter shall reference the Project Number P200701012 and Assessor's Parcel Number 0266-021-28.
- 103. Wastewater Verification. Method of sewage disposal shall be City of San Bernardino or EHS Approved. Developer shall procure a verification letter from the City Of San Bernardino. This letter shall state whether or not water connection and service shall be made available to the project by the City of San Bernardino. This letter shall reference the Project Number P200701012 and Assessor's Parcel Number 0266-021-28.

- 104. <u>LAFCO Approval</u>. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO at: 909-387-5866.
- 105. <u>RWQCB</u>. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (RWQCB) (listed below) and a copy forwarded to the Division of Environmental health Services. *Industrial & Storm discharges may require waste discharge requirements Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501, (909) 782-4130.
- 106. <u>Septic System.</u> If sewer connection and service are unavailable, septic systems will then be allowed, under the following condition: Soil percolation report shall be submitted to DEHS for review and approval. For information, contact Water Section at 909-387-4666.Concurrent review and approval by State Water Quality control Board-Santa Ana Region
- 107. <u>Preliminary Acoustical Analysis.</u> Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Code Noise Standard(s). The purpose is to evaluate potential, future, on-site and/or adjacent, off-site noise sources. If preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655. *Specifically for Traffic Noise from Cajon Blvd/I-15 Fwy and onsite loading and equipment usage.

PUBLIC WORKS - Land Development Division - Roads (909) 387-8218

- 108. <u>Required Road dedication and Improvements</u>. Prior to issuance of building permits, the developer shall:
 - a) <u>Submit engineered road improvement plans to</u> San Bernardino County Department of Public Works 825 E. Third Street, Room 204, San Bernardino CA 92415-0835 Phone 387-8218. Developer shall acquire additional right-ofway as needed to complete road improvements as shown on site plan.

b) <u>OBTAIN APPROVAL TO CONSTRUCT</u> the following required road improvements:

Palm Avenue (Secondary Highway - 88')

- A 24-foot grant of easement is required to provide a half-width right-of-way of 44'
- Design Curb and Gutter with match-up paving 32 feet from centerline.
- Design driveway approach per San Bernardino County Standard 129B and located per 130.
- Design sidewalks on Palm Avenue.
- 109. <u>Transitional Improvements</u>. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required.
- 110. <u>Road Standards</u>. Road sections within or bordering the development shall be designed and constructed to Valley Road standards and to Road Standards of San Bernardino County in accordance with the policies and requirements of the County Department of Public Works and the Master Plan of Highways.
- 111. Existing Facilities. Final plans and profiles shall indicate the location of any existing facility, which would affect construction.
- 112. <u>Utility Poles</u>. Existing utility poles shall be shown on the improvement plans and relocated as necessary without cost to the County.
- 113. <u>Radius-of-Return.</u> A thirty-five (35) foot radius of return grant of easement is required for rounding the corners of intersecting roads if the half-width right-of-way of all intersecting roads is less than forty-four (44) feet. A twenty (20) foot radius-of-return grant of easement is required for rounding the corners of intersecting roads if the half-width right-of-way of all intersecting roads is less than forty-four (44) feet.
- 114. <u>Road Profile Grades.</u> Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the Department of Public Works confirming the adequacy of the grade.
- 115. <u>Road Design</u>. The Geometric Design of the roads shall conform to the guidelines of the "San Bernardino County Transportation Road Planning and Design Standards Manual".

PUBLIC WORKS -Solid Waste Division (909) 387-8700

116. <u>Waste Management Plan</u>. The developer shall complete Solid Waste Management Division's (SWMD) "Construction and Demolition Waste Reduction and Recycling Plan", listing the types and volumes of solid waste materials expected to be generated from grading and construction, as well as the types and volumes of materials actually diverted from landfill disposal for reuse or recycling. The completed plan shall be submitted to SWMD for review and approval. Upon completion of grading the developer shall complete SWMD's "Construction and Demolition Recycling Summary Report" and submit the report to SWMD for review and approval prior to final inspection.

PUBLIC WORKS - Traffic (909) 387-8186

- 117. <u>Regional Transportation Development Fee.</u> The project is subject to the County of San Bernardino Regional Transportation Development Mitigation Plan. The developer shall pay the appropriate fees in effect at such time when building plans are submitted for permits. Based on the site plan dated November 27, 2007, the total amount for both buildings is \$195,431 (\$0.51 per square foot for the High Cube building, and \$1.76 per square foot for multi-tenant building).
- 118. <u>Traffic Mitigation</u>. The total fair share contribution of \$90,157, for the installation of a future signal at Palm Avenue at Industrial Parkway/Project Driveway, is required to be deposited to Department of Public Works/Traffic Division prior to issuing Building Permits. The study also recommends that the intersection of Palm Avenue at Southbound I-215 ramp and Palm Avenue at Northbound I-215 ramp be signalized. The improvements to signalize the two ramps are covered under the Regional Transportation Development Plan. [Mitigation Measure XV-1]

PRIOR TO FINAL INSPECTION OR OCCUPANCY The following shall be completed

LAND USE SERVICES - Building and Safety Division (909) 387-4226

- 119. <u>Building Occupancy</u>. Any building without specified tenants and uses may receive final inspection for construction purposes <u>only</u>. A Tenant Improvement that identifies the tenant and proposed uses shall be submitted and approved prior to occupancy being granted.
- 120. <u>Lighting Plan</u>. Submit an outdoor lighting plan and obtain permits prior to installation of lighting standards. Sign lighting shall comply with California Energy regulations.

LAND USE SERVICES DEPARTMENT - Current Planning (909) 387-4115

- 121. Parking and on-site circulation requirements shall be installed as follows:
 - a) All vehicular access drives shall be surfaced with all weather paving, minimum three (3) inches asphalt and six (6) inches of base or greater surfacing, as determined by Building and Safety to adequately handle extensive heavy hauling large truck traffic.
 - b) All truck access drives to loading dock areas shall be forty feet (40') wide or greater.
 - c) All truck entry drives shall have a fifty (50') foot radius of return.
 - d) All access drives around a multi-story building shall be thirty (30') feet or greater.
 - e) All primary vehicular access drives shall be twenty-six feet (26') wide or greater.
 - f) All parking lot vehicular aisle width shall be twenty-four feet (24') wide or greater.
 - g) All paved parking stalls shall be clearly striped and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained including arrows painted to indicate direction of traffic flow.
 - All on-site pedestrian crosswalks will be delineated with a minimum 3" white or yellow painted line. All pedestrian crossings in public right-of-way shall be delineated per County Standards.
 - j) All internal parking lot stops shall be installed with a painted limit line and shall have either a breakaway pole sign and/or painted "STOP" lettering on the paving
 - k) Bike stands, motorcycle parking and carpool preferred parking shall be provided.
 - I) No parking allowed along the entry drives, except in designated parking spaces.

- 122. <u>Wheel Stops</u>. All back-in truck trailer parking spaces shall have a wheel stop or other physical barrier twelve feet from any wall, fence or building to prevent damage. All other vehicle spaces shall have wheel stops installed when adjacent to fences, walls or buildings; these shall be three feet (3') away from such facilities.
- 123. <u>AQ Installation.</u> The developer shall submit for review and obtain approval from County Planning of evidence that all air quality mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations shall include the following:
 - a) Dust Control Plan (DCP)
 - b) Coating Restriction Plan (CRP)
 - c) The developer shall demonstrate that measures have been included to provide adequate bicycle parking (racks and locker) with showers available for cyclists near building entrances to promote cyclist safety, security, and convenience.
 - m) All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards.
 - n) Low flush toilets shall be installed as specified in California State Health and Safety Code Section 17921.3 and as confirmed by County Building & Safety.
- 124. <u>GHG Installation.</u> The developer shall submit for review and obtain approval from County Planning of evidence that all GHG mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations shall include the following:
 - a) The design features and/or equipment that cumulatively increases the compliance of the project with Title 24 standards by five percent (5%) or more above the minimum.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting to the satisfaction of the Building Official.
 - c) Installation of the both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility.
 - o) The developer shall provide to all tenants education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval

P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

- 125. Paint Parking Spaces. All non-truck parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the facility, with the two lines being located an equal nine (9) inches on either side of the stall sidelines; arrows shall be painted on the paving to indicated direction of traffic flow. All truck parking stalls and docks shall have at a minimum a single six (6) inch wide line per each side of the stall. The appropriate parking plan shall be implemented based on the identified tenant, and stalls painted accordingly.
- Disabled Access. Disabled access parking spaces shall be clearly marked as 126. handicap spaces and said markings shall be maintained in good condition at all times.
- Shield Lights. Any lights used to illuminate the site shall be hooded and designed 127. so as to reflect away from adjoining properties and public thoroughfares.
- 128. Landscaping Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to insure that the landscaping remains in a healthy thriving condition for a minimum of three (3) full years and that the irrigation system continues to function properly for a minimum of three (3) full years. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by County Code Enforcement. Also the requirement for the Special Use Permit shall be extended and continue until such time as the objective has been accomplished to the satisfaction of County Code Enforcement and sustained for one year.
- 129. Landscaping Installed. All landscaping and all walls/fencing, bike paths, etc. as delineated on the approved landscape plan shall be installed.
- 130. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
- 131. Screen Dumpsters. All trash receptacles shall be screened from public view and shall have a water proof roof.

Conditions of Approval

APN: 0266-021-28* Condition P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

- 138. <u>Material Identification Placards</u>. The developer shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan. Standard 704. [F95]
- 139. <u>Fire Extinguishers.</u> In commercial and industrial areas, prior to final inspection or occupancy, hand portable fire extinguishers shall be provided. The location, type, and cabinet design shall be approved by the Fire Department

COUNTY FIRE DEPARTMENT- Hazardous Material Division (909) 386-8401

- 140. <u>Business Emergency Plan</u>. The developer shall submit either a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact County Fire Department/Hazardous Materials Division/ Emergency Response and Enforcement Section at (909) 386-8401.
- 141. <u>Hazardous Material Permits</u>. The developer shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, call County Fire Department/Hazardous Materials Division/ Field Services Section at (909) 386-8418.

PUBLIC WORKS - Land Development Division- Roads (909) 387-8218

- 142. <u>Improvements Installed</u>. All required onsite and offsite improvements shall be completed and approved prior to final inspection of any building or structure.
- 143. <u>Structural Road Review</u>. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the Department of Public Works.

PUBLIC WORKS - Land Development Division - Drainage (909) 387-8218

144. <u>Improvements Installed</u>. All required drainage and WQMP improvements shall be completed and approved prior to final inspection of any building or structure.

LAND USE SERVICES - Code Enforcement Division (909) 387-4044

132. <u>Special Use Permit - Landscaping.</u> The developer shall submit an application with the appropriate fees and obtain approval of a Special Use Permit for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and survival of the required landscaping.

COUNTY FIRE DEPARTMENT (909) 386-8465

- 133. <u>Street Sign.</u> This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
- 134. <u>Hydrant Marking</u>. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. <u>Standard 901.4.3.</u> [F80]
- 135. <u>Commercial-Large facility addressing.</u> Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum twelve (12) inches in height and with a one and one half (1 ½) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. <u>Standard 901.4.4</u> [F83]
- 136. <u>Override Switch</u>. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required. <u>Standard 902.4</u> [F86]
- 137. <u>Fire Lanes</u>. The developer shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. <u>Standard 901.4</u> [F93]

145. <u>Electronic File</u>. An electronic file of the final and approved WQMP shall be submitted to the Department of Public Works, Land Development Division, Drainage Section.

PUBLIC WORKS -Solid Waste Division (909) 387-8700

146. <u>Recycling Material Storage</u>. The developer shall provide space for storage of recycling materials equal to the space required and provided for refuse storage. This will assist diverting waste from the landfills. The property owner will include in lease agreements requirements for tenants to participate in waste stream diversion by recycling cardboard packaging, pallets, and other recyclables (e.g. paper, bottles and cans).

SPECIAL DISTRICTS (909) 387-5940

 <u>Street Lighting installed</u>. All required streetlights shall be installed and operating to the satisfaction of the Special Districts Department. Contact office at (909) 387-9612 APN: 0266-021-28* Condition P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date: 6/2/2011

PRIOR TO TENANT OCCUPANCY The Following Shall Be Completed

These conditions shall apply to buildings that do not have specific occupants at the time of final inspection

LAND USE SERVICES - Building and Safety Division (909) 387-4226

- 148. <u>Tenant Occupancy</u>. <u>Tenant Occupancy</u>. Any building without specified tenants and/or land use may receive final inspection for construction purposes ONLY. Buildings that do not have specific occupants or use classification defined at the time of final inspection will receive only a "final construction" approval. When individual "tenants" and/or "land uses" are identified, or a change of "use" and/or "tenant" is proposed, depending on occupancy impacts, the "developer" shall submit for review with appropriate fees and obtain approval of a Tenant Review. The County Building Official may determine in this process that additional land use review and approval is required by County Planning. A construction plan review for Tenant Improvements may be processed simultaneously with the Tenant Review. Only after a construction permit has been issued, all work/installations completed, and a final inspection is signed will an "Occupancy Permit" be granted to individual tenants.
- 149. <u>Tenant Improvements (>5.75')</u>. Where applicable the "developer" shall submit for review and obtain approval of professionally prepared plans for display racks, counters and partitions greater than 5.75 feet in height.

LAND USE SERVICES - Current Planning Division (909) 387-4115/ (760) 843-4340

- 150. <u>GHGWaste & Trip Reduction.</u> The "developer" shall prepare, submit for review and obtain approval from County Planning of information materials with distribution plans and operation programs for the reduction of both waste stream and vehicle trips. The "developer" shall then implement these programs as green house gas (GHG) mitigation during the operation of the approved project.
 -) <u>Waste Stream Reduction</u>. The "developer" shall provide to all tenants and project employees informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 -) <u>Vehicle Trip Reduction</u>. The "developer" shall provide to all tenants and project employees informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new rideshare employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride

APN: 0266-021-28* Condition P200701012/CUP Phelan Development Company -Planning Commission: May 21, 2009

Effective Date: 6/2/2009 Expiration Date:6/2/2011

sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. [Mitigation Measure III-x] – Tenant Occupancy /Planning

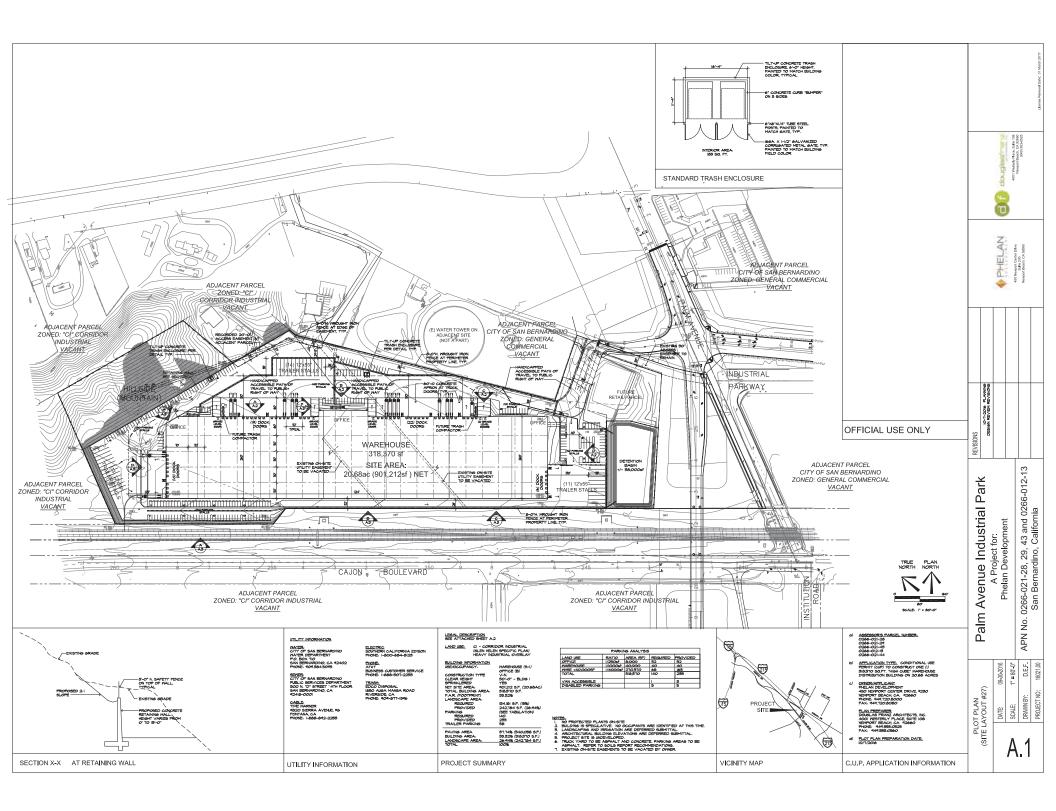
COUNTY FIRE DEPARTMENT- Community Safety (909) 386-8465

151. <u>High-Piled Storage</u>. The developer shall submit an application for high-piled storage (internal storage over 12' in height), four (4) sets of detailed plans and a commodity analysis report to the Fire Department for review and approval. The developer shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal. <u>Standard 8101 [F-66]</u>

END OF CONDITIONS – P200701012 Phelan Development

05/21/2009 Planning Commission Hearing HD/jpm

FD



Tom Dodson and Associates' Response Including the County's Environmental Assessment for the Conditional Use Permit to Establish a 315,000 Sq. Ft. High Cube Warehouse with 8,000 Sq. Ft. of Office on Approximately 20.68 Acres

Attachment 4

TOM DODSON & ASSOCIATES 2150 N. ARROWHEAD AVENUE SAN BERNARDINO, CA 92405 TEL (909) 882-3612 • FAX (909) 882-7015 E-MAIL tda@tdaenv.com



November 23, 2016

Ms. Kathleen Rollings-McDonald Executive Officer Local Agency Formation Commission 215 North D Street, Suite 204 San Bernardino, CA 92415-0490

Dear Kathy:

LAFCO SC#409 consists of a proposal by the City of San Bernardino (City) to extend sewer service to a site of about 20.68 acres generally located at the southwest corner of Palm Avenue and the natural extension of Industrial Parkway, within the City's northwestern sphere of influence. The area proposed to receive sewer service through an out-of-area service agreement is being developed with a high cube warehouse facility (approximately 315,000 square feet) with an 8,000 square foot office space. The proposed project will be required to extend the sewer approximately 250 feet to reach the project site. If the Commission approves LAFCO SC#409, the project site can be developed with the above referenced project.

The County of San Bernardino prepared an Initial Study (July 2008) and adopted a Mitigated Negative Declaration (MND) for this project. The Notice of Determination was filed on October 2016. The extension of sewer service by the City is required for the future occupancy and use of the new industrial/office facilities located at the project site. Although the extension of sewer service was not given detailed consideration within the Initial Study the County did impose a condition of approval to connect to the City's wastewater collection system. Since the extension is only 250 feet, LAFCO Staff has concluded that there is no need to prepare an Addendum for this project. Based on the surrounding level of development as determined by a site visit, a limited potential exists to induce growth from this lateral extension to the proposed development site.

As indicated, the County prepared a MND Study which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of about 8 mitigation measures (such as air quality). These mitigation measures must be implemented under the County's jurisdiction. Therefore, I am recommending that the Commission consider the adopted Mitigated Negative Declaration as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#409.

Based on a review of LAFCO SC#409 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's Mitigated Negative Declaration as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2008. Based on a field review and review of the environmental issues in the County's document, I could not identify any substantial changes in circumstances that may have occurred since its adoption that would require additional environmental documentation. The County's Notice of Determination was filed in October 2016. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#409, acting as a CEQA Responsible Agency:

- 1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Mitigated Negative Declaration/Initial Study and found them adequate CEQA compliance for the extension of service decision.
- 2. The Commission needs to indicate that it has considered the Mitigated Negative Declaration and environmental effects, as outlined in the Initial Study, prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for approval of the extension of service decision.
- 3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were required for this project and it will remain the responsibility of the County to implement these measures when the project is implemented.
- 4. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency.

2

If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

form Dortson

Tom Dodson

N	otice of Determination	on	DATE FILED & POSTED Posted On: 10 25116 Removed On: 12/6/16 Receipt No: 36-102516-719			
ïo:	Office of Planning and Resear	ch	From: Public Agency: San Bernardino County, LUSD			
	U.S. Mail: P.O. Box 3044	Street Address: 1400 Tenth St., Rm 113	Address: <u>385 North Arrowhead Ave. First Floor San</u> Bernardino. CA 92415-0187			
	Sacramento, CA 95812-3044	-	Contact: <u>Chris Warrick</u> Phone: 909-387-4112			
\boxtimes	Clerk of the Board County of: <u>San Bernardino</u> Address: <u>385 North Arrowhea</u>	Avenue Second Floor	Lead Agency (if different from above):			
	San Bernardino, CA 92415-013		Address:			
			Contact:			
			Phone:			

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _

Project Title: Phelan Development (Proj. No.: P200701012) Project Applicant: Palm & Kendal JP/DF LLC

Project Location (include county): Northwest corner of Palm Avenue and Calon Blvd.

Project Description:

CONDITIONAL USE PERMIT TO ESTABLISH A 315.000 SQUARE FOOT "HIGH CUBE" WAREHOUSE WITH 8,000 SQUARE FEET OF OFFICE, A 22,000 SQUARE FOOT MULTI-TENANT RETAIL/OFFICE BUILDING, A 60' HIGH SIGN WITH TELECOMMUNICATIONS CAPABILITIES, AND THREE 90' HIGH MONOPALM CELL TOWERS ON 22.4 ACRES

This is to advise that the County of San Bernardino (X Lead Agency or T Responsible Agency) has approved the above described project on May 21, 2009 and has made the following determinations regarding the above described project.

1. The project [\square will \square will not] have a significant effect on the environment.

2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures [X were C were not] made a condition of the approval of the project.

4. A mitigation reporting or monitoring plan [🔀 was 🗌 was not] adopted for this project.

5. A statement of Overriding Considerations [. was 🖾 was not] adopted for this project.

6. Findings [🔯 were 🔲 were not] made pursuant to the provisions of CEQA.

This is to certify that the record of project approval and the Mitigated Negative Declaration are available to the General Public at:

San Bernardino County, Land Use Services Department 385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency:	Title: Supervising Planner	
Date: October 25, 2016	Date Received for filing at OPR:	
Authority cited: Sections 21083, Public Resour Reference Section 21000-21174, Public Reso	Ces Code. CNICUANCEY NVC BU AMMERIC	evised 2011

SUARD OF SUPERVISE, S CTESH OF THE

APN: 0266-012-13* I PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information, in the application package constitute the contents of Initial Study pursuant to County Guidelines (Ord.3040) and State CEQA Guidelines (Section 15063).

PROJECT LABEL:

APN:	0266-012-13,06		
	0266-021-28, 29, 43		
APPLICANT:	PHARRIS, JON – PHELAN DEVELOPMENT	USGS Quad:	San Bernardino North
PROPOSAL:	CONDITIONAL USE PERMIT TO ESTABLISH A 315,000 SQUARE FOOT "HIGH CUBE" WAREHOUSE WITH 8,000 SQUARE FEET OF OFFICE, A 25,000 SQUARE FOOT MULTI- TENANT RETAIL/OFFICE BUILDING, A 60' HIGH SIGN WITH TELECOMMUNICATIONS CAPABILITIES, AND THREE 90' HIGH MONOPALM CELL TOWERS ON 22.4 ACRES	T, R, Section:	
COMMUNITY:	SAN BERNARDINO/5TH SUPERVISORIAL DISTRICT	Thomas Bros.:	Page 545 Grid H3
LOCATION:	PALM AVENUE AND CAJON BOULEVARD, NORTHWEST CORNER	Planning Area:	Glen Helen
JCS/INDEX:	P200701012/CUP	OLUD:	GH/CI (Corridor Industrial)/ GH/C/TS(Commercial/Traveler Services)
STAFF:	HEIDI DURON		
REP('S):	SAME AS APPLICANT	Overlays:	High Liquefaction, Moderate To High Landslide

PROJECT CONTACT INFORMATION:

Lead agency:	County of San Bernardino Land Use Services Department - Current Planning 385 North Arrowhead Avenue San Bernardino, CA 92415-0182			
Contact person: Phone No: E-mail:	<i>Heidi Duron</i> , Senior Associate Planner (909) 387-4115 hduron@lusd.sbcounty.gov	Fax No:	(909) 387-3249	
Project Sponsor:	Phelan Development Attn: Jon Pharris 23 Corporate Plaza, Suite 120 Newport Beach, CA 92660			

PROJECT DESCRIPTION:

The proposed project is a conditional use permit to establish a maximum 315,000 square foot "high cube" warehouse with 8,000 square feet of office, a maximum 25,000 square foot multitenant retail/office building, a 60' high sign with telecommunications capabilities, and three 90' high monopalm cell towers on 22.4 acres. The project site is located on the northwest corner of Palm Avenue and Cajon Boulevard and within the sphere of influence of the City of San Bernardino. The General Plan Land Use designation for the site is GH/CI (Glen Helen Specific Plan-Corridor Industrial). The site is located within an area identified with high liquefaction susceptibility, as well as moderate to high landslide susceptibility.

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is generally flat except for a few minor drainages. The property's northeastern corner is a steep, west-facing hillside. The site is currently vacant and undeveloped. It has been previously disturbed and is currently cleared for weed abatement/fire protection purposes. There no existing or potential native habitat on the project site.

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT				
Site	Vacant	Corridor Industrial (GH/CI)/				
		Commercial/Traveler Services (GH/C/TS)				
North	Water Storage Tanks	Corridor Industrial (GH/CI)				
South	Railroad Tracks/Vacant	Corridor Industrial (GH/CI)/City of San Bernardino				
East	Vacant	City of San Bernardino				
West	Vacant	Corridor Industrial (GH/CI)				

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

<u>Federal</u>: None; <u>State of California</u>: Regional Water Quality Control Board, Fish and Game; <u>County of San Bernardino</u>: Land Use Services - Code Enforcement; Building and Safety, Public Health-Environmental Health Services, Special Districts, Public Works. County Fire and <u>Local</u>: The Local Agency Formation Commission (LAFCO), and the City of San Bernardino.

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially	Less than	Less than	No
Significant	Significant	Significant	Impact
Impact	with Mitigati	on	

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

- 1. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
- 2. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.
- 3. Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List mitigation measures)
- Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (Listing the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics		Agriculture Resources	Air Quality
Biological Resources		Cultural Resources	Geology /Soils
Hazards & Hazardous Materials		Hydrology / Water Quality	Land Use/ Planning
 Mineral Resources	[]	Noise	 Population / Housing
Public Services		Recreation	Transportation/Traffic
Utilities / Service Systems		Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a \square significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

 \Box Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

ared by): Heidi Duron, Senior Planner Signature

rincipal Planner

Signature: John P. McGuckian AlC

7/1/08 Date 7/7/2008

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

			Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
I.	a)	AESTHETICS - Would the project Have a substantial adverse effect on a scenic vista?			\boxtimes	
	b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			\boxtimes	
	c) ⁻	Substantially degrade the existing visual character or quality of the site and its surroundings?			\boxtimes	
	· d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				

SUBSTANTIATION (Check if project is located within the view-shed of any Scenic Route listed in the General Plan):

- I a) The proposed project is not located within a designated Scenic Corridor and will not have a substantial adverse effect on a scenic vista, as there are none identified within the vicinity of the project site that would be affected by the proposed development of the site.
- I b) The proposed project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no trees, rock outcroppings, or historic buildings on the project site.
- I c) The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings, because the project is consistent with the planned visual character of the area and will incorporate the approved design guidelines found in the Glen Helen Specific Plan, including landscaping and provision of walls/fences, landscaping and screening of exterior mechanical equipment, loading and storage areas.
- I d) Lighting proposed onsite will be designed in accordance with the Glen Helen Specific Plan Lighting Guidelines. These guidelines will ensure that the project will not create a new source of substantial light or glare by requiring lighting to be shielded and focused to minimize spill light into the night sky. A lighting plan will be required as a condition of approval for this project. Impacts are considered less than significant.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Potentially Less than No Less than Significant Significant with Significant Impact Mitigation Impact Incorp. 11. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) bv the California prepared Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? \boxtimes b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? \boxtimes c) Involve other changes in the existing environment, which, due to their location or nature, could result in \square conversion of Farmland, to non-agricultural use?

SUBSTANTIATION (Check if project is located in the Important Farmlands Overlay):

- II a) The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide. Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site currently.
- II b) The subject property is designated for Corridor Industrial uses, and the proposed use does not conflict with any agricultural land use or Williamson Act land conservation contract.
- II c) The subject property is designated as Corridor Industrial and the proposed use does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Prime Farmland, to a non-agricultural use.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

APN: 0266-012-13* Initi PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Potentially Less than Less than No Impact Significant with Significant Significant Impact Mitigation Incorp. Ш. **AIR QUALITY -** Where available, the significance criteria established by the applicable air quality management or air pollution control district may make the following be relied upon to determinations. Would the project: a) Conflict with or obstruct implementation of the \boxtimes applicable air quality plan? b) Violate any air quality standard or contribute substantially to an existing or projected air quality \boxtimes violation? c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative \boxtimes thresholds for ozone precursors)? d) Expose sensitive receptors to substantial pollutant \square concentrations? e) Create objectionable odors affecting a substantial \times number of people?

SUBSTANTIATION (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):

- III a) The Air Quality Management Plan (AQMP) for the South Coast Air Basin (SCAB) sets forth a comprehensive program that will lead the SCAB into compliance with all federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections. The site will be paved and landscaped, which will mean little or no wind-blown dust or particulate matter will leave the site. The project area is designated as Corridor Industrial and Commercial/Traveler Services in the Glen Helen Specific Plan. Since this project involves the development of warehouse space as well as retail/office space, which is consistent with the land use envisioned in the Specific Plan, the proposed project is in compliance with the AQMP.
- III b) The short-term and long-term construction emissions from this project were modeled using URBEMIS2007 for Windows computer program for a maximum of 315,000 sq. ft. of "High Cube" warehouse space and a maximum 22,000 square foot retail/office building. Construction is assumed to begin in fall 2008. The maximum short-term daily emissions are as follows: 2.78 lbs for ROG, 3.86 lbs for NO_X, 30.53 lbs for CO, 0.02 lbs for SO₂, and 4.31

Initial Study

APN: 0266-012-13* ir PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Ibs for PM_{10} . Short-term emissions of all criteria pollutants are anticipated to be below the SCAQMD regional and localized thresholds of significance during construction. The maximum long-term daily emissions with mitigation to suppress fugitive dust are 17.55 lbs for ROG, 19.18 lbs for NO_X, 165.18 lbs for CO, 0.13 lbs for SO₂, and 23.62 lbs for PM₁₀ in summer and 15.13 lbs for ROG, 26.76 lbs for NO_X, 179.05 lbs for CO, 0.12 lbs for SO₂, and 23.61 lbs for PM₁₀ in winter. Long-term emissions of all criteria pollutants are anticipated to be below the SCAQMD regional significance thresholds in both winter and summer during project operation. Due to the mainly off-site mobile source emissions, no long-term localized significance analysis is required.

Therefore, both short-term and long-term emission estimates from the project do not exceed the SCAQMD established significance thresholds and the impact is considered less than significant. The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use(s) do not exceed established thresholds of concern as established by the District. A dust control plan will be required as a mitigation measure to regulate construction activities that could create wind blown dust. Construction painting activities will be restricted as a mitigation measure and additional design considerations are required where applicable to further reduce impacts. In addition mitigation measures have been added to address any the proportional potential impact the project may have on Green House Gas (GHG) emissions.

III c) The portion of the South Coast Air Basin within which the project is located is designated as a non-attainment area for ozone and PM₁₀ under state standards; and as a non-attainment area for ozone, carbon monoxide, PM₁₀, and PM_{2.5} under federal standards.

In evaluating the cumulative effects of the project, Section 21100(e) of CEQA states that "previously approved land use documents including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis." In addressing cumulative effects for air quality, the AQMP utilizes approved general plans and, therefore, is the most appropriate document to use to evaluate cumulative impacts of the subject project. This is because the AQMP evaluated air quality emissions for the entire South Coast Air Basin using a future development scenario based on population projections and set forth a comprehensive program that would lead the region, including the project area, into compliance with all federal and state air quality standards. Since the proposed project is in conformance with the AQMP and project emissions have been found to be less than significant on both a regional and local level, the project will not result in a cumulatively considerable net increase of any criteria pollutant. Therefore, the impact is considered less than significant.

- III d) The project will not expose sensitive receptors to substantial pollutant concentrations, because there are no identified concentrations of substantial pollutants and the project is not located within ¼ mile of a use considered a sensitive receptor.
- III e) The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors.

IV

Initial Study

APN: 0266-012-13* I PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. Although the project's air quality impacts have been found to be less than significant on both a regional and localized level, the following mitigation measures are proposed to further reduce the project's air quality and Green House Gas (GHG) emissions:

<u>GHG – Construction Mitigation Measures</u>. Prior to the issuance of any construction permits (grading or building) the developer shall submit to the Current Planning Division and gain approval of a letter agreeing to include the following requirements in all contracts and subcontracts:

- Construction equipment shall be shut off when not in use and shall not idle for more than 15 minutes.
 - On-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes.
 - Queuing of trucks on and off site shall be limited to periods when absolutely necessitated by grading or construction activities.
 - To the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric or CNG equipment.
 - Participation in the County Solid Waste Management Department policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
 - Education of all construction workers about the required waste reduction and available recycling services shall be provided. [Mitigation Measure III-1]

<u>GHG – Operational Mitigation Measures</u>. The following measures shall be implemented to reduce the potential impacts of the project on green house gases:

- The developer shall demonstrate that the design of the proposed buildings or structures exceeds current Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 5% subject to review by the County Building Official. Documentation of compliance with this measure shall be submitted to County Planning and the County Building Official for review and approval. Installation of the identified design features or equipment shall be confirmed by the County Building Official prior to final inspection. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds five percent (5%):
 - o Increase in insulation such that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
 - o Incorporate dual paned or other energy efficient windows,

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- Incorporate energy efficient space heating and cooling equipment,
- o Incorporate energy efficient light fixtures,
- o Incorporate energy efficient appliances,
- o Incorporate energy efficient domestic hot water systems,
- o Incorporate solar panels into the electrical system,
- Incorporate cool roofs/light colored roofing,
- Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 5 percent.
- The developer shall provide a landscape plan for the project that includes shade trees around main buildings, particularly along southern and western elevations were practical and in a manner that will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be submitted to County Planning for review and approval.
- The developer shall submit to County Planning for review and approval landscape and irrigation plans that are designed so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- The developer shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Documentation of compliance with this measure shall be provided to County Planning for review and approval. Installation of the identified design features or equipment will be confirmed by the County prior to final inspection of each building...
- The developer shall provide to all tenants education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
- All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards, as confirmed by County Building & Safety.

- The developer shall submit to County Planning for review and approval landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy.
- The developer shall demonstrate that landscape irrigation is supplied by recycled water (treated and provided by City of Redlands). Documentation of compliance with this measure shall be submitted to County Planning for review and approval.
- The developer shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides. Documentation of compliance with this measure shall be submitted to County Planning for review and approval. Installation of the identified design features or equipment shall be confirmed by the County prior to final inspection of each building.
- The developer shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be submitted to County Planning for review and approval. Installation of the identified design features or equipment shall be confirmed by the County prior to final inspection of each building.
- The developer shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the County Building Official. [Mitigation Measure III-2]

<u>AQ – Dust Control Plan</u>. The developer shall submit to County Planning a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include these elements to reduce dust production

- Exposed soil shall be kept continually moist (minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities).
- Street sweeping and/or washing shall be completed on paved roadways on or adjacent to the site, if there are visible signs of any dirt track-out at the conclusion of any workday.
- Every construction site exit shall have a devise to remove soil from construction vehicle tries to reduce tracking soil onto the adjacent paved roadways. Tire washing or a combination of gravel with steel rumble plates to knock loose tireborne soil are acceptable alternatives.
- All trucks hauling dirt away from the site shall be covered.

Page 11 of 43

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
- Maximum traffic speeds on all on-site unpaved roads shall be 15 mph.
- Storage piles that are to be left in place shall be either kept moist through watering (twice daily/as necessary), sprayed with a non-toxic soil binder, covered with plastic or revegetated. [Mitigation Measure III-3]

<u>AQ</u> — Construction Mitigation. Prior to issuance of grading permits, the developer shall submit written verification to the satisfaction of County Planning that all construction contracts and subcontracts for the project contain provisions that require compliance with these standards and requirements. During construction, each contractor and subcontractor shall be responsible for ensuring that all mitigation measures in the following list are implemented:

- The construction contractor shall use low-sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2.
- The construction contractor shall select the construction equipment used on site based on low emissions factors and high energy efficiency. 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 construction contractor shall ensure that the construction grading plans include a statement that work crews will shut off equipment not in use. During smog season (May through October), the overall length of the construction period will 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 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 construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- Compliance with SCAQMD Rule 1113 on the use or architectural coatings.
 Emissions associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.[Mitigation Measure III-4]

81

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

<u>AQ</u> – <u>Coating Restrictions</u>. The developer shall submit to the satisfaction of County Planning a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:

- Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.
- The combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.

• High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings [Mitigation Measure III-5]

IV.

		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact	
	BIOLOGICAL RESOURCES - Would the project:		11 IUU P.			
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			\boxtimes		
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc) through direct removal, filling, hydrological interruption, or other means?					
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				\boxtimes	
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			\boxtimes		
f) -	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?					
S	UBSTANTIATION (Check if project is located in th	ne Biolog	gical Reso	urces Ov	erlay or	

contains habitat for any species listed in the California Natural

Diversity Database \boxtimes):

Detentially

Page 14 of 43

Ме

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

IV a) The project site is just outside designated critical habitat for the San Bernardino kangaroo rat and proposed critical habitat for California gnatcatcher. A Biological Technical Report was prepared White & Leatherman Bioservices on February 2, 2006, and an updated report was prepared on September 26, 2007. The report concluded that the listed threatened or endangered San Bernardino kangaroo rat and California gnatcatcher do not occur on site. Additionally, there is on-going disturbance of the site from vehicle activity, along the southeastern boundary. Mitigation measures have been incorporated to further reduce any potential impacts to biological resources.

IV b) This project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service because the project site is a disturbed site that has no such riparian habitat or sensitive natural community identified on site.

- IV c) This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within an identified protected wetland.
- IV d) This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site.
- IV e) This project will not conflict with any local policies or ordinances protecting biological resources, as the site has been previously disturbed and there are no identified biological resources that are subject to such regulation.
- IV f) This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because it has been conditioned to comply with the requirements of the adopted plan. The project site is located within the Glen Helen Specific Plan/Resource Management Plan Mitigation Fee area. Under County Ordinance No. 3962 this area is subject to a fee of \$7,000 per developed acre. The project will be conditioned to pay the fee amount prior to the issuance of any grading permits for the site.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant:

<u>Nest Protection.</u> If trees must be removed for the development of the site, they must be removed outside of the breeding season, or the developer must hire a biologist to check for raptor nests before removing the trees. [Mitigation Measure IV-1]

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

			Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V.		CULTURAL RESOURCES - Would the project		1100191		
	a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				
	b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
	C)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
	d)	Disturb any human remains, including those interred outside of formal cemeteries?				
	S	SUBSTANTIATION (Check if the project is located in	the Cult	tural 🗔 or	Paleonto	loaic 🗌

Resources overlays or cite results of cultural resource review):

Page 16 of 43

- V a) This project will not cause a substantial adverse change in the significance of a historical resource, because there are no such resources identified on the site. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V b) This project will not cause a substantial adverse change to an archaeological resource, because there are no such resources identified on the site. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V c) This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no such resources have been identified on the site. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V d) This project will not disturb any human remains, including those interred outside of formal cemeteries, because no such burial grounds are identified on this project site. If any human remains are discovered, during construction of this project, the developer is required to contact the County Coroner and cease operations until released, and the County Museum for determination of appropriate mitigation measures and a Native American representative, if the remains are determined to be of Native American origin.

KS

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. As a precautionary measure to further reduce any potential for impacts, the following requirement will apply:

<u>Cultural Resources</u>. If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or artifacts are determined to be of Native American origin, the local Native American representative shall be notified. [Mitigation Measure V-1].

 l^{i}

ì

APN: 0266-012-13* PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

VI.

SO

ţ

		Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact	
	GEOLOGY AND SOILS - Would the project:		Incorp.			
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i. Rupture of a known earthquake fault, as delineated_on_the_most_recent_Alquist-Priolo					
	Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to	· .				
	Division of Mines and Geology Special Publication 42				\boxtimes	
	ii. Strong seismic ground shaking?			\boxtimes		
	iii. Seismic-related ground failure, including liquefaction?			\boxtimes		
	iv. Landslides?				\boxtimes	
b)	Result in substantial soil erosion or the loss of topsoil?				\boxtimes	
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?					
d)	Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?				\boxtimes	
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			\boxtimes		
ę	SUBSTANTIATION (Check 🗌 if project is located District):	in the	Geologic	Hazards	Overlay	
a)	(i-iv) The project will not expose people or structures	to notan	tial advared	a offecte	including	

VI a) (i-iv) The project will not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, including liquefaction or iv) landslides without standard measures that would reduce the effects to less than significant.

APทั้: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

Although the project site is located in a California region that may experience seismic ground shaking during an earthquake, and is located in an identified geologic hazard area with high liquefaction susceptibility, proposed structures for the project will be reviewed and approved by County Building and Safety for compliance with current seismic standards.

- VI b) The project will not result in substantial soil erosion or the loss of topsoil, because the site will be paved and landscaped. Erosion control plans will be required to be submitted, approved and implemented.
- VI c) The project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on-site or off-site landslide, lateral spreading, subsidence, or collapse. The project site is located within a geologic area identified as having high liquefaction susceptibility and the development will be subject to compliance with current Building Code seismic and foundation compaction standards
- VI d) The project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils.
- VIe) The project may have soils capable of supporting septic tanks and the project will be conditioned requiring the developer to provide the necessary soils reports and obtain the appropriate clearance from the Santa Ana Regional Water Quality Control Board and the County Environmental Health Services Division for compliance with waste discharge requirements.

Page 20 of 43

7:

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

		Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
VII.	HAZARDS AND HAZARDOUS MATERIALS - Would the project:	·	Incorp.		
a)	Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?			\boxtimes	
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
с)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school			\boxtimes	
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				\boxtimes
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				\boxtimes
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				\boxtimes
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			\boxtimes	
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			\boxtimes	-

- ---- ---

APŇ: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

SUBSTANTIATION

- VII a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department and in some instances additional land use review.
- VII b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department.
- VII c) The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are located more than one-quarter mile away from the project site.
- VII d) The project site is not included on a list of hazardous materials sites.
- VII e) The project site is not within the vicinity or approach/departure flight path of a public airport.
- VII f) The project site is not within the vicinity or approach/departure flight path of a private airstrip.
- VII g) The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions.
- VII h) The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because there are no wildlands adjacent to this site.

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?
- e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structure, which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact	
				-
	<u> </u>			
			\boxtimes	
			\boxtimes	
			\boxtimes	

90

APN: 0266-012-13* Init PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

SUBSTANTIATION

- VIII a) The project will not violate any water quality standards or waste discharge requirements because the project will be served by established water and wastewater purveyors that are subject to independent regulation by local and state agencies that ensure compliance with both water quality and waste discharge requirements.
- VIII b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project will be served by an existing-water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of this project.
- VIII c) The project would substantially alter the existing drainage pattern of the site, if constructed, and the construction of impervious surfaces would reduce any potential erosion from the site. An Erosion Control Plan would be required to retain erosion and silt on site during any development or construction activities.
- VII d) The project will substantially alter the existing drainage pattern of the project site, and substantially increase the rate or amount of surface runoff in a manner that could result in potential flooding on-site or off-site because the project will result in the construction of a significant amount of impervious surfaces in an area where adequate facilities may not exist to handle a significant amount of increased runoff. The project will be required to provide a Drainage and Hydrology Study for review and approval by the County Land Development Engineering/Drainage Section, prior to issuance of any permits. The Drainage Section will determine and require the installation of appropriate drainage improvements where necessary.
- VIII e) The project will create or contribute new runoff water that may exceed the capacity of existing storm water drainage systems or provide substantial additional sources of polluted runoff, as a result of the construction of substantial impervious surfaces for the proposed use. The project will be required to provide a Drainage and Hydrology Study for review and approval by the County Land Development Engineering/Drainage Section, prior to issuance of any permits. The Drainage Section will determine and require the installation of appropriate drainage improvements where necessary.
- VIII f) The project does not have the potential to substantially degrade water quality because the project is proposing the use of septic tank systems that will be conditioned to meet the waste discharge requirements of the Santa Ana Water Quality Control Board and the County Division of Environmental Health Services requirements.
- VIII g) The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map because no housing is proposed for development in this project.
- VIII h) The project will not place within a 100-year flood hazard area structures that could impede or redirect flood flows because the site is not located within a designated 100-year flood hazard area.

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- VIII i) The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, because the project site is not located in an area that is subject to inundation flow that might result in the event of a dam or levee failure or that might occur from a river, stream, lake or sheet flow situation.
- VIII j) The project will not be impacted by inundation by seiche, tsunami, or mudflow, because the project site is not adjacent to any body of water that has the potential of seiche or tsunami nor is the project site in the path of any potential mudflow.

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

SUBSTANTIATION

- IX a) The project will not physically divide an established community because the project is a logical and orderly development of the planned land uses that are established within the surrounding area.
- IX b) The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, because the project is consistent with all applicable land use policies and regulations of the County Code and General Plan. The project will be conditioned to comply with all hazard protection, resource preservation and land use modifying Overlay District regulations.
- IX c) The project site is just outside designated critical habitat for the San Bernardino kangaroo rat and proposed critical habitat for California gnatcatcher. A Biological Technical Report was prepared White & Leatherman Bioservices on February 2, 2006, and an updated report was prepared on September 26, 2007. The report concluded that the listed threatened or endangered San Bernardino kangaroo rat and California gnatcatcher do not occur on site. Additionally, there is on-going disturbance of the site from vehicle activity, along the southeastern boundary. Mitigation measures have been incorporated in Section IV to further reduce any potential impacts to biological resources.

Potentially Significant Impact	Less than Significant with Miligation Incorp.	Less than Significant	No Impact
			\boxtimes
		\boxtimes	
		\boxtimes	

APN: 0266-012-13* PROJECT No: P200701012/CU	Initial Study	• •	Page 26 of 43
JON PHARRIS – PHELAN DEVI June 23, 2008		,	
د			

X. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Potentially Significant Impact	Less than Significant with Mitigation Incorp,	Less than Significant	No Impaci	
			\boxtimes	

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

SUBSTANTIATION (Check if project is located within the Mineral Resource Zone Overlay):

- X a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, because there are no identified important mineral resources on the project site and the site is not within a Mineral Resource Zone Overlay.
- X b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there are no identified locally important mineral resources on the project site.

- XI. NOISE Would the project:
 - a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
 - b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
 - c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
 - d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
 - e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
 - f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
 - **SUBSTANTIATION** (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element ::
- XI a) The project does not has the potential to expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, because the project will be required to constructed and operated in compliance with the County noise standards identified in the Development Code. The project will be conditioned to complete an Acoustical Analysis to determine potential impacts and recommend mitigation measures to attenuate any noise impacts that may be generated during temporary grading and construction operations.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
		•	·
		\boxtimes	
			\boxtimes
			\boxtimes

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- XI b) The project will not create exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels because the project has been conditioned to comply with the vibration standards of the County Development Code and no vibration exceeding these standards is anticipated to be generated by the proposed uses.
- XI c) The project will not generate a substantial <u>permanent</u> increase in ambient noise levels in the <u>project vicinity above levels existing or allowed without the project because the project has</u> been conditioned to comply with the noise standards of the County Development Code and no noise exceeding these standards is anticipated to be generated by the project.
- XI d) The project will not generate a substantial temporary or <u>periodic</u> increase in ambient noise levels in the project vicinity above levels existing or allowed without the project because the project has been conditioned to comply with the noise standards of the County Development Code.
- XI e) The project is not located within an airport land use plan area or within 2 miles of a public/public use airport.
- XI f) The project is not within the vicinity of a private airstrip.

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

POPULATION AND HOUSING - Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				\boxtimes
Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				\boxtimes

SUBSTANTIATION

XII.

a)

b)

c)

- XII a) The project will not induce substantial population growth in an area either directly or indirectly. It is not anticipated that this project will not create a need for new housing for new employees because the existing housing available exceeds the demand for new housing in this San Bernardino area.
- XII b) The proposed use will not displace substantial numbers of existing housing units necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal.
- XII c) The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere because the project will not displace any existing housing or existing residents.

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

XIII.	PUBLIC SERVICES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less then Significant	No Impact
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant				
	environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	Fire Protection?				\boxtimes
	Police Protection?				\boxtimes
	Schools?				\boxtimes
	Parks?				\boxtimes
	Other Public Facilities?		·		\boxtimes

SUBSTANTIATION

XIII a) The proposed project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities. Statutory school fees will be required upon application for building permits for the construction of this project.

Potentially Significant Less than Significant No Impact Impact Mitigation Incorp. Significant Impact

XIV. RECREATION

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

SUBSTANTIATION

- XIV a) This industrial project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated because the project will not generate any new residential units and any potential impacts generated by the employees of this project will be minimal.
- XIV b) This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment because the type of project proposed will not result in an increased demand for recreational facilities.

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

			Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact	
XV.		TRANSPORTATION/TRAFFIC - Would the project:			·		
	a)	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at					
		intersections)?		\boxtimes			
	b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or					
		highways?		\boxtimes			
	c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				\boxtimes	
	d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				\boxtimes	
	e)	Result in inadequate emergency access?					
	f)	Result in inadequate parking capacity?				\boxtimes	
!		Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				\boxtimes	
	_						

SUBSTANTIATION

|D

XV a) The proposed project is estimated to generate 72 morning peak hour trips, and 67 evening peak hour trips. In addition, the proposed project will result in the addition of a total of 2,182 PCE trips per day on roadways in the project vicinity. The study concluded that the additional traffic will have a significant impact to the existing traffic load and capacity of the street system. Mitigation measures have been required to reduce the potential impacts of the increased traffic load at this location.

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

....

- XV b) Traffic impacts for this project have been evaluated in a traffic study, prepared by LSA Associates, and approved by the San Bernardino County Public Works Department, Traffic Division on June 5, 2008. The study analyzed four intersections: Palm Avenue at Cajon Boulevard, Palm Avenue at Industrial Parkway/Project Driveway, Palm Avenue at Southbound I-215 ramp, and Palm Avenue at Northbound I-215 ramp. The study concluded that the three of the intersections, Palm Avenue at Industrial Parkway/Project Driveway, Palm Avenue at Southbound I-215 ramp, and Palm Avenue at Northbound I-215 ramp. The study concluded that the three of the intersections, Palm Avenue at Industrial Parkway/Project Driveway, Palm Avenue at Southbound I-215 ramp, and Palm Avenue at Northbound I-215 ramp will have unacceptable Levels of Service (LOS) by the horizon year 2035. The traffic impacts will be mitigated to bring this intersection up to an acceptable level of service by the target year 2035.
- XV c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed.
- XV d) The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses.
- XV e) The project will not result in inadequate emergency access because there is a minimum of two access points.
- XV f) The project will not result in inadequate parking capacity because the project meets the parking standards established by the County Development Code.
- XV g) The project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bicycle racks) because these have been required to be installed as conditions of approval.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

<u>Traffic Mitigation</u>. The total fair share contribution of \$90,157, for the installation of a future signal at Palm Avenue at Industrial Parkway/Project Driveway, is required to be deposited to Department of Public Works/Traffic Division prior to issuing Building Permits. The study also recommends that the intersection of Palm Avenue at Southbound I-215 ramp and Palm Avenue at Northbound I-215 ramp be signalized. The improvements to signalize the two ramps are covered under the Regional Transportation Development Plan. [Mitigation Measure XV-1]

 $| \cap |$

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

12

		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact	
XVI.	UTILITIES AND SERVICE SYSTEMS - Would the project:			·		
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					
b)_	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		-	\boxtimes		
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			\boxtimes		
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			\boxtimes		
f)	Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			\boxtimes		
g)	Comply with federal, state, and local statutes and regulations related to solid waste?			\boxtimes		
S	UBSTANTIATION					

- XVI a) The proposed project will not exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board because it will be conditioned to comply with the Boards waste discharge requirements and subsurface waste disposal system permit requirements.
- XVI b) The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, because the project proposes the construction of a self contained subsurface waste disposal system subject to permit approval from the Santa Ana Regional Water Quality Control Board and the County Environmental Health Services Division.

APN: 0266-012-13* Ir PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- XVI c) The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects, as the County Public Works Department has reviewed the drainage caused by the project, and required appropriate facilities to be constructed as a part of this project.
- XVI d) The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources, as the local water purveyor has given assurance that it has adequate water service capacity to serve the projected demand for the project, in addition to the provider's existing commitments.
- XVI e) The proposed project has a determination from the County Environmental Health Services Division that the soil type in the project area is adequate to handle the proposed subsurface disposal systems subject to submittal of the appropriate soils report and certification by a Registered Professional Health Sanitarian.
- XVI f) The proposed project is served by the Mid-Valley landfill which has sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- XVI g) The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste.

No

Less than

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

IGNIFICANCE:	Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	Impact	
tential to degrade the ubstantially reduce the ecies, cause a fish o v self-sustaining levels or animal community	e r ,				
the range of a rare o or eliminate importan of California history o	r t	\boxtimes			
s that are individually lerable? ("Cumulatively ncremental effects of a viewed in connection is, the effects of othe cts of probable future	ץ א ר		\boxtimes		
ental effects, which wil					
cts on human beings	,		\boxtimes		

Potentially

Less than

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to 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?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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)?
- c) Does the project have environmental effects, which will cause Substantial adverse effects on human beings, either directly Or indirectly?

SUBSTANTIATION

XVII a) The project does not appear to have the potential to significantly degrade the overall quality of the region's environment, or 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 species. The project site is just outside designated critical habitat for the San Bernardino kangaroo rat and proposed critical habitat for California gnatcatcher. A Biological Technical Report was prepared White & Leatherman Bioservices on February 2, 2006, and an updated report was prepared on September 26, 2007. The report concluded that the listed threatened or endangered San Bernardino kangaroo rat and California gnatcatcher do not occur on site. Additionally, there is on-going disturbance of the site from vehicle activity, along the southeastern boundary. Mitigation measures have been incorporated in Section IV to further reduce any potential impacts to biological resources. Development of this project does not have the potential to eliminate important examples of major periods of California history or pre-history because none have been identified on the project site. If any archaeological or paleontological resources are identified during grading and construction of the project, the project is conditioned to stop and identify appropriate authorities, which properly record and/or remove for classification any such finds.

105

APN: 0266-012-13* Ini PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- XVII b) The project does not have impacts that are individually limited, but cumulatively considerable. The sites of projects in the area to which this project would add cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses. These sites either are occupied or are capable of absorbing such uses without generating any cumulatively significant impacts.
- XVII c) The project will not have environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this project or identified by review of other sources or by other agencies.

Only minor increases in traffic, emissions and noise will be created by development of the proposed project. These potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse affects upon the region, the local community or its inhabitants, that cannot be mitigated. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

XVIII. MITIGATION MEASURES

(Any mitigation measures, which are not 'self-monitoring', shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval)

<u>SELF MONITORING MITIGATION MEASURES</u>: (Condition compliance will be verified by existing procedure)

<u>GHG – Construction Mitigation Measures</u>. Prior to the issuance of any construction permits (grading or building) the developer shall submit to the Current Planning Division and gain approval of a letter agreeing to include the following requirements in all contracts and subcontracts:

- Construction equipment shall be shut off when not in use and shall not idle for more than 15 minutes. On-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes.
- Queuing of trucks on and off site shall be limited to periods when absolutely necessitated by grading or construction activities.
- To the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric or CNG equipment.
- Participation in the County Solid Waste Management Department policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Education of all construction workers about the required waste reduction and available recycling services. [Mitigation Measure III-1]

<u>GHG – Operational Mitigation Measures</u>. The following measures shall be implemented to reduce the potential impacts of the project on green house gases:

- The developer shall demonstrate that the design of the proposed buildings or structures exceeds current Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 5% subject to review by the County Building Official. Documentation of compliance with this measure shall be submitted to County Planning and the County Building Official for review and approval. Installation of the identified design features or equipment shall be confirmed by the County Building Official prior to final inspection. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds five percent (5%):
 - o Increase in insulation such that heat transfer and thermal bridging is minimized.
 - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.

- o Incorporate duel paned or other energy efficient windows,
- o Incorporate energy efficient space heating and cooling equipment,
- o Incorporate energy efficient light fixtures,
- o Incorporate energy efficient appliances,
- o Incorporate energy efficient domestic hot water systems,
- o Incorporate solar panels into the electrical system,
- o Incorporate cool roofs/light colored roofing,
- Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 5 percent.
- The developer shall provide a landscape plan for the project that includes shade trees around main buildings, particularly along southern and western elevations were practical and in a manner that will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be submitted to County Planning for review and approval.
- The developer shall submit to County Planning for review and approval landscape and irrigation plans that are designed so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- The developer shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Documentation of compliance with this measure shall be provided to County Planning for review and approval. Installation of the identified design features or equipment will be confirmed by the County prior to final inspection of each building...
- The developer shall provide to all tenants education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
- All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards, as confirmed by County Building & Safety.

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- Low flush toilets shall be installed within all residential units as specified in California State Health and Safety Code Section 17921.3, as confirmed by County Building & Safety.
- The developer shall submit to County Planning for review and approval landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and conserve water and energy.
- The developer shall demonstrate that landscape irrigation is supplied by recycled water (treated and provided by City of Redlands). Documentation of compliance with this measure shall be submitted to County Planning for review and approval.
- The developer shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides. Documentation of compliance with this measure shall be submitted to County Planning for review and approval. Installation of the identified design features or equipment shall be confirmed by the County prior to final inspection of each building.
- The developer shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be submitted to County Planning for review and approval. Installation of the identified design features or equipment shall be confirmed by the County prior to final inspection of each building.
- The developer shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the County Building Official. [Mitigation Measure III-2]

<u>AQ – Dust Control Plan</u>. The developer shall submit to County Planning a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include these elements to reduce dust production

- Exposed soil shall be kept continually moist (minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities).
- Street sweeping and/or washing shall be completed on paved roadways on or adjacent to the site, if there are visible signs of any dirt track-out at the conclusion of any workday.
- Every construction site exit shall have a devise to remove soil from construction vehicle tries to reduce tracking soil onto the adjacent paved roadways. Tire washing or a combination of gravel with steel rumble plates to knock loose tireborne soil are acceptable alternatives.
- All trucks hauling dirt away from the site shall be covered.

APN: 0266-012-13* Ir PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

- During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
- Maximum traffic speeds on all on-site unpaved roads shall be 15 mph.
- Storage piles that are to be left in place shall be either kept moist through watering (twice daily/as necessary), sprayed with a non-toxic soil binder, covered with plastic or revegetated. [Mitigation Measure III-3]

<u>AQ – Construction Mitigation</u>. Prior to issuance of grading permits, the developer shall submit written verification to the satisfaction of County Planning that all construction contracts and subcontracts for the project contain provisions that require compliance with these standards and requirements. During construction, each contractor and subcontractor shall be responsible for ensuring that all mitigation measures in the following list are implemented:

- The construction contractor shall use low-sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2.
- The construction contractor shall select the construction equipment used on site based on low emissions factors and high energy efficiency. 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 construction contractor shall ensure that the construction grading plans include a statement that work crews will shut off equipment not in use. During smog season (May through October), the overall length of the construction period will 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 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 construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- Compliance with SCAQMD Rule 1113 on the use or architectural coatings. Emissions associated with architectural coatings would be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.[Mitigation Measure III-4]

<u>AQ</u> – <u>Coating Restrictions</u>. The developer shall submit to the satisfaction of County Planning a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:

 Architectural coatings with Reactive Organic Compounds (ROC) shall not have content greater than 100 g/l.

APN: 0266-012-13* In PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

• The combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.

• High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings [Mitigation Measure III-5]

<u>Nest Protection.</u> If trees must be removed for the development of the site, they must be removed outside of the breeding season, or the developer must hire a biologist to check for raptor nests before removing the trees. [Mitigation Measure IV-1]

<u>Cultural Resources.</u> If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or artifacts are determined to be of Native American origin, the local Native American representative shall be notified. [Mitigation Measure V-1]

<u>Traffic Mitigation</u>. The total fair share contribution of \$90,157, for the installation of a future signal at Palm Avenue at Industrial Parkway/Project Driveway, is required to be deposited to Department of Public Works/Traffic Division prior to issuing Building Permits. The study also recommends that the intersection of Palm Avenue at Southbound I-215 ramp and Palm Avenue at Northbound I-215 ramp be signalized. The improvements to signalize the two ramps are covered under the Regional Transportation Development Plan. [Mitigation Measure XV-1]

110

APN: 0266-012-13* Initial Study PROJECT No: P200701012/CUP JON PHARRIS – PHELAN DEVELOPMENT June 23, 2008

GENERAL REFERENCES (List author or agency, date, title)

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources Bulletin #118 (Critical Regional Aquifers), 1975.

CEQA Guidelines, Appendix G

California Standard Specifications, July 1992

County Museum Archaeological Information Center

County of San Bernardino Development Code, 2007

County of San Bernardino General Plan, adopted 2007

County of San Bernardino Hazard Overlay Map FH22

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

County of San Bernardino, June 2004, San Bernardino County Stormwater Program, Model Water Quality Management Plan Guidance.

County of San Bernardino Road Planning and Design Standards

Environmental Impact Report, San Bernardino County General Plan, 2007

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

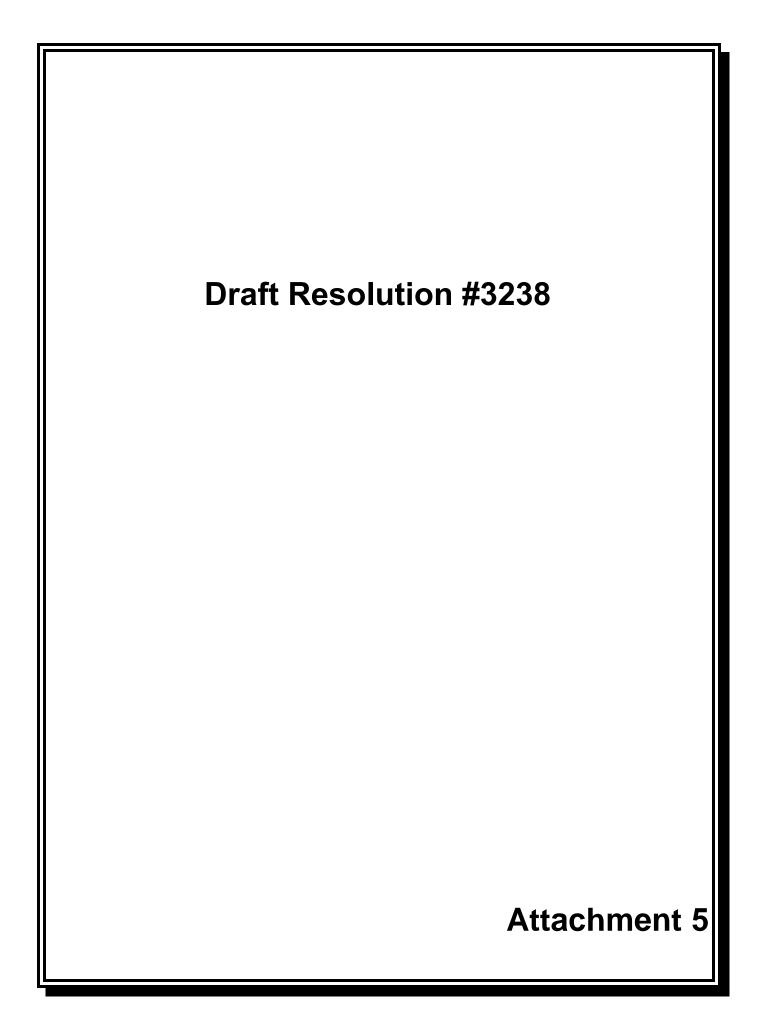
South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993

PROJECT SPECIFIC REFERENCES

Biological Technical Report, White and Leatherman Bioservices, February 2, 2006, Updated September 26, 2007

Traffic Study, LSA Associates, January 10, 2008

This page intentionally left blank



PROPOSAL NO.: LAFCO SC#409

HEARING DATE: DECEMBER 14, 2016

RESOLUTION NO. 3238

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#409 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2016-218 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBERS 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51)

On motion of Commissioner _____, duly seconded by Commissioner _____ and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve, approve with conditions, or deny applications for agencies to provide services outside their existing boundaries; and,

WHEREAS, an application for the proposed service extension in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 <u>et seq.</u>), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was called for December 14, 2016 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission for San Bernardino County does hereby determine, find, resolve and order as follows:

RESOLUTION NO. 3238

DETERMINATIONS:

SECTION 1. The following determinations are noted in conformance with Commission policy:

1. The project area, which is comprised of five (5) adjacent parcels identified as Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51, is within the sphere of influence assigned the City of San Bernardino and is anticipated to become a part of that City sometime in the future.

For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which includes the parcels associated with the proposed development—is exempt from further LAFCO review (LAFCO SC#352). Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement for water and sewer connection are conditions of approval as identified in the County's conditions of approval for the warehouse facility. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

- 2. The Irrevocable Agreement to Annex is being considered for the provision of sewer service by the City of San Bernardino to the project site comprised of five (5) adjacent parcels, Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51, which are generally located at the southwest corner of Palm Avenue and the natural extension of Industrial Parkway, within the City of San Bernardino's northwestern sphere of influence. This contract will remain in force in perpetuity for the proposed development or until such time as the project area is annexed.
- 3. The fees charged this project by the City of San Bernardino for the extension of sewer service are identified as totaling \$316,729.16 (a breakdown of charges is on file in the LAFCO office). Payment of these charges is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the proposed project.
- 4. During the period from July 2008 to June 2009, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of a Conditional Use Permit to establish a 315,000 sq. ft. high cube warehouse with 8,000 sq. ft. of office and a 25,000 sq. ft. multi-tenant retail/office building on approximately 20.68 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County subsequently approved a revision to the project that is smaller than the original project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The

Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

The Commission, as a responsible agency, finds that proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA lead agency. The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

SECTION 2. <u>CONDITION</u>. The City of San Bernardino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to the project site comprised of five (5) adjacent parcels, Assessor Parcel Numbers 0266-012-13, 0266-021-28, 0266-021-29, 0266-021-49, and 0266-021-51.

SECTION 4. The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#409 - City of San Bernardino Irrevocable Agreement to Annex No. 2016-218 for Sewer Service, has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STATE OF CALIFORNIA

) ss.

COUNTY OF SAN BERNARDINO

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of December 14, 2016.

DATED:

KATHLEEN ROLLINGS-McDONALD Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 885-8170 E-MAIL: lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: DECEMBER 6, 2016

- FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer SAMUEL MARTINEZ, Assistant Executive Officer
- TO: LOCAL AGENCY FORMATION COMMISSION
- SUBJECT: Agenda Item #6: Consideration of Request for Exemption from Government Code Section 56133 for LAFCO SC#410 for Out-of-Agency Service Agreement for Sewer Service by City of Fontana to the County of San Bernardino's Crisis Residential Treatment Facility

RECOMMENDATION:

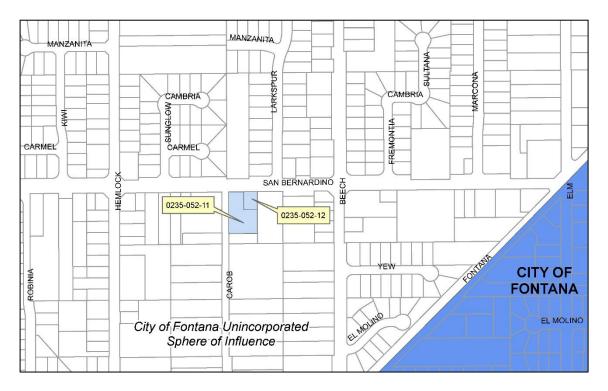
Determine that LAFCO SC#410 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval.

BACKGROUND:

On November 2, 2016, the City of Fontana (City) submitted a request that the Commission determine that the proposed pre-annexation agreement between the City and the County of San Bernardino (County) is exempt from the provisions of Government Code Section 56133 as outlined in Subsection (e). Per the Commission's policy, this is being presented to the Commission since the exemption request is development-related.

The agreement relates to two adjacent parcels, Assessor Parcel Numbers (APNs) 0235-052-11 & 0235-052-12, to be connected to the City of Fontana's sewer facilities. The parcels, which are owned by the County of San Bernardino, are generally located at the southeast corner of San Bernardino and Carob Avenues, within the City of Fontana's western sphere of influence. The request is to receive sewer service from the City of Fontana as it currently serves other parcels along San Bernardino Avenue. A copy of the exemption request letter (Attachment #1) and draft agreement (Attachment #2) are included as a part of this report.

The County of San Bernardino's Department of Behavioral Health is proposing to build a new Crisis Residential Treatment (CRT) facility on both parcels. The 11,900 square foot 16-bed facility will be used specifically for providing crisis intervention for individuals diagnosed with mental health and/or substance use disorders. Below is a map showing the location of the two parcels.



The City has cited the relevant exemption language within Government Code Section 56133 (e) for its request. The section reads as follows:

"(e) This section does not apply to.....[t]wo or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."

In the present case, staff believes that the exemption outlined above applies to the provision of sewer service by the City of Fontana to the County of San Bernardino's proposed facility on the basis of the following facts:

1. The agreement is between the City of Fontana and the County of San Bernardino, both of which are public agencies.

- 2. The public service to be provided is sewer service a service already being provided by the City of Fontana within the area. The service to be provided is in-lieu of the County developing the infrastructure (i.e. package treatment plant) to serve the proposed development.
- 3. The level of service to be provided through this contractual relationship is consistent with the level of service contemplated by the County of San Bernardino for the proposed facility.

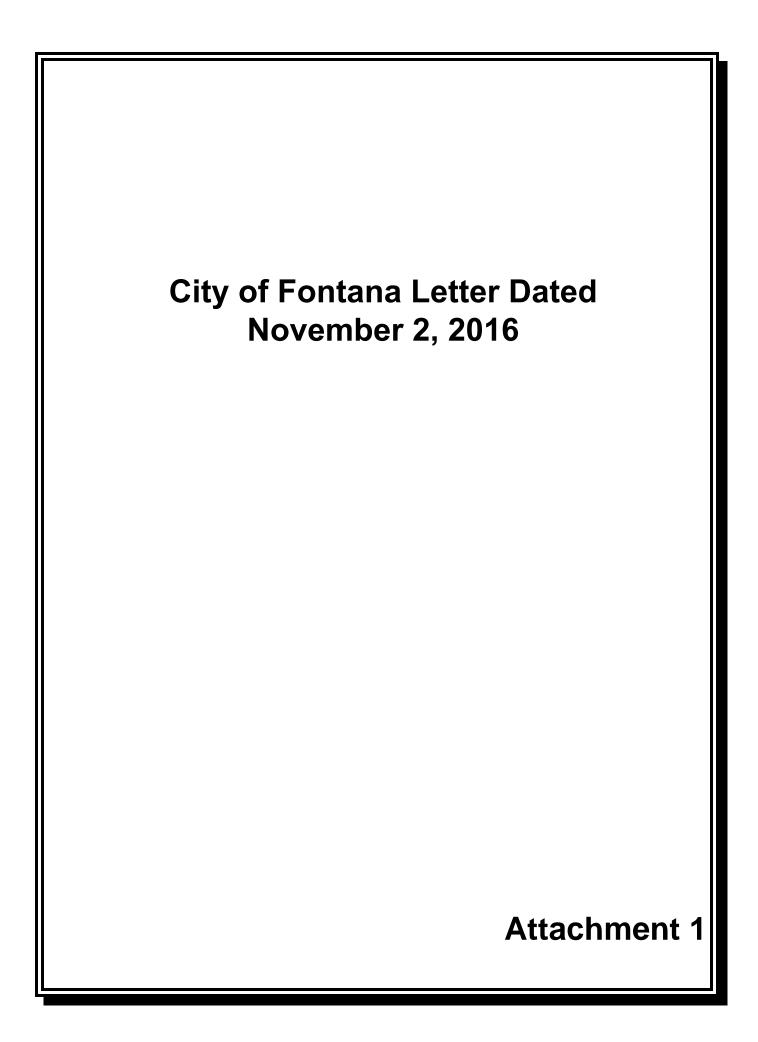
CONCLUSION:

Based on the determinations outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 (e), the Pre-Annexation Agreement between the City of Fontana and the County of San Bernardino exempt from further review and approval by the Commission. The City of Fontana is scheduled to approve the contract at its December 13, 2016 City Council meeting. The County Board of Supervisors will be considering the item at its December 20, 2016 meeting, which will include approval of the Pre-annexation Agreement and approval of the project including authorization to release construction documents for public bidding in order to award the construction contract by February 2017.

KRM/sm

Attachments:

- 1. City of Fontana Letter Dated November 2, 2016
- 2. Unsigned Pre-Annexation Agreement with Exhibits





City of Fontana CALIFORNIA

November 2, 2016

Kathleen Rollings-McDonald Executive Officer Local Agency Formation Commission 175 West Fifth Street, 2nd Floor San Bernardino, CA 92415-0490

RE: Proposed Sewer Service by the City of Fontana to the County of San Bernardino Crisis Residential Treatment Facility ("CRT") at the Southeast Corner of San Bernardino and Carob Avenues within the City of Fontana Sphere of Influence Area (Assessor's Parcel Numbers 0235-052-11 and 0235-052-12)

Dear Ms. Rollings-McDonald:

On October 26, 2016, the County of San Bernardino submitted an application for a Pre-Annexation Agreement ("Agreement") and request that the City of Fontana provide sewer services to their proposed CRT facility within their jurisdiction and which is within the City of Fontana Sphere of Influence area.

The County indicated that the project is in jeopardy of losing state and federal funds if the funds cannot be expended by the end of February 2017. In an effort to assist the County, the City staff is in support of the request pending the City Council review of the Agreement, which is tentatively scheduled on December 13, 2016.

In addition, the City of Fontana is requesting that it be exempted from Government Code Section 56133 because of the following reasons:

- (1) The agreement is solely between two public agencies the City of Fontana and County of San Bernardino;
- (2) The public service to be provided is an alternative to, or substitute for, a public service already provided by an existing public service provider; and
- (3) The level of sewer service to be provided is consistent with the level of service contemplated by the existing service provider.

Kathleen Rollings-McDonald November 2, 2016 Page 2 of 2

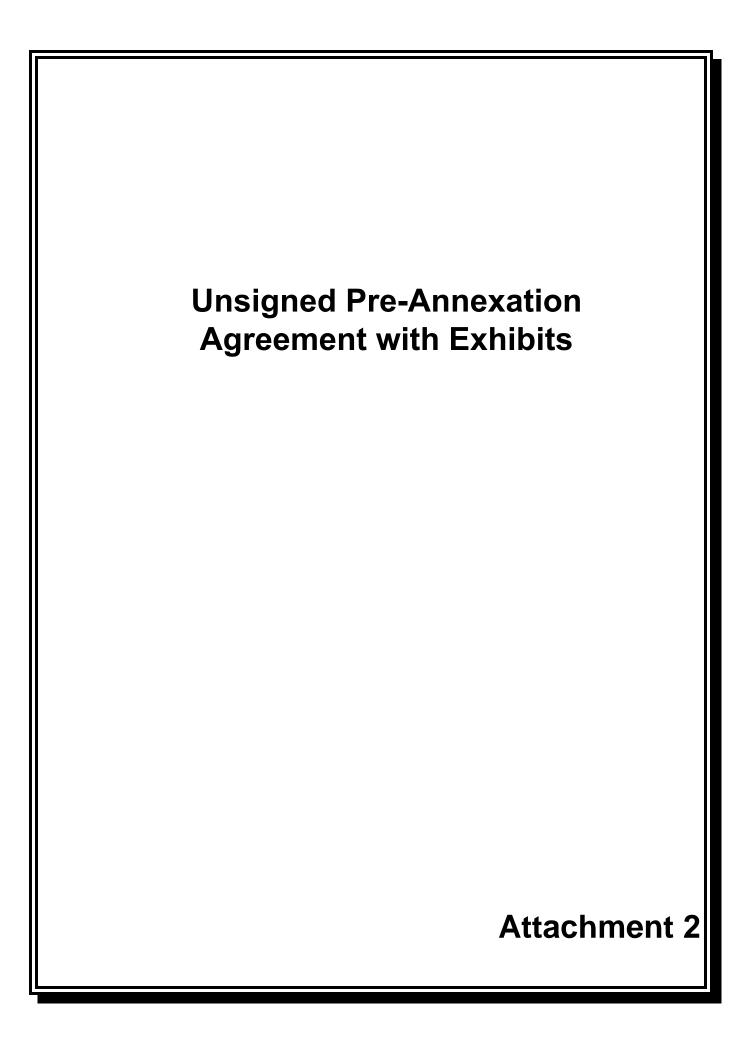
Should you have any questions on this request, please do not hesitate to contact me at (909) 350-7654 or Zai AbuBakar, Planning Manager, at (909) 350-7625.

Sincerely,

KENNETH R. HUNT

KENNETH R. Ht City Manager

cc: Debbie Brazill, Deputy City Manager Ricardo Sandoval, City Engineer Zai AbuBakar, Planning Manager Shandy Dittman, Project Manager, Community Development and Housing, County of San Bernardino



RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

City of Fontana 8353 Sierra Avenue Fontana, California 92335 Attn: City Manager

Exempt from Recording fee pursuant to Gov't Code § 27383

(Space above for Recorder's use)

PREANNEXATION AGREEMENT

between

CITY OF FONTANA a California municipal corporation

and

COUNTY OF SAN BERNARDINO

[Dated as of ______, 2016 for reference purposes only]

1. PARTIES AND EFFECTIVE DATE.

1. A. Parties. This Preannexation Agreement ("Agreement") is entered into as of this ______th day of ______, 2016, between the City of Fontana, a California municipal corporation ("City") and County of San Bernardino ("Landowner"), a political subdivision of the State of California, with an address of 385 N. Arrowhead Avenue, 3rd Floor, San Bernardino, CA 92415-0026. City and Landowner are sometimes individually referred to herein as "Party" and collectively as the "Parties."

1. B. Effective Date. This Agreement will not become effective until the date ("Effective Date") on which it has been approved by the Board of Supervisors on behalf of Landowner and has been approved by the City Council. City shall deliver a fully executed counterpart original of this Agreement to Landowner within ten (10) days from City's execution of this Agreement.

2. RECITALS.

2. A. Landowner has fee title to that property, in unincorporated San Bernardino County, commonly known as Assessor Parcel Numbers 0235-052-11 and 0235-052-12 (the "Property"), more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference. An Assessor Parcel Map is attached hereto as Exhibit "B" and incorporated by this reference.

2. B. The City is contemplating annexation of certain territory, including Landowner's Property which is also located within the "Western Sphere of Influence", as defined in and subject to the Memorandum of Understanding ("MOU") between the City and County of San Bernardino approved on August 26, 2008, and amended on October 9, 2012, and as it may be amended from time to time, as well as the City's annexation policy as amended from time to time. A current copy of the MOU is attached hereto as Exhibit "C" and incorporated herein by reference. A current copy of the City's annexation policy is attached hereto as Exhibit "D" and incorporated herein by reference.

2. C. The City has general planned and prezoned the Western Sphere of Influence and, upon annexation, the Property will be zoned R-1, Single –Family Residential in accordance with the City's Zoning District Map.

2. D. Landowner desires to build an approximately 10,891 square-foot new crisis residential treatment facility which will consist of 10 bedrooms for 16 adults to stay for an unspecified duration and provide them with psychiatric services ("Project") and has requested that the City enter into this Agreement and City desires to provide sewer service to the Project.

3. TERMS.

In order to facilitate the annexation and the development of this Project the City and Landowner agree to the following:

3. A. City's Obligation.

(a) Annexation. Subject to Section 3. A. (c) noted below, upon completion of the annexation, the Property shall be subject to the same benefits and obligations as other properties zoned Single-Family Residential (R-1) by the City.

(b) No Representation or Warranty Regarding Annexation. Nothing herein shall be deemed as a representation or warranty by City that the annexation of the Property will be completed.

(c) Zoning. The Parties acknowledge that the City has prezoned the Property, and upon annexation, the Property will be zoned Single-Family Residential (R-1). The R-1 Zoning allows the Crisis Residential Treatment Facility via a Conditional Use Permit. If the project is annexed to the City of Fontana in the future, it is required to receive approval of a Conditional Use Permit prior to any expansion of the structure or use of the property. Notwith-standing the foregoing, or anything to the contrary contained herein, this Agreement shall not limit the right of Landowner to continue any existing legal use upon the Property that is conducted prior to annexation, but is considered a legal nonconforming use following annexation and/or due to future changes to the City's General Plan or zoning ordinances.

(d) **Development Standards**. The proposed development shall closely reflect the City development requirements as in accordance with the MOU (see Exhibit "E" for current County's Building requirements and Standard Summary and Project Plans, which are subject to change).

3. B. Landowner's Obligations.

(a) **Development Impact Fees**. Landowner shall pay all fees and charges and make all deposits adopted by and in effect by the then applicable City ordinance or resolution, including those fees identified in the MOU as it may be amended from time to time. The amount of the development impact fees to be paid to the City by the developer in connection with the proposed development shall be paid to the City at the time of sewer construction permit issuance for the proposed development. Those fees are listed in Exhibit F and shall include, but not be limited to, the following:

Fire Facilities

Storm Drainage Facilities

Sewer Facilities

Park Fees

(b) City Provision of Sewer Service. The City agrees to provide sewer service and a sewer connection to said development provided that (1) such Landowner complies with the City's annexation policy, as it may be amended from time to time (a current copy of which is attached as Exhibit "D"), (2) the Landowner meets all other City requirements and pays all fees imposed by the City pursuant to the Municipal Code and other policies and regulations,

as they may be amended from time-to-time, in connection with such sewer service; and (3) the Landowner pays to the City those development impact fees which would be applicable to the development if it were to occur within city limits as required under the City's current fee schedule and the MOU at the time a sewer connection permit is issued and in the amounts as may be established from time-to-time by the City, provided, however, that the City shall not require the payment of any impact fee which is imposed by the County to fund the same infrastructure as being funded by the City impact fee.

(c) Sewer Connection Charges/LAFCO Fee. Landowner shall pay all fees and charges as listed in Exhibit F and make all deposits required by City to connect to and use the sewer. Landowner also agrees to pay any additional fees that may be charged by the Local Agency Formation Commission (LAFCO). Those fees are listed in Exhibit F and shall include, but not be limited to, the following:

Sewer Deposit

Sewer Connection Permit Fee

Sewer Connection Master Fee (Equivalent Dwelling Unit calculated on number of plumbing fixtures)

Sanitary Sewage Facilities Expansion Fee (Inland Empire Utilities Agency) (Equivalent Dwelling Units calculated on number of plumbing fixtures)

LAFCO Fee

Landowner agrees to be bound by all City ordinances, rules and regulations respecting the sewer system for the property.

3. C. Event of Default. For purposes of Section 3.C., an "Event of Default" shall mean the occurrence of any of the following during the term hereof:

(a) Landowner materially breaches any of the obligations of this Agreement;

(b) Subject to Section 3.A. (c) noted above, Landowner suspends or ceases operation of the development for a period in excess of thirty (30) days;

(c) Landowner makes a material misrepresentation of any fact or item in any document executed by the City with respect to this Agreement;

3. D. Irrevocable Consent to Annexation. In exchange for the City's commitments hereunder to make the sewer connection available to Landowner, Landowner hereby consents to the annexation of the Property to the City. Provided that City has fully complied with its obligations under this Agreement, Landowner agrees to covenant for itself, its agents, employees, contractors, heirs, successors and assigns ("Successors") not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to the City. Provided that City has fully complied with its obligations under this Agreement, Landowner and its Successors shall cooperate in every

reasonable way with the requests of the City, the San Bernardino Local Agency Formation Commission ("LAFCO"), or any other public agency in any proceedings to annex the Property to the City. The Landowner's and its Successor's cooperation shall include, but not be limited to, the filing of all necessary applications, petitions, plans, drawings, and any other documentation or information required by the City, LAFCO, or any other public agency at no cost or expense to Landowner or its Successor.

3. E. Duration of Agreement. This Agreement shall remain in effect for a term of three (3) years from the Effective Date or upon expiration of the County's land use approvals, including any extensions, or whichever occurs first.

3. F. Property Maintenance. Landowner agrees to maintain the Property in good condition and in compliance with reasonable residential standards. Reasonable standards are defined as the level of maintenance service necessary to keep the appearance and operation of the Property free from visible defects, deterioration, dirt and debris.

3.G. Amendments/Time Extensions. City and Landowner may amend this Agreement by written amendment mutually executed by both parties. Such amendments shall not invalidate this Agreement or relieve or release any Party from its obligations under this Agreement unless expressly stated so by such amendment.

4. GENERAL PROVISIONS.

4. A. General Compliance. Landowner agrees to comply with all applicable, federal, state and local laws and regulations, including but not limited to the City's Building, Planning, Fire, and Code Enforcement Divisions for the property.

4.B. Waiver of Liability. Accordingly, Landowner shall waive the City from all liability resulting from any damage to property or unfinished or poor quality work caused by a contractor.

4. C. Hold Harmless. Landowner shall hold harmless, defend and indemnify City, and its respective directors, officials, officers, attorneys, employees, agents, representatives and volunteers from and against any and all actual or alleged claims, actions, suits, charges, demands, judgments, and expenses (including reasonable attorneys' fees, expert witness fees and court costs) whatsoever that arise out of Landowner's or any of its contractor's performance or nonperformance of this Agreement. At Landowner's own cost, expense and risk.

City shall hold harmless, defend and indemnify Landowner, and its respective directors, officials, officers, attorneys, employees, agents, representatives and volunteers from and against any and all actual or alleged claims, actions, suits, charges, demands, judgments, and expenses (including reasonable attorneys' fees, expert witness fees and court costs) whatsoever that arise out of City's or any of its contractor's performance or nonperformance of this Agreement at City's own cost, expense, and risk.

In the event the Landowner and/or the City are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under the Agreement, the Landowner and/or the City shall indemnify the other to the extent of its comparative fault.

Furthermore, if the Landowner and/or the City attempts to seek recovery from the other for Workers' Compensation benefits paid to an employee, the Landowner and/or the City agree that any alleged negligence of the employee shall not be construed against the employer of that employee.

4. D. Suspension or Termination. City may suspend or terminate this Agreement, in whole or in part, if Landowner materially fails to comply with any term of this Agreement or with any of the rules, regulations or provisions referred to herein; and the City may declare Landowner ineligible for any further participation in City contracts, in addition to other remedies as provided by law.

4. E. Attorneys' Fees. In the event of the bringing of an action or suit by a Party against another Party by reason of any breach of any of the covenants contained in this Agreement or any other dispute between the Parties concerning this Agreement, then, in that event, the prevailing Party in such action or dispute, whether by final judgment or out of court settlement shall be entitled to have and recover of and from the other Party all costs and expenses of suit or claim, including actual attorneys' fees. Any judgment or order entered in any final judgment shall contain a specific provision providing for the recovery of all costs and expenses of suit or claim, including actual attorneys' fees (collectively, the "Costs") incurred in enforcing, perfecting and executing such judgment. For the purposes of this Section, Costs shall include, without limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (i) post judgment motions, (ii) contempt proceedings, (iii) garnishment, levy, and debtor and third party examination; (iv) discovery; and (v) bankruptcy litigation. This Section shall survive any expiration or termination of this Agreement.

4. F. Interpretation. City and Landowner acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting. Accordingly, the rule of construction which provides the ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the Parties.

4. G. Counterpart Originals; Integration; Modification. This Agreement may be executed in by the Parties in counterparts, all of which together shall constitute a single Agreement. This Agreement constitutes the entire understanding of the Parties with respect to the matters set forth in this Agreement and supersedes any and all writings and oral discussions concerning the same. The performances of City's and Landowner's respective obligations under this Agreement are not intended to benefit any party other than the City or Landowner, except as expressly provided otherwise herein. The foregoing notwithstanding, the City is declared to be an intended third party beneficiary of the Landowner's obligations hereunder.

4. H. No Waiver. Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder

at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.

4. I. Venue; Jurisdiction; Governing Law. Any legal action or proceeding concerning this Agreement shall be filed and prosecuted in the appropriate court in the County of San Bernardino, California. Each Party hereto irrevocably consents to the personal jurisdiction of the court. This Agreement shall be governed by the laws of the State of California, without regard to conflict of laws principles.

4. J. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

4. K. Authority to Enter Agreement; Subcontracting; Recordation. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party. The Parties agree that this Agreement may be recorded with the San Bernardino County Recorder's Office.

4. L. Non Assignability. Landowner may not assign any of their rights or obligations under this Agreement without the express written consent of the City, which may not be unreasonably withheld or delayed. Notwithstanding the foregoing, Landowner may assign this Agreement, upon written notice to City: (i) to any entity in which Landowner owns a majority and controlling interest, and, (ii) following the completion of the Improvement Work to any third party who purchases the Business for the purpose of operating the Business on the Property in substantially the same manner as Landowner currently operates the Business. No unpermitted successor or assign of Landowner's rights under this Agreement shall be deemed to possess or be entitled to exercise any such right; provided, however, that the obligations of this Agreement shall nonetheless be binding upon such unpermitted successor or assign.

4. M. Force Majeure. Landowner shall be excused for the period of any delay in the performance of its obligations hereunder, when prevented from so doing by any cause beyond its control including, but not limited to, construction, labor unrest, litigation, unavailability of material, weather, war, acts of God, and refusal or failure of governmental authorities to grant necessary approvals and permits for construction of the Improvements in the manner contemplated herein ("Force Majeure").

4. N. Notices. All notices required or allowed by this Agreement shall be in writing and addressed as set forth below. Notices shall be deemed received upon (i) actual receipt by the intended recipient if the method of delivery is personal service, messenger service or facsimile transmission, (ii) actual receipt by the intended recipient if the method of delivery is overnight delivery service such as Federal Express or the like, or (iii) three business days after deposit in the United States mail, postage prepaid, return receipt requested. Notices shall be addressed as follows:

If to City:

City of Fontana 8353 Sierra Avenue Fontana, California 92335

	Telephone: (909) 350-7654 Attn: City Manager
With a Copy To:	Best Best & Krieger, LLP 2855 E. Guasti Road, Suite 400 Ontario, California 91761 Telephone: (909) 989-8584 Attn: Jeff Ballinger
If to Landowner:	County of San Bernardino Attention: Chief Executive Officer 385 N. Arrowhead Avenue, 5 th Floor San Bernardino, CA 92335
With a Copy To:	County of San Bernardino 303 E. Vanderbilt Way San Bernardino, California 92415-0026 Attn: Director of Behavioral Health Services

Any party's address for notices may be changed by written notice as provided above.

[Signatures on following pages]

SIGNATURE PAGE TO PREANNEXATION AGREEMENT

CITY:

CITY OF FONTANA a California municipal corporation

Dated: _____

By:

Kenneth R. Hunt City Manager

ATTEST:

Tonia Lewis, City Clerk

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP

By:

City Attorney

LANDOWNER:

COUNTY OF SAN BERNARDINO

Dated: _____

By: _____

			EDCEMENT
JALIFURNIA	ALL-PURPOSE	ACKINOWL	

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California) County of San Bernardino) Notary Public, before me, On DATE NAME, TITLE OF OFFICER Personally appeared_____ NAME(S) OR SIGNER(S) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. Witness my hand and official seal. SIGNATURE OF NOTARY PUBLIC

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT			
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.			
State of California) County of San Bernardino)			
On before me, <u>Notary Public</u> , DATE NAME, TITLE OF OFFICER			
Personally appeared,			
 NAME(S) OR SIGNER(S) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument. 			
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. Witness my hand and official seal.			
SIGNATURE OF NOTARY PUBLIC			

EXHIBIT A TO PREANNEXATION AGREEMENT

LEGAL DESCRIPTION OF PROPERTY ASSESSOR PARCEL NO. 0235-052-11 AND 0235-052-12

Real property in the unincorporated area of the County of San Bernardino, State of California described as follows:

Parcel 1:

The North 2.46 acres of the West 4.85 acres of the East half of Farm Lot 905, according to the Map showing Subdivision of lands belonging to the Semi-Trophic Land and Water Company. In the County of San Bernardino. State of California, as shown by map on file in Book 11 Page 12 of Maps, Records of San Bernardino County, California;

Except the Westerly 12 feet for road purposes, also except the East 150 feet and the South 60 feet, and also excepting the North 135 feet of the West 80 feet of the East 230 feet.

Areas and distances computed to the center of adjoining streets and roads.

Excepting therefrom any portion in San Bernardino Avenue.

Parcel 2:

The North 135 feet of the West 80 feet of the East 230 feet of the North 2.46 acres of the West 4.85 acres of the East half of Farm Lot 905, according to Map showing Subdivision of lands belonging to the Semi-Tropic Land and Water Co., in the County of San Bernardino, State of California, as shown by map on file in Book 1 1 Page 12 of Maps, records of San Bernardino County, California.

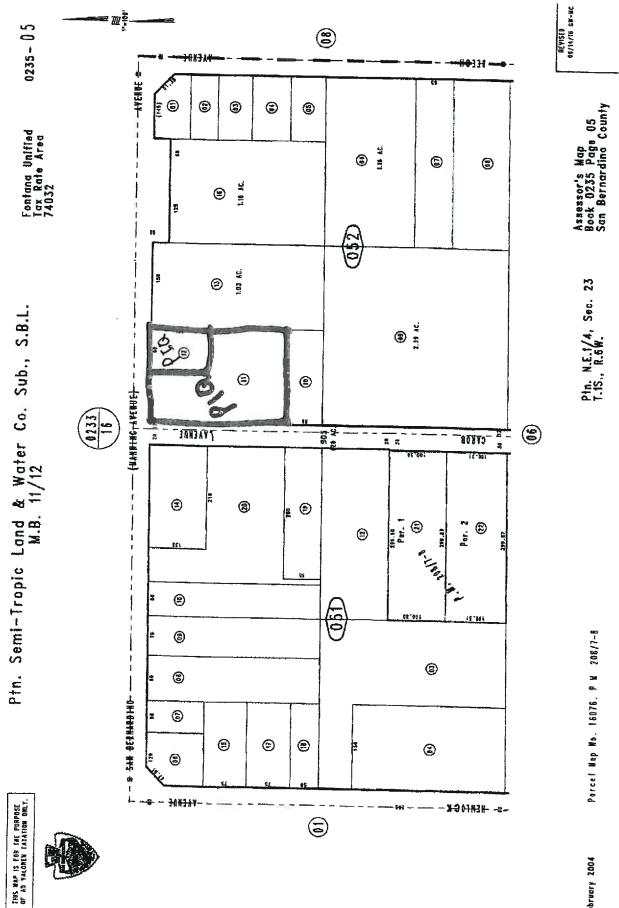
Areas and distances computed to the center of adjoining streets and roads;

Excepting therefrom any portion in San Bernardino Avenue.

EXHIBIT B TO PREANNEXATION AGREEMENT

ASSESSOR'S PARCEL MAP

[Attached Behind This Page]



February 2004

EXHIBIT C TO PREANNEXATION AGREEMENT

FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FONTANA AND COUNTY OF SAN BERNARDINO

(WESTERN SPHERE OF INFLUENCE)

[Attached Behind This Page]

FIRST AMENDED AND RESTATED

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF FONTANA AND COUNTY OF SAN BERNARDINO

AMENDED AS OF OCTOBER 9, 2012

WESTERN SPHERE OF INFLUENCE

the second s

16498.00000\7568621.3

CITY OF FONTANA / COUNTY OF SAN BERNARDINO

FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (Western Sphere of Influence)

This First Amended and Restated Memorandum of Understanding (Western Sphere of Influence) ("Agreement") is entered into between (1) the City of Fontana, a California general law city and municipal corporation ("City") and, (2) the County of San Bernardino, a political subdivision of the State of California ("County"). This Agreement is reference dated as of October 9, 2012, and supersedes that certain Memorandum of Understanding (Western Sphere of Influence) dated August 26, 2008 (the "2008 MOU"). This Agreement will not become effective until the occurrence of the "Effective Date" defined below. If the Effective Date does not occur on or before December 31, 2012, then this Agreement may not thereafter become effective and any prior approvals and/or signatures of the Parties shall be deemed, automatically and without need of further act or instrument by either Party, rescinded and void ab initio. The City and the County are sometimes referred to in this Agreement, individually, as a "Party" and, collectively, as the "Parties".

This Agreement will become effective on the date ("Effective Date") on which it has been approved by both the City Council on behalf of the City and the Board of Supervisors on behalf of the County and fully executed counterpart originals have been exchanged between the Parties. The term ("Term") of this Agreement shall commence on the Effective Date and shall automatically end upon the City's annexation of the entire Western Sphere (as defined in Recital A, below), or either Party's election to terminate this Agreement, which election may be made at any time and for any reason (or for no reason), notice of which shall be given as provided by Section 6.

RECITALS

A. Immediately adjacent to the westerly border of the City is an unincorporated area of land located within the County and designated by the San Bernardino County Local Agency Formation Commission ("LAFCO") as the City's Western Sphere of Influence ("Western Sphere"). The Western Sphere is approximately 8.5 square miles in size. A map depicting the boundaries of the Western Sphere is attached as <u>Exhibit "A"</u>.

B. The City provides sanitary sewer services within portions of the Western Sphere. The City owns and maintains the pipes and other transmission infrastructure needed to provide such service, whereas the Inland Empire Utilities Agency ("IEUA") provides wastewater treatment services within portions of the Western Sphere through a series of agreements with the City. The City's current annexation policy is to require any landowner or developer within the Western Sphere who desires to connect to the City's sanitary sewer system to either sign an irrevocable agreement to annex to the City or to complete a pre-annexation agreement. By this Agreement, the City and County have agreed on certain practices and procedures that they intend will facilitate economic development within the Western Sphere. C. The City and the County acknowledge that the Western Sphere, or some portion of it, may be annexed into the City at some future date. The County further acknowledges that the City's intent in entering into this Agreement includes ensuring that development within the Western Sphere which occurs prior to such annexation be accomplished in a manner that as closely as possible reflects the City's practices and requirements as established in the City's Development Code as it exists from time to time throughout the Term of this Agreement.

The Parties recognize that development within the Western Sphere will be D. enhanced and facilitated by the investment of public funds into the public infrastructure needed to support such development. The chief sources of public funds for such public infrastructure are those fees and charges imposed and collected from developers within the Western Sphere as a condition to the obtaining of building permits and other entitlements for such development. County has a limited program for the collection of such fees. The City, in connection with the pre-annexation agreements described in Recital "B" above, requires developers within the Western Sphere to pay to the City certain of those development impact fees that would otherwise be assessed against such development if it were located within the City's jurisdictional boundaries. As to the Western Sphere, these development impact fees will consist solely of sewer connection and expansion fees, a storm drainage facilities fee, a fire facilities fee, and a park development fee (for residential properties only) (collectively, the "Western Sphere Development Impact Fees" or "Western Sphere DIF"). The Western Sphere DIF shall be charged at the same rates which City charges for similar development projects within the City's incorporated boundaries, as such rates may be amended from time to time. To facilitate the economic development and revitalization of the Western Sphere, the City and the County have agreed that the Western Sphere DIF and the corresponding impact fees collected by the County from projects being developed within the Western Sphere shall be invested into public infrastructure projects located within the Western Sphere as more particularly described in this Agreement.

AGREEMENT

Section 1. <u>Incorporation of Recitals</u>. The Parties each acknowledge the accuracy of the factual matters set forth in the Recitals and further acknowledge that such facts form the material basis for their entry into this Agreement.

Section 2. <u>County's Obligation to Consult re Development Entitlements and</u> <u>Development Code and Development Standard Changes</u>. The City has reviewed the County's current Development Code and other regulations concerning development within the Western Sphere (collectively, the "County Standards"). Although not identical to City standards, the City is nonetheless satisfied that development which takes place in accordance with the County Standards will be of sufficient quality and character so as to be compatible with the development in the adjoining portion of the City. Accordingly, and in order to foster the continued development of the Western Sphere consistent with the above objective, the County agrees as follows:

2.1. The County shall submit to the City full and complete copies of any and all development or other entitlement permits or applications for development entitlements occurring within the Western Sphere. Such information shall be provided to the City no less than thirty (30) days prior to the administrative or County Planning Commission hearing at which the development application or other entitlement is to be considered. The City shall promptly review the application and, within twenty (20) days following its receipt from the County, the City will provide written comments to the County for its consideration. The County agrees to reasonably consider the City's comments and, to the extent not in conflict with the County Standards, to incorporate such City-recommended changes as either modifications to or conditions of approval of such entitlement.

2.2. The County shall provide to the City no less than thirty (30) days prior notice of any proposed changes to any of the County Standards, including General Plan amendments and Zoning and Development Code amendments. The County shall review and reasonably respond to any suggested changes and County staff shall incorporate such Cityrecommended changes for consideration by the County Planning Commission or Board of Supervisors, as applicable.

2.3. The requirements of the foregoing Sections 2.1 and 2.2 shall not operate to modify, waive or abridge any County obligation arising under the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.) ("CEQA") to provide the City with environmental notice and opportunity to comment as prescribed by CEQA.

2.4. The County shall review and consider a proposed change to the County Standards to make the County Standards consistent with the City's Automatic Fire Sprinkler Systems standards as set forth in City Code Sections 11-26 thru 11-31.

City Provision of Sewer Service. To the extent the City/IEUA has Section 3. available wastewater (sewer) treatment capacity, the City agrees to provide sewer service to and authorize a sewer connection by any landowner requesting such connection and service within the Western Sphere provided that: (1) such landowner complies with the City's annexation policy, as it may be amended from time to time (a current copy of which is attached as Exhibit "B"); (2) the landowner meets all other City requirements and pays the applicable sewer service fees which are imposed by the City pursuant to the City's Municipal Code and other policies and regulations, as they may be amended from time-to-time, in connection with such sewer service; and (3) the landowner pays to the City the Western Sphere DIF which would be applicable to the development if it were to occur in the City at the time a sewer connection permit is issued. Provided, however, that the City shall not require the payment of any development impact fee which is imposed by the County to fund the same infrastructure as being funded by the City impact fee, City agrees that this Agreement will accomplish, in major part, what annexation would provide for the Western Sphere. Therefore, notwithstanding the requirement for a landowner to comply with the City's annexation policy or LAFCO's requirements, or both, the City agrees it will not file a formal application with the Local Agency Formation Commission seeking to annex any part of the Western Sphere as long as this Agreement is in effect, unless the annexation application is otherwise agreed upon by the City and the County.

Section 4. <u>Use of Development Impact Fees Within Western Sphere</u>. Each year as part of their preparation and approval of their respective Capital Improvement Plans described by Government Code Section 66002, the City and the County shall each use reasonable good faith efforts to include capital improvement/public infrastructure projects within

the Western Sphere which will be funded by the Western Sphere DIF (as to the City) and those development impact fees received by the County from development occurring within the Western Sphere. Without limiting the legislative discretion granted to either the City Council or the Board of Supervisors, the Parties agree that, to the extent possible, the following projects shall be given priority in the allocation of Western Sphere DIF and those development impact fees received by the County from development occurring within the Western Sphere:

- 4.1 Sewer Facilities
- 4.2 Storm Drainage Facilities
- 4.3 Park Development: a central park
- 4.4 Fire Facilities

The above list is intended by the Parties to be precatory only and shall not be a binding commitment to fund. The County's Second District Supervisor and City's Mayor are authorized to meet and attempt to resolve any disputes regarding the priority of projects to be funded and/or add new projects, subject to the consent and ratification of the City Council and Board of Supervisors. Actual funding of such projects shall require separate agreements for each specific project, as approved by both the City Council and Board of Supervisors.

Section 5. <u>Sales Tax Allocations</u>. Sharing of Sales Tax under the 2008 MOU is hereby terminated. In lieu of the ongoing Sales Tax allocation by the County under the 2008 MOU, the County's remaining obligation under Section 5 shall be fulfilled in its entirety by the following actions:

5.1 Five Million Five Hundred Sixty Seven Thousand Eight Hundred and Sixty Seven Dollars and 39/100 (\$5,567,867.39) currently set aside in the County Fire CIP accounts to fund construction of Fire Station 80 shall be paid by the County to the Fontana Fire Protection District within ten (10) days following the Effective Date of this Agreement, for use in the acquisition of land and construction of a fire station to serve the Western Sphere area, tentatively located near the intersection of Foothill Boulevard and Banana Avenue; and

5.2 County shall, within ten (10) days following the Effective Date of this Agreement, pay to the City Four Million Five Hundred Thousand Dollars (\$4,500,000.00) to fund the improvement of a flood control/water quality control basin by the City.

Section 6. <u>Notices.</u> All notices permitted or required under this Agreement shall be given to the respective Parties at the following addresses, or at such other address as the respective parties may provide in writing for this purpose.

City	County
City of Fontana 8353 Sierra Avenue Fontana, CA 92335	County of San Bernardino 385 North Arrowhead Avenue San Bernardino, CA 92415
Attention: City Manager	Attention: County Administrative Officer

16498.00000\7568621.3

Section 7. <u>Integration/Modifications</u>. This Agreement contains the entire understanding of the Parties with respect to the matters set forth in this Agreement and supersedes any and all prior writings and oral discussions concerning the same. This Agreement may not be amended except by a writing duly signed and duly approved by the City and County. This Agreement is not intended to and shall not accrue to the benefit of any person or entity other than the City and the County.

Section 8. <u>Governing Law</u>. This Agreement shall be governed by the procedural and substantive laws of the State of California.

Section 9. <u>Invalidity</u>: Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 10. <u>Counterpart Originals</u>. This Agreement may be executed by the Parties in counterparts, all of which together shall constitute a single Agreement.

Section 11. <u>Attorney's Fees</u>. If any legal action is instituted to enforce or declare any Party's rights hereunder, each Party, including the prevailing Party, shall bear its own costs and attorneys' fees.

Section 12. <u>Authority to Enter into Agreement</u>. City and County both warrant that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind both respective Parties to this Agreement.

[Signatures on following pages]

SIGNATURE PAGE TO FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (Western Sphere of Influence)

COUNTY:

Dated:

CITY:

COUNTY OF SAN BERNARDINO

OCT 2 3 2012

SIGNED AND CERTIFIED THAT

A COPY OF THIS DOCUMENT

Josie Gouzaies, Chair Board of Supervisors

CITY OF FONTANA, a California general law city and municipal corporation

By: Kenneth R. Hunt

City Manager

Dated: 10/11/12

ATTEST.

HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD LAURA H. WELCH Clerk of the Board of Supervisors By: 0CF 2-Dated:

By: <u>Demendence</u> City Clerk Dated: <u>10/11/12</u>

APPROVED AS TO LEGAL FORM:

JEAN-RENE BASLE County Counsel

By:

Dated:

10-22-12

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP

By: Jeff Ballinger, City Attorney Dated: 10/16/2012

16498.00000\7568621.3

EXHIBIT A TO

FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING

WESTERN SPHERE AREA MAP (See following page)

16498.00000\7568621.3

Western Sphere of Influence CITY OF FONTANA

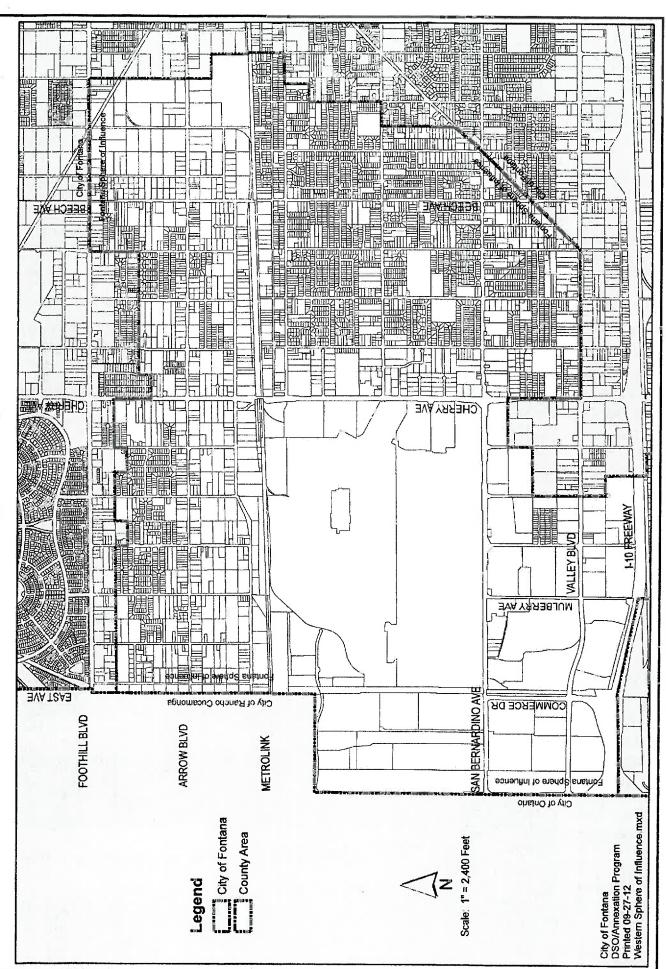


EXHIBIT B TO FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING

ANNEXATION POLICY (See following pages)

RESOLUTION NO. 2008-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA AMENDING THE CITY OF FONTANA'S POLICY PERTAINING TO ANNEXATION.

WHEREAS, the City Council of the City of Fontana ("City") has approved a policy pertaining to annexation as noted in Chapter 3 (Land Use Element) of the General Plan;

WHEREAS, the City has determined that in order to promote the City Council's economic and General Plan goals and objectives, amending the City's policy on annexation is an important benefit for the City's economic development;

NOW THEREFORE, BE IT RESOLVED, determined and ordered by the City Council of the City of Fontana as follows:

<u>Section 1</u>. Annexations shall be pursued that promote Community balance, quality development, and improvement of the City's economic base as follows:

Annexations may be initiated by the City Council (adopted resolution) or by property owners or registered voters (written petition);

A Plan for Services shall be prepared for all annexations and submitted to the City Council for review and consideration;

A fiscal impact analysis shall be conducted for all annexation areas;

All City and Local Agency Formation Commission (LAFCO) filing fees for annexation must be paid by the applicant.

<u>Section 2</u>. Irrevocable Agreements to Annex for Sewer Service-Existing Development (Contiguous and Non-Contiguous Areas)

An Irrevocable Agreement to Annex is an agreement between the landowner and the City for only sewer service. This agreement outlines that the City shall provide sewer service outside its corporate limits and the landowner agrees not to oppose a future attempt by the City to annex the area. Upon approval by LAFCO, the agreement shall be recorded with the County Recorder's office. Upon recordation, the agreement shall be considered a covenant on the land.

Irrevocable Agreements to Annex may be utilized when sewer service is extended outside the City's corporate limits to an existing residence or an existing commercial Grandustrial establishment that is experiencing a failing septic system.

AND CORRECT

Page 1 of 3

Resolution No. 2008-142

<u>Section 3</u>. Irrevocable Agreements to Annex for Sewer Service—New Development (Non-Contiguous Areas)

Irrevocable Agreements to Annex for sewer service may be utilized for new developments for areas that are not contiguous to the City's limits.

Irrevocable Agreements to Annex in the Western Sphere of Influence will be subject to the terms of the adopted Memorandum of Understanding (MOU) between the City and County of San Bernardino (copy attached).

Section 4. Preannexation Agreements-New Development (Contiguous and Non-Contiguous Areas)

A Preannexation Agreement may be utilized for new developments for areas that are contiguous or not contiguous to the City's limits. An applicant may wish to consider a preannexation agreement to outline land use designations, development standards, conditional use permits approved by the County of San Bernardino, donation of right-ofway easements, sewer service, and other requirements as necessary.

Annexation may be deferred by use of a Preannexation Agreement if the following condition is met:

Preannexation Agreements in the Western Sphere of Influence will be subject to the terms of the adopted MOU between the City and County (copy attached).

Section 5. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of December, 2008.

READ AND APPROVED AS TO LEGAL FORM:

<u>/s/ Clark Alsop</u> City Attorney

Resolution No. 2008-142

I, Tonia Lewis, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 9th day of December, 2008 by the following vote to wit:

AYES: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, Warren NOES: None ABSENT: None

/s/ Tonia Lewis City Clerk of the City of Fontana

/s/ Mark Nuaimi Mayor of the City of Fontana

ATTEST:

/s/ Tonia Lewis City Clerk of the City of Fontana

EXHIBIT B TO FIRST AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING

ANNEXATION POLICY (See following pages)

16498.00000\7568621.3

8

RESOLUTION NO. 2008-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA AMENDING THE CITY OF FONTANA'S POLICY PERTAINING TO ANNEXATION.

WHEREAS, the City Council of the City of Fontana ("City") has approved a policy pertaining to annexation as noted in Chapter 3 (Land Use Element) of the General Plan;

WHEREAS, the City has determined that in order to promote the City Council's economic and General Plan goals and objectives, amending the City's policy on annexation is an important benefit for the City's economic development;

NOW THEREFORE, BE IT RESOLVED, determined and ordered by the City Council of the City of Fontana as follows:

<u>Section 1</u>. Annexations shall be pursued that promote Community balance, quality development, and improvement of the City's economic base as follows:

Annexations may be initiated by the City Council (adopted resolution) or by property owners or registered voters (written petition);

A Plan for Services shall be prepared for all annexations and submitted to the City Council for review and consideration;

A fiscal impact analysis shall be conducted for all annexation areas;

All City and Local Agency Formation Commission (LAFCO) filing fees for annexation must be paid by the applicant.

<u>Section 2</u>. Irrevocable Agreements to Annex for Sewer Service—Existing Development (Contiguous and Non-Contiguous Areas)

An Irrevocable Agreement to Annex is an agreement between the landowner and the City for only sewer service. This agreement outlines that the City shall provide sewer service outside its corporate limits and the landowner agrees not to oppose a future attempt by the City to annex the area. Upon approval by LAFCO, the agreement shall be recorded with the County Recorder's office. Upon recordation, the agreement shall be considered a covenant on the land.

Irrevocable Agreements to Annex may be utilized when sewer service is extended outside the City's corporate limits to an existing residence or an existing commercial or industrial establishment that is experiencing a failing septic system. <u>Section 3</u>. Irrevocable Agreements to Annex for Sewer Service—New Development (Non-Contiguous Areas)

Irrevocable Agreements to Annex for sewer service may be utilized for new developments for areas that are not contiguous to the City's limits.

Irrevocable Agreements to Annex in the Western Sphere of Influence will be subject to the terms of the adopted Memorandum of Understanding (MOU) between the City and County of San Bernardino (copy attached).

<u>Section 4</u>. Preannexation Agreements—New Development (Contiguous and Non-Contiguous Areas)

A Preannexation Agreement may be utilized for new developments for areas that are contiguous or not contiguous to the City's limits. An applicant may wish to consider a preannexation agreement to outline land use designations, development standards, conditional use permits approved by the County of San Bernardino, donation of right-ofway easements, sewer service, and other requirements as necessary.

Annexation may be deferred by use of a Preannexation Agreement if the following condition is met:

Preannexation Agreements in the Western Sphere of Influence will be subject to the terms of the adopted MOU between the City and County (copy attached).

Section 5. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of December, 2008.

READ AND APPROVED AS TO LEGAL FORM:

1100x City Attornev

I, Tonia Lewis, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 9th day of December, 2008 by the following vote to wit:

AYES: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, Warren **NOES:** None

ABSENT: None

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk of the City of Fontana

EXHIBIT D TO PREANNEXATION AGREEMENT

CITY'S ANNEXATION POLICY

[Attached Behind This Page]

ONTARIO\PKNOX\299473.3

RESOLUTION NO. 2008-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA AMENDING THE CITY OF FONTANA'S POLICY PERTAINING TO ANNEXATION.

WHEREAS, the City Council of the City of Fontana ("City") has approved a policy pertaining to annexation as noted in Chapter 3 (Land Use Element) of the General Plan;

WHEREAS, the City has determined that in order to promote the City Council's economic and General Plan goals and objectives, amending the City's policy on annexation is an important benefit for the City's economic development;

NOW THEREFORE, BE IT RESOLVED, determined and ordered by the City Council of the City of Fontana as follows:

<u>Section 1</u>. Annexations shall be pursued that promote Community balance, quality development, and improvement of the City's economic base as follows:

Annexations may be initiated by the City Council (adopted resolution) or by property owners or registered voters (written petition);

A Plan for Services shall be prepared for all annexations and submitted to the City Council for review and consideration;

A fiscal impact analysis shall be conducted for all annexation areas;

All City and Local Agency Formation Commission (LAFCO) filing fees for annexation must be paid by the applicant.

<u>Section 2</u>. Irrevocable Agreements to Annex for Sewer Service—Existing Development (Contiguous and Non-Contiguous Areas)

An Irrevocable Agreement to Annex is an agreement between the landowner and the City for only sewer service. This agreement outlines that the City shall provide sewer service outside its corporate limits and the landowner agrees not to oppose a future attempt by the City to annex the area. Upon approval by LAFCO, the agreement shall be recorded with the County Recorder's office. Upon recordation, the agreement shall be considered a covenant on the land.

Irrevocable Agreements to Annex may be utilized when sewer service is extended outside the City's corporate limits to an existing residence or an existing commercial or industrial establishment that is experiencing a failing septic system. <u>Section 3</u>. Irrevocable Agreements to Annex for Sewer Service—New Development (Non-Contiguous Areas)

Irrevocable Agreements to Annex for sewer service may be utilized for new developments for areas that are not contiguous to the City's limits.

Irrevocable Agreements to Annex in the Western Sphere of Influence will be subject to the terms of the adopted Memorandum of Understanding (MOU) between the City and County of San Bernardino (copy attached).

Section 4. Preannexation Agreements—New Development (Contiguous and Non-Contiguous Areas)

A Preannexation Agreement may be utilized for new developments for areas that are contiguous or not contiguous to the City's limits. An applicant may wish to consider a preannexation agreement to outline land use designations, development standards, conditional use permits approved by the County of San Bernardino, donation of right-ofway easements, sewer service, and other requirements as necessary.

Annexation may be deferred by use of a Preannexation Agreement if the following condition is met:

Preannexation Agreements in the Western Sphere of Influence will be subject to the terms of the adopted MOU between the City and County (copy attached).

Section 5. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of December, 2008.

READ AND APPROVED AS TO LEGAL FORM:

MALLON City Attornev

I, Tonia Lewis, City Clerk of the City of Fontana, California, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 9th day of December, 2008 by the following vote to wit:

AYES: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, Warren NOES: None ABSENT: None

MALEW

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk of the City of Fontana

EXHIBIT E TO PREANNEXATION AGREEMENT

COUNTY OF SAN BERNARDINO BUILDING REQUIREMENTS

AND

STANDARDS SUMMARY AND PROJECT PLANS

[Attached Behind This Page]



County of San Bernardino Land Use Services, Planning Division 385 North Arrowhead Avenue San Bernardino, CA 92415 Phone (909) 387-8311 • (909) 387-3249 www.sbcounty.gov

BRASS REPORT

Building Requirements and Standards Summary

The purpose of the BRASS Report is to provide guidance for the development of the property below. This Report is provided by the Land Use Services Department to help organize our comments on the proposed project.

PROPERTY INFORMATION

Property Description



Ē

PROJ. NO.:	P201600466
	0235-052-10, 11 and 12
COMMUNITY:	FONTANA
SUP.	2ND SUPERVISORIAL
DISTRICT:	
LOCATION:	SOUTHEAST CORNER OF SAN
	BERNARDINO AVE. AND
	CAROB AVE.
Land Use	MULTIPLE RESIDENTIAL (RM)
District:	
Overlays:	N/A
Community	
Plan:	
Land Use	For a complete list of allowed uses,
Types	see Ch. 82.04 of the County
Allowed:	Development Code for uses
	allowed in the RM Land Use Zoning
	District.



AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant property/One single family structure	Multiple Residential (RM)
North	Single family residential	Single Residential (RS)
South	Single family residential	Single Residential (RS)
last	Single family residential	Multiple Residential (RM)
Vest	Single family residential	Multiple Residential (RM)

Kay Pletons

- The subject site is located in the Multiple Residential (RM) zoning district.
- A solid masonry wall, a minimum of 6 feet in height, shall be installed along parcel boundaries whenever a
 commercial development adjoins a residential land use zoning district. Ch. 83.02.060
- The trash enclosure, or any structures or walls exceeding 4 feet in height are not allowed in the front setback area.
- The site must be adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open space, parking areas, setbacks, walls and fences, yards, and other required features pertaining to a particular project.
- Any project shall be designed so that it will not have substantial adverse effects on abutting property or the allowed use of the abutting property, which means that the project will not generate excessive noise, traffic, vibration, or other disturbance.

DEVELOPMENT CODE & GENERAL PLAN STANDARDS

Zoning Development Standards: MULTIPLE RESIDENTIAL (RM) - DESERT REGION

Building Setbacks:	Minimum
Front	25 ft. (San Bernardino Ave. frontage)
Rear	15 ft. *
Side-Interior	10 ft. **
Side-Street	15 ft. (Carob Ave. frontage)
Parking Setbacks:	Minimum
Front	25 ft. (San Bernardino Ave. frontage)
Rear	5 ft. *
Side-Interior	10 ft. **
Side-Street	15 ft. (Carob Ave. frontage),

Lot Coverage: 60%

Floor to Area Ratio: N/A

Height Limit: 45 feet

Accessory Structures: See Ch. 84.01 (Accessory Structures and Uses)

Fences and Walls: See Ch. 83.06 - Fences, Hedges, and Walls

Infrastructure: See Ch. 83.09 - Infrastructure Improvement Standards

Landscaping: See Ch. 83.10 - Landscaping Standards

Parking/Loading: 1 Space per bed and 1 space per employee. See Ch. 83.11 - Parking and Loading Standards

Road Standards: See Ch. 83.12 - Road System Design Standards

Signs: See Chapter 83.13 - Sign Regulations.

Road Classifications: San Bernardino Ave., Carob Ave.

a suffer which it was a sufficient of the suffer of the sufficient of the sufficient

ENVIRONMENTAL PAG	FIONS
-------------------	-------

\boxtimes	California Environmental Quality Act (CEQA): Most projects will be subject to CEQA.
\boxtimes	Air Quality: Operations or activities shall not cause the emission of any ash, dust, fumes, gases, vapors, or other forms of pollutants that can cause damage to people, animals, vegetation or other property. Emission levels shall not exceed the levels permitted by the rules and regulations of the South Coast Air Quality Management District or the requirements of any Air Quality Plan
	Biotic Resources Overlay:
	Earthquake Fault Zone:
	Flood Plain Safety Overlay: Floodway - the pad elevation shall be certified to meet or exceed the elevation required by the applicable Floodplain Safety Review Area.
\boxtimes	Greenhouse Gas Reduction Plan: All projects shall comply with the County's Greenhouse Gas Reduction Plan. A proposed project can be evaluated using the Screening Tables.
	Landslide Susceptibility: A geologic study for landslide might be required.
\boxtimes	Local/Regional Fee Areas (Traffic):
	Fire Safety Overlay FS1: All projects shall comply with the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and FS1 standards will apply.
	Transportation / Traffic:
	Airport Overlay/Flight Safety:

A

All studies/reports shall be prepared by qualified professionals.



Interoffice Memo

DATE: October 5, 2016

PHONE: 387-5806

- FROM: ERIN OPLIGER District Services Coordinator Special Districts Department
 - **10:** CHRIS WARRICK Planner III Land Use Services Department

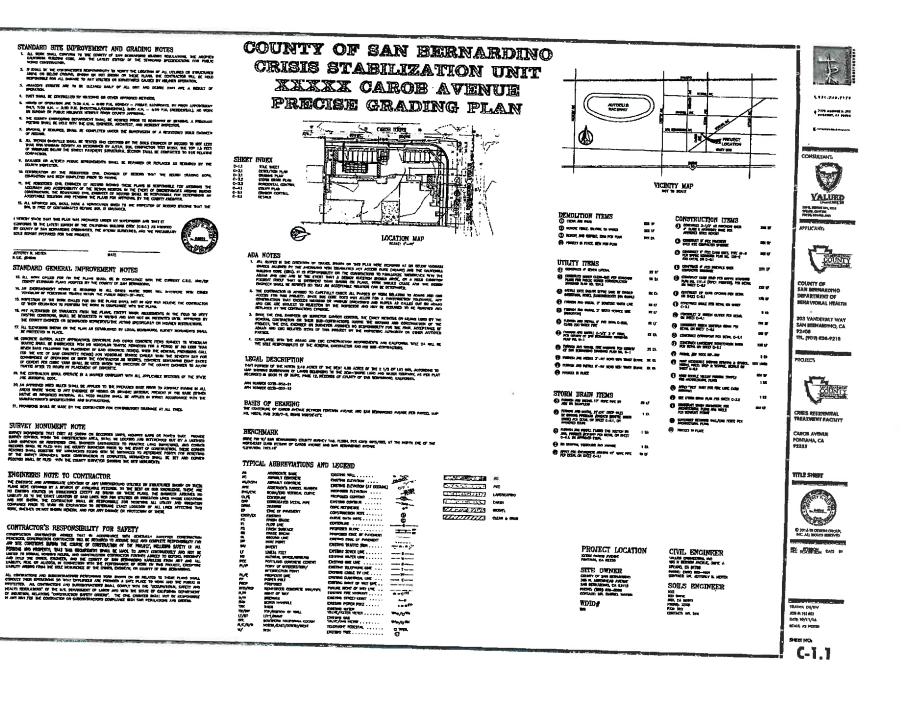
SUBJECT Gabriel Martin (PMD), P201600466; APN 0235-052-10, -11, -12; Pre-Application to develop a crisis residential treatment facility on 1.25 acres; Fontana area.

The following condition should be applied to the project noted above. Should you need further information, contact me at (909) 387-5940.

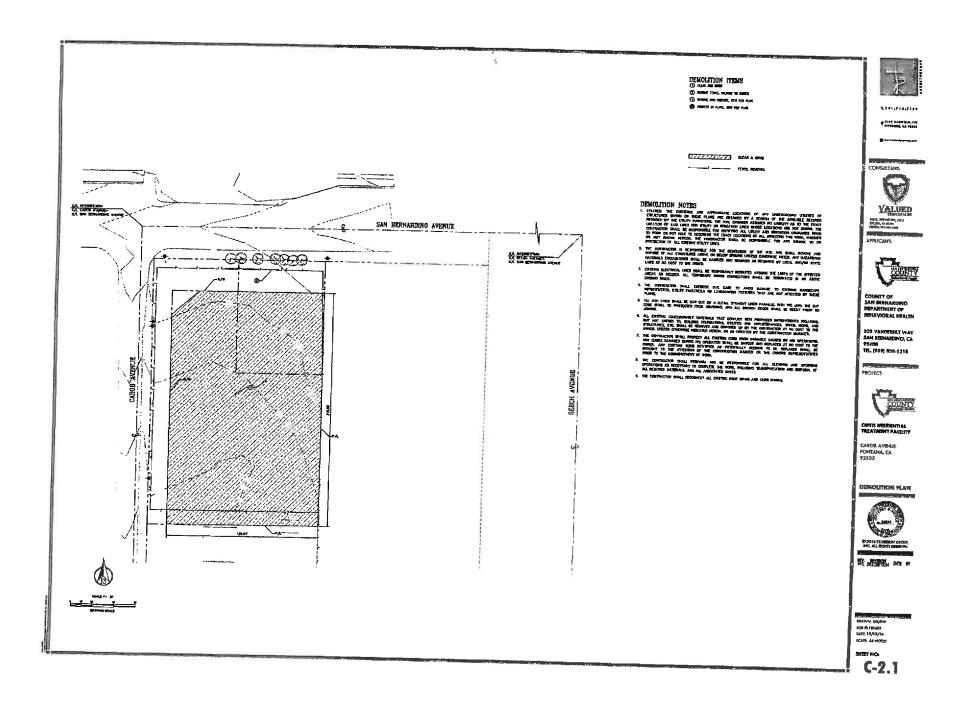
PRIOR TO ISSUANCE OF BUILDING PERMITS

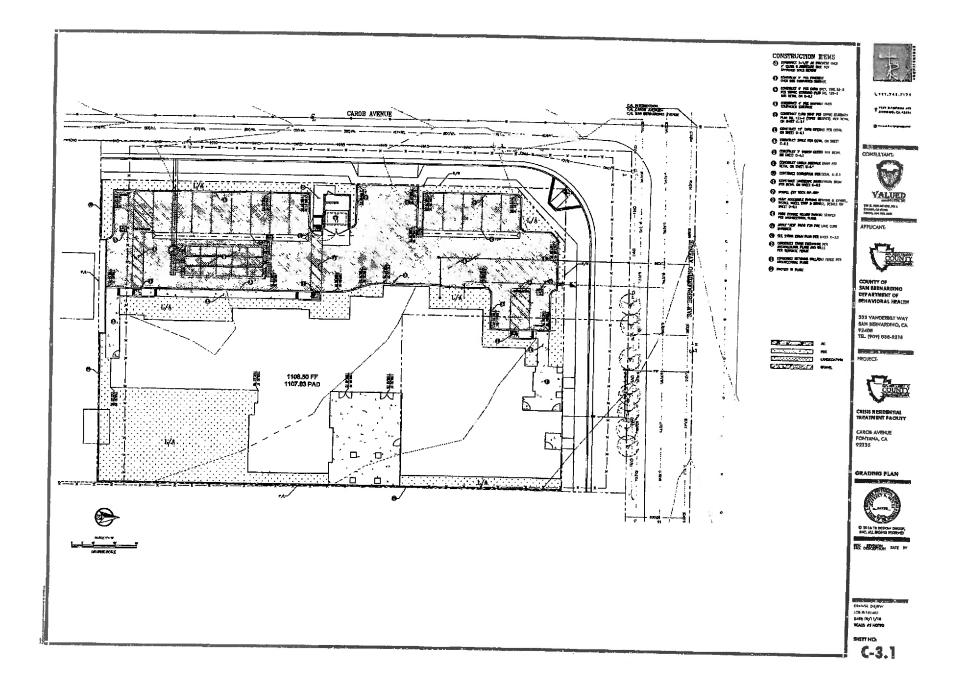
SPECIAL DISTRICTS (909) 387-5940

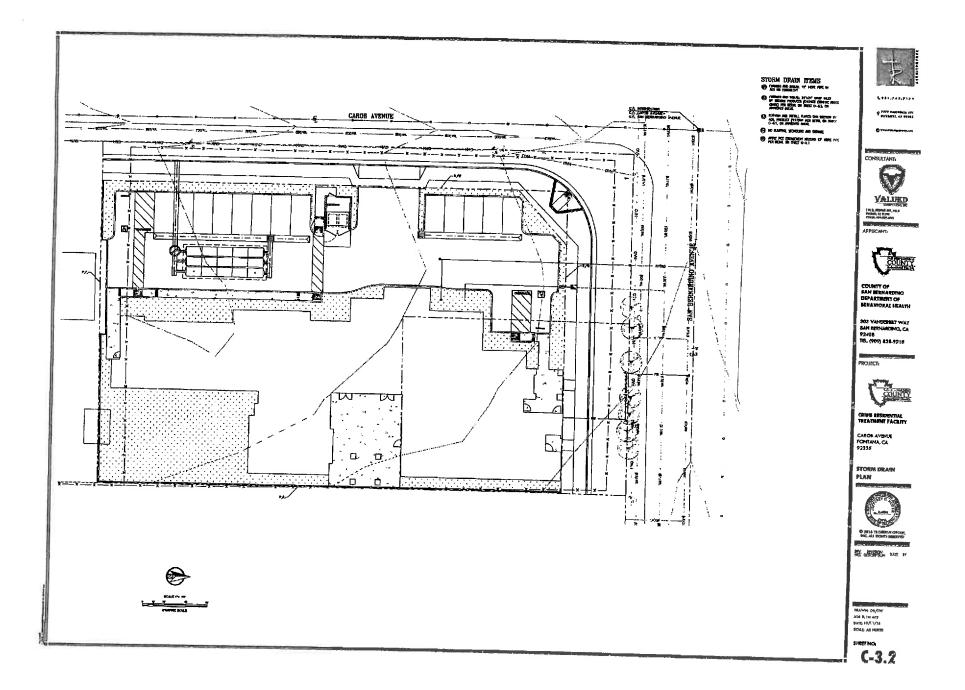
This project lies within the boundaries of County Service Area 70, Zone SL-1. Street lighting may be required for this project and all street lighting plans, plan check fees, and (3) three-year advanced energy charges must be submitted to and approved by Special Districts Department, 157 W. 5th St., 2nd Floor, San Bernardino, CA \$2415-0450. For additional information regarding street light plans, please call Special Districts Department, Lien Administration Section at (909) 387-5828.



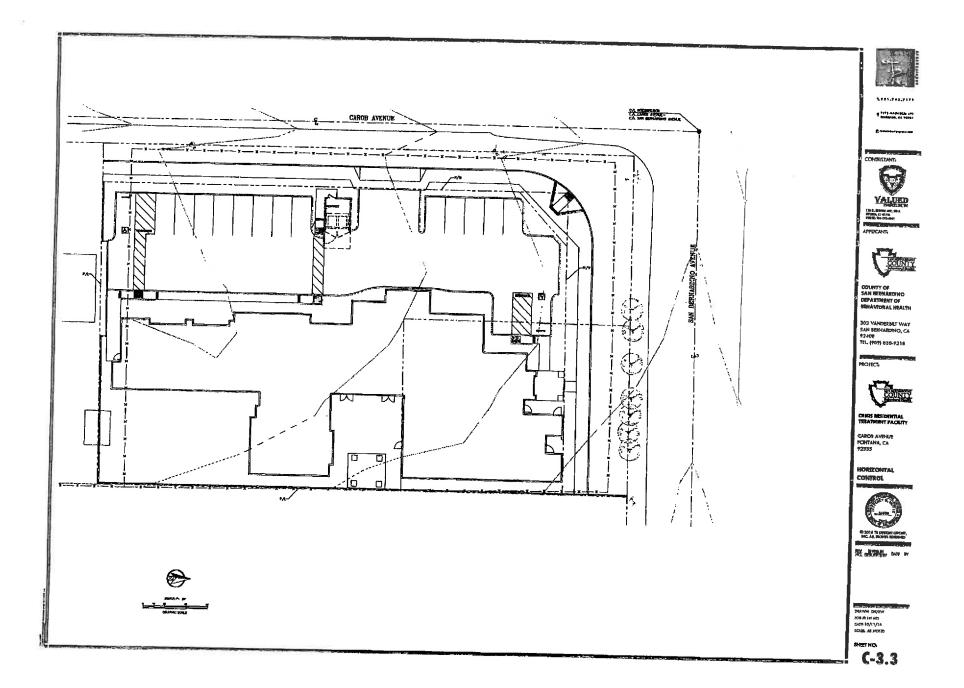




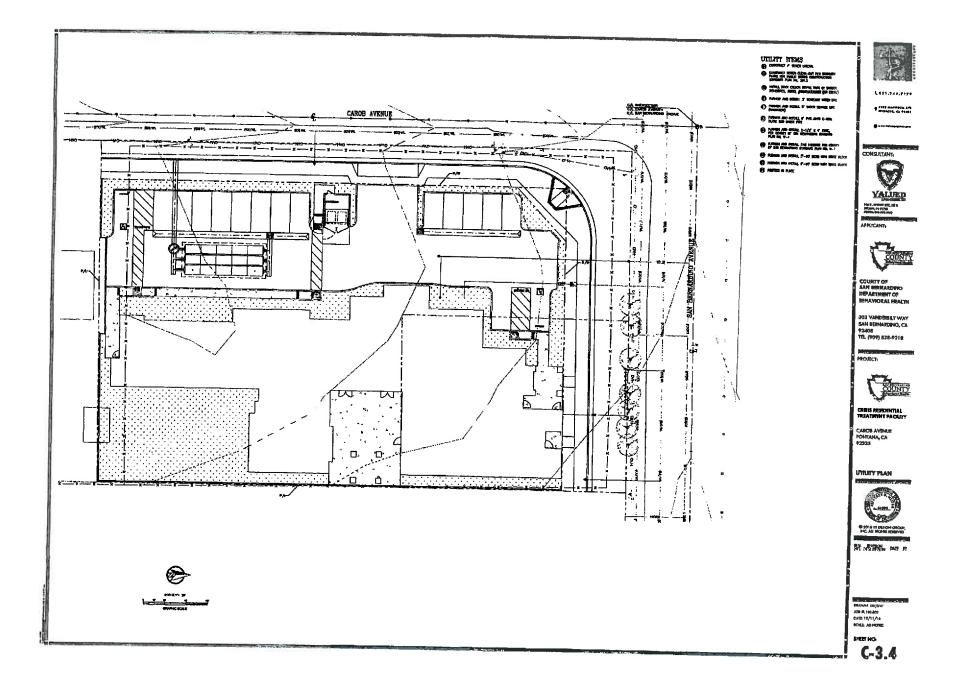




.

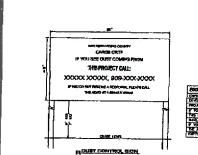


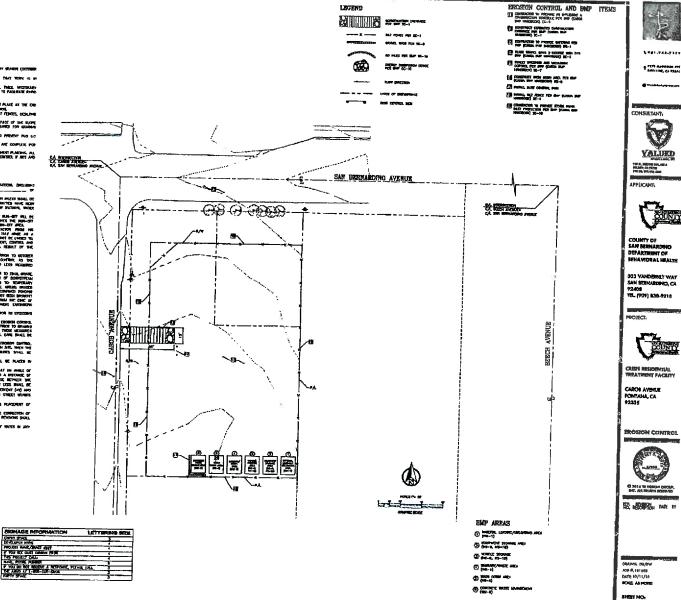
۰.



EROSION CONTROL PLAN GENERAL NOTES

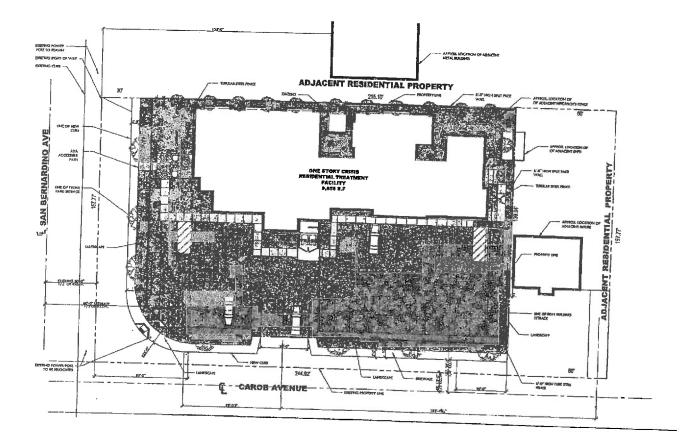
- L ALL AREA MALL RE MATTREED STOT THUT DESCRIPTING "UNDER TWEELT INVE ACCESS DIMENSION ACCESS TO REALIZE THE ACCESS DIMENSION ACCESS TO REALIZE DIMENSIONAL DIMENSIONALI
- Time, a construction of control balance and construction of constructions of the construction of construction of constructions of the construction of construction of constructions of the construction of constructions of the construction of constructions of the construction of constructions of constructins of constructions of constructions of constructions of constr

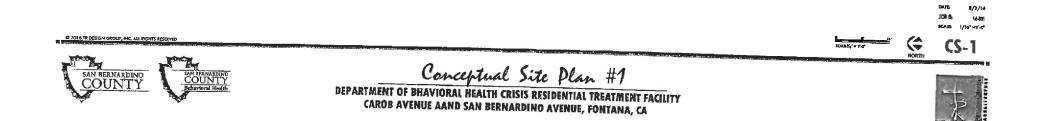


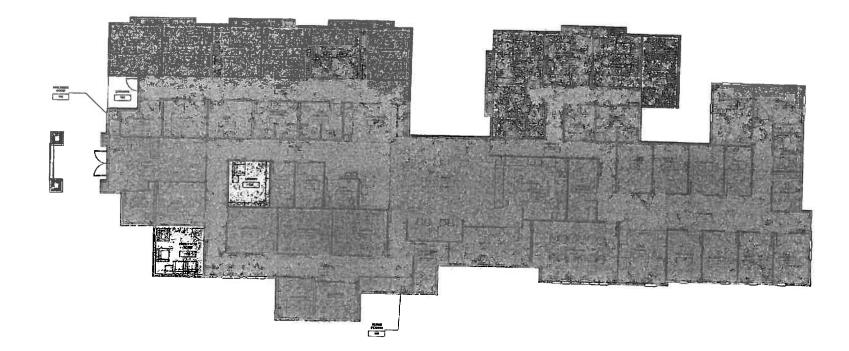


k

C-5.1







		100 4. 11-001 1746, 3167-11-01
		SD1
SAN BERNARDINO COUNTY Relational Fielth	CRISIS RESIDENTIAL TREATMENT FACILITY CAROB AVE & SAN BERNARDINO AVE, FONTANA, CA	R

Alkin







EXHIBIT F

Estimated

Development Impact Fees

Sewer Connection Charges/LAFCO Fee

PER MOU between City and County (Western Sphere Area)

Impact Fees	Fee	Multiplier	Fee Amount
Fire Facilities	.145	Per SF	\$1579.20
Engineering Fees			<u> </u>
¹ Park Development	\$6,500 ÷ 2	1	\$3,250.00
¹ Storm Drain Fee	\$20,388 ÷ 2	.94 Acres	\$9,582.36
Sewer Deposit	\$1,156.74	4 month deposit	\$1,156.74
City Sewer Connection Master Fee	\$876.61 per EDU	13 EDU's ³	\$11,395.93
City Sewer Connection Permit	\$25.00	1	\$25.00
² Sanitary Sewage Facilities Expansion Fee (Inland Empire	\$6,009 Per EDU Effective 1/1/17	13 EDU's ³	\$78,117.00
Utilities Agency)	\$6,309 Per EDU		
	Effective 7/1/17		
	\$6,624 Per EDU Effective 7/1/18		
⁴ LAFCO Fee			
Total			

¹ Fees listed are reduced by 50% pursuant to City of Fontana In-fill Ordinance No. 1748 adopted on September 13, 2016.

² Indicates a pass through fee collected for other agencies.

³ Equivalent Dwelling Units (EDU's) have been estimated for the project and will be adjusted at time of plan check for the "Sewer Connection" permit.

⁴ Subject to LAFCO's adopted fee resolution.

All Fees shall be due and payable prior to issuance of the "Sewer Construction" permit issued by the Engineering Department and the "Sewer Connection" permit issued by the Building & Safety Division. Additional fees will apply for the permit issuance and inspection. The estimated fee will be collected at the actual rate when the construction per is issued.