

# **AGENDA**

## **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

### **REGULAR MEETING OF APRIL 15, 2020**

#### **IMPORTANT NOTICE REGARDING THE APRIL 15, 2020 COMMISSION MEETING**

In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Local Agency Formation Commission for San Bernardino County (LAFCO or Commission) will conduct this meeting as a teleconference in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders, and members of the Commission or LAFCO staff will participate in this meeting telephonically or electronically. The Norton Regional Event Center at 1601 East Third Street, San Bernardino, where the Commission usually holds its meetings, will be closed to the public; accordingly there will be no physical location from which members of the public may participate. Instead, the public may participate in the meeting by joining the meeting virtually, by phone, or viewing the meeting live, and may provide general comments and comments on specific agenda items, as described below:

#### **Instructions for Viewing or Listening to the meeting:**

Members of the public may:

- Join the virtual meeting on Zoom using the following link: <https://zoom.us/j/881150802>
- Listen to the meeting by calling (669) 900-9128 and enter the Meeting ID: 881150802#
- Watch the meeting via YouTube live stream using the following link:  
[https://www.youtube.com/channel/UCpEpEankM-uoTTa8c\\_OyV1Q](https://www.youtube.com/channel/UCpEpEankM-uoTTa8c_OyV1Q)

#### **Instructions for Making Comments and Testimony:**

If you wish to make comment on a specific agenda item or a general comment under public comment you can do so by:

- On Zoom video conference via the web or the Zoom App, click the 'Raise Hand' button when the item you wish to comment on is being discussed.
- On Zoom via phone, you can also raise your hand by pressing \*9 when the item you wish to comment on is being discussed.

Alternatively, if you wish to make written comments on specific agenda items, make general comments, or submit testimony for public hearings, and have those comments provided to each Commission member prior to the meeting, you can send comments and testimony to LAFCO by email at [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov) or online, limited to 250 words or less, at [www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx](http://www.sbclafco.org/AgendaandNotices/Agendas/PublicComments.aspx) no later than 7:30 a.m. on the meeting day. These comments and testimony will be read on to the meeting record at the appropriate time.

This change in public participation will begin at the Commission's meeting on Wednesday, April 15, 2020, and will continue until further notice and supersede any LAFCO standard public comment and testimony policies and procedures to the contrary.

## **9:00 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 February 19, 2020](#)
2. [Approval of Executive Officer's Expense Report](#)
3. [Ratify Payments as Reconciled and Note Cash Receipts for Months of January and February 2020](#)
4. Consent Items Deferred for Discussion

## **PUBLIC HEARING ITEMS:**

5. [Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto](#)
6. [Consideration of: \(1\) Review of Mitigated Negative Declaration by the County of San Bernardino for a General Plan Amendment to change the Land Use Zoning Designation from Single Residential \(RS-20M\) and General Commercial \(CG\) to Multiple Residential \(RM\) on Four Lots, Tentative Tract Map 20267 to Create Two Single-Family Residential Parcels and One Condominium Parcel, and a Conditional Use Permit for the Development of 40 Condominiums, with a Major Variance for a Reduced Front Yard Setback on Approximately 4.7 Acres, as CEQA Responsible Agency for LAFCO SC#449; and \(2\) LAFCO SC#449 – City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 for Sewer Service \(APN 1011-351-02\)](#)
7. [Consideration of: \(1\) Review of Mitigated Negative Declaration by the County of San Bernardino for a Minor Use Permit to Establish a 321,496 Sq. Ft. High Cube Warehouse on Approx. 20 Acres, as CEQA Responsible Agency for LAFCO SC#450; and \(2\) LAFCO SC#450 – City of San Bernardino Irrevocable Agreement No. 2020-002 for Sewer Service \(APNs 0262-041-09, -13, -18 and -20\)](#)
8. [Consideration of: \(1\) CEQA Exemption for Amendments to Policy and Procedure Manual; and \(2\) Review and Adoption of Amendments to LAFCO Policy and Procedure Manual](#)
9. [Third Quarter Financial Review for FY 2019-20](#)



10. Preliminary Budget Review for Fiscal Year 2020-21:

- [a. Proposed Schedule of Fees, Deposits, and Charges for Fiscal Year 2020-21](#)
- [b. Proposed Budget for Fiscal Year 2020-21](#)

**INFORMATION ITEMS:**

11. [Legislative Oral Report](#)

12. Executive Officer's Oral Report

13. 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.)

14. 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 on the LAFCO website at [www.sbclafo.org](http://www.sbclafo.org), 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](http://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.

4/7/2020

**DRAFT - ACTION MINUTES TAKEN BY THE  
LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

**REGULAR MEETING**

**9:00 A.M.**

**FEBRUARY 19, 2020**

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
James Curatalo, Vice Chair	Steven Farrell
Kimberly Cox	Rick Denison
Robert Lovingood	
Dawn Rowe	

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, LAFCO Legal Counsel  
Holly Whatley, LAFCO Special Counsel  
Michael Tuerpe, Senior Analyst  
Jeffrey Lum, LAFCO Analyst  
La Trici Jones, Clerk to the Commission  
Angela Schell, Administrative Assistant

**ABSENT:**

**COMMISSIONERS:**

Larry McCallon, Chair  
Acquanetta Warren

**9:03 A.M. – CALL TO ORDER – FLAG SALUTE**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. PUBLIC COMMENTS ON CLOSED SESSION**

*There were no members of the public who requested to speak on the Closed Session items.*

**2. CONVENE CLOSED SESSION**

Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d) (1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, San Bernardino Superior Court Case No. CIVDS1906437

**3. RECONVENE PUBLIC SESSION**

**[Not needed, as Commission did not meet in Closed Session.]**

**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.

**4. Approval of Minutes for Regular Meeting of January 15, 2020**

**5. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officers' Expense Report for Procurement Card Purchases from December 24, 2019 to January 22, 2019.

**6. Ratify Payments as Reconciled and Note Cash Receipts for Month of December 2019**

Recommendation: Ratify payments as reconciled for the month of December 2019 and note revenue receipts for the same period.

**7. Approve One Year Extension of Contract with Davis Farr, LLP for Financial Audit Services for Fiscal Year 2019-20**

**8. Consent Items Deferred for Discussion (none)**

*Commissioner Cox moves approval of the consent items. Second by Commissioner Bagley. The motion on the Consent Items passes with the following roll call vote:*

*Ayes: Bagley, Cox, Curatalo, Lovingood (except as to Item 4), Rowe and Denison.*

*Noes: None.*

*Abstain: Lovingood (Item 4 only)*

*Absent: McCallon (Denison voting in his stead) and Warren.*

**PUBLIC HEARING ITEMS:**

**9. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3231; and (2) LAFCO 3231 – Countywide Service Review for Fire/Emergency Medical Services/Dispatch**

Recommendation: Staff recommends that the Commission approve LAFCO 3231 by taking the following actions:

1. For environmental review, certify that the County Wide Service Review for Fire/Emergency Medical Services/Dispatch is statutorily exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.

2. Accept and file the Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. As outlined in the service review presented to the Commission, take the following actions for specific agencies/entities:
  - a) Direct LAFCO staff to continue to monitor the Barstow Fire Protection District and the City of Barstow, and return to the Commission at its September 16, 2020 meeting.
  - b) Direct LAFCO staff to continue to monitor the San Bernardino County Fire Protection District, and return to the Commission at its September 16, 2020 meeting.
4. Adopt LAFCO Resolution No. 3301 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

*Commissioner Bagley moves approval of staff recommendation. Second by Commissioner Lovingood. The motion passes with the following roll call vote:*

Ayes: Bagley, Cox, Curatalo, Lovingood, Rowe, Denison.  
Noes: None.  
Abstain: None.  
Absent: McCallon (Denison voting in his stead) and Warren.

*Commissioner Rowe leaves the dais at 11:28 A.M.*

**10. Consideration of: (1) Notice of Intent to Adopt a Mitigated Negative Declaration for LAFCO 3233 (SCH #2019120661); and (2) LAFCO 3233 – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District together with Formation of Zone A for Solid Waste and Street Sweeping, and Establishment of the Sphere of Influence for the Spring Valley Lake Community Services District**

Recommendation: Staff recommends that the Commission ...

1. Modify LAFCO 3233A by removing Area 2 from the revised proposal boundary since Area 2 has not received services from CSA 64 nor will the SVLCSD be providing any services to the area following successful completion of the reorganization.
2. With respect to environmental review for LAFCO 3233A, as modified, and LAFCO 3233B:
  - a) Certify that the Commission and its staff have independently reviewed and considered the environmental assessment and proposed Mitigated

Negative Declaration prepared by the Commission's Environmental Consultant, Tom Dodson and Associates, it has reviewed and responded to any comments received; and provided a response to those comments;

- b) Adopt the Mitigated Negative Declaration, including the mitigation measure and the Mitigation Monitoring and Reporting Program;
  - c) Find and determine that the Commission does not intend to adopt alternatives for the project but does intend to include a mitigation measure related to mitigation payment to the County; and,
  - d) Direct the Executive Officer to file a Notice of Determination within five (5) days.
3. Approve LAFCO 3233A, reorganization to include dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District, as modified, to exclude Area 2 from the overall proposal (as shown on Figure #4) together with Formation of Zone A for Solid Waste and Street Sweeping (as shown on Figure #6), with the following determinations:
- a) Pursuant to the requirements of Government Code Section 61014, the Commission finds that the SVLCSD has sufficient revenues to perform the services as outlined in its application to provide water, sewer collection, street sweeping, and solid waste services.
  - b) Pursuant to requirements of Government Code Section 56301, the Commission determines that the proposed SVLCSD could provide the range and level of services contemplated in a more efficient and accountable manner.

And with the following terms and conditions:

**Condition No. 1.** The boundaries of this change of organization, as modified by the Commission, are approved as set forth in Resolution #3302 for LAFCO 3233A;

**Condition No. 2.** The following distinctive short-form designation shall be used through this proceeding: LAFCO 3233;

**Condition No. 3.** The effective date of this reorganization shall be the date the Certificate of Completion is issued;

**Condition No. 4.** The Spring Valley Lake Community Services District shall be the successor agency and shall function under and carry out all authorized duties and responsibilities assigned to a community services district as outlined in Government Code Section 61000 et seq., Community Services District Law, and other applicable laws. Upon the Effective Date of this reorganization, the legal existence of County Service Area 64 shall cease to exist, except as otherwise required by law, and the Spring Valley Lake Community Services

District, as successor District, shall succeed to all the rights, duties, responsibilities, properties (both real and personal), contracts, equipment, assets, liabilities, obligations, functions, executory provisions, entitlements, permits and approvals of the extinguished agency;

**Condition No. 5.** All lands, buildings, appurtenances, and equipment held by County Service Area 64 or County Service Area 70 for the purpose of providing services within the boundaries of County Service Area 64 shall be transferred to the Spring Valley Lake Community Services District upon its formation. The Spring Valley Lake Community Services District shall assume complete maintenance and operation responsibilities for these facilities. All quitclaim deeds to effectuate the transfer of land and the title transfer documents for vehicles shall be prepared by the County to be filed upon the effective date of the change with copies provided to LAFCO.

**Condition No. 6.** The Board of Directors of the Spring Valley Lake Community Services District shall consist of five (5) members, elected at-large, pursuant to the provisions of Government Code Section 61020 and proceedings conducted by the Commission;

**Condition No. 7.** The Spring Valley Lake Community Services District shall be authorized to provide the following functions and services as active powers:

**Water** -- Supply water for any beneficial use as outlined in the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code.

**Sewer** -- Collection of sewage, wastewater, recycled water, and storm water in the same manner as a sanitary district formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400 of the Health and Safety Code).

**Solid Waste and Recycling**-- Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

**Roads** – Limited to street sweeping of public streets and roads.

**Condition No. 8.** Upon the Effective Date of this change of organization, there shall be created a Zone of the Spring Valley Lake CSD related to the provision of Solid Waste and Recycling Services, identified in Resolution No. 3302 for LAFCO 3233A which shall continue all previously authorized charges, fees, assessments and/or special taxes of the County of San Bernardino identified as the "ESFR" in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t). Such revenues shall accrue and be deposited in a separate account(s) designated for the use of the Zone and shall be accounted separately from other funds of the District.

**Condition No. 9.** If the proposal is approved by the electorate at an election, the County Board of Supervisors, through its County Special District's Department, shall continue to provide for the administration of services and functions performed by the dissolving entity for a transition period identified as commencing upon the effective of the reorganization until the contract end date. Nothing in this condition precludes a future Board of Directors of the Spring Valley Lake Community Services District from contracting for an extended period of time for the provision of administration, maintenance, operation, billing, and other services through the County Special Districts Department.

As outlined in the Transition Plan presented by the County Special Districts Department, set forth in Resolution No. 3302 for LAFCO 3233A, the Spring Valley Lake CSD shall be required to sign the Interim General Manager Agreement at its first regular meeting to allow for fulfillment of Government Code Section 61050 and setting forth the payment structure for services rendered. In addition, the Operation and Maintenance Agreement with the County Special Districts Department for the period from the effective date of the reorganization until the contract termination date shall be signed within ten (10) days following the first regular meeting of the Board of Directors of the Spring Valley Lake CSD to assure continuity of services and elimination of questions of liability or risk to the County for continued provision of the administration and operation of the services to the area.

**Condition No. 10.** The Spring Valley Lake CSD shall succeed to all water and capacity rights, outstanding obligation payments, and interests of County Service Area 64, whether wholly or partially owned or held by the District, and shall succeed to the priorities of use or rights of use of water or capacity rights in any public improvements or facilities or any other property, whether real or personal, to which CSA 64 is entitled to upon the effective date of the reorganization. The Successor District shall specifically succeed to all rights and interests held or claimed by CSA 64 under the Judgment entered (including all documents constituting the Physical Solution, as from time to time exist) in City of Barstow, etc. et al v City of Adelanto, etc. et al., and Related Cross Actions, Riverside County Superior Court Case No. 208568 (the "Mojave Basin Area Adjudication"), including those from time to time set forth in Table B-1 to the Judgment.

The Successor District shall also specifically succeed to all rights and interest held or claimed by CSA 64 under all agreements and memoranda of understanding with the Regional Water Quality Control Board, the California Department of Health Services, the County Regional Parks, Victor Valley Wastewater Reclamation Authority, the City of Hesperia/Hesperia Water District, and any other public agency or private entity with which CSA 64 has an agreement or memorandum of understanding. The Successor District shall also assume all joint use flow agreements and maintenance agreements pursuant to Government Code Section 56886(j) and (r).



**Condition No. 11.** The Spring Valley Lake CSD, as the Successor District, shall enter into an agreement with the Victor Valley Wastewater Reclamation Authority (VWWRA) for the continuation of wastewater treatment at the level of service currently provided by VWWRA to CSA 64. Such agreement with VWWRA shall be signed within ten (10) days following the first regular meeting of the Board of Directors of the Spring Valley Lake CSD to assure continuity of services to the area.

**Condition No. 12.** The Spring Valley Lake CSD, as the Successor District, shall accept all system facilities transferred from the dissolving agency in "as is" condition without any payment or repair obligations (Government Code Section 56886(h)). All material and incidental liabilities, including, but not limited to, accounts payables and receivables, contract obligations and customer deposits, held by the dissolving CSA 64 shall be transferred to the Successor District upon the effective date of the reorganization (Government Code Section 56886(h)). All assets, including, but not limited to, cash reserves, building and other real property, water production equipment (pumps, storage tanks, etc.), transmission lines and rights-of-way, wastewater equipment (pumps, transmission lines); rolling stock, tools, and office furniture, fixtures and equipment, all lands building, real and personal property and appurtenances held by the dissolving entity shall be transferred to the Successor District upon the effective date of the reorganization.

In addition, the Spring Valley Lake CSD shall receive a share of the pooled equipment and equipment reserve funds for the County Special Districts Department, Water and Sanitation Division, as identified in Attachment #9. The Board of Directors of the Successor District are entitled to receive this amount in equipment, in cash, or in a combination of equipment and cash subject to the following limitations:

- a. If the method for receipt of the assigned value is determined by the Board of Directors to be received in cash only, said payment shall be spread over a three- to five-year period subject to negotiations between the County Board of Supervisors and Board of Directors for the Successor District. Nothing in this resolution precludes the use of the value of these transfers to be used against the payments required of the Successor District as mitigation for continuation of the services of the Special Districts Department;
- b. If the method for receipt of the assigned value is determined by the Board of Directors to be received in a combination of cash and equipment, and the cash balance exceeds \$200,000, said cash payment shall be spread over a three-year period subject to negotiations with the County and Board of Directors; or,
- c. If the method for receipt of the assigned value is determined by the Board of Directors to be received in equipment only, or a combination of cash and equipment and the cash balance is less than \$200,000, said payment shall

occur as expeditiously as possible, but not later than 90-days following the determination of the Board of Directors.

**Condition No. 13.** The applicant (County) and the Resident Group continue to negotiate the mitigation mechanism to offset losses to maintain a comparable level of service and operation for the remaining county agencies. Of question is the amount and duration of mitigation funds. With implementation of this mitigation measure, the potentially significant indirect impact to residual water and wastewater agencies in Special Districts Department from approval of LAFCO 3233 can be reduced-controlled to a less than significant impact level. As a condition of approval, the County and Resident Group are to present a formal response to LAFCO on the negotiated and approved mitigation mechanism. The Certificate of Completion for LAFCO 3233 will be held in abeyance until receipt of said formal response. Such mitigation shall be signed within ten (10) days following the first regular meeting of the Board of Directors of the Spring Valley Lake CSD.

**Condition No. 14.** All property tax revenues attributable to County Service Area 64, prior to calculations required by Section 96.1 of the Revenue and Taxation Code, including delinquent taxes, return of property tax revenues related to pass-through payments from any and all redevelopment agencies overlying the area, and any and all other collections or assets of the District shall accrue and be transferred to the Successor District, the Spring Valley Lake CSD, pursuant to the provisions of Government Code Section 56810, except as described below;

The property tax revenue attributable to County Service Area 64 within Tax Rate Area 21004 shall transfer at 15% to the Town of Apple Valley. The property tax revenue attributable to County Service Area 64 within Tax Rate Area 21006 shall transfer at 100% to the Town of Apple Valley.

**Condition No. 15.** All previously authorized charges, fees, assessments, and/or taxes of County Service Area 64 in effect upon the effective date of this reorganization shall be continued and assumed by the Spring Valley Lake CSD, as the successor agency, in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t);

**Condition No. 16.** Until duly revised by the Spring Valley Lake CSD, and unless otherwise expressly provided herein or legally required, all ordinances, resolutions, rules and regulations, policies, procedures, and practices existing for CSA 64 on the effective date of this reorganization shall govern the activities and affairs of the Successor District. The Board of Directors of the Spring Valley Lake CSD, as the Successor District, shall expeditiously review and ratify the ordinances, resolutions, policies, procedures and practices adopted hereby, making such revisions as it shall deem appropriate;

**Condition No. 17.** Upon the effective date of this reorganization, any funds currently deposited for the benefit of County Service Area 64 which have been impressed with a public trust, use or purpose shall be transferred to the Spring

Valley Lake CSD, as the successor agency, and the successor agency shall separately maintain such funds in accordance with the provisions of Government Code Section 57462;

**Condition No. 18.** Pursuant to the provisions of Government Code Section 56811, the provisional appropriation limit of the Spring Valley Lake CSD shall be set at \$1,446,105. The permanent appropriation limit shall be established at the first district election held following the first full fiscal year of operation and shall not be considered to be a change in the appropriation limit of the district pursuant to Article XIII B of the California Constitution;

**Condition No. 19.** Pursuant to the provisions of Government Code Section 56885.5(a)(4), the County Board of Supervisors, as the governing body of County Service Area 64, is prohibited from taking the following actions unless an emergency situation exists as defined in Section 54956.5:

1. Approve any increase in compensation or benefits for members of the governing body, its officers, or the executive officer of the agency;
2. Appropriating, encumbering, expending or otherwise obligating, any revenues of the agencies beyond that provided in the current budget at the time the reorganization is approved by the Commission. The Commission identifies that the budget to be utilized in this condition shall be the final budget for Fiscal Year 2020-21 adopted by the County Board of Supervisors;

**Condition No. 20.** Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts;

**Condition No. 21.** The County of San Bernardino, as applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

4. Adopt LAFCO Resolution #3302 for LAFCO 3233A, setting forth the Commission's determinations, terms and conditions concerning the reorganization proposal;
5. Approve LAFCO 3233B, the sphere of influence establishment for the Spring Valley Lake Community Services District as shown on Figure #7; and,
6. Adopt LAFCO Resolution #3303 for LAFCO 3233B, setting forth the Commission's determinations related to the sphere of influence establishment.

The following spoke during public comment:

JoAnne Romero  
Leonard Hernandez  
Paul Russ  
Doug Robertson  
Bo Goulet  
David Dicies  
Joseph W. Brady  
Alexander A. Gergely Jr.  
Joan Marie Tosto-Gergely  
Amy Stanton  
Katrina Siverts  
Rory Shannon  
Charlie Johnson  
Bill Walters  
Jeff Smith

*Commissioner Lovingood moves to approve staff recommendation. Second by Commissioner Cox. The motion passes with the following roll call vote:*

<i>Ayes:</i>	<i>Bagley, Cox, Curatalo, Lovingood, Denison.</i>
<i>Noes:</i>	<i>None.</i>
<i>Abstain:</i>	<i>None.</i>
<i>Absent:</i>	<i>McCallon (Denison voting in his stead), Rowe and Warren.</i>

Commissioner Lovingood leaves the dais at 11:55 A.M.

### **INFORMATION ITEMS:**

#### **11. Legislative Update Oral Report**

Executive Officer Samuel Martinez updates the Commission on the extension of SB 799 and the reporting mechanism on Assembly Bill from Senator Dodd's office.

#### **12. Executive Officers Oral Report**

In an effort to save costs, Executive Officer Samuel Martinez asks the Commission to go dark for the month of March. He states that there are no pressing items, and the items that are continued to March will be held over to the April hearing.

#### **13. Commissioner Comments**

Commissioner Amis states that she appreciates being sent to Part II of the Watershed Conference.

**14. Comments from the Public**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 12:04 P.M.**

**ATTEST:**

\_\_\_\_\_  
LA TRICI JONES, Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

\_\_\_\_\_  
JAMES CURATALO, Vice-Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
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www.sbcclafco.org

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**DATE :** APRIL 6, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICERS’ EXPENSE REPORT**

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## **RECOMMENDATION:**

Approve the Executive Officers’ Expense Report for Procurement Card Purchases from January 22, 2020 to February 24, 2020 and February 23, 2020 to March 23, 2020.

## **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 Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing period of January 22, 2020 to February 24, 2020 and February 23, 2020 through March 23, 2020

There is one unique transaction that requires an explanation - the \$140.29 charge to Alfredo’s Pizza and Pasta on February 25. Since 2010, the Southern Region LAFCO’s have authorized staff members to participate in a Southern Region GIS Users Group, which was formed to provide opportunities for learning and collaborating among the southern region LAFCOs on current GIS trends and methods of increasing project/proposal analysis through utilization of GIS mapping software. The Group meets periodically with a rotational host. The February 25 meeting was hosted by San Bernardino LAFCO, which was also responsible for providing lunch.

Staff recommends that the Commission approve the Executive Officers’ expense reports as shown on the attachments.

SM/Ilj

Attachments






## PROCUREMENT CARD PROGRAM

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE :** APRIL 6, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTH OF JANUARY AND FEBRUARY 2020 AND NOTE  
REVENUE RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the month of January and February 2020 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 January 1, 2020 through January 31, 2020 and February 1, 2020 through February 29, 2020.

Staff is recommending that the Commission ratify the payments for January and February 2020 as outlined on the attached listings and note the revenues received.

SM/lj

Attachments

MONTH OF JANUARY 2020 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900628769	52002085	1/27/2020	NOTICE OF HEARING LAFCO 3235 & 3236	INVOICE B3323004	DAILY JOURNAL	\$523.60
1900609537	52002090	1/3/2020	LAFCO OFFICE CLEANING SERVICE	INVOICE 69784	JAN PRO	\$490.00
1900609540	52002090	1/3/2020	HVAC SERVICES	INVOICE UNIT 150	CITY COM	\$325.50
1900624715	52002180	1/21/2020	EDISON UTILITY (DECEMBER)	INVOICE 2-39-945-2309	SO CAL EDISON	\$373.90
1900626312	52002180	1/22/2020	EDISON UTILITY (JANUARY)	INVOICE 2-39-945-2309	SO CAL EDISON	\$384.28
1900625087	52002315	1/22/2020	RECORDS STORAGE	INVOICE 0124716	STORETRIEVE	\$64.37
1900628856	52002400	1/27/2020	GENERAL LEGAL	INVOICE 868141	BB&K	\$758.43
1900628858	52002400	1/27/2020	SAN ANTONIO HEIGHTS ASSOCIATION CIVDS1715504	INVOICE 868142	BB&K	\$3,140.22
1900628860	52002400	1/27/2020	C.O.M.E.T. LITIGATION	INVOICE 868143	BB&K	\$660.00
1900625091	52002424	1/22/2020	LAFCO ENVIRONMENTAL CONSULTANT	INVOICE 19-10	TOM DODSON & ASSOC.	\$510.00
1900625082	52002445	1/22/2020	LAFCO CONSULTANT	INVOICE 12	ROBERT ALDRICH & ASSOC.	\$2,025.00
1900626086	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	BAGLEY 1-15-20	JAMES BAGLEY	\$303.38
1900626088	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	COX 1-15-20	KIMBERLY COX	\$262.10
1900626089	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	CURATALO1-15-20	JAMES CURATALO	\$228.75
1900626091	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	FARRELL 1-15-20	STEVEN FARRELL	\$219.78
1900626094	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	DENISON1-15-20	RICK DENISON	\$280.50
1900626097	52002445/2940	1/22/2020	COMMISSIONER STIPEND & MILEAGE	WARREN1-15-20	ACQUANETTA WARREN	\$218.40
1900626099	52002445	1/22/2020	COMMISSIONER STIPEND	MCCALLON1-15-20	LARRY MCCALLON	\$200.00
1900626102	52002445	1/22/2020	COMMISSIONER STIPEND	AMIS 1-15-20	LOUISA AMIS	\$200.00
1900631200	52002445	1/29/2020	LAFCO CONSULTANT	INVOICE 13	ROBERT ALDRICH & ASSOC.	\$2,250.00
1900628764	52002895	1/27/2020	LAFCO OFFICE COPIER MACHINE	INVOICE 34601993	KONICA MINOLTA	\$467.78
1900609536	52002905	1/3/2020	MEETING ROOM FOR LAFCO MEETING	INVOICE 864	IVDA	\$405.00
1900609540	52002905	1/3/2020	LAFCO OFFICE LEASE	INVOICE UNIT 150	CITY COM	\$15,057.90
1900628761	52002905	1/27/2020	TENANT AMORTIZATION	INVOICE TEN AM 11	SBCTA	\$8,448.33
<b>TOTAL</b>						<b>\$37,797.22</b>
MONTH OF JANUARY 2020 INTERNAL TRANSFERS PROCESSED						
4101187004	52002031	1/1/2020	DECEMBER 2019 PAYROLL SYSTEM SERVICES	EMACS	EMACS	\$63.50
4101187007	52002037	1/1/2020	DECEMBER 2019 DIAL TONE COMNET CHARGES	ISD	ISD	\$286.20
4101195794	52002305	1/16/2020	STAPLES GENERAL OFFICE SUPPLIES	PURCHASING	PURCHASING	\$227.30
4200044197	52002310	1/2/2020	COUNTY MAIL SERVICES - HAN	COUNTY MAIL	COUNTY MAIL	\$106.84
4200044211	52002310	1/2/2020	COUNTY MAIL SERVICES - FLAT	COUNTY MAIL	COUNTY MAIL	\$574.52
4200044212	52002310	1/2/2020	COUNTY MAIL SERVICES - DEL	COUNTY MAIL	COUNTY MAIL	\$123.50
4101187017	52002420	1/1/2020	DECEMBER 2019 WIRELESS DEVICE	ISD	ISD	\$23.83
4101187018	52002421	1/1/2020	DECEMBER 2019 DESKTOP SUPPORT SERVICES	ISD	ISD	\$1,396.80
4104487012	52412410	1/1/2020	IT INFRASTRUCTURE - PERIOD 07	ISD	ISD	\$938.00
4101187014	52412416	1/1/2020	CPU USAGE & ENTERPRISE PRINTING PERIOD 07	ISD	ISD	\$3.00
4101187016	52412418	1/1/2020	ENTERPRISE STORAGE - PERIOD 07	ISD	ISD	\$705.00
4200045427	52002424	1/31/2020	NOTICE OF EXEMPTION LAFCO SC#447	COB	COB	\$50.00
4200045281	52002445	1/23/2020	REGISTRAR OF VOTERS CERTIFICATION	ROV	ROV	\$52.88
4200045234	40709555	1/23/2020	REIMBURSEMENT FOR OVERPAYMENT LAFCO 3216	COUNTY FIRE	COUNTY FIRE	\$1,401.37
<b>TOTAL</b>						<b>\$5,952.74</b>
MONTH OF JANUARY 2020 CASH RECEIPTS						
4101203167	40709545	1/21/2020	LAFCO 3241 CITY OF RANCHO CUCAMONGA	INDIVIDUAL NOTICE		\$1,000.00
4101203167	40709555	1/21/2020	LAFCO 3241 CITY OF RANCHO CUCAMONGA	LEGAL DEPOSIT		\$2,000.00
4101203167	40709555	1/21/2020	LAFCO 3216 CITY OF UPLAND	INDEMNIFICATION		\$668.75
4101203167	40709655	1/21/2020	LAFCO 3238 RUNNING SPRINGS WATER DISTRICT	GIMS FEES		\$570.00


4101203167	40709655	1/21/2020	LAFCO 3236 CITY OF REDLANDS	GIMS FEES		\$485.00
4101203167	40709660	1/21/2020	LAFCO 3241 CITY OF RANCHO CUCAMONGA	ENVIRONMENTAL		\$1,000.00
4101203167	40709800	1/21/2020	LAFCO SC#448 CHINO BASIN WATER CONS. DIST.	LAFCO FEES		\$772.00
4101203167	40709800	1/21/2020	LAFCO 3241 CITY OF RANCHO CUCAMONGA	LAFCO FEES		\$14,088.00
<b>TOTAL</b>						<b>\$20,583.75</b>
<b>MONTH OF JANUARY 2020 INTERNAL TRANSFERRED RECEIVED</b>						
4200044195	40709555	1/10/2020	LAFCO 3216 COST RECOVERY COUNTY FIRE	INDEMNIFICATION		\$668.75
4200045862	40709555	1/31/2020	LAFCO 3216 COST RECOVERY COUNTY FIRE	INDEMNIFICATION		\$1,570.11
1000330667	40308500	1/28/2020	QE 12/31/2019 INTEREST APPORTIONMENT	APPORTIONMENT		\$5,155.27
<b>TOTAL</b>						<b>\$7,394.13</b>
				4/6/2020		
LA TRICI JONES, Clerk to the Commission				DATE		
RECONCILIATION APPROVED BY:						
						
SAMUEL MARTINEZ, Executive Officer				4/6/2020		
				DATE		

MONTH OF FEBRUARY 2020 PAYMENTS PROCESSED

Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900644130	52002085	2/13/2020	NOTICE OF HEARING LAFCO 3231 (SB SUN)	INVOICE B3334282	DAILY JOURNAL	\$431.20
1900684736	52002085	2/24/2020	NOTICE OF HEARING LAFCO 3233	INVOICE B3334295	DAILY JOURNAL	\$1,847.07
1900684740	52002085	2/24/2020	NOTICE OF HEARING LAFCO 3231 (MOUNTAIN NEWS)	INVOICE B3334286	DAILY JOURNAL	\$402.36
1900637453	52002090	2/6/2020	JANITORIAL SERVICE FOR LAFCO OFFICE	INVOICE 70218	JAN PRO	\$490.00
1900644134	52002180	2/13/2020	EDISON UTILITY	INVOICE 2399452309	SO CAL EDISON	\$404.06
1900642097	52002305	2/11/2020	SHREDDING & RECYCLING SERVICE	INVOICE 8129139193	SHRED-IT	\$19.25
1900645454	52002305	2/14/2020	LAFCO OFFICE PETTY CASH	INVOICE 2-13-2020	PETTY CASH/LATRICI JONES	\$199.40
1900637455	52002315	2/6/2020	RECORDS STORAGE	INVOICE 0126809	STORETRIEVE	\$64.37
1900640454	52002400	2/10/2020	BEST BEST & KRIEGER GENERAL	INVOICE 869053	BB&K	\$1,250.38
1900640464	52002400	2/10/2020	BEST BEST & KRIEGER SAHA - CIVIDS1715504	INVOICE 869054	BB&K	\$46.50
1900640466	52002400	2/10/2020	BEST BEST & KRIEGER EMPLOYEE BENEFITS	INVOICE 869055	BB&K	\$270.00
1900640467	52002400	2/10/2020	BEST BEST & KRIEGER LITIGATION	INVOICE 869056	BB&K	\$60.00
1900637448	52002405	2/6/2020	FINAL INVOICE FOR AUDIT FY2019	INVOICE 6994	DAVIS FARR	\$2,200.00
1900633431	52002424	2/14/2020	LAFCO ENVIRONMENTAL CONSULTANT	INVOICE LAFCO 20-1	TOM DODSON & ASSOC.	\$2,371.30
1900637451	52002444	2/6/2020	LAFCO OFFICE ALARM SERVICE	INVOICE 451267	MIJAC ALARM SYSTEM INC.	\$123.00
1900644131	52002445	2/13/2020	LAFCO CONSULTANT	INVOICE 14	ALDRICH & ASSOCIATES	\$2,325.00
1900649293	52002445/2940	2/20/2020	COMMISSIONER STIPEND & MILEAGE	BAGLEY 2-19-20	JAMES BAGLEY	\$303.38
1900649299	52002445/2940	2/20/2020	COMMISSIONER STIPEND & MILEAGE	COX 2-19-20	KIMBERLY COX	\$262.10
1900649324	52002445/2940	2/20/2020	COMMISSIONER STIPEND & MILEAGE	CURATALO2-19-20	JAMES CURATALO	\$228.75
1900649343	52002445/2940	2/20/2020	COMMISSIONER STIPEND & MILEAGE	FARRELL 2-19-20	STEVEN FARRELL	\$219.78
1900649355	52002445/2940	2/20/2020	COMMISSIONER STIPEND & MILEAGE	DENISON2-19-20	RICK DENISON	\$280.50
1900649358	52002445	2/20/2020	COMMISSIONER STIPEND	AMIS 2-19-20	LOUISA AMIS	\$200.00
1900649359	52002445	2/20/2020	COMMISSIONER STIPEND	ROWE 2-19-2020	DAWN ROWE	\$200.00
1900649360	52002445	2/20/2020	COMMISSIONER STIPEND	LVGOOD2-19-20	ROBERT LOVINGOOD	\$200.00
1900637444	52002895	2/6/2020	LAFCO OFFICE COPIER	INVOICE 3478058	KONICA MINOLTA	\$453.15
1900638336	52002905	2/6/2020	COMMISSIONER MEETING ROOM RENTAL	INVOICE 879	IVDA	\$405.00
1900691295	52002940	2/25/2020	WATERSHED MILEAGE REIMBURSEMENT	INVOICE WATERSHED2	LOUISA AMIS	\$38.87
1900684795	52942941	2/24/2020	CALAFCO STAFF WORKSHOP REGISTRATION	INVOICE 2020WRKSHP	CALAFCO	\$720.00
1900638361	52942943	2/6/2020	CALAFCO SOUTHERN REG. MTG. BREAKFAST REIMB.	INVOICE 001	OC LAFCO	\$57.18
<b>TOTAL</b>						<b>\$16,072.60</b>

MONTH OF FEBRUARY 2020 INTERNAL TRANSFERS PROCESSED


4101235192	52002031	2/1/2020	JANUARY 2020 PAYROLL SYSTEM SERVICES	ISD	ISD	\$63.50
4101235196	52002037	2/1/2020	JANUARY 2020 DIAL TONE	ISD	ISD	\$286.20
4101255962	52002305	2/24/2020	STAPLES PURCHASE	PURCHASING	PURCHASING	\$9.19
4101235206	52002420	2/1/2020	JANUARY 2020 WIRELESS DEVICE	ISD	ISD	\$23.83
4101235207	52002421	2/1/2020	JANUARY 2020 DESKTOP SUPPORT SERVICES	ISD	ISD	\$1,351.74
4101235201	52412410	2/1/2020	IT INFRASTRUCTURE - PERIOD 08	ISD	ISD	\$938.00
4101235203	52412416	2/1/2020	CPU USAGE & ENTERPRISE PRINTING	ISD	ISD	\$3.00
4101235205	52412418	2/1/2020	ENTERPRISE STORAGE - PERIOD 08	ISD	ISD	\$705.00
4101255962	55405012	2/24/2020	STAPLES PURCHASE	PURCHASING	PURCHASING	\$76.62
4200046057	52002310	2/3/2020	MAIL SERVICES - FLAT	COUNTY MAIL	COUNTY MAIL	\$19.07
4200046058	52001210	2/3/3030	MAIL SERVICES - DEL	COUNTY MAIL	COUNTY MAIL	\$136.50
4200046065	52002310	2/3/2020	MAIL SERVICES - HAN	COUNTY MAIL	COUNTY MAIL	\$689.60
4200046316	52002416	2/6/2020	2019/20 COWCAP-QTR3	ATC	ATC	\$3,332.03
<b>TOTAL</b>						<b>\$7,634.28</b>

4101248120	40709800	2/13/2020	LAFCO SC#449	LAFCO FEES		\$2,317.00
<b>TOTAL</b>						<b>\$2,317.00</b>
<b>MONTH OF FEBRUARY 2020 INTERNAL TRANSFERRED RECEIVED</b>						
4200046762	40709555	2/19/2020	LAFCO 3216 INDEMNIFICATION - COUNTY FIRE	INDEMNIFICATION		\$23.25
<b>TOTAL</b>						<b>\$23.25</b>
				4/6/2020		
LA TRICI JONES, Clerk to the Commission				DATE		
RECONCILIATION APPROVED BY:						
						
SAMUEL MARTINEZ, Executive Officer				4/6/2020		
				DATE		

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
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**DATE :** APRIL 8, 2020  
**FROM:** MICHAEL TUERPE, Senior Analyst   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM 5: Update on Sustainability of the City of Adelanto, related to LAFCO 3232 - Sphere of Influence Amendment for the City of Adelanto

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the City for the August 2020 hearing, unless otherwise directed by the Commission.

## **BACKGROUND:**

As an outgrowth from LAFCO's 2017 Countywide Service Review for Water (LAFCO 3187) and its 2018 Countywide Service Review for Wastewater (LAFCO 3190), the Commission initiated a sphere of influence amendment for the City of Adelanto ("City") to determine the appropriate sphere of influence for the City.

At its April 2019 hearing, the Commission reduced the sphere for the City of Adelanto by approximately 8.4 square miles, and directed staff to return with periodic updates on the City's sustainability. The most recent update to the Commission was at its January 2020 meeting.

At the January meeting, the Commission directed staff to provide a more detailed staff report and presentation on the City's finances to include the deficiencies and weaknesses outlined in the audits.

## **APRIL 2020 UPDATE:**

Since the previous Commission update in January 2020, the City has completed the final FY 16-17 City audit and has provided that audit to LAFCO. For this staff report, the City has



provided the information that the Commission previously requested. The City's detailed information includes status of audit completions, internal control findings, financial position, and financial stability measures. The City will present this information to the Commission at this hearing, and the presentation material is included as an attachment to this staff report.

Before the pandemic, it was staff's position that the City was making strides to come into compliance, and that continued monitoring was warranted. Staff has reviewed the City's presentation and has immediate concerns regarding the City's sustainability. Therefore, it is hoped that a frank presentation and discussion results in a good understanding of the City's financial position and sustainability.

At this time, staff recommends that the Commission schedule another update for the City for the August 2020 LAFCO hearing. Staff also reminds the Commission that it can initiate a focused service review for the City at any time.

Attachment



# City of Adelanto

State of California

Financial Update to LAFCO

April 15, 2020



# Financial Update Overview

*“You can’t go back to the beginning, but you can start where you are and change the ending.”*

*- C.S. Lewis*

- Status of City audits
- FY16/17 audit internal control findings
- City’s financial position
- Financial stability measures



# Status of City Audits

- City audits 4 years behind by late 2018
- APUA audit 1 year behind by late 2018
- City Manager retained outside consulting firm in September 2018 to address issue
- Progress made/audits completed: FY14/15, FY15/16, FY16/17, FY17/18 (APUA)
- Audits remaining: FY17/18, FY18/19, FY18/19 (APUA)



# Status of City Audits (cont.)

- Audit completion timeline:

Entity	Fiscal Year	Start Date	Date Completed	Days to Complete
City	FY14/15	September 12, 2018	June 20, 2019	281
APUA	FY17/18	January 2, 2019	December 4, 2019	336
City	FY15/16	June 20, 2019	December 10, 2019	173
City	FY16/17	October 1, 2019	February 18, 2020	140
City	FY17/18	December 9, 2019	May 31, 2020	174
City	FY18/19	January 6, 2020	June 30, 2020	176
APUA	FY18/19	April 30, 2020	June 30, 2020	61
<b>Total Days</b>				<b>657</b>



# FY16/17 Audit

## Internal Control Findings

- Two types of accounting deficiency findings

- Material Weakness:

*A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis.*

- Significant Deficiency:

*A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.*



# FY16/17 Audit

## Internal Control Findings (cont.)

- Identified 5 Material Weaknesses
- Identified 6 Significant Deficiencies
- Corrective measures identified and implemented beginning late 2018
- Findings are historical to FY14/15
  - Will continue to be reported until audits become current





# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-001 - Financial Close and Reporting Process</b>
<b>Condition:</b>	The City's financial close and reporting process has been behind in preparing year-end reconciliations and adjustments to adequately close the most current fiscal year-end accounting records.
<b>Action:</b>	The Finance Department will use outside accounting consultants in order to work towards timely year-end closings. At such time that the year-end closings are current, the process will be transitioned to City staff.
<b>Status:</b>	The corrective action is ongoing. As each audit is completed, the fiscal year is being closed in the accounting system. Year-end closing reconciliations and adjusting entries for FY18/19 are currently being prepared. This finding will be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-002 - Formal Written Payroll and Accounting Policies and Procedures Manual</b>
<b>Condition:</b>	There is no formal written payroll and accounting policies and procedures manual.
<b>Action:</b>	The Finance Department has developed and is in the process of developing and implementing formal written payroll and accounting policies as well as a procedures manual.
<b>Status:</b>	The corrective action is ongoing. Five policies have been completed including: cash handling, accounts payable, bank reconciliation, revenue recordation, and unclaimed funds. The policies were presented to the City Council at its August 28, 2019 meeting. Additional policies are currently being drafted. This finding will be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-003 - Outstanding Checks</b>
<b>Condition:</b>	For the Adelanto Water Authority checking account, the amount of outstanding checks was estimated and there was no detail listing of the outstanding checks on the bank reconciliation.
<b>Action:</b>	The Finance Department is reviewing its bank reconciliation to apply the unclaimed funds policy on outstanding and uncashed checks.
<b>Status:</b>	The corrective action is ongoing. The unclaimed funds policy has been implemented. Finance department staff are currently reviewing the outstanding checks and are applying the unclaimed funds policy as appropriate. This finding will be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-004 - Bank Accounts Authorized Signers</b>
<b>Condition:</b>	The bank reconciliations are being prepared by an individual who is also an authorized signer for the City's bank accounts.
<b>Action:</b>	The Finance Department has updated its bank account authorized signers which no longer includes the individual preparing the bank reconciliations. Management considers this finding to be closed.
<b>Status:</b>	The corrective action is completed as of January 2019.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-005 - Capital Assets Valuation Report Review and Capital Assets Contributions by Developers.</b>
<b>Condition:</b>	The City had a valuation of its capital assets performed in fiscal year 2016 by an external consultant. This was used as a basis to adjust the capital assets accounts in the City's accounting records for the 2017 fiscal year. However, there doesn't appear to be any comprehensive review or approval of the valuation report. Developer capital contributions also appeared excluded from the valuation report.
<b>Action:</b>	The Finance Department has developed and is in the process of developing policies and procedures to ensure that the capital asset valuation report is reviewed and approved by City management staff and the Finance Director. The Finance Department is also in the process of developing procedures to capture information from capital assets constructed by developers that the City will maintain and include in the City's capital assets.
<b>Status:</b>	The corrective action is ongoing. The capital assets valuation policy is being developed. This finding is expected to be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-006 - Cash Disbursement and Purchasing Policies</b>
<b>Condition:</b>	The current cash disbursements and purchasing practices of the City do not follow the limits set forth under the City of Adelanto's municipal code.
<b>Action:</b>	The Finance Department is reviewing the outdated cash disbursement and purchasing policies in the municipal code in order to recommend changes that are in line with those used in our software system and present these recommendations to City Council as replacement for the outdated codes.
<b>Status:</b>	The corrective action is ongoing. The cash handling and accounts payable policies have been implemented. The City's purchasing rules, as set forth in the municipal code, are being adhered to. This finding has been resolved; however, it will remain open until the completion of the FY18/19 audit in 2020.



# FY16/17 Audit Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-007 - Bank Reconciliations</b>
<b>Condition:</b>	Bank reconciliations were completed several months after the close of each month.
<b>Action:</b>	The City hired an accountant and outside accounting staff to perform all bank account reconciliations and are now current.
<b>Status:</b>	This finding has been resolved; however, it will remain open until the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-008 - Payroll Rate Approvals</b>
<b>Condition:</b>	During our test of payroll controls, there were several personnel action forms that had missing approval signatures.
<b>Action:</b>	The Finance and Human Resource Departments are reviewing payroll policies to ensure payroll rate approvals are properly approved and documented. The departments have implemented a revised Personnel Action Form (PAF), which is reviewed and approved by City management staff. Further, the City has added a Sr. Human Resources Analyst position to the organizational structure in order to ensure personnel policies and procedures are adopted and followed.
<b>Status:</b>	The corrective action is ongoing. Policies and procedures have been implemented along with a revised payroll approval form. City staff are conducting an internal audit of all payroll transactions dating back to calendar year 2012. Corrections are being made as necessary. This finding will be resolved with the completion of the FY18/19 audit in 2020.





# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-009 - Construction Recycling Deposits</b>
<b>Condition:</b>	The City has construction recycling deposits but there are no formal tracking procedures that keep an updated listing and verification of outstanding deposits.
<b>Action:</b>	The Finance Department has developed and is in the process of developing and implementing formal written policies and procedures to monitor construction recycling deposits as well as the reconciliation of those deposits.
<b>Status:</b>	The corrective action is ongoing. The Finance Department is working with the land use departments to develop policies and procedures to track outstanding deposits. It is anticipated that this finding will be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-010 - Cash Management</b>
<b>Condition:</b>	There were several adjustments made at the end of the fiscal year to reimburse the General Fund for expenditures from prior years.
<b>Action:</b>	The Finance Department has reviewed its cash management procedures and is updating those procedures to ensure timely transfer of reimbursements between funds.
<b>Status:</b>	The corrective action is ongoing. The cash handling and accounts payable policies have been implemented. Other policies will be implemented outlining the timeframes for proper recordation of transactions. Once the City is current on its audits, procedures will be implemented in order to close prior fiscal years such that additional transactions cannot be recorded. It is anticipated that this finding will be resolved with the completion of the FY18/19 audit in 2020.



# FY16/17 Audit

## Internal Control Findings (cont.)

<b>Finding:</b>	<b>2017-011 - Maintenance of Minutes</b>
<b>Condition:</b>	The City's maintenance of minutes of the public meetings was not prepared in a timely manner.
<b>Action:</b>	The City Clerk Department has outsourced the preparation of public meeting minutes in order to have the minutes in a timely manner and to remain current. Management considers this finding to be closed.
<b>Status:</b>	This finding has been resolved; however, it will remain open until the completion of the FY18/19 audit in 2020.



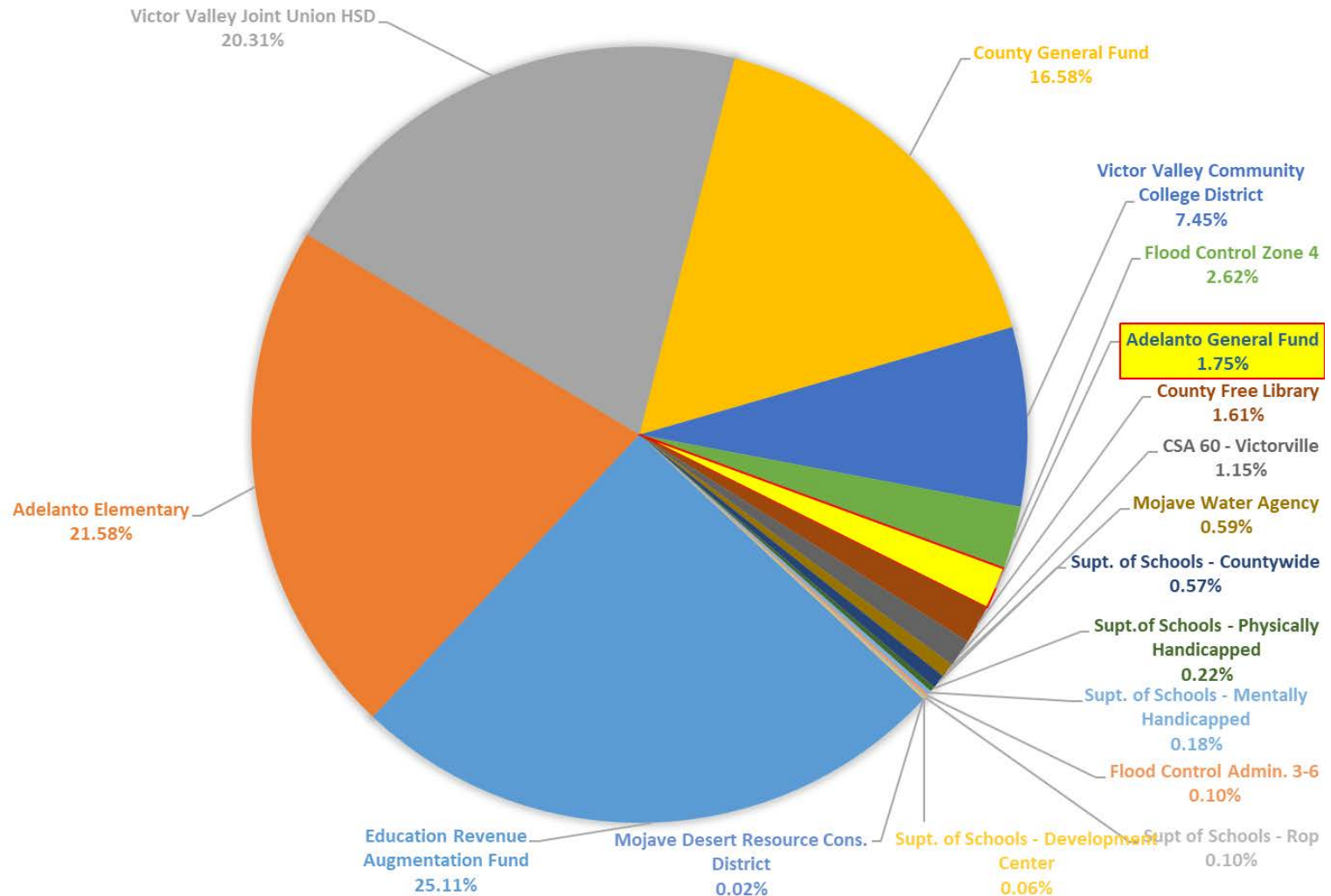
# City's Financial Position

- Historical structural deficit
- 1985 Caltrans “freeway agreement” has limited growth on US Highway 395 corridor
- Insufficient tax base
  - Property tax allocation less than 2%
  - Q4 2019 per capita sales \$1,263 (city) vs. \$4,500 (countywide)
  - Per capita sales ranked 495 out of 539 agencies in California
- Estimated impact of coronavirus \$2.3 million reduction in revenue FY20/21

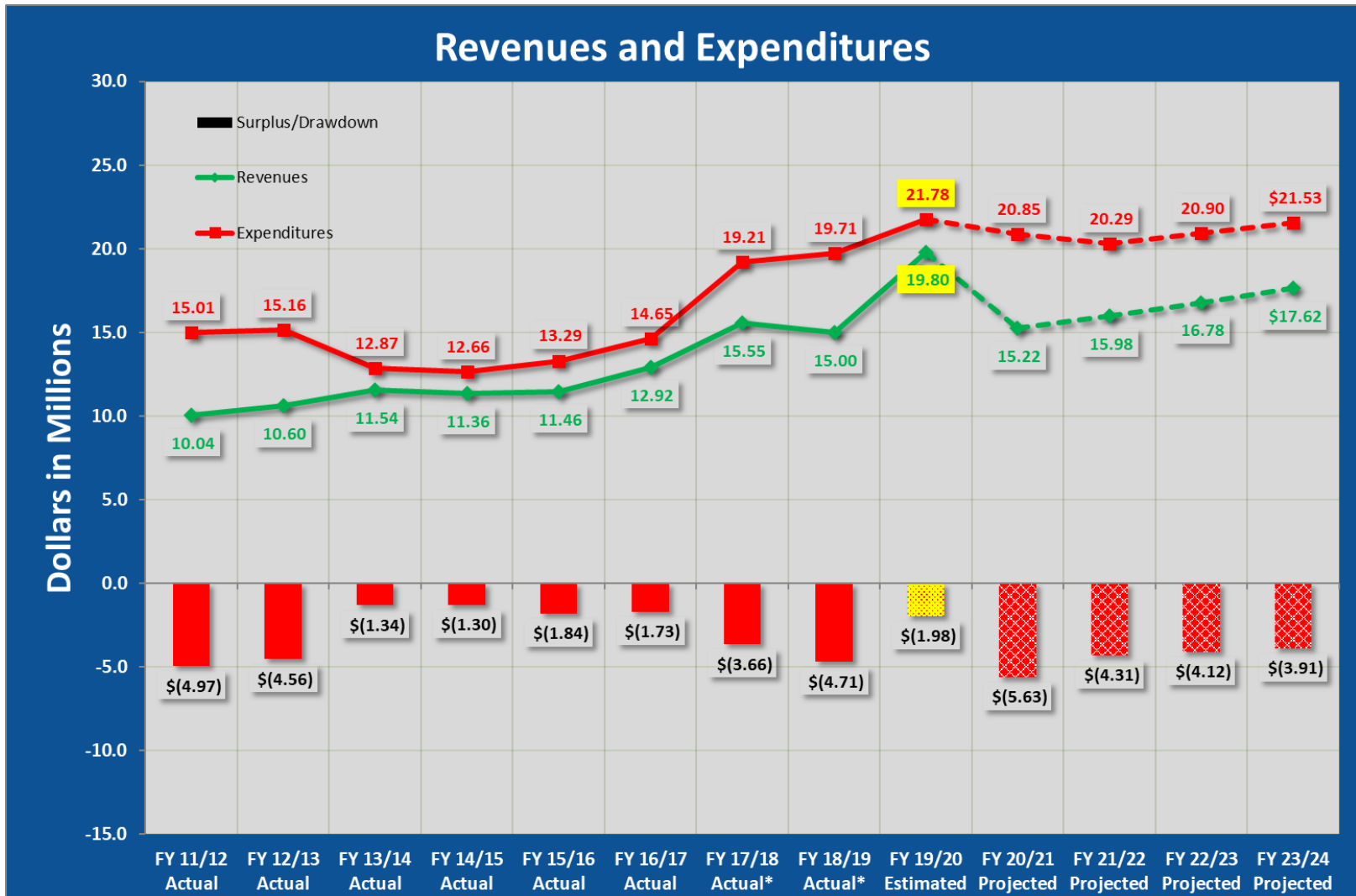


# City's Financial Position (cont.)

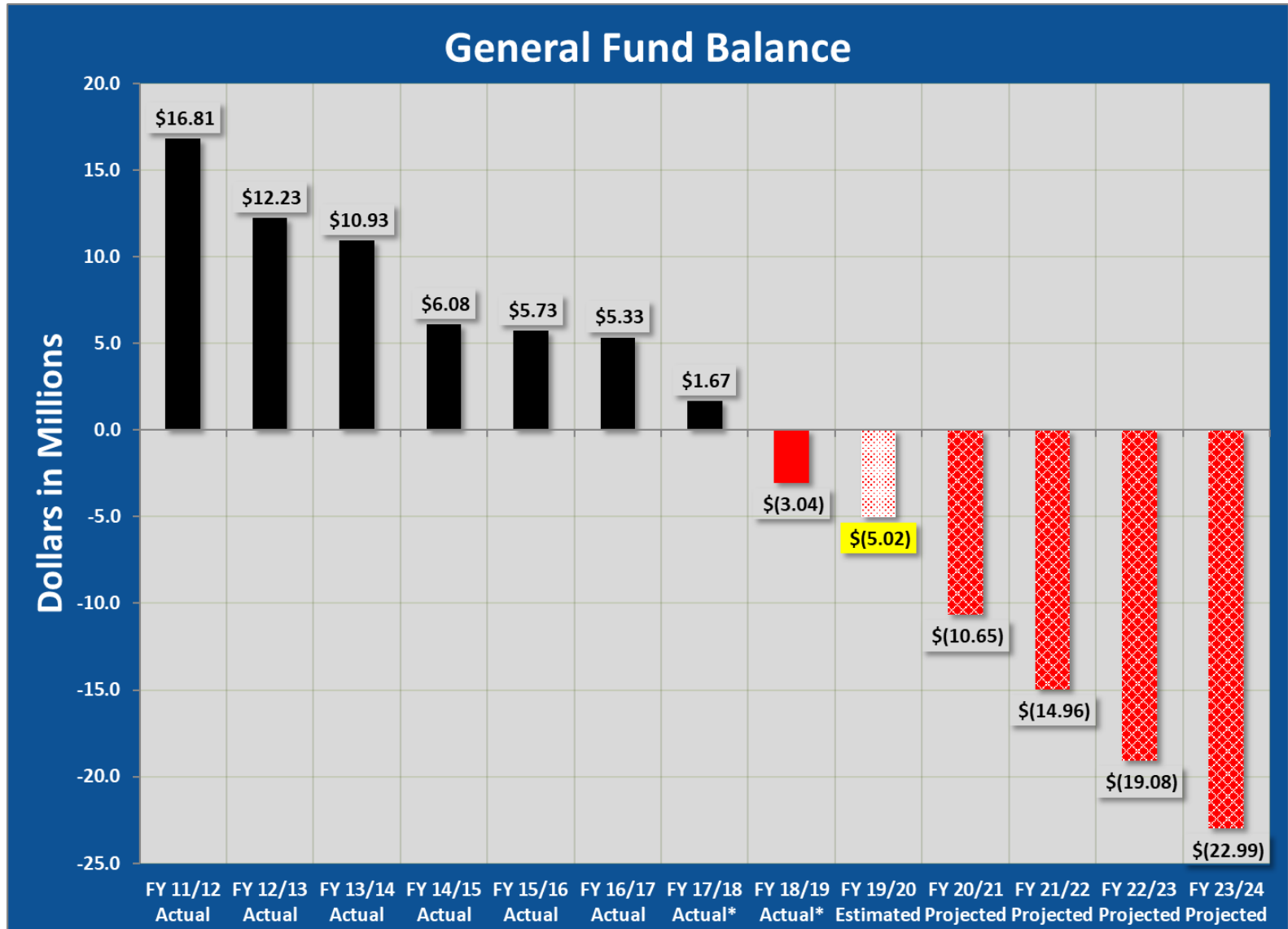
CITY'S PROPERTY TAX SHARE



# City's Financial Position (cont.)



# City's Financial Position (cont.)





# Financial Stability Measures

- Revenue enhancements
  - Passed cannabis tax measure = \$1.5 million/yr.
  - Increasing fees = \$0.5 million/yr.
  - Cost allocation plan = \$1.0 million/yr.
- Expense reductions
  - Negotiated labor savings = \$0.950 million/yr.
- Economic development
  - Increase housing/population
  - Broaden tax base

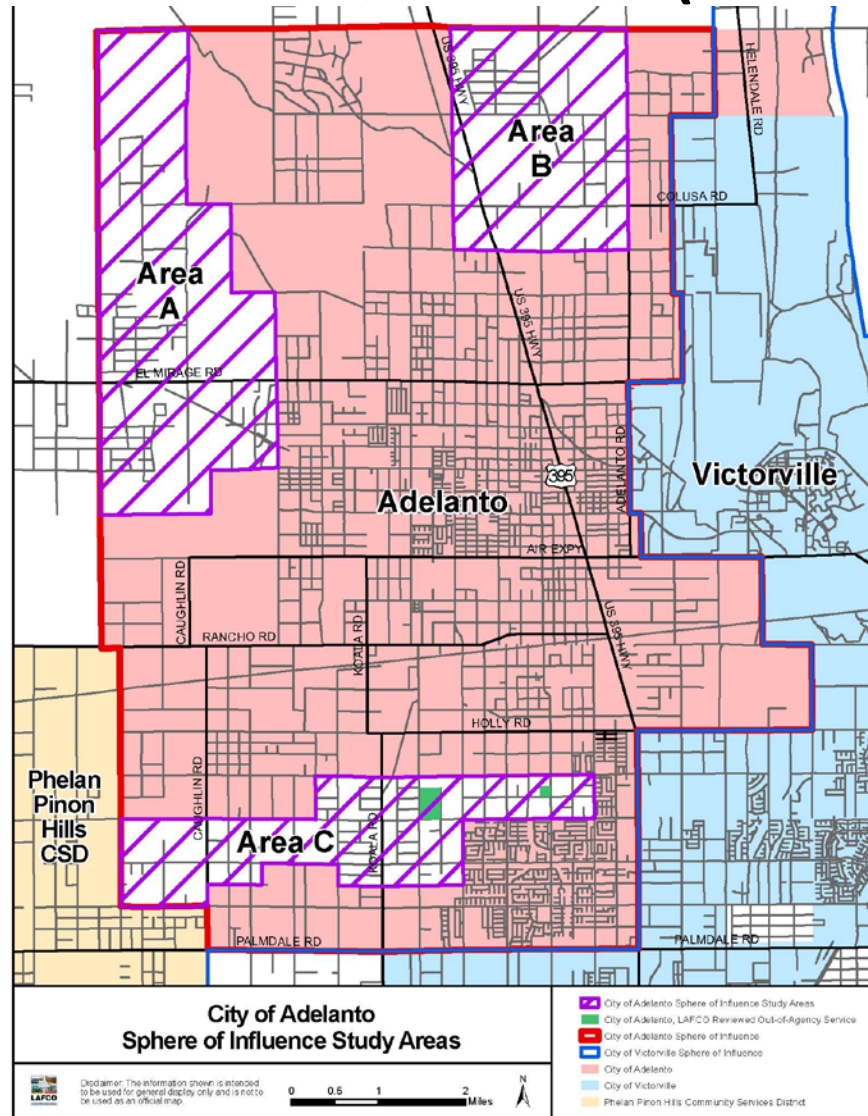




# Financial Stability Measures (cont.)

- Tax measures
  - UUT tax measure failed in 2014
  - Cannabis tax measure passed in 2016
  - Vacant land tax = \$3.0 million/yr. (2020 if passed)
- Annex into Fire District w/ FP-5
  - General fund savings \$2.0 million/yr. (2021 if passed)
- Annex LAFCO Area “C”
  - Prime area for housing
  - Increased property tax allocation of 7% min.

# Financial Stability Measures (cont.)




# Conclusion

- City Council actively implementing public policy to ensure financial stability
- City administration focused on:
  - Policies and procedures
  - Enhancing revenue and controlling expenditures
  - Compliance with public accounting regulations
  - Economic development
- City needs cooperation from Federal, State, and county governments

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 · Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** April 7, 2020  
**FROM:**  SAMUEL MARTINEZ, Executive Officer  
JEFFREY LUM, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #6: LAFCO SC#449 – City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 for Sewer Service

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**INITIATED BY:**

City of Montclair, on behalf of the property owner/developer

**RECOMMENDATION:**

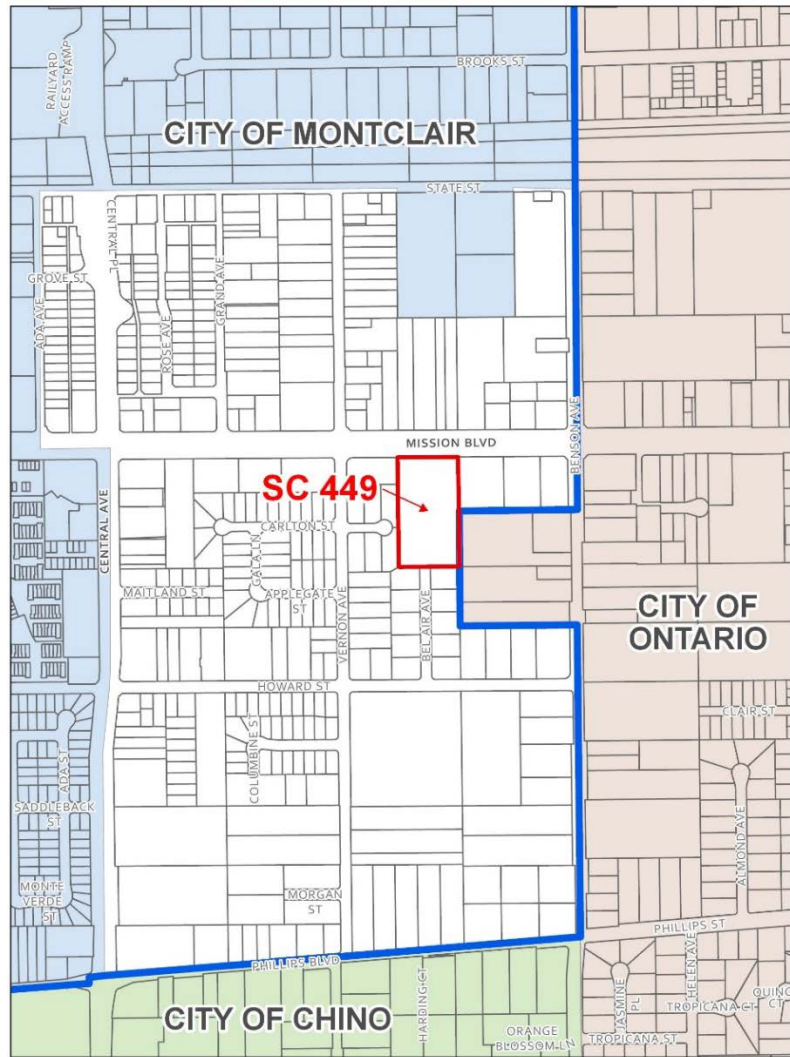
Staff recommends that the Commission approve LAFCO SC#449 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-family residential lots on a 4.7 acres site, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that all mitigation measures are the responsibility of the County and/or others, not the Commission; and,
  - c. Notes that this project is exempt from Department of Fish and Game 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 SC#449 authorizing the City of Montclair to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 1011-351-02.
3. Adopt LAFCO Resolution #3304 setting forth the Commission's determinations and approval of the sewer services outside the City of Montclair boundaries.

**BACKGROUND:**

The City of Montclair (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 single parcel, APN 1011-351-02, generally located on the south side of Mission Boulevard (5533 Mission Boulevard) between Vernon and Benson Avenues within the City of Montclair's southeastern sphere of influence. The map below, which is also included as Attachment #1, provides a location and vicinity map of the site. In addition, the City's application (Attachment #2) include a map outlining the location of the infrastructure to be extended.



The County Land Use Services Department processed a General Plan Amendment and a Conditional Use Permit for a proposal to build 40 condominiums and two single-family residential lots on 4.7 acres, which was approved by the County Board of Supervisors on December 17, 2019. The Conditions of Approval placed upon this project include the requirement to connect to the City of Montclair's sewer facilities (Condition 114 thru 116). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the project 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 to the proposed project by requiring the property owner/developer to install a new eight-inch (8") sewer line from the project site and extending southerly through Bel Air Avenue to connect to the City's existing eight-inch (8") sewer main in Howard Street.

Pursuant to the Commission's service contract application requirements, information has been provided regarding all financial obligations for the extension of sewer service outside the City's boundaries. The City estimates a total of \$322,654.50 (known costs) related to the IEUA connection fee, the City's EDU and connection fees, and construction permit fees for the extension of sewer service to the proposed development.

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$292,110	<b>\$292,110</b>
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$29,232	<b>\$29,232</b>
City of Montclair Connection Fee	Exempt	<b>Exempt</b>
City Engineering / Construction Permit (estimate)	\$1,312.50	<b>\$1,312.50</b>
County Permit and Inspection Fee	Unknown	<b>Unknown</b>
Construction Cost	Unknown	<b>Unknown</b>
<b>Total Known Costs</b>	<b>\$322,654.50</b>	

In addition, the property owner/developer will be responsible for all costs associated with the extension of sewer service from the existing line in Howard Street to the project site.

### **ENVIRONMENTAL DETERMINATION:**

In 2019, the County prepared an Initial Study and a Mitigated Negative Declaration for a General Plan Amendment to change the land use zoning designation from Single Residential (RS-20M) and General Commercial (CG) to Multiple Residential (RM), Tentative Tract (20267) Map to create two single-family residential parcels and one condominium parcel, and a Conditional Use Permit for the development of 40 detached condominiums, with a Major Variance for a reduced front yard setback on approximately 4.7 acres.

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. 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 development of Tentative Tract 20267 requires that it receive sewer service from the City of Montclair. In order for the project to proceed to record the Final Tract Map, the property owner/developer must show proof of his ability to connect to the City of Montclair's sewer infrastructure – which is the Commission's authorization for the extension of sewer service.

Staff has reviewed this request for authorization to provide sewer service from the City of Montclair outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel is within the sphere of influence of the City of Montclair, 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 by contract to the proposed residential development since its facilities are located near the anticipated development and there is no other existing entity available to provide the level of service required by the Tentative Tract within the area.



**DETERMINATIONS:**

1. The project area, identified as Assessor Parcel Number (APN) 1011-351-02, is within the sphere of influence assigned to the City of Montclair and is anticipated to become a part the City sometime in the future. The application requests authorization to receive sewer service from the City of Montclair, which is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide sewer service is necessary to satisfy this condition of approval allowing the project to proceed.
2. The application request authorization for the City of Montclair to provide sewer service as outlined in the Irrevocable Agreement to Annex No. 20-06-I-104 for APN 1011-351-02, generally located on the south side of Mission Boulevard (5533 Mission Boulevard). This contract will remain in force in perpetuity for the proposal development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Montclair to finalize the agreement for the extension of sewer service.
3. The City of Montclair estimates a total of \$322,654.50 (known cost) for the extension of sewer service to the proposed project (for a breakdown of fees, see table on page 3). In addition, the property owner/developer will be responsible for all costs associated with the extension of sewer service to the project site.
4. During the period from August to December 2019, acting as the CEQA lead agency, the County prepared an environmental assessment for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-family residential lots on a 4.7-acre site. The County's environmental assessment indicates that the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Mitigated Negative Declaration issued for the proposed project. 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. 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 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

Attachments:

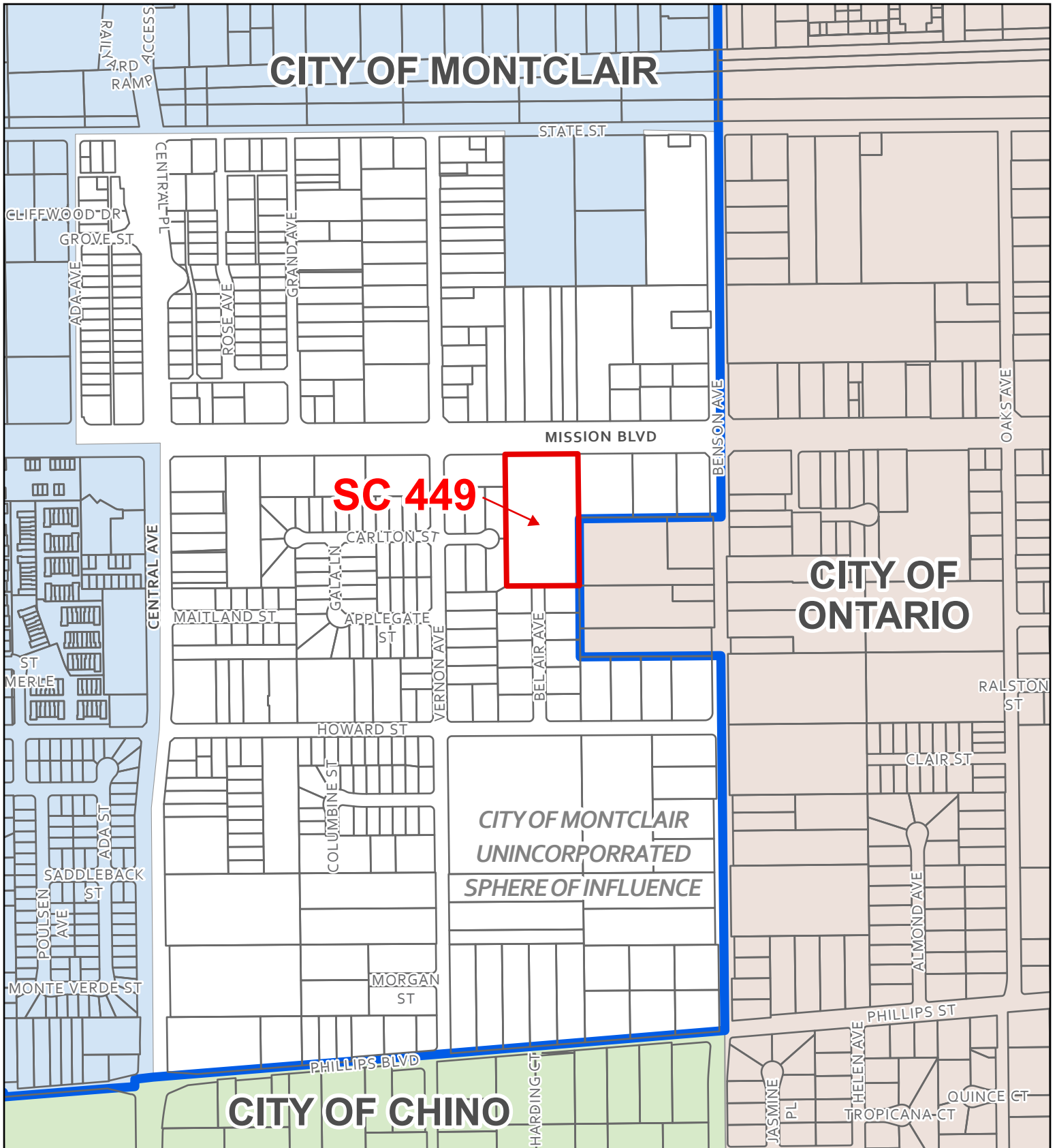
1. [Vicinity Maps](#)
2. [City of Montclair's Application and Contract](#)



3. [County Conditions of Approval for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map](#)
4. [Tom Dodson and Associates' Response Including the County's Environmental Assessment for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267](#)
5. [Draft Resolution #3304](#)

# **Vicinity Maps**

**Attachment 1**



## SC 449 - City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 for Sewer Service

0 125 250 500 Yards



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

- SC 449 (APN: 1011-351-02)
- City of Montclair
- City of Montclair Sphere of Influence
- City of Ontario
- City of Chino

# **City of Montclair's Application and Contract**

**Attachment 2**

**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 Montclair

CONTACT PERSON: Noel Castillo, Public Works Director

ADDRESS: 5111 Benito Street  
Montclair, CA 91763

PHONE: 909/625-9441

EMAIL: [ncastillo@cityofmontclair.org](mailto:ncastillo@cityofmontclair.org)

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Mission 42 LLC

CONTACT PERSON: Terrance S. Kent

MAILING ADDRESS: 510 W Citrus Edge Street  
Glendora, CA 90015

PHONE: (626) 914-1943

EMAIL: [www.crestwoodcommunities.com](http://www.crestwoodcommunities.com)

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 5533 Mission Boulevard  
Ontario, CA 91762

CONTRACT NUMBER/IDENTIFICATION: Irrevocable Annexation Agreement No. 20-06-I-104

PARCEL NUMBER(S): 1011-351-02

ACREAGE: 4.7-acres

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.

1. (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 ☒ NO. If yes, please provide explanation on how the agency is able to provide the service.

NO.

2. Is the property to be served within the agency's sphere of influence? ☒ YES ☐ NO

3. Please provide a description of the service agreement/contract.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. 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.

The time frame for annexing the area that includes this property to the City of Montclair is unknown at this time.

- (b) Is the property to be served contiguous to the agency's boundary?

☐ YES ☒ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

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 ☒ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

6. (a) What is the existing use of the property?

The subject property is currently vacant/undeveloped

- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change.

Buyer of the property intends to develop the parcel with 40 detached condominiums and two single family residential units.

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.

N/A

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	<input checked="" type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input checked="" type="checkbox"/>
Conditions of Approval	<input checked="" type="checkbox"/>
Negative Declaration (Initial Study)	<input checked="" type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

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.

LAFCO is the responsible agency for filing the Notice of Exemption (NOE).

10. Plan for Service:

- (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 developer of the above referenced property proposes to build a new eight (8) inch diameter public sanitary sewer line beginning approximately 120-feet north of the southern boundary of the project site and extending southward through Bel Air Avenue for approximately 800-feet to connect to an existing eight (8) inch diameter sewer line in Howard Street. The sewer line in Howard Street is owned and maintained by the City of Montclair and the City is willing to allow the connection to said sanitary sewer system subject to the agreement that property be annexed to the City at the earliest possible time.

If approved, the developer will construct said public sewer line from the subject site to the existing sewer line in Howard Street. Cost for constructing said public sewer line in Bel Air Avenue, on-site lateral lines to serve the project, and payment for building permits and sewer connection fees would be borne entirely by the property owner/developer.

- (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.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Inland Empire Utilities Agency (IEUA) Connection Fee per Equivalent Dwelling Unit (EDU)	\$292,110	<b>\$292,110</b>
City of Montclair EDU Fee (10% of IEUA Connection Fee)	\$29,232	<b>\$29,232</b>
City of Montclair Connection Fee	Exempt	<b>Exempt</b>
City Engineering / Construction Permit (estimate)	\$1,312.50	<b>\$1,312.50</b>
County Permit and Inspection Fee	Unknown	<b>Unknown</b>
Construction Cost	Unknown	<b>Unknown</b>
<b>Total Known Costs</b>	<b>\$322,654.50</b>	

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

None

- (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).

N/A

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.

N/A

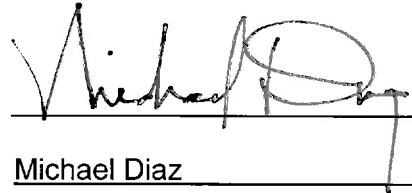


## CERTIFICATION

As a part of this application, the City of Montclair agrees to defend, indemnify, hold harmless, and release the 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, costs, and expenses, including attorney fees. 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/We 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.

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:

Michael Diaz

POSITION TITLE:

Community Development Director

DATE:

February , 2020

### 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  
215 North D Street, Suite 204  
San Bernardino, CA 92415-0490  
PHONE: (909) 383-9900 • FAX: (909) 383-9901

**AGREEMENT NO. 20-06-I-104**

**AN IRREVOCABLE AGREEMENT TO ANNEX  
TO THE CITY OF MONTCLAIR**

**Mission 42 LLC**  
5553 West Mission Boulevard  
Ontario, CA 91762

This agreement is entered into this 3<sup>rd</sup> day of February, 2020, between Mission 42, LLC hereinafter referred to as "Owner," and the City of Montclair, hereinafter referred to as "City."

**WHEREAS**, Owner is the legal property owner of the real property located at 5553 West Mission Boulevard, referenced by San Bernardino County Tax Assessor Parcel Number (APN) 1011-351-02, shown as Exhibit "A" attached, and is further described as follows:

LOT 2 AND THE EAST 10 FEET OF LOT 1, IN BLOCK 19 OF MONTE VISTA  
TRACT NO. 2, COUNT OF SAN BERNARDINO, STATE OF CALIFORNIA, AS  
PER PLAT IN BOOK 16 OF MAPS, PAGE 33 RECORDS OF SAID COUNTY.

EXCEPT THE NORTH 15 FEET THEREOF.

**WHEREAS**, the subject property is 4.7 acres in size, and is located on the south side of Mission Boulevard (approximately 300 feet east of Vernon Avenue), within the unincorporated area of San Bernardino County that is a part of the Sphere of Influence of the City of Montclair; and

**WHEREAS**, the subject property is undeveloped/vacant; and

**WHEREAS**, on December 17, 2019, the County of San Bernardino approved Tentative Tract Map No. 20267 to allow the owner/developer to subdivide the site and develop a multi-unit residential project consisting of 40 detached condominiums and two (2) single family residences; and

**WHEREAS**, the Owner desires to connect the proposed multi-unit residential development generally described above for the existing property at the above-described address to the sanitary sewer system in Howard Street, which is owned and maintained by the City of Montclair as shown as Exhibit "B"; and

**WHEREAS**, the City is willing to allow a connection to said sanitary sewer system if a request is made at the earliest possible time to annex to the City of Montclair; and

**WHEREAS**, Owner desires to annex to the City of Montclair; and

**WHEREAS**, the City intends to pursue annexation of Owner's property plus other property, but said annexation will cause delay, which would create a substantial hardship for Owner of said property; and,

**WHEREAS**, the agreements, conditions, and covenants contained herein are made for the direct benefit of the land subject to this Agreement and described herein and shall create an equitable servitude upon the land and operate as a covenant running with the land for the benefit of the Owner of the land and his heirs, successors, and assigns.

**NOW, THEREFORE**, the parties do agree as follows:

1. Owners do hereby give irrevocable consent to annex to the City of Montclair at such time as the annexation may be properly approved through appropriate legal proceedings, and Owners do 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 the Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation on behalf of the Owner to institute any litigation of judicial proceeding whatsoever to force annexation to the City.

2. The City of Montclair does hereby agree to allow a connection of said property to the sewer line owned by the City of Montclair, which is located in Howard Street, at such time as all applicable permits have been obtained and associated fees have been paid.

3. Owners agree 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.

4. Owners shall pay all fees and charges and make all deposits required by the City to connect to and use the sewer, and Owners agree to be bound by all City ordinances, rules, and regulations with respect to the sewer system. Owners agree to pay monthly sewer charges beginning on the date this agreement is approved by the City Council.

5. Owners shall be responsible for the maintenance and repair of the sewer lateral from the buildings and/or structures to which the sewer lateral is connected to the public sewer main in the street or City easement. This responsibility includes both the portion of the sewer lateral on private property and the portion located beneath the sidewalk and street up to the point where the lateral connects to the public sanitary sewer main. Property owners' responsibilities include maintenance and repair of the lateral, overflow cleanup, and damages to sewer main and/or pavement. The City may respond and take corrective action in the event of a sewage overflow from a lateral where there is an immediate threat to health or safety. However, the property owner shall be responsible for all costs incurred by the City.

6. Owners shall install any and all future improvements upon said property to the City's standards, except that the County standard(s) shall apply when more restrictive than the City standard(s).

7. Owners shall execute this agreement on behalf of themselves, their heirs, successors, and assigns, and said agreement shall be irrevocable without the prior written consent of both parties hereto.

8. The benefit and responsibilities to the subject property shall inure to the benefit and responsibilities 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.

9. This agreement shall be recorded with the Office of the Recorder of the County of San Bernardino.

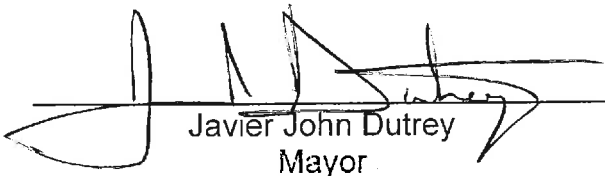
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

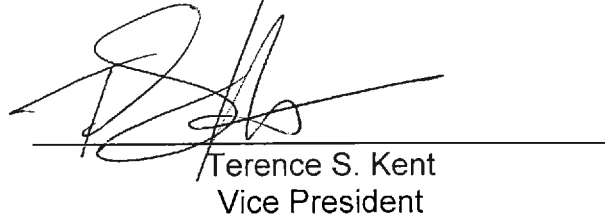
CITY:

OWNER:

CITY OF MONTCLAIR, CALIFORNIA

MISSION 42 LLC

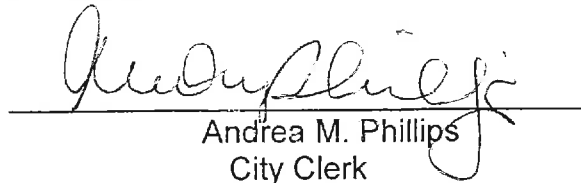
  
Javier John Dutrey  
Mayor

  
Terence S. Kent  
Vice President

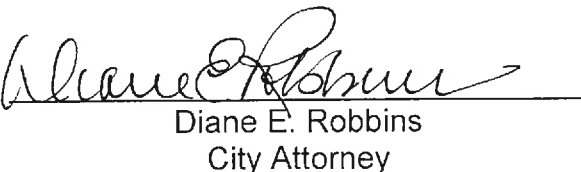
2.4.2020  
Date

2-5-2020  
Date

ATTEST:

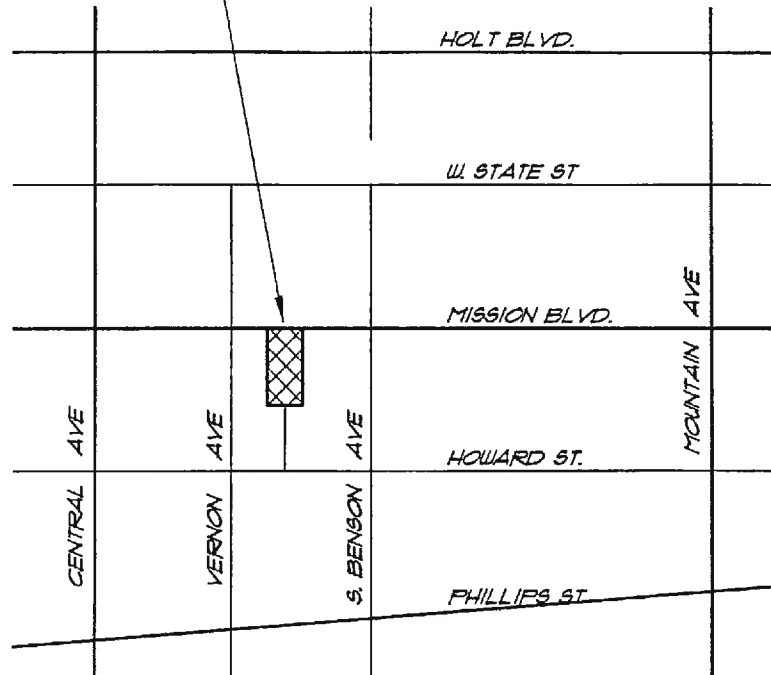
  
Andrea M. Phillips  
City Clerk

APPROVED AS TO FORM:

  
Diane E. Robbins  
City Attorney

# EXHIBIT A

PROJECT SITE:  
5333 MISSION BLVD,  
ONTARIO / MONTCLAIR



07.18.19

Crestwood Communities  
510 W. Citrus Edge Street  
Glendora, CA 91740 - (626) 914-1943

Vicinity Map  
Tract 20267 - 5553 Mission Blvd.

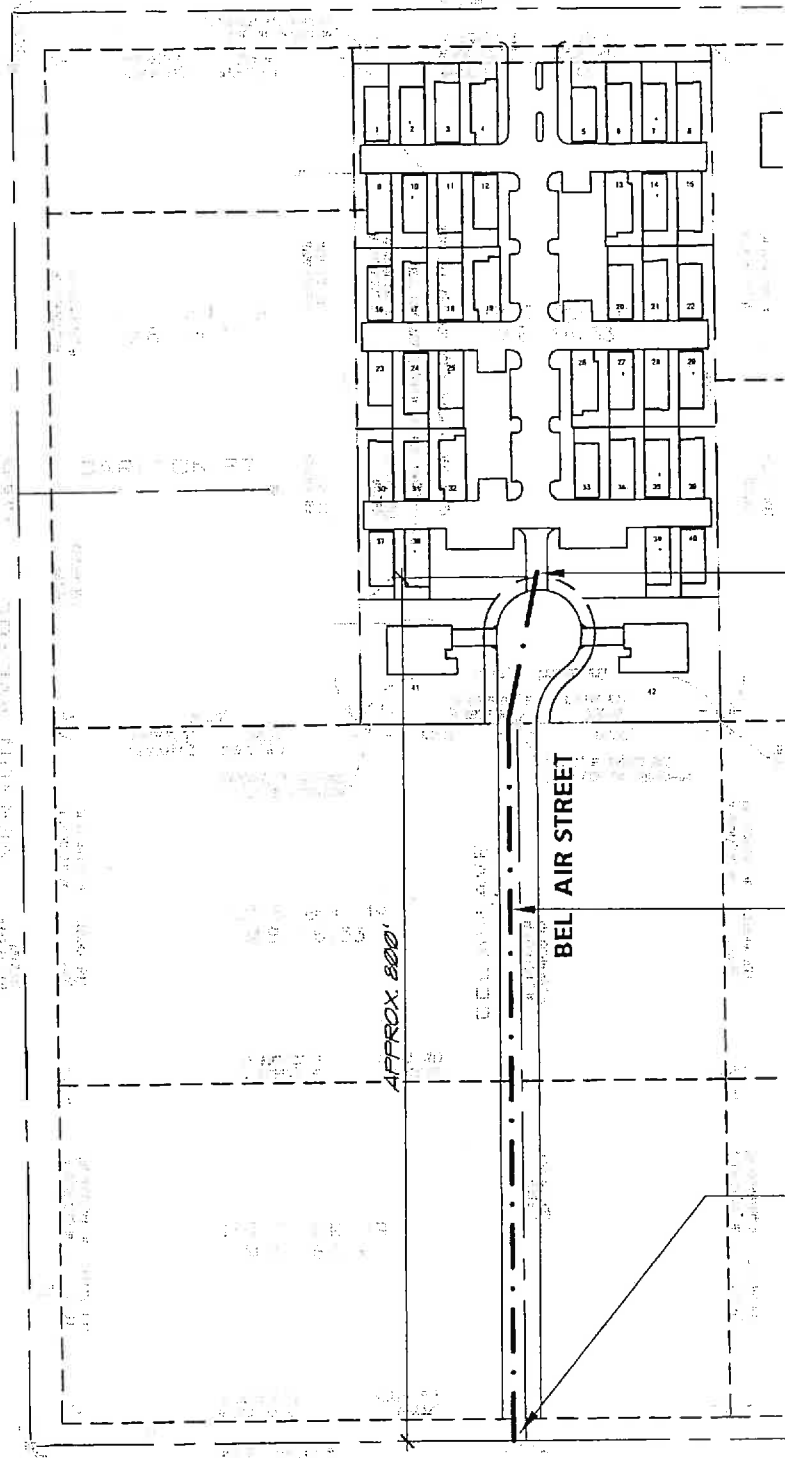
**Mission Boulevard**

**EXHIBIT B**

**IRREVOCABLE ANNEXATION  
AGREEMENT:  
IAA-20-06-1-104**

**5553 W. MISSION BLVD**

**APN: 1011-351-02-00000**



*PROPOSED LOCATION OF  
CONNECTION TO PRIVATE  
ON-SITE SEWER LATERAL*

*APPROX. 800' OF NEW SEWER  
MAINLINE WITHIN BEL AIR AVE.,  
SIZE PER CIVIL ENGINEERS  
SEWER IMPROVEMENT PLANS*

*PROPOSED NEW SEWER  
MAINLINE CONNECTION  
LOCATION TO THE EXISTING  
SEWER MAIN WITHIN HOWARD  
STREET*



07.18.19

**Howard Avenue**

**Crestwood Communities**  
510 W. Citrus Edge Street  
Glendora, CA 91740 - (626) 914-1943

**Proposed Sewer Annexation Site plan  
Tract 20267 - 5553 Mission Blvd.**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 that document.

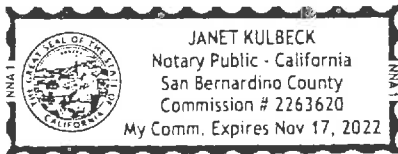
State of California

County of San Bernardino }

On February 4, 2020 before me, Janet Kulbeck, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Javier John Dutrey and Andrea M Phillips  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ were 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 Janet Kulbeck  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

*Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

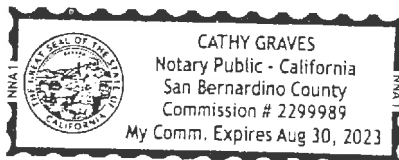
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of San Bernardino )  
 On February 5, 2020 before me, CATHY GRAVES, Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared Terence S. Kent  
Name(s) of 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 Cathy Graves  
Signature of Notary Public

*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: 5553 Mission RR AG to AUNEY Document Date: \_\_\_\_\_  
 Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_



A notary 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 that document.

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

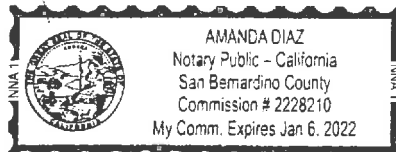
On February 6, 2020, before me, Amanda Diaz, a Notary Public, personally appeared Diane E. Robbins, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person or entity upon behalf of which the person 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.

  
NOTARY PUBLIC

(SEAL)



**County Conditions of Approval  
for the General Plan  
Amendment, Conditional Use  
Permit, and Tentative Tract Map**

**Attachment 3**



## Land Use Services Department Planning

Terri Rahhal  
Director

December 26, 2019

**EFFECTIVE DATE:** January 16, 2020

**EXPIRATION DATE:** January 16, 2023

Patrick Diaz, Crestwood Communities  
510 W. Citris Edge Street  
Glendora, CA 91740

**SUBJECT: A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE ZONING DESIGNATION FROM SINGLE RESIDENTIAL (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTIPLE RESIDENTIAL (RM) ON FOUR LOTS, TENTATIVE TRACT (20267) MAP TO CREATE TWO SINGLE FAMILY PARCELS AND A ONE LOT CONDOMINIUM PARCEL, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 DETACHED CONDOMINIUMS, WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK (15 FEET, INSTEAD OF 25 FEET) ON APPROXIMATELY 4.7 ACRES, LOCATED AT 5553 MISSION BOULEVARD, IN THE COMMUNITY OF MONTCLAIR; APN: 1011-351-02, 03, AND 04; PROJECT NUMBER: P201900161**

Dear Mr. Diaz:

On **December 17, 2019**, the above referenced project was approved by the County of San Bernardino Board of Supervisors, subject to completion of the attached conditions of approval. The proposed project is found to be in conformance with the County General Plan policies, and the standards of the County Development Code. The effective date of this approval is **January 16, 2020**. The Planned Development Permit shall expire and become void on **January 16, 2023** if it is not exercised pursuant to the conditions of approval.

**PLEASE NOTE: THIS WILL BE THE ONLY NOTICE GIVEN FOR THE ABOVE SPECIFIED EXPIRATION DATE AND THE TIME LINES SPECIFIED IN THE CONDITIONS. THE APPLICANT IS SOLELY RESPONSIBLE FOR INITIATING ANY TIME EXTENSION REQUEST THIRTY DAYS BEFORE EXPIRATION.**

The conditions of approval are listed under specific headings according to when each condition must be completed for the applicable County Department. Among these headings are: "General Requirements"; "Prior to Grading Permit"; "Prior to Building Permit" and "Prior to Final Inspection or Occupancy". The enclosed Condition Compliance Release Forms list each County Department or outside agency that must sign-off on the project prior to each stage of development. These forms must be completed with all required signatures in order to obtain each requested permit. Prior to issuance of any permit, the developer shall return the completed and signed Condition Compliance Release Form with four (4) copies of the stamped approved plot plan and a copy of the conditions of approval to the Planning Division for review.

### BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Third District

CURT HAGMAN  
Chairman, Fourth District

JOSIE GONZALES  
Vice Chair, Fifth District

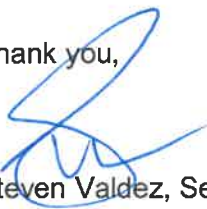
Gary McBride  
Chief Executive Officer

Within five working days of submittal, the Planning Division will review and, if appropriate, will release the Planning Division hold on each requested permit by stamping the approved plot plans with a "red" permit release stamp or by stamping the grading plans. The developer shall take a copy of the "red stamped" plans along with a copy of the signed Condition Compliance Release Forms to the Building and Safety Division. This will complete the Planning Division's approval process for that permit. Please note that there may be other corrections and reviews by County Fire, County Public Works or Building and Safety Division that need to be satisfied prior to issuance of permits by the Building and Safety Division.

This completes the Planning Division's review of this project. The condition of approval and the approved site plan is the final development criteria and design for this project. This is not considered a conceptual design, and as such, is not subject to change or alteration. Therefore, any proposed revisions or modifications will require additional fees and the submittal of a "Revision to Approved Action Application" for review and approval.

It has been a pleasure working with you on this project. If you have any questions regarding specific condition(s) outlined in the attached conditions of approval, please call the appropriate agency or department. The telephone numbers of each County Department are listed in the conditions of approval next to the department's section heading. If you have any questions regarding this process or require additional information about specific Planning conditions, please contact the Planning Division at (909) 387-4421.

Thank you,



Steven Valdez, Senior Planner

SV/kew/lb

Attachments: Conditions of Approval  
Condition Compliance Release Forms  
Stamped/Conditionally Approved Plot Plan

cc: County Fire Department, Hazardous Materials Division  
Building & Safety Division  
Land Development Engineering/Roads & Drainage  
Code Enforcement Division  
Public Works, Solid Waste Management  
County Fire/Community Safety  
Environmental Health Services  
Public Works, Traffic Division  
Special Districts

## CONDITIONS OF APPROVAL

### **Crestwood Homes**

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

## **CONDITIONS OF APPROVAL**

### **Crestwood Homes - GPA/CUP/TTM/MV**

General Plan Amendment. Conditional Use Permit. Tentative Tract Map No.20267

## **GENERAL REQUIREMENTS**

Ongoing and Operational Conditions

### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. **Project Approval Description.** The proposed General Plan Amendment to change four parcels (1011-351-02, 03, 04 & 05), consisting of a total of 10 gross acres from General Commercial (CG) and Single Residential (RS-20m) to Multiple Residential (RM), in conjunction with a Conditional Use Permit for a proposed 40 unit multi-family development and Tentative Tract Map (TT No.20267) for three (3) lots to include one (1) lot for condominium purposes and two (2) single family lots at 5553 Mission Boulevard. The project also includes a Major Variance (VAR-2019-00049) request for a 15 foot front yard setback, instead of 25 feet, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).
2. **Project Location.** The Project site is located at 5553 Mission Boulevard in an unincorporated area of San Bernardino County in the Montclair sphere-of-influence.
3. **Revisions.** Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval 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)
4. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees 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 or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not

## CONDITIONS OF APPROVAL

### Crestwood Homes

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5. Expiration. 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)
  - c. Occupancy of approved land use 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:
    - 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.
    - The land use is determined by the County to be abandoned or non-conforming.
    - 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.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
6. Continuous Effect/Revocation. 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. Extension of Time. 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)
8. Project Account. The Project account number is P201900161. 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 expense 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 \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or 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 the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:

## CONDITIONS OF APPROVAL

### Crestwood Homes

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
  - 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.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
  - Prior to Recordation: a copy of the signed CCRF for the Final Map.
10. Condition Compliance. Condition compliance confirmation for purposes of the Final Map recordation will be coordinated by the County Surveyor.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- a. FEDERAL: N/A;
  - b. STATE: Santa Ana RWQCB, South Coast AQMD, California Department of Fish and Wildlife
  - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
  - d. LOCAL: City of Montclair Fire Department, City of Montclair Planning
13. Continuous Maintenance. The Project property owner shall continually 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 property owner 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: The Home Owners Association shall conduct inspections for any fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The Home Owners Association shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The Home Owners Association shall maintain landscaping 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.
  - d) Dust control: The Home Owners Association shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - g) Lighting: The Home Owners Association shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - h) Fire Lanes: The Home Owners Association shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations.

CONDITIONS OF APPROVAL

**Crestwood Homes**

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

- i) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code 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.
15. Lighting. Lighting shall comply with SBCC Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 "Glare and Outdoor Lighting – Valley Region". All lighting shall be limited to that necessary for maintenance activities and security purposes. No light shall project onto abutting residential land uses or districts or the public right-of-way, nor 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, an alternating message no more than once every five seconds.
16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall 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.
17. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum Director, telephone (909) 798-8601.
18. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
19. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
20. Operating Hours: The hours of operation shall be restricted as follows:
  - Monday thru Saturday 7:00 a.m. to 9:00 p.m.
  - The loading and dropping of trailers shall be conducted only during the permitted operating hours.
  - After 7:00 p.m. dropping of trailers shall be done to the closest parking area near the entrance area.
21. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.



## CONDITIONS OF APPROVAL

### Crestwood Homes

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

- All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

22. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
- a. Waste Stream Reduction. 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. Vehicle Trip Reduction. 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.
  - c. Provide Educational Materials. The developer shall provide to all tenants and staff 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. .
  - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

### LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

23. Enforcement. If any County enforcement activities are 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.
24. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear any weeds on the project site of non-complying vegetation.

### LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

25. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site 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.
26. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
27. Additional Drainage Requirements. In addition to 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 this office.
28. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
29. Continuous BMP Maintenance. The property owner/“developer” 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

## CONDITIONS OF APPROVAL

### **Crestwood Homes**

APN: 1011-351-02/P201900161/GPA/CUP/

Planning Commission Hearing Date: 10-3-19

and sediment removal, as required to ensure peak performance of all BMPs. 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.

30. BMP Enforcement. In the event the property owner/"developer" (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 and/or "developer", 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.

### **PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

31. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
32. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.

### **CITY OF MONTCLAIR FIRE DEPARTMENT (909) 447-3543**

33. Approvals. Prior to the issuance of Grading Permits, the applicant shall submit an approval letter or Grading Plans approved by the City of Montclair Fire Department.

### **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

34. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
35. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
36. Mandatory Commercial Recycling. Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
37. Mandatory Organics Recycling. As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and

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recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

38. Trash/Recycling Areas. Trash and recycling carts must be grouped together and not mixed in the staging areas. All carts shall be labeled with the unit address. Also, Lots 41 and 42 will be provide with standard residential collection services with three 95-gallon carts (trash, recycling, and green waste).
39. Home Owners Association Approval. The Home Owners association shall enforce the trash service plan. Any trash or recycling not placed for collection in accordance to this plan may not be dumped.
40. Modifications. Any modification to the trash service areas or plan are subject to review and approval by the County and Burrtec.

### PRIOR TO RECORDATION OF FINAL MAP

The Following Shall Be Completed

#### DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149

41. Street Dedication. Please indicate private street or public right-of-way dedication for cul-de-sac.
42. Tentative and Final Map. A Tentative and Final Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
43. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
44. Easement of Record. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
45. Review Deposit. Review of the Final Map by our office is based on actual cost, and requires an initial \$8,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
46. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
47. Bonded Monumentation. Final Monumentation, not set prior to recordation, shall be bonded for with a cash deposit to the County Surveyor's Office as established per the current County Fee Ordinance on file with the Clerk of the Board.

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**Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311**

48. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
49. On-site Flows. On-site flows need to be directed to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
50. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
51. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
52. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**Land Use Services Department – Land Development Division – Road Section (909) 387-8311**

53. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Bel Air Avenue (Local – 60')**

- Road Dedication. A 60 foot grant of easement is required to provide a full-width right-of-way of 60 feet.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 128, and located per San Bernardino County Standard 130.
- Cul-de-sac Design. The proposed cul-de-sac shall be designed to County Standard 120.

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- Vacate Lot "A" as shown on Tract Map 9055 to receive recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to recordation. Contact Transportation Right-of-Way at (909) 387-7940 to obtain additional information.

### **Mission Boulevard (Major Divided – 120')**

- Driveway Approach. Design driveway approach per San Bernardino County Standard 128, and located per San Bernardino County Standard 130.
54. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
  55. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
  56. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
  57. Maintenance Bond. Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
  58. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
  59. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
  60. Soils Testing. 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 sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
  61. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain 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 prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.

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62. Slope Easements and Tests. Slope rights shall be dedicated, where necessary. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
63. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
64. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
65. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
66. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
67. Street Gradients. 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 County Public Works confirming the adequacy of the grade.
68. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County
69. Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works.

### **DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909)387-8186**

70. Street Names. Prior to recordation of the subdivision map, all street names shall be reviewed and approved by the Department of Public Works, Traffic Division pursuant to 87.06.050(j) of the Development Code.

### **LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

71. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval by the County Geologist prior to recordation of the tract map.

### **PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

72. Air Quality. Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the South Coast Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM<sub>10</sub> and PM<sub>2.5</sub> (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

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- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
  2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
  3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Project will not exceed South Coast Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
  1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
  2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
  3. All commercial vehicles are restricted to idle for not more than 5 minutes per trip on site.
  4. On-site electrical power connections shall be made available, where feasible.
  5. All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.

73. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
74. **Mitigation Measure Bio-1.** *Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zone shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.*
75. **Mitigation Measure TR-1.** *The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but*

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*are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.*

76. ***Mitigation Measure TR-2.*** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.
77. ***Mitigation Measure TR-3.*** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

*Upon discovery, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.*

*Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).*

*If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the*



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***burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.***

***Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24- hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material.***

78. ***Mitigation Measure TR-4. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.***

***Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered***

79. ***Mitigation Measure CR-1. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County of San Bernardino.***

80. ***Mitigation Measure CR-2. Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.***

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***All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.***

### **LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

81. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
82. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits.

### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

83. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
84. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
85. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
86. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
87. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8616H dated 8/28/2008. No elevation requirements. The requirements may change based on the most current Flood Map prior to issuance of grading permit.
88. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
89. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>

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90. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule

### **CITY OF MONTCLAIR FIRE DEPARTMENT (909) 447-3543**

91. Approvals. Prior to the issuance of Grading Permit, the applicant shall submit an approval letter or grading plans approved by the City of Montclair Fire Department.

### **PUBLIC HEALTH – Environmental Health Services (800) 442-2283**

92. Vector Survey. The project area has a high probability of containing vectors. EHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to EHS/Land Use. For information, contact Vector Control at (800) 442-2283

### **DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149**

93. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior to the issuance of Land Disturbance, Grading or Building Permit** activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:

- a. Monuments set to mark property lines or corners;
- b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

### **DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909)387-8186**

94. Improvements: The applicant shall design their street improvement plans to include the following:
- Driveway. The driveway located on Mission Blvd. shall be a right in/right out only.

### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

### **LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311**

95. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

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96. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
97. Street Lights. The project site is located within an urbanized area and streetlights are required. Street Lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please submit plans to Special Districts Department, 157 W. 5th Street, 2nd Floor, San Bernardino, CA 92415-0450, (909) 387-5940.
98. Power Lines. As required in County Development Code Section 84.27.050(k), the applicant shall not extend any new aboveground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits.
99. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
100. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
  - a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency 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 requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) 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:
    - 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,
    - 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.
    - Increase insulation to reduce heat transfer and thermal bridging.
    - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
  - b. Plumbing. All plumbing shall incorporate the following:
    - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
    - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
    - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
  - c. Lighting. Lighting design for building interiors shall support the use of:
    - Compact fluorescent light bulbs or equivalently efficient lighting.

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- Natural day lighting through site orientation and the use of reflected light.
  - Skylight/roof window systems.
  - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
  - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
  - Roofing materials shall have a solar reflectance index of 78 or greater.
  - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
  - Energy Star or equivalent appliances shall be installed.
  - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of 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 to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. 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 on-site 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.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
101. Signs. 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. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.030, Glare and Outdoor Lighting - Valley Region, in addition to the following minimum standards:
- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - b. All sign lighting shall not exceed 0.5 foot-candle.
  - c. 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. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
102. Windows. All proposed windows shall provide a minimum 4-inch relief from the exterior of the wall, and match the color and style of the proposed dwelling, as shown on the submitted plans dated 9/11/19. No white vinyl

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windows shall be allowed, unless it matches the color of the proposed window frame. Also, all windows facing Mission Boulevard shall be sound proof to reduce the noise from vehicles and pedestrians traveling on Mission Boulevard.

### **LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311**

103. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
104. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

### **PUBLIC WORKS - Traffic Division (909) 387-8186**

105. Improvements: The applicant shall design their street improvement plans to include the following:
  - a. Driveway. The driveway located on Mission Blvd. shall be a right in/right out only.

### **LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

106. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
107. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
108. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain 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 prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
109. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Montclair Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$3,668 per unit for Single Family Use, which includes the two single family residences and \$2,549 per unit for Multi Family Use, which includes the 40 condominium units per the site plan dated March, 2019.

Therefore, the estimated Regional Transportation Fees for the Project is \$109,296 [(\$3,668 x 2) + (\$2,549 x 40)]. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

### **CITY OF MONTCLAIR FIRE DEPARTMENT (909) 447-3543**



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110. Approvals. Prior to the issuance of the Final Tract Map and/or Building Permits, the applicant shall submit an approval letter or construction plans approved by the City of Montclair Fire Department.

### **PUBLIC HEALTH – Environmental Health Services (800) 442-2283**

111. Water purveyor. Water purveyor shall be **Monte Vista Water District** or EHS approved
112. Water Service. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
113. On-site wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
114. Sewage Method. Method of sewage disposal shall be through the **City of Montclair**, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
115. Will Serve Letter for Sewer. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
116. Verification Letter. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
117. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
118. Vector Inspection. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact EHS Vector Section at 1-800-442-2283.

### **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

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119. Construction Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.
120. Construction Management Plan. The developer or contractor shall contact Burrtec to coordinate the preparation and implementation of a Construction Management Plan.

### **DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149**

121. Survey Monumentation. If any activity on this project will disturb any land survey monumentation including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and appropriate documents shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

### **PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

### **LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

122. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201900161.
123. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance").
124. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
125. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
126. Installation of Improvements. All required on-site improvements shall be installed per approved plans.

### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

127. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that



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these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

128. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

### **Land Use Services Department – Land Development Division – Road Section (909) 387-8311**

129. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
130. Condition of Road Improvements. At the time of occupancy for all structures, the condition of all required on-site and off-site improvements shall be acceptable to County Public Works.
131. Landscape Maintenance. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Public Works/Current Planning, maintained by the adjacent property owner or other County-approved entity.

### **CITY OF MONTCLAIR FIRE DEPARTMENT (909) 447-3543**

132. Approvals. Prior to the issuance of the Final Tract Map and/or Building Permits, the applicant shall submit an approval letter or construction plans approved by the City of Montclair Fire Department.
133. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".

### **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

134. C&D Plan – Part 2. The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

### **END OF CONDITION**

**PROPOSED PROJECT:** A GENERAL PLAN AMENDMENT (GPA) TO CHANGE THE CURRENT LAND USE ZONING DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL-20,000 SQUARE FEET MINIMUM LOT SIZE (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTI-FAMILY (RM), A TENTATIVE TRACT MAP (TT 20267) TO CREATE TWO SINGLE FAMILY LOTS AND ONE LOT FOR CONDOMINIUM PURPOSES, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 CONDOMINIUMS (MULTI-FAMILY DEVELOPMENT) WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK FROM 25 FEET TO 15 FEET, ON APPROXIMATELY 4.7 ACRES (PROJECT).

**FINDINGS: GENERAL PLAN AMENDMENT** [Development Code Section 86.12.060]

**1. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE RESPECTIVE PLAN, THE GENERAL PLAN OR AN APPLICABLE SPECIFIC PLAN;**

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan with the approval of the proposed General Plan Amendment and Zone Change. The proposed development is located in a centralized urban setting, near a major arterial and will contain full urban services. Therefore, the proposed development is consistent with Multiple Residential (RM) goals outlined in the General Plan Land Use Element. The proposed Conditional Use Permit for a multifamily condominium development specifically implements the following goal:

- GOAL LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

*Consistency:* The Project site is currently vacant, but was formerly used as a commercial property. The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units which would be consistent with the proposed GPA. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the project would lead to the construction of single family homes on an underutilized site that could no longer support commercial related uses. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

- GOAL LU 2: Residential land uses will be provided in a range of styles, densities, and affordability and in a variety of areas to live, ranging from traditional urban neighborhoods to more "rural" neighborhoods.

*Consistency:* The proposed Project provides for a mixture of housing types, in varying floor plans. The varying sizes of homes are appropriate for the area and will lead to a good mixture of housing types at varying prices. The condominium product also allows for home ownership for first time homebuyers.

- **GOAL LU 6:** Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.

*Consistency:* The proposed Project is an infill project located in an area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities, and will lead to improved walkability through the required street, and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Bel Air Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

- **GOAL LU 9:** Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further county wide economic development goals.

*Consistency:* The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The Project site is adjacent to commercial uses on the north side of Mission Boulevard; to the west and south are single-family residential uses; and to the east is a mobile home park and vacant land. The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units. The single-family homes, although not required, were included in the development to buffer the proposed detached condominiums from the single-family homes, allowing the multi-family development to blend appropriately with the existing single-family homes to the south. The inclusion of the single-family homes also allowed for the completion of an unfinished right-of-way (Bel Air Avenue). The amendment will allow a vacant lot that is underutilized to be developed with a condominium project that provides a reasonable extension to the existing single family homes located south of the project site.

- **POLICY LU 9.1:** Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

*Consistency:* The proposed Project is a sphere of influence infill project located in an area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities, and will lead to improved walkability through the required street, and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Bel Air Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

- **GOAL CI 9:** The County will ensure the quality of life by pacing future growth with the availability of public infrastructures.

*Consistency:* The Project site is located on the south side of Mission Boulevard between Vernon and Benson Avenues. Mission Boulevard and Bel Air Avenue will serve as access roads for the proposed Project (refer to Figure 3, Site Plan). Adequate public services

and facilities will be provided in accordance with provisions of the CUP, Mitigated Negative Declaration, and through conditions of approval/mitigation measures to serve the proposed development. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the appearance of the neighborhood by removing unsightly billboards and improving a vacant lot with a modern residential condominium development. Water service for the Project will be provided by Monte Vista Water District and sewer service provided by the City of Montclair.

**2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY;**

Approval of the GPA would change the Land Use District designation of the northern portion of the Project site as well as three parcels adjacent to the east of the Project Site from Single Residential (RS-20M) and General Commercial (GM) to Multiple Residential (RM). The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the project would lead to the construction of single family homes on an underutilized site that could no longer support commercial related uses. The Project has incorporated appropriate Conditions of Approval and mitigation measure to protect and enhance public health, safety and welfare. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

**3. THE PROPOSED LAND USE ZONING DISTRICT CHANGE IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED;**

The Project site is currently vacant, but was formerly used as a commercial property. The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. Approval of the GPA would change the Land Use District designation of the northern portion of the Project site as well as three parcels adjacent to the east of the Project site from Single Residential (RS-20M) and General Commercial (GM) to Multiple Residential (RM). The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units which would be consistence with the proposed GPA.

The Multiple Residential (RM) Zoning District allows for the development of attached, detached, and/or mixed residential development with a wide range of densities and housing types. The Single Residential (RS-20M) Land Use Zoning District allows for the development of single family homes and requires a minimum lot size of 20,000 square feet; however, the parcel size is exempt from the required minimum lot size, as the proposed Project is a Multifamily Subdivision in accordance with Section 83.02.050 (d)(3) of the Development Code. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the project would lead to the construction of single family homes on an underutilized site that could no longer support commercial related uses. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

**4. THE PROPOSED LAND USE ZONING DISTRICT CHANGE WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA;**

The Project site (4.7 acres) and three adjacent parcels total 9.71 acres, which when rounded to 10 acres would comply with the 10-acre minimum required in the Multiple Residential (RM) Land Use District. The proposed Project also includes the development of two single-family homes along the south end of the Project at Bel Air Avenue. The two single-family homes will allow for the conclusion of Bel Air Avenue by means of a cul-de-sac, along with improvements to the grade, drainage and the completion of curb, gutter and landscaping within the Public Right-of-Way. The proposed Land Use District will meet the minimum size requirements enumerated in the Development Code and will allow for the extension of a single-family tract with two single-family homes and 40 condominium units. The change will allow a vacant lot that is underutilized to be developed with a condominium project that provides a reasonable extension to the existing single family homes located south of the project site.

**5. THE PROPOSED LAND USE ZONING DISTRICT CHANGE DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE;**

The change in the Land Use District from General Commercial (CG) to Multiple Residential (RM) will not conflict with the Development Code. The General Plan allows Multiple Residential Land Use Districts to be located in centralized urban locations, on slopes generally less than 16 percent, and on site that are programmed to received full urban services and near a major arterial route. Since the Project is located in a an urbanized sphere area on a slope less than 16 percent, and fronts a major street, the change in zone will not conflict with the provisions of the Development Code and is in full compliance.

**6. THE PROPOSED LAND USE ZONING DISTRICT CHANGE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY; AND**

Adequate public services and facilities will be provided in accordance with provisions of the Conditional Use Permit, Mitigated Negative Declaration, and through conditions of approval/mitigation measures to serve the proposed development. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the appearance of the neighborhood by removing unsightly billboards and improving a vacant lot with a modern residential condominium development.

**7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE**

**PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.**

The proposed Project development of 40 detached two-story condominiums and two detached single-story single-family residences on approximately 4.7 acres of land is physically suitable for development. The affected site (proposed RM zone) allows for the development of attached, detached, and/or mixed residential development with a wide range of densities and housing types. The Single Residential (RS-20M) Land Use Zoning District that will remain on the southern end of the affect site allows for the development of single-family homes on a 20,000 square foot lot. The proposed Project and the three adjacent parcels would comply with the minimum 10-acre requirement for the GPA; the single family lots proposed will not meet the minimum requirements in the RS-20M zone. However, as part of a multi-family development the lot size is exempt from the required minimum lot size requirements as allowed in Development Code Section 83.02.050 (d)(3). The Project site was reviewed by the City of Montclair Fire Department and determined to provide adequate access for emergency vehicles.

The proposed Project would generate approximately 202 residents (4.82 people per household). To determine a crime rate directly associated with a development proposal would be speculative; the County reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the County. Therefore, no significant adverse impacts to law enforcement are identified or anticipated, and no mitigation measures are required. The proposed Project, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.

**TENTATIVE TRACT MAP FINDINGS:** [Development Code Section 87.02.060]

**1. THE PROPOSED MAP, SUBDIVISION DESIGN, AND IMPROVEMENTS ARE CONSISTENT WITH THE GENERAL PLAN, ANY APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN.**

The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan, CUP and Major Variance Findings, and allows for development according to Multi-Family standards and design guidelines in the Development Code.

**2. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND PROPOSED DENSITY OF DEVELOPMENT.**

The site is physically suitable for the type and proposed density of development because all physical constraints of the site, including access, circulation and drainage, have been recognized and mitigated with appropriate conditions of approval.

**3. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.**

The potential environmental effects of the proposed GPA, CUP, and Tentative Tract Map have been analyzed in a Mitigate Negative Declaration, which determined the Project to have no adverse effects on the environment with the implementation of the required mitigation measures and conditions of approval.

**4. THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.**

The design of the subdivision or the type of improvements is not likely to cause serious public health problems, because the conditions of approval for the proposed map and the related CUP and Major Variance require compliance with County health and safety standards.

**5. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, because the conditions of approval require any conflicts to be resolved prior to recordation.

**6. THE DISCHARGE OF SEWAGE FROM THE PROPOSED SUBDIVISION INTO THE COMMUNITY SEWER SYSTEM WILL NOT RESULT IN VIOLATION OF EXISTING REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD.**

The improvements required per the conditions of Multi-Family Development and CUP approval, and the manner of development proposed adequately address all natural and man-made hazards associated with the proposed development and the Project site, including sewer capacity. The project will be served by a sewer system and will not result in a violation of prescribed requirements by the Regional Water Quality Control Board.

**7. THE DESIGN OF THE SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.**

The design of the proposed subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities, as encouraged by the Multi-family Development Standards and the Multiple Residential (RM) standards.

**8. THE PROPOSED SUBDIVISION, ITS DESIGN, DENSITY, AND TYPE OF DEVELOPMENT AND IMPROVEMENTS CONFORMS TO THE REGULATIONS OF THIS DEVELOPMENT CODE AND THE REGULATIONS OF ANY PUBLIC AGENCY HAVING JURISDICTION BY LAW.**

The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law. The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Multiple Family (MF) zoning district

and with the approval of the CUP, the two single family parcels associated with the Project are exempt from the lot size restrictions in the Single Residential (RS-20M) Zoning District when a subdivision is processed in conjunction with a CUP (Section 83.02.050 (d)(3).) Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code and any applicable federal, state, and local laws are met.

**CONDITIONAL USE PERMIT FINDINGS:** [Development Code Section 85.06.040]

**1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

The proposed 40-unit condominium subdivision meets all development code requirements for Multiple Residential (RM) Land Use District with the approval of a major variance for a reduced front yard setback. The development of the two single-family homes in the Single Family (RS-20M) Land Use Zoning Districts, that is part of the overall development, is also an adequate shape and size to accommodate the construction of two single family homes. However, the lot sizes for both lots, which are less than 20,000 square feet in size are considered exempt from minimum lots size requirements in the RS-20M Land Use District, per Section 83.05 (d) (3) with approval of the Conditional Use Permit. To allow the multi-family development to blend appropriately with the existing development to the south, the single-family homes were included in the development to buffer the condominiums from the single-family homes and to allow for the completion of unfinished rights-of-way.

**2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE LEGAL AND PHYSICAL ACCESS WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.**

The proposed Project provides for adequate site access off Mission Boulevard via a gated entryway. The Project is conditioned to install off-site roadway improvements along Bel Air Avenue to conclude the street with a cul-de-sac, and curb and gutter.

**3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THAT THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, OR OTHER DISTURBANCE.**

An Initial Study (IS) was prepared for the proposed Project resulting in a Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.



The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project will allow for the installation of solar on the rooftop of the proposed residential units in the future and would not limit the future development of solar energy systems or other development on neighboring properties.

**4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan with the approval of the proposed General Plan Amendment and Zone Change. The proposed development is located in a centralized urban setting, near a major arterial and will contain full urban services. Therefore, the proposed development is consistent with Multiple Residential (RM) goals outlined in the General Plan Land Use Element. The proposed Conditional Use Permit for a multifamily condominium development specifically implements the following goal.

- GOAL LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

*Consistency:* The Project site is currently vacant, but was formerly used as a commercial property. The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units which would be consistent with the proposed GPA. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the project would lead to the construction of single family homes on an underutilized site that could no longer support commercial related uses. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area.

- GOAL LU 2: Residential land uses will be provided in a range of styles, densities, and affordability and in a variety of areas to live, ranging from traditional urban neighborhoods to more "rural" neighborhoods.

*Consistency:* The proposed Project provides for a mixture of housing types, in varying floor plans. The varying sizes of homes are appropriate for the area and will lead to a good mixture of housing types at varying prices. The condominium product also allows for home ownership for first time homebuyers.

- GOAL LU 6: Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.

*Consistency:* The proposed Project is an infill project located in an area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities, and will lead to improved walkability through the required street and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Bel Air Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

- GOAL LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further county wide economic development goals.

*Consistency:* The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. The Project site is adjacent to commercial uses on the north side of Mission Boulevard; to the west and south are single-family residential uses; and to the east is a mobile home park and vacant land. The proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story single-family detached residential units. The single-family homes, although not required, were included in the development to buffer the proposed detached condominiums from the single-family homes, allowing the multi-family development to blend appropriately with the existing single-family homes to the south. The inclusion of the single-family homes also allowed for the completion of an unfinished right-of-way (Bel Air Avenue). The amendment will allow a vacant lot that is underutilized to be developed with a condominium project that provides a reasonable extension to the existing single family homes located south of the project site.

- POLICY LU 9.1: Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

*Consistency:* The proposed Project is an infill project located in a sphere area of similar uses that have been developed with single-family homes and light commercial uses. The proposed residential development is designed to strengthen the existing communities, and will lead to improved walkability through the required street, and curb improvements. Furthermore, the development will consist of a mixture of housing types and styles that will allow for the appropriate mixture of uses along Mission Boulevard and Bel Air Avenue. In addition, the proposed infill development in the Montclair Sphere is encouraged by the General Plan.

- GOAL CI 9: The County will ensure the quality of life by pacing future growth with the availability of public infrastructures.

*Consistency:* The Project site is located on the south side of Mission Boulevard between Vernon and Benson Avenues. Mission Boulevard and Bel Air Avenue will serve as access roads for the proposed Project (refer to Figure 3, Site Plan). Adequate public services

and facilities will be provided in accordance with provisions of the CUP, Mitigated Negative Declaration, and through conditions of approval/mitigation measures to serve the proposed development. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the appearance of the neighborhood by removing unsightly billboards and improving a vacant lot with a modern residential condominium development. Water service for the Project will be provided by Monte Vista Water District and sewer service provided by the City of Montclair.

**5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF DEVELOPMENT, TO ACCOMMODATE THE PROPOSED DEVELOPMENT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.**

The proposed residential development has been included in the utility and service providers' plans. The proposed Project also will not result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, the proposed development can be accommodated by existing infrastructure and will not significantly lower service levels.

**6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.**

The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All conditions listed in the conditions of approval are necessary and reasonable to ensure compliance and to carry out the goals, policies and objectives of the County's General Plan.

**7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.**

The location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels

**VARIANCE FINDINGS:** [Development Code Section 85.17.060]

**1. THE GRANTING OF THE VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO OTHER PROPERTIES OR LAND USES IN THE AREA AND WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS;**

The proposed variance will allow for a reduced front yard setback at 15 feet, instead of 25 feet in the Multi-Family Residential (RM) Zoning District. The reduced front yard setback was necessary to allow for code compliant driveways and fire access lanes on the project site. Although the 10-foot Variance is pushing the proposed dwellings closer to the street, adequate landscaping, fencing, and security measures are being provided with the multiple family project that allows the Project to comply with similar types of detached condominium developments on Mission Boulevard. As such, the proposed variance will not be detrimental to other properties or land uses given that similar setbacks are provided on Mission Boulevard. Furthermore, the placement of single-family homes at a reduced setback will not interfere with the future ability to use solar because the roof, where most solar installation occur will not be impacted, as a result of the reduced setback. Therefore, the granting of the variance will not interfere with or limit the future ability to use solar energy systems on the subject property or adjacent properties.

**2. THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE SUBJECT PROPERTY OR TO THE INTENDED USE THAT DO NOT APPLY TO OTHER PROPERTIES IN THE SAME VICINITY AND LAND USE ZONING DISTRICT;**

The subject property, although considered a multifamily development by definition, is more similar to a single-family housing development on small lots. The type of multi-family development is unique to San Bernardino County and the subject property. The unique type of development and configuration on the property lead to a reduction of the required front yard setback and is an extraordinary condition. The reduced setback will not apply to other properties in the same zone, but does exist on other multifamily developments in the vicinity as described below. Due to the extraordinary conditions that exist on the subject property, as a result of the unique development, the strategic placement of the multi-family homes facing Mission Boulevard at 15 feet instead of 25 feet was necessary to provide adequate public safety without reducing the number of units. The reduced front yard setback still enables the property owner to use the front yard setback area similar to other properties on Mission Boulevard, and serves to improve public safety and privacy by limiting hiding spaces, thereby improving eyes on the street, and required Crime Prevention through Environmental Design standards.

**3. THE STRICT APPLICATION OF THE LAND USE ZONING DISTRICT DEPRIVES THE SUBJECT PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTIES IN THE VICINITY OR IN THE SAME LAND USE ZONING DISTRICT; AND**

The Land Use Designation for this property is changing from General Commercial (GC) and Single Family Residential (RS- 20M) to Multi-Family Residential (RM). The Development Code states that a 25 feet front yard setback is required in the Multi-Family Residential Zoning District. The strict application of the code deprives the property of adequate access and fire lanes, and ultimately leads to a reduction of homes on a site that is well under density, due to the unique configuration of the single-family homes on the small lots. Therefore, the reduced front yard setback, at 15 feet, instead of 25 feet, allows the property to be enjoyed similar to other properties in the vicinity, and will not represent a deviation from how adjacent properties are used. Approving this variance will allow the applicant the same privileges enjoyed by neighboring properties with the incorporated conditions of approval.

**4. THE GRANTING OF THE VARIANCE IS COMPATIBLE WITH THE MAPS, OBJECTIVES, POLICIES, PROGRAMS, AND GENERAL LAND USES SPECIFIED IN THE GENERAL PLAN AND ANY APPLICABLE SPECIFIC PLAN**

The variance request is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan discussed above. It allows reasonable use of a residential lot for residential purposes.

**ENVIRONMENTAL FINDING:**

The potential environmental effects of the proposed Project have been analyzed in an Initial Study. The Initial Study / Mitigated Negative Declaration analysis found no substantial evidence that the Project will have a significant effect on the environment. The Project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures. The proposed Mitigated Negative Declaration for this Project reflects the County's independent judgment in making this decision. Therefore, adoption of a Mitigated Negative Declaration is recommended.

END OF FINDINGS



## CONDITION COMPLIANCE RELEASE FOR RECORDATION OF FINAL MAP

This project requires building permits as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to issuance of those permits. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned prebuilding permit requirements to your project.

A release must be obtained from the agencies bold and underlined below:

1. Environmental Health Services
- 2. Department of Public Works / Traffic**
3. Fire Department/Fire Protection Planning
4. Planning Division/Land Use Svcs. Dept.
- 5. Land Development Engineering/Roads**
- 6. Land Development Engineering/Drainage**
- 7. Building & Safety Div./Land Use Svcs. Dept.**
- 8. Department of Public Works - Surveyor**

Coordinate the completion of all prebuilding permit conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the issuance of building permits. If the prebuilding permit conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**APN:** 1011-351-02  
**Applicant:** Patrick Diaz, Crestwood Communities  
**Community:** Montclair  
**Location:** 5553 Mission Boulevard  
**Project No:** P201900161  
**Staff:** Steven Valdez

**Rep:** Patrick Diaz, Crestwood Communities  
**Proposal:** A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE ZONING DESIGNATION FROM SINGLE RESIDENTIAL (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTIPLE RESIDENTIAL (RM) ON FOUR LOTS, TENTATIVE TRACT (20267) MAP TO CREATE TWO SINGLE FAMILY PARCELS AND A ONE LOT CONDOMINIUM PARCEL, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 DETACHED CONDOMINIUMS, WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK (15 FEET, INSTEAD OF 25 FEET) ON APPROXIMATELY 4.7 ACRES, LOCATED AT 5553 MISSION BOULEVARD, IN THE COMMUNITY OF MONTCLAIR; APN: 1011-351-02 & 03, 04; PROJECT NUMBER; P201900161

To Building and Safety:

Planning Department verifies all conditions and requirements are complete. Building permits may be issued.

Signature

Date



## CONDITION COMPLIANCE RELEASE FOR LAND DISTURBANCE

This project may require land to be disturbed and/or grading to be conducted as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to land disturbance and/or prior to grading. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pregrading/land disturbance requirements to your project.

A release must be obtained from the agencies circled below:

1. Environmental Health Services
2. **Department of Public Works / Traffic**
3. Fire Department/Community Safety
4. Planning Division/Land Use Svcs. Dept.
5. Land Development Engineering/Roads
6. Land Development Engineering/Drainage
7. Building and Safety Division/Land Use Svcs. Dept.
8. City of Montclair Fire Department

Coordinate the completion of all pregrading/land disturbance conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the disturbance of land and/or issuance of grading permits. If the pregrading/land disturbance conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		

**APN:** 1011-351-02  
**Applicant:** Patrick Diaz, Crestwood Communities  
**Community:** Montclair / 4th  
**Location:** 5553 Mission Boulevard.  
**Project No:** P201900161  
**Staff:** STEVEN VALDEZ, SENIOR PLANNER

**Rep:** Patrick Diaz, Crestwood Communities  
**Proposal:** A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE ZONING DESIGNATION FROM SINGLE RESIDENTIAL (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTIPLE RESIDENTIAL (RM) ON FOUR LOTS, TENTATIVE TRACT (20267) MAP TO CREATE TWO SINGLE FAMILY PARCELS AND A ONE LOT CONDOMINIUM PARCEL, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 DETACHED CONDOMINIUMS, WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK (15 FEET, INSTEAD OF 25 FEET) ON APPROXIMATELY 4.7 ACRES, LOCATED AT 5553 MISSION BOULEVARD, IN THE COMMUNITY OF MONTCLAIR; APN: 1011-351-02 & 03, 04; PROJECT NUMBER; P201900161

To Building and Safety:

Planning Department verifies all land disturbance conditions and requirements are complete. Grading permit may be issued.

Signature

Date



## CONDITION COMPLIANCE RELEASE FOR OCCUPANCY/USE

This project requires authorization to occupy and/or use the project. In addition to the final clearance granted by Building and Safety, other reviewing agencies may have imposed certain requirements on your project that must be completed prior to issuance of said clearance. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-occupancy/pre-use requirements to your project.

A release must be obtained from the agencies in bold and underlined below:

- |   |  |
|---|--|
| 1. Environmental Health Services                        | <b><u>5. Land Development Engineering/Roads</u></b>              |
| 2. Fire Department/Hazardous Materials                  | <b><u>6. Land Development Engineering/Drainage</u></b>           |
| <b><u>3. Montclair Fire Department</u></b>              | <b><u>7. Building &amp; Safety Div./Land Use Svcs. Dept.</u></b> |
| <b><u>4. Planning Division/Land Use Svcs. Dept.</u></b> | <b><u>8. Solid Waste MGMT Division</u></b>                       |

Coordinate the completion of all pre-occupancy/pre-use conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the occupancy/use of the proposal. If the pre-occupancy/pre-use conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

<b>APN:</b>	1011-351-02
<b>Applicant:</b>	Patrick Diaz, Crestwood Communities
<b>Community:</b>	Montclair
<b>Location:</b>	5553 Mission Boulevard
<b>Project No:</b>	P201900161
<b>Staff:</b>	STEVEN VALDEZ, SENIOR PLANNER
<b>Rep:</b>	Patrick Diaz, Crestwood Communities
<b>Proposal:</b>	A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE ZONING DESIGNATION FROM SINGLE RESIDENTIAL (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTIPLE RESIDENTIAL (RM) ON FOUR LOTS, TENTATIVE TRACT (20267) MAP TO CREATE TWO SINGLE FAMILY PARCELS AND A ONE LOT CONDOMINIUM PARCEL, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 DETACHED CONDOMINIUMS, WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK (15 FEET, INSTEAD OF 25 FEET) ON APPROXIMATELY 4.7 ACRES, LOCATED AT 5553 MISSION BOULEVARD, IN THE COMMUNITY OF MONTCLAIR; APN: 1011-351-02 & 03, 04; PROJECT NUMBER; P201900161

Signature

Date





## CONDITION COMPLIANCE RELEASE FOR ISSUANCE OF BUILDING PERMIT

This project requires authorization to occupy and/or use the project. In addition to the final clearance granted by Building and Safety, other reviewing agencies may have imposed certain requirements on your project that must be completed prior to issuance of said clearance. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-occupancy/pre-use requirements to your project.

A release must be obtained from the agencies in bold and underlined below:

- |   |  |
|---|--|
| <b><u>1. Environmental Health Services</u></b>          | <b><u>5. Land Development Engineering/Roads</u></b>              |
| <b><u>2. Montclair Fire Department</u></b>              | <b><u>6. Department of Public Works / Surveyor's Office</u></b>  |
| <b><u>3. Department of Public Works / Traffic</u></b>   | <b><u>7. Building &amp; Safety Div./Land Use Svcs. Dept.</u></b> |
| <b><u>4. Planning Division/Land Use Svcs. Dept.</u></b> | <b><u>8. Solid Waste MGMT Division</u></b>                       |

Coordinate the completion of all pre-occupancy/pre-use conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the occupancy/use of the proposal. If the pre-occupancy/pre-use conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

APN:	1011-351-02
Applicant:	Patrick Diaz, Crestwood Communities
Community:	Montclair
Location:	5553 Mission Boulevard
Project No:	P201900161
Staff:	STEVEN VALDEZ, SENIOR PLANNER
Rep:	Patrick Diaz, Crestwood Communities
Proposal:	A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE ZONING DESIGNATION FROM SINGLE RESIDENTIAL (RS-20M) AND GENERAL COMMERCIAL (CG) TO MULTIPLE RESIDENTIAL (RM) ON FOUR LOTS, TENTATIVE TRACT (20267) MAP TO CREATE TWO SINGLE FAMILY PARCELS AND A ONE LOT CONDOMINIUM PARCEL, AND A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF 40 DETACHED CONDOMINIUMS, WITH A MAJOR VARIANCE FOR A REDUCED FRONT YARD SETBACK (15 FEET, INSTEAD OF 25 FEET) ON APPROXIMATELY 4.7 ACRES, LOCATED AT 5553 MISSION BOULEVARD, IN THE COMMUNITY OF MONTCLAIR; APN: 1011-351-02 & 03, 04; PROJECT NUMBER; P201900161

Signature \_\_\_\_\_

Date \_\_\_\_\_



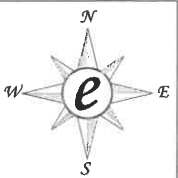
SEPTEMBER 2018  
APN 1011-351-02-0-000

# TENTATIVE TRACT MAP TENTATIVE TRACT NO.20267

40 UNITS FOR RESIDENTIAL CONDOMINIUM AND 2 UNITS FOR SINGLE-FAMILY PURPOSES  
IN THE COUNTY OF SAN BERNARDINO STATE OF CALIFORNIA  
BEING A SURVEY OF LOT 2, BLOCK 19 AND THE EAST 10' OF LOT 2, BLOCK 19 OF MONTE VISTA TRACT NO. 2,  
RECORDED IN BOOK 16, PAGES 32 & 33 OF MAPS IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN  
BERNARDINO, STATE OF CALIFORNIA.

3 LOTS  
4.70 AC(GROSS)  
4.65 AC(NET)

OFFICIAL USE ONLY



GRAPHIC SCALE  
0 15 30  
( IN FEET )  
1 INCH = 30 FT.

ENCOMPASS ASSOCIATES, INC.



DEVELOPER  
**CRESTWOOD CORPORATION**  
510 W. CITRUS EDGE ST.  
GLENORA CA 91740  
626.914.1943/FAX 626.335.9320

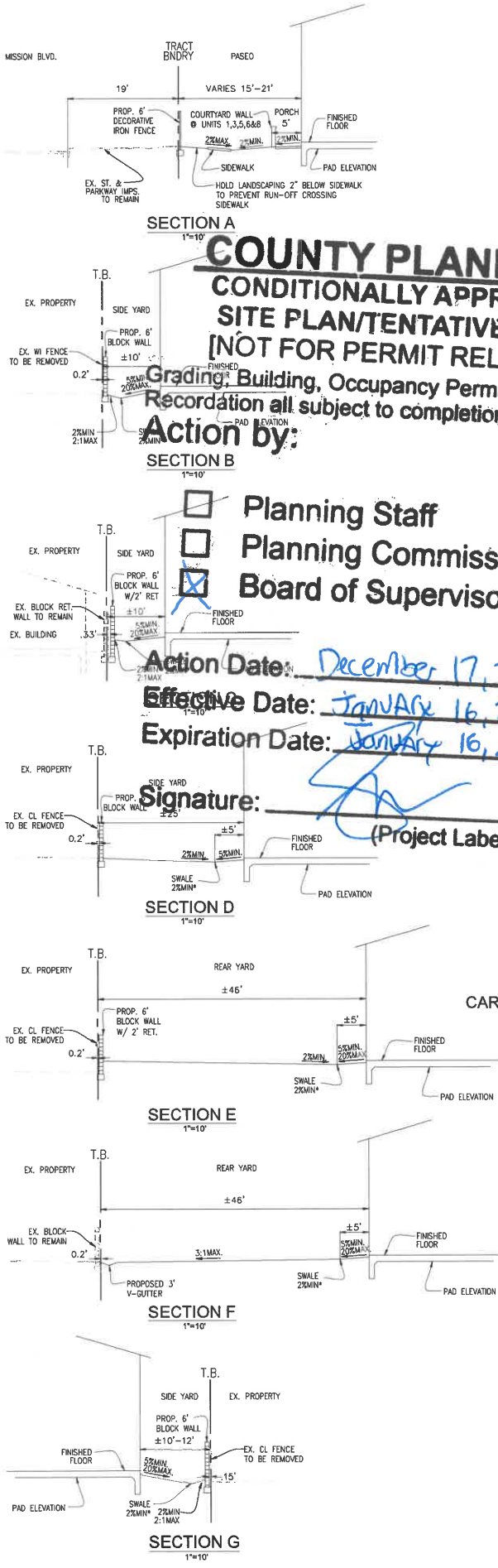
**TENTATIVE TRACT 20267**  
**TENTATIVE TRACT MAP**

VERSION HISTORY

3/19 INITIAL SUBMITTAL

SHEET

1



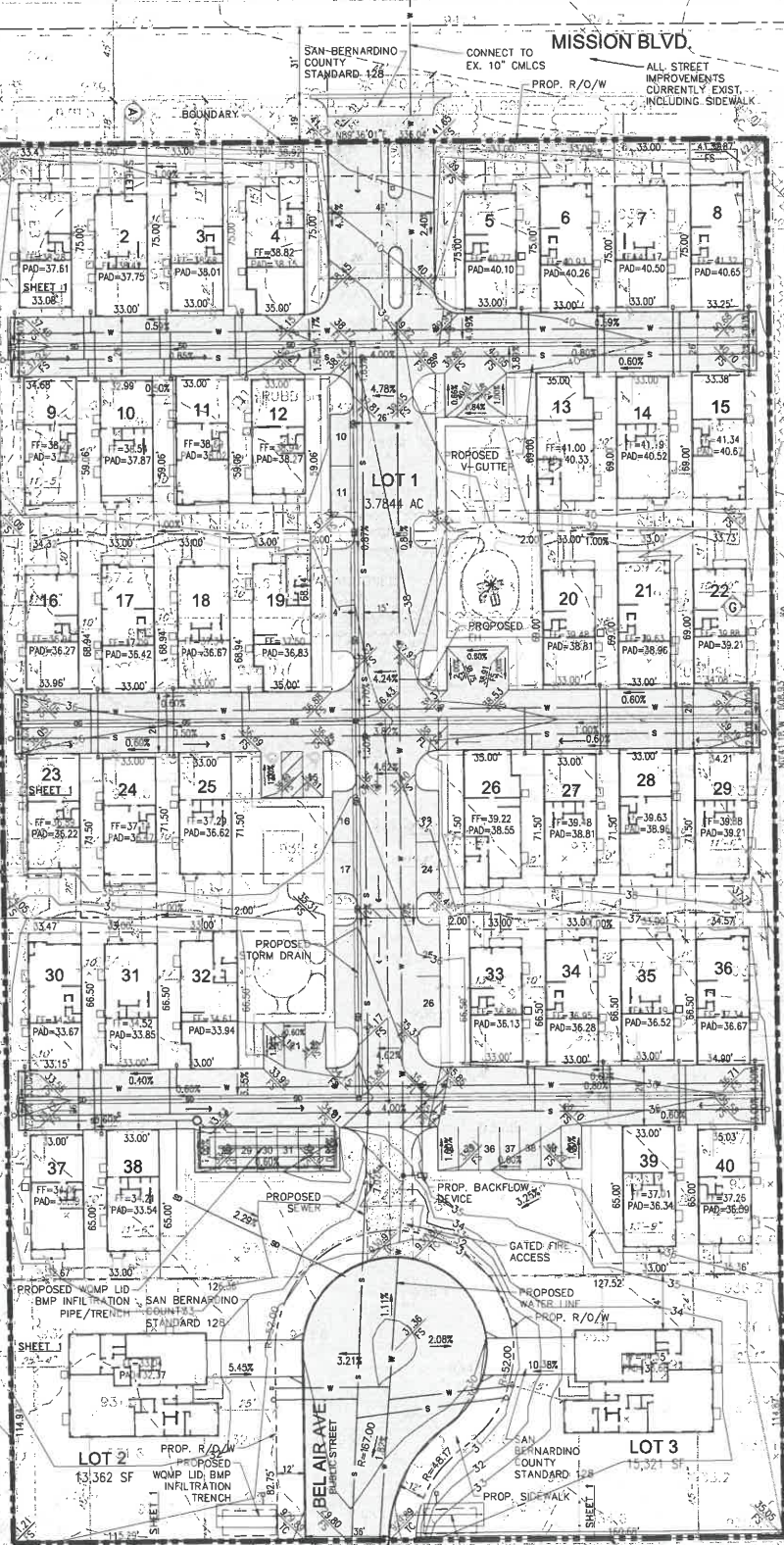
**COUNTY PLANNING**  
**CONDITIONALLY APPROVED**  
**SITE PLAN/TENTATIVE MAP**  
**[NOT FOR PERMIT RELEASE]**

Grading, Building, Occupancy Permits and Map  
Recordation all subject to completion of conditions  
**Action by:**

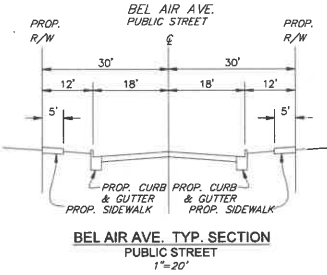
- ☐ Planning Staff
- ☐ Planning Commission
- ☒ Board of Supervisors

**Action Date:** December 17, 2017  
**Effective Date:** January 16, 2020  
**Expiration Date:** January 16, 2023

**Signature:** [Signature]  
(Project Label)



- NOTES**
- FIELD TOPOGRAPHY AND BOUNDARY SURVEY CONDUCTED BY KELSIE AND ASSOCIATES, INC. BOUNDARY INFORMATION IS BASED ON FOUND MONUMENTS AND PER RECORD DOCUMENTS.
  - A PORTION OF THIS MAP IS FOR RESIDENTIAL CONDOMINIUM PURPOSES. 42 UNITS ARE PROPOSED. UNIT OWNERSHIP AND A HOMEOWNERS ASSOCIATION WILL BE ESTABLISHED FOLLOWING STATE DEPARTMENT OF REAL ESTATE CODE.
  - CURRENT ZONING: NORTH HALF: CS SOUTH HALF: RS-20M (20,000)
  - PROPOSED ZONING: RM AND RS RESIDENTIAL
  - SUBMITTER RESERVES THE RIGHT TO RECORD MULTIPLE FINAL MAPS



**LEGEND**

- TR - TRACT BOUNDARY
- PL - PROPERTY LINE
- R/W - RIGHT OF WAY
- CL - CENTERLINE
- EP - EDGE OF PAVEMENT
- TC - TOP OF CURB
- FL - FLOWLINE
- FS - FINISHED SURFACE
- GB - GRADE BREAK
- HW - PIPE HATCH
- FG - FINISH GRADE
- ES - EXISTING SURFACE
- EG - EXISTING GROUND
- PAD - PAD ELEVATION
- FF - FINISH FLOOR ELEVATION
- GF - GARAGE FLOOR ELEVATION
- HP - HIGH POINT
- TRW - TOP OF RETAINING WALL
- TF - TOP OF FOOTING
- 97.61 - INDICATES PROPOSED ELEVATION
- (97.61) - INDICATES EXISTING ELEVATION
- SD - PROPOSED STORM DRAIN
- SD - EXISTING STORM DRAIN
- W - PROPOSED WATER LINE
- W - EXISTING WATER LINE
- F - PROPOSED FIRE LINE
- F - EXISTING FIRE LINE
- S - PROPOSED SEWER LINE
- S - EXISTING SEWER LINE
- PROPERTY LINE
- RIGHT-OF-WAY
- CENTERLINE
- RETAINING WALL
- INDICATES EXTRA DEPTH FOOTING
- ADA PATH OF TRAVEL
- PHASE LIMITS
- CONCRETE
- AC PAVEMENT

UTILITY PROVIDER LIST		
ELECTRICAL POWER	SOUTHERN CALIFORNIA EDISON 1341 EAST FRANCIS STREET ONTARIO, CA 91761	909.930.6591
TELEPHONE SERVICE	VERIZON 1400 EAST PHILLIPS BOULEVARD BLDG 1A POMONA, CA 91766-6432	909.469.8334
NATURAL GAS	SOUTHERN CALIFORNIA GAS CO. 13525 12TH STREET CHINO, CA 91710	909.813.1537
CABLE MEDIA SERVICES	TIME WARNER CABLE 3430 E. MIRALOMA AVE. ANAHEIM, CA 92805	1.888.892.2233
WATER SERVICE	MONTE VISTA WATER DISTRICT 10575 CENTRAL AVE. PO BOX 71 MONTCLAIR, CA 91763	909.624.0035
SEWER SERVICE	CITY OF MONTCLAIR 5111 BENITO STREET PO BOX 2308 MONTCLAIR, CA 91763 ENVIRONMENTAL MANAGER 909.625.9446	909.625.9471

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED SAN BERNARDINO IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS, LOT 2 AND THE EAST 10 FEET OF LOT 1, IN BLOCK 19 OF MONTE VISTA TRACT NO. 2, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT IN BOOK 16 OF MAPS, PAGE 33 RECORDS OF S&D COUNTY, EXCEPT THE NORTH 15 FEET THEREOF.

**SITE INFORMATION**

APN 1011-351-02-0-000  
AREA 204,619 SF / 4.70 AC  
IMPERVIOUS AREA 41,280 SF (XXX)

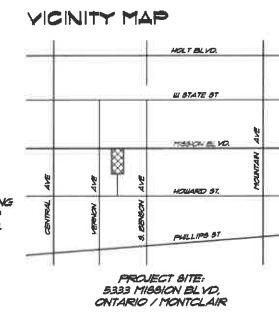
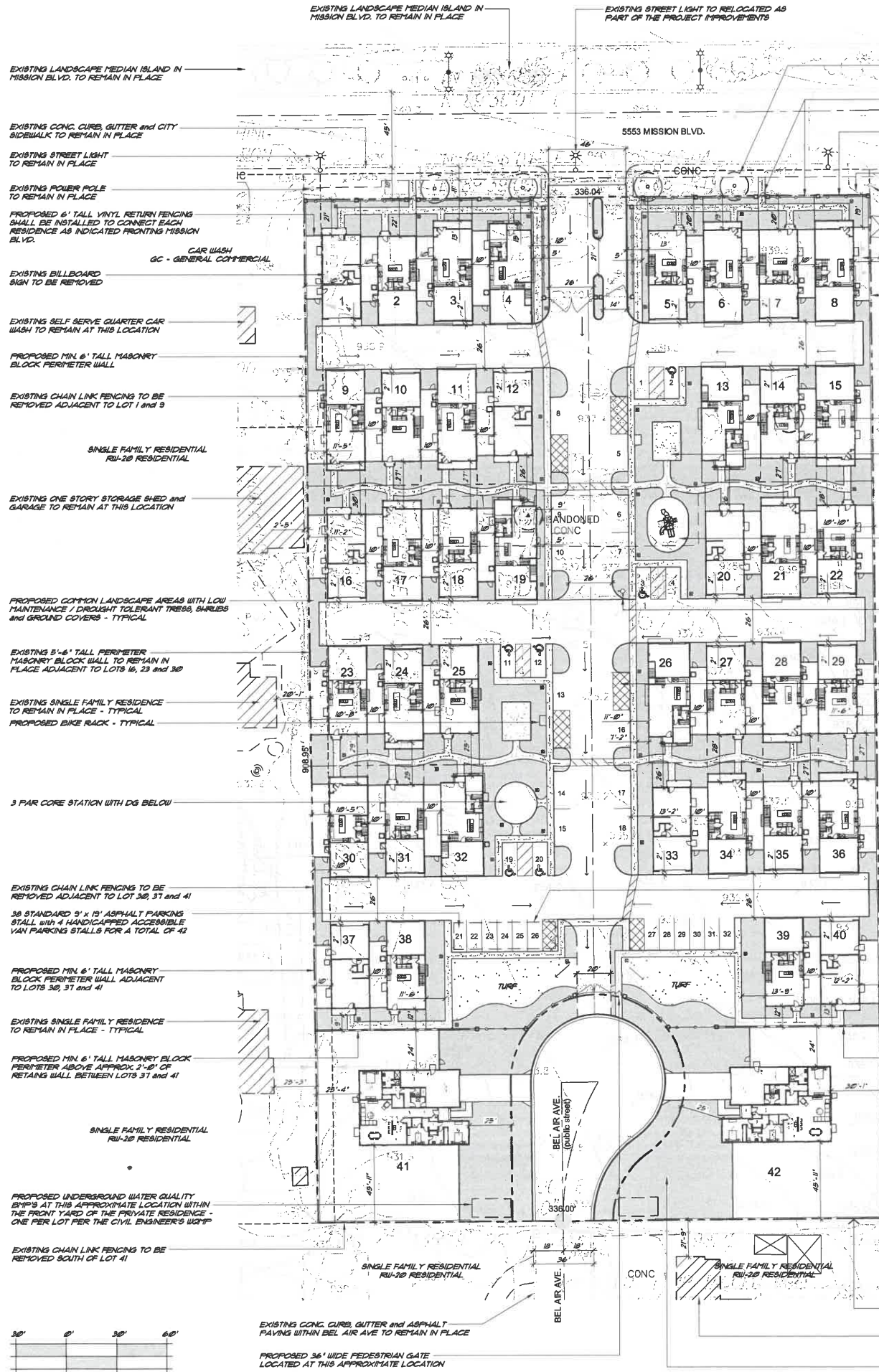
OWNER/DEVELOPER: CRESTWOOD CORPORATION  
510 WEST CITRUS EDGE STREET  
GLENORA, CA 91740  
TERRY KENT  
626.914.1943

CIVIL ENGINEER/ MAP PREPARED BY: ENCOMPASS ASSOCIATES, INC.  
6089 COUSINS PLACE  
PACHO CUCAMONGA, CA 91737  
AARON SKEERS  
909.684.0093

LAND SURVEYOR: KELSIE & ASSOCIATES, INC.  
1605 FIRST ST.  
NORCO CA 92860  
ROBERT KELSIE  
951.736-2164

SOILS ENGINEER: LSC GEO-ENVIRONMENTAL, INC.  
27570 COMMERCE CENTER DR. #128  
TEMECULA, CA 92590  
ROBERT L. GREGOREK II  
951.297-2450





**UTILITIES:**

**ELECTRIC**  
SCE Redlands- Kansas Service Center  
298 Kansas Street  
Redlands, CA 92373  
Office (909) 307-6781-Pax 15781  
Cell (909) 557-7463  
albx.acew@scs.com

**GAS**  
SO CAL GAS CO  
FPA FONTANA HUB  
16231 VALLEY BLVD.  
FONTANA, CA 92335  
909-428-8411

**TELEPHONE**  
FRONTIER COMMUNICATIONS, INC.  
1400 E. PHILLIPS BLVD. BLDG. A  
POMONA, CA 91766  
909-468-6343

**CABLE**  
SPECTRUM (TIME WARNER)  
1500 AUTO CENTER DRIVE  
ONTARIO, CA 91761  
909-419-1565

**WATER SERVICE**  
MONTE VISTA WATER DISTRICT  
10575 CENTRAL AVE  
MONTCLAIR, CA 91763  
909-624-0035

**SEWER SERVICE**  
CITY OF MONTCLAIR  
5111 BENITO STREET  
MONTCLAIR, CA 91763  
909-625-9446

**SOLID WASTE**  
BURRTEC WASTE INDUSTRIES, INC.  
105 S. TRINIDAD AVENUE  
MONTCLAIR, CA 91763  
909-624-0035

# COUNTY PLANNING

## CONDITIONALLY APPROVED

### SITE PLAN/TENTATIVE MAP

[NOT FOR PERMIT RELEASE]

Grading, Building, Occupancy Permits and Map  
Recordation all subject to completion of conditions  
Action by:

☐ Planning Staff  
☐ Planning Commission  
☒ Board of Supervisors

SPARKING SPACE REQUIREMENTS		LOT COVERAGE INFORMATION	
40 UNITS TOTAL		PROJECT SIZE	
TYPE		REQUIRED	
COVERED GARAGES		PROVIDED	
GUEST		32	
HANDICAPPED		1	
ACTION DATE: December 17, 2019		EFFECTIVE DATE: January 16, 2020	
EXPIRATION DATE: January 16, 2023		SIGNATURE: [Signature]	
BUILDING COVERAGE		57,111 SF	
BUILDING COVERAGE 50%		57,111 / 4.66 ACRES = 28%	
IMPERVIOUS SURFACE		65,205 SF = 32.17%	
PRIVATE OPEN SPACE		30,853 SF = 15.2%	
COMMON DEDICATED OPEN SPACE		11,200 SF = 5.5%	
TOTAL LANDSCAPE AREA		82,250 SF = 41.0%	
COMMON LANDSCAPE AREA		52,388 SF = 25.81%	

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED SAN BERNARDINO IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: LOT 2 AND THE EAST 10 FEET OF LOT 1, IN BLOCK 19 OF MONTE VISTA TRACT NO. 2, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT BOOK 16 OF MAP, PAGE 33 RECORDS OF SAID COUNTY, EXCEPT THE NORTH 15 FEET THEREOF. APN(S): 1011-351-02-0000

NO EASEMENTS EXIST ON-SITE  
"NO SIGNS PROPOSED" FOR THE PROJECT  
NO PROTECTED TREES/PLANTS ON-SITE

**PROJECT INFO** P2018-00574

a) APN: 1011-351-02

b) GENERAL PLAN AMENDMENT, CONDITIONAL USE PERMIT and TENTATIVE TRACT MAP APPLICATIONS, PROPOSED USE IS DETACHED SINGLE FAMILY RESIDENTIAL 42 SFR with a TOTAL SQUARE FOOTAGE OF 82,286 SF COMBINED.

c) APPLICANT: PATRICK J. DIAZ with CRESTWOOD COMMUNITIES  
610 WEST CITRUS EDGE STREET, GLENORA, CA 91740  
626-914-1943 • pdiaz@crestwoodcommunities.com

PROPERTY OWNER: CHEN SHILEE  
C and C INVESTMENTS 2001, LLC  
906 REGAL CANYON ROAD, WALNUT, CA 91788

d) PREPARER: PATRICK J. DIAZ with CRESTWOOD COMMUNITIES  
610 WEST CITRUS EDGE STREET, GLENORA, CA 91740  
626-914-1943 • pdiaz@crestwoodcommunities.com

SITE PLAN PREPARED: FEBRUARY 7, 2019



REVISION	DATE	COMMENTS
1	02/02/19	PER PLANNING REVIEW COMMENTS 04.04.19
2	09/11/19	PER PLANNING REVIEW COMMENTS 07.03.19

**C & C INVESTMENTS 2001, LLC**  
906 REGAL CANYON DR  
WALNUT CA, 91789

**Encompass Associates, Inc.**  
Civil Engineering  
5699 Cousins Place  
Rancho Cucamonga, CA 91737  
909-684-0063

**CRESTWOOD COMMUNITIES**  
510 W. CITRUS EDGE STREET  
GLENORA, CA 91740  
626-914-1943

THESE PLAN DRAWINGS ARE  
THE PROPERTY OF CRESTWOOD  
COMMUNITIES  
THEY ARE NOT TO BE REPRODUCED,  
COPIED, OR USED IN ANY MANNER  
WITHOUT WRITTEN CONSENT.  
UNAUTHORIZED REPRODUCTION  
OR USE OF ANY PART IS STRICTLY  
PROHIBITED.

PROJECT FILE: Tract 20267 - 5553 Mission Blvd.  
DATE: 02/19/2019  
SCALE: AS SHOWN  
SHEET: 2

**SITE PLAN**

**Tom Dodson and Associates'  
Response Including County's  
Environmental Assessment for  
the General Plan Amendment,  
Conditional Use Permit, and  
Tentative Tract Map 20267**

**Attachment 4**

# **TOM DODSON & ASSOCIATES**

**Mailing Address:** PO Box 2307, San Bernardino, CA 92406-2307

**Physical Address:** 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

**Tel:** (909) 882-3612 ♦ **Fax:** (909) 882-7015 ♦ **Email:** [tda@tdaenv.com](mailto:tda@tdaenv.com)



April 1, 2020

Mr. Samuel Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 W. Third Street, Unit 150  
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO SC#449 consists of a proposal by the City of Montclair (City) to extend sewer service to a site of about 4.7 acres generally located on the south side of Mission Boulevard between Vernon Avenue and Benson Avenue, within the City's southeastern sphere of influence. The area proposed to receive sewer service through an out-of-area service agreement is being developed with 40 detached condominiums and two single-family residential lots. The proposed project will be required to extend the sewer approximately 920 feet to reach the project site, along bel Air Avenue to Howard Street. If the Commission approves LAFCO SC#449, the project site can be developed with the above referenced project.

The County of San Bernardino prepared an Initial Study (August 2019) and adopted a Mitigated Negative Declaration (MND) for this project on December 17, 2019. The Notice of Determination was filed on December 29, 2019. The extension of sewer service by the City is required for the future occupancy of the condominiums and single-family residences 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 920 feet and occurs within an area developed with existing residences, 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, no potential exists to induce growth from this lateral extension to the proposed development site.

As indicated, the County prepared an MND which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of six mitigation measures (such as biology and cultural resources). 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#449.

Based on a review of LAFCO SC#449 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 2019, so environmental conditions remain essentially the same. 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 December

2019. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#449, 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 constructed.
4. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson". The signature is stylized with a cursive-like flow.

Tom Dodson

TD/cmc



Posted On: 12.14.2014

Removed On: 01.31.2020

# Notice of Determination

**To:**

☒ Office of Planning and Research  
*U.S. Mail:* *Street Address:*  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the Board  
County of: San Bernardino  
Address: 385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

**From:**

Receipt No: 3619/2014.904

Public Agency: San Bernardino County, LUSD  
Address: 385 North Arrowhead Ave, First Floor San  
Bernardino, CA 92415-0187

Contact: Steven Valdez

Phone: 909-387-4421

Lead Agency (if different from above):

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): 2019089079

Project Title: Crestwood Homes General Plan Amendment and Condominium Development

Project Applicant: Patrick Diaz, Crestwood Communities

Project Location (include county): 5553 Mission Boulevard, Montclair, San Bernardino County

Project Description: General Plan Amendment to change the land use zoning designation from Single Residential (RS-20M) and General Commercial (CG) to Multiple Residential (RM) on four lots, Tentative Tract (20267) Map to create two single family parcels and a one lot condominium parcel, and a Conditional Use Permit for the development of 40 detached condominiums, with a Major Variance for a reduced front yard setback (15 feet, instead of 25 feet) on approximately 4.7 acres.

This is to advise that the San Bernardino County Board of Supervisors has approved the above (☒ Lead Agency or ☐ Responsible Agency)

described project on December 17, 2019 and has made the following determinations regarding the above  
(date)  
described project.

1. The project [ ☐ will ☒ 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.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ☒ were ☐ 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 final and record of project approval are the Mitigated Negative Declaration are available to the General Public at:

385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency): [Signature] Title: Planning Director

Heidi Duron

Governor's Office of Planning &amp; Research

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_

JAN 14 2020

Authority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.

**STATE CLEARINGHOUSE**  
Revised 2011

## 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 under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

### **PROJECT LABEL:**

<p><b>APN:</b> 1011-351-02-0000 <b>Applicant:</b> Crestwood Communities</p> <p><b>Project No:</b> P201900161 –GPA/CUP/TM/MV</p> <p><b>Staff:</b> Steven Valdez, Senior Planner</p> <p><b>Rep:</b> Patrick Diaz, Crestwood Communities, (626) 914-1943 Ext. 250, <a href="mailto:pdiaz@crestwoodcommunities.com">pdiaz@crestwoodcommunities.com</a></p> <p><b>Proposal:</b> General Plan Amendment to change the current Land Use Zoning Designation from RS-20M and CG to RM. Approval of Tentative Tract 20267 to create 2 parcels, a major variance for a reduced front yard setback, and a Conditional Use Permit to approve the development of 40 condominiums and 2 single family homes on approximately 4.7 acres.</p>	<p><b>USGS Quad:</b> Guasti <b>Lat/Long:</b> 34° 03' 17.9" N, 117° 41' 00.7" W <b>T, R, Section:</b> T1S R8W Sec. 26, SE ¼ <b>City:</b> Sphere of Influence of City of Montclair <b>LUZD:</b> General Commercial (GC) &amp; Single Residential (RS-20M) <b>Overlays:</b> Biotic Resources Overlay FEMA Flood Zone X AR 3- Ontario International Airport</p>
--	---

### **PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

**Contact person:** Steven Valdez, Senior Planner  
**Phone No:** (909) 387-4421      **Fax No:** (909) 387-3223  
**E-mail:** [Steven.Valdez@lus.sbcounty.gov](mailto:Steven.Valdez@lus.sbcounty.gov)

### **PROJECT DESCRIPTION:**

#### ***Summary***

Crestwood Communities (Project Applicant) is requesting approval of a General Plan Amendment (GPA), Conditional Use Permit (CUP), and a Tentative Tract Map (TT No. 20267) for construction of 40 two-story detached residential condominiums and two single-story single-family detached residential units on a 4.7-acre site described as APN 1011-351-02-0-000. The GPA is to change the Land Use Designation of the northern portion of the Proposed Project Site which is currently designated as Single Residential-twenty thousand minimum square foot lot size, (RS-20M) and General Commercial (CG) to Multiple Residential (RM) allowing for attached, detached, and/or mixed residential development with a wide range of densities and housing types. The southern portion of the Proposed Project Site, which will consist of the two single-story single-family homes will remain as Residential (RS-20M). Additionally, the GPA will include changing the Land Use Designation for three adjacent parcels (APN: 1011-351- 03, 04 & 05) which are currently designated as CG to Multiple Residential (RM). The three adjacent



parcels (APN: 1011-351- 03, 04 & 05) are not a part of the Proposed Project and the evaluation of a proposal for development of the parcels is not included in this Initial Study.

The condominium portion of the Proposed Project includes 128 parking spaces, private landscape areas, common landscape areas, private open space areas, and common open space areas with picnic tables and a tot lot. The proposed building size(s) of the 40 two-story residential condominiums are approximately 1,955 square-feet (SF) each and the two single-story single-family residential units are approximately 2,500 SF each. The Proposed Project includes approximately 59,319 SF of building coverage; 65,305 SF of paved areas for parking, sidewalks, circulation; and 78,396 SF area dedicated for landscaping. The Proposed Project also includes private open space (i.e. residential yards); and common open space that includes an overhead trellis area with picnic tables and a tot lot. The Project Site is in unincorporated San Bernardino County within the Sphere of Influence (SOI) of the City of Montclair (see Figure 1, Regional Location). The Project Site is located at the northern terminus of Bel Air Avenue, south of Mission Boulevard, between Benson Avenue and Vernon Avenue (see Figure 2, Project Vicinity). Mission Boulevard will serve as the main access road to the Proposed Project. The southern terminus of the Proposed Project at Bel Air Avenue will serve as an emergency access road (see Figure 3, Site Plan). As stated, the GPA is to change the Land Use Designation of the northern portion of the Proposed Project Site which is currently designated as RS-20M and CG to RM. The southern portion of the Proposed Project Site will remain as Land Use Designation RS-20M (see Figure 4, Existing General Plan Exhibit). Furthermore, the GPA will include change of the Land Use Designation for three adjacent parcels which are currently designated as CG to RM (see Figure 5, Proposed General Plan Amendment Exhibit).

### ***Surrounding Land Uses and Setting***

The Project Site is in unincorporated San Bernardino County within the SOI of the City of Montclair. The County of San Bernardino Land Use Plan Map: Land Use Zoning Districts show the Project Site is within General Commercial and Single Residential zones. The adjacent parcel to the north of Mission Boulevard supports commercial uses. The adjacent parcel to the south supports Single-Family Residential use. The adjacent parcels to the east supports a mobile home park and vacant land. The adjacent parcel to the west supports a car wash and Single-Family Residential Uses. The following table lists the existing land uses and zoning district designations.

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Undeveloped and Vacant	Northern portion: General Commercial (CG); County of San Bernardino  Southern portion: Single Residential (RS); County of San Bernardino
North	General Commercial: Commercial Offices	Service Community (CS); County of San Bernardino

Existing Land Use and Land Use Zoning Districts		
South	Single Family Residential	Single Residential (RS); County of San Bernardino
East	North Portion: Single Family Residential; Mobile Home Park Southern Portion: Vacant	Northern Portion: Service Community; County of San Bernardino Southern Portion: Rural Residential; City of Ontario
West	Northern Portion: General Commercial; Car Wash Southern Portion; Single Family Residential	Northern Portion: General Commercial; County of San Bernardino Single Residential; County of San Bernardino

***Project Site Location, Existing Site Land Uses and Conditions (include site photos)***

The Proposed Project and the three adjacent parcels that make up the GPA are within the jurisdiction of the County of San Bernardino and within the SOI of the City of Montclair. The Project Site is currently vacant with the exception of three billboard structures and a dilapidated concrete foundation. Three billboard structures of approximately 30 feet in height occur on the northern portion of the Project Site. The dilapidated concrete foundation and billboard structures will be removed. The Project Site topography is relatively flat with an elevation of approximately 931 feet above mean sea level. The Project Site currently supports weeds, grasses, and two 20-foot palm trees. The Project Site slopes from north to south with a difference of approximately six feet in elevation.

**ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

(Example: permits, financing approvals, or participation agreements.)

***Federal:*** None required

***State:*** Storm Water Pollution Prevention Plan, Regional Water Quality Control Board, Santa Ana Region

***County:*** San Bernardino County Building & Safety Division, Public Works, and Land Development Division

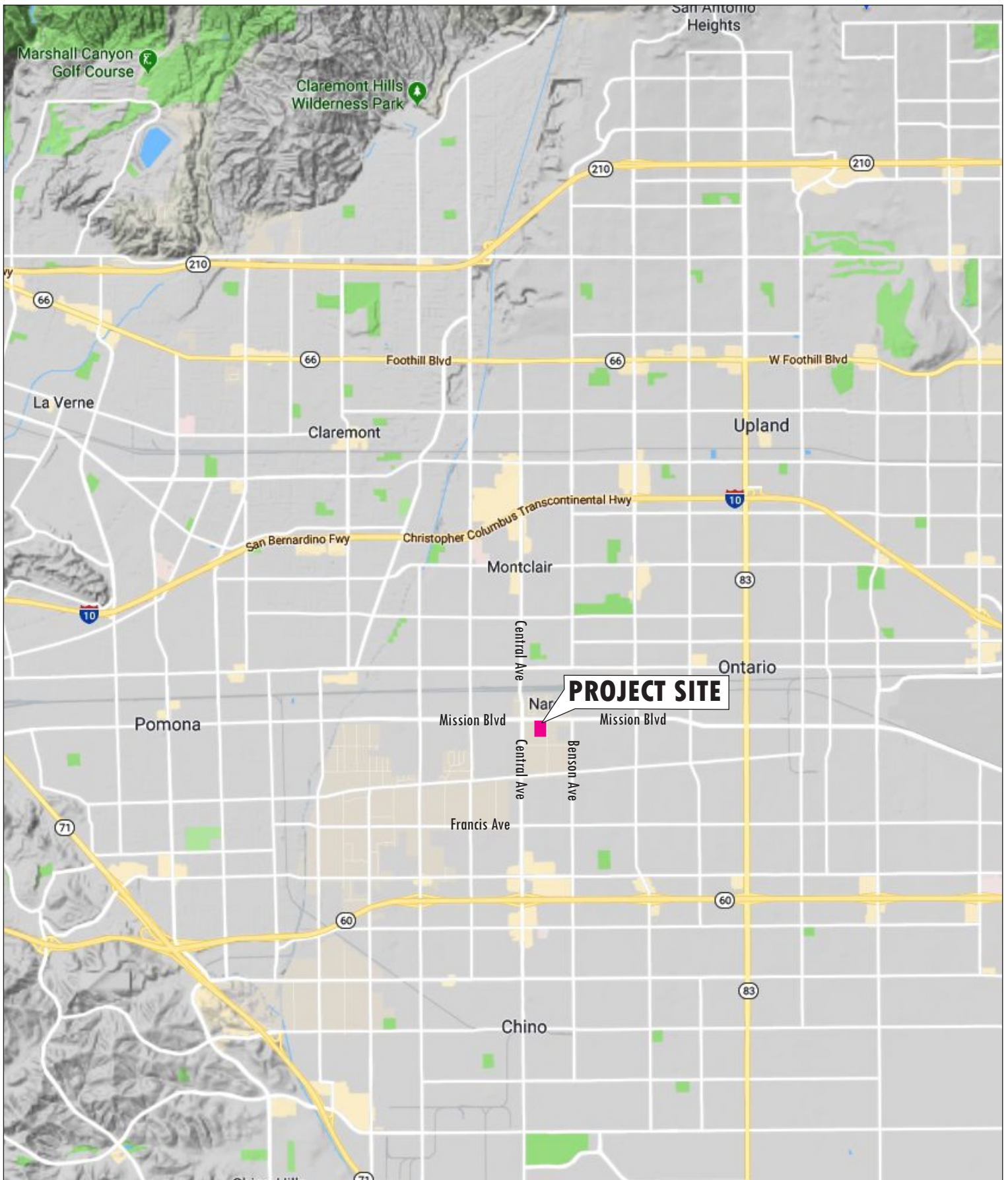
***Local:*** City of Montclair Fire Department, Monte Vista Water District

**SUMMARY OF CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

In accordance with Assembly Bill 52 (AB 52) and Senate Bill (SB18), San Bernardino County contacted the Aha Makav Cultural Society, San Gabriel Band of Mission Indians, San Manuel

Band of Mission Indians, Colorado River Indian Tribes, Gabrieleno Band of Mission Indians, Soboba Band of Luiseno Indians and Morongo Band of Mission Indians, in June 2019 and inquired into the presence/absence of any known sacred or religious Native American sites in the general area of the Project Site. Letters were sent to the identified representatives, requesting comment or raising issues pertaining to the area. The Aha Makav Cultural Society of the Fort Mojave Indian Tribe (FMIT) responded with “No Adverse Effects” and will not adversely affect properties of cultural or sacred significance to the FMIT Tribe on July 3, 2019. However, FMIT concurs that an archaeological consultant be on call and that if requested, Native American Monitoring should be considered.

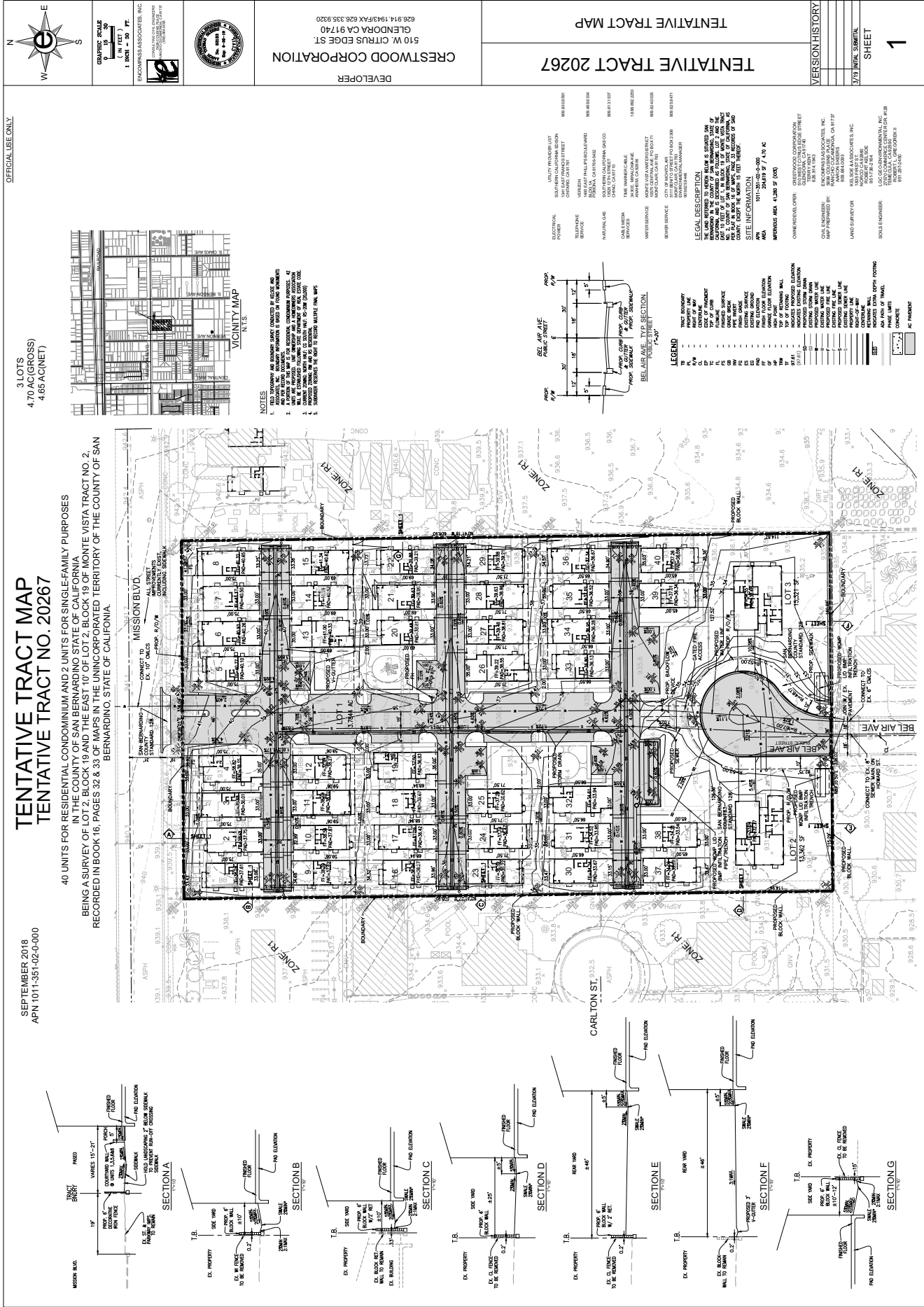
(see Tribal Cultural Resources Section XVII later in this document)



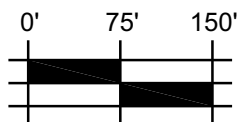
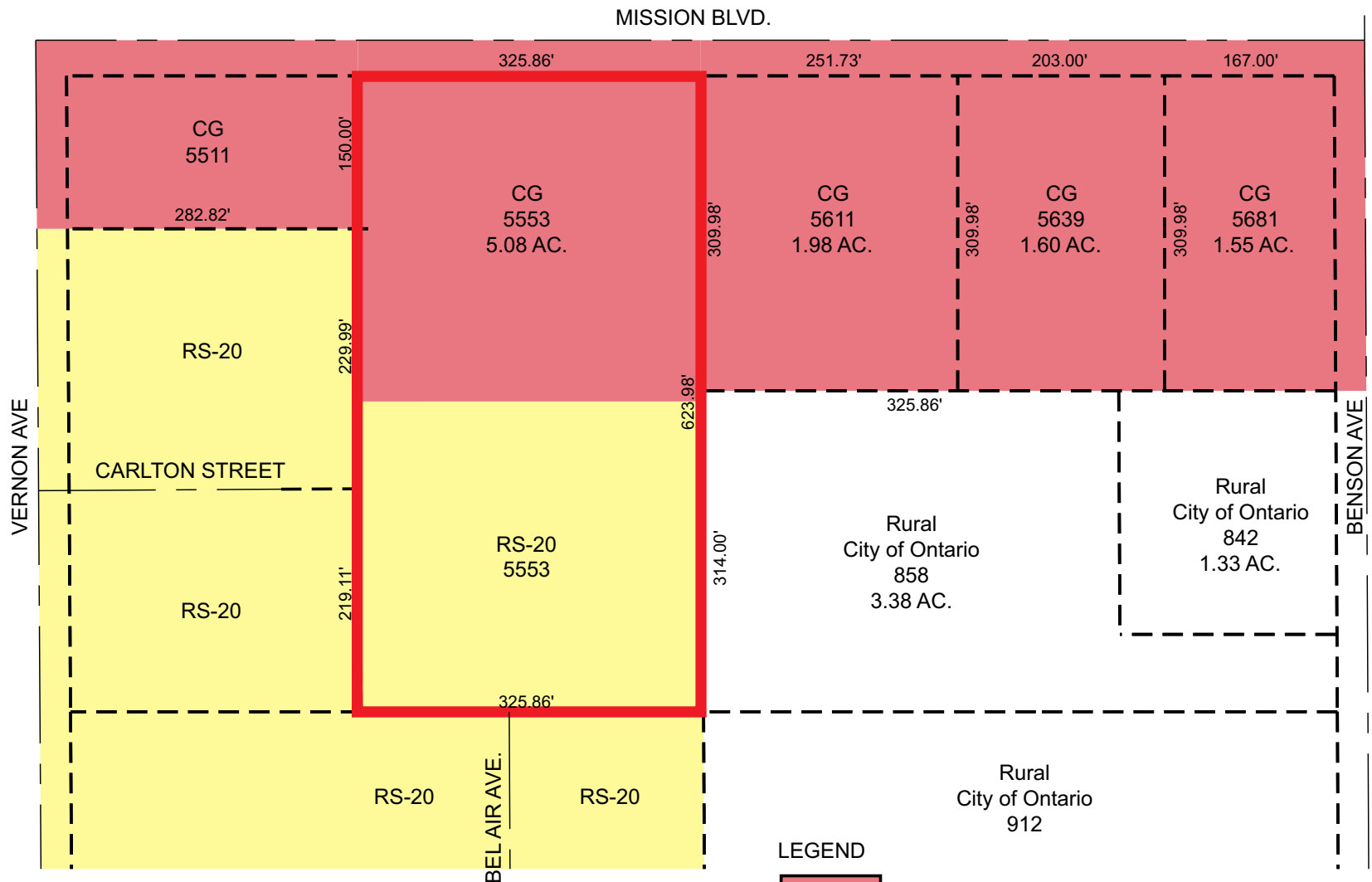








**SITE PLAN**  
Mission Boulevard Condominiums TTM 200267  
City of Ontario, California  
**FIGURE 3**

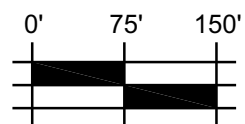


Crestwood Communities  
510 W. Citrus Edge Street  
Glendora, CA 91740 - (626) 914-1943

APN: 1011-351-02, 03, 04 & 05  
Existing General Plan Exhibit

05.14.19

FIGURE 4



NORTH  
1" = 150'



## **EVALUATION FORMAT**

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 18 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 Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

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. **No Impact:** No impacts are identified or anticipated, and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** 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 of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of 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.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will 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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                          |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy                               |
| <input type="checkbox"/> Geology / Soils                 | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials        |
| <input type="checkbox"/> Hydrology / Water Quality       | <input type="checkbox"/> Land Use / Planning                | <input type="checkbox"/> Mineral Resources                    |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                      |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                     | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance   |

## DETERMINATION:

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a 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.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that 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.
<input type="checkbox"/>	I find that 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.

Signature (Reviewed by Steven Valdez, Senior Planner)

8/19/2019

Date

8/19/2019

Date

Signature: (David Prusch, Supervising Planner)  
 Land Use Services Department/Planning Division

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. AESTHETICS,</b> Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> <i>City of Montclair 1999 General Plan; 2007 San Bernardino County General Plan, State Scenic Highway Mapping System; 2007 San Bernardino County General Plan, Glare and Outdoor Lighting Standards</i>					

- a) **Less than Significant Impact.** Project Site is located in an unincorporated area of San Bernardino County within the Sphere of Influence of the City of Montclair. The San Bernardino County General Plan (GP) states that San Bernardino County contains vast undeveloped tracts of land that offer significant scenic vistas. These locations are in danger of deteriorating under growing pressure from urban development and increased recreational activities occurring across the County. Actions have been taken by federal, state, county, and local jurisdictions to ensure that these resources are protected to preserve their aesthetic value. Near the project site, the County of San Bernardino GP does not identify any scenic resources or vistas. The City of Montclair identifies local mountain ridgelines as the community's key visual resources but has not outlined any governing policies. The City of Ontario has designated Mission Boulevard from the western to the eastern city limits as a scenic highway. As Mission Boulevard enters the City of Montclair, its scenic value is lost due to the lack of landscaping and the strip commercial uses that line the boulevard. Additionally, the proposed future development of single-story and two-story single-family residential units would be comparable in height to nearby single-family residences located south and west of Project Site. Therefore, the Proposed Project would not have a substantial adverse effect on a scenic vista. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- b) **Less than Significant Impact.** The Project Site is located approximately 2.5-mile south of Interstate 10 (I-10), however, I-10 is not recognized by the California Scenic Highway Mapping System as a designated State Scenic Highway. The State Scenic Highway located nearest to the Project Site is a segment of California State Route 91, located approximately 12 miles southwest of the Project Site. Given the distance between the Project Site and the nearest officially designated state scenic highway, the Proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Therefore,

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

- c) **Less than Significant Impact.** The Project Site is currently vacant. The Proposed Project will develop the vacant parcel into 40 two-story detached condominiums and two single-story Single-Family detached residential units which would be consistent with the proposed GPA. The City of Montclair identifies local mountain ridgelines as the community's key visual resources but has not outlined any governing policies. The City of Ontario has designated Mission Boulevard from the western to the eastern city limits as a scenic highway. As Mission Boulevard enters the City of Montclair, its scenic value is lost due to the lack of landscaping and the strip commercial uses that line the boulevard. In the context to other existing residential development in the vicinity of the Project Site, the Proposed Project would not degrade the existing visual character of the Project Site or its surroundings. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- d) **No Impact.** The future development of 40 two-story detached condominiums and two single-story Single-Family detached residential units would not generate a significant amount of light and glare when compared to the surrounding area, which includes existing lighting from urban development including streetlights, residential dwelling units, and vehicles. The design and placement of light fixtures within the future new development would be reviewed for consistency with County of San Bernardino's Glare and Outdoor Lighting standards (Chapter 83.07) and subject to County-approval. Standards require shielding, diffusing, or indirect lighting to avoid glare. Lighting would be selected and located to confine the area of illumination to on-site streets. The Proposed Project is not anticipated to create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURE AND FORESTRY RESOURCES</b> - 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) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** California Department of Conservation's Farmland Mapping and Monitoring Program

- a) **No Impact.** The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Build-Up Land" in its California Important Farmland Finder. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity. The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.
- b) **No Impact.** The Project Site is not under a Williamson Act Contract as identified in the latest map prepared by the California Department of Conservation, Division of Land Resource Protection. The County of San Bernardino General Plan does not designate any of the land within the Project Site or in its immediate vicinity for agricultural use. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- c) **No Impact.** Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production because the Project Site is within a predominantly urbanized area and these designations do not occur in the vicinity. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.
- d) **No Impact.** The Project Site does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

- e) **No Impact.** Implementation of the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Will the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** Air Quality Management Plan (AQMP), California Emissions Estimator Model (CalEEMod) version 2016.3.2

- a) **Less than Significant Impact.** The Project Site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the basin establishes a program of rules and regulations administered by SCAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

The County of San Bernardino currently designates the Project Site as Single Residential (RS-20M), which has minimum lot size of 20,000 square feet, and General Commercial (CG). The Proposed Project includes a GPA which would change the land use designation on a portion of the Project Site and three adjacent lots (4.41 acres) to Multiple Residential (RM) allowing for attached, detached, and/or mixed residential development with a wide range of densities and housing types. As such, construction of the proposed 40 two-story detached residential condominiums and two single-story single-family detached residential houses would be acceptable uses within the RM land use category with implementation of the GPA. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- b) **Less than Significant Impact.** The Proposed Project's construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2016.3.2 prepared by the SCAQMD (available at the County offices for review). CalEEMod was used to estimate the on-site and off-site construction emissions. The emissions incorporate Rule 402 and 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Two of the analyzed pollutants, ROG and NO<sub>x</sub>, are ozone precursors. Both summer and winter season emission levels were estimated.

### Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: demolition (removal of existing features on-site), site grading (mass and fine grading), building construction, paving, and architectural coating. The resulting emissions generated by construction of the Proposed Project are shown in Table 1 and Table 2, which represent summer and winter construction emissions, respectively.

**Table 1**  
**Summer Construction Emissions**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	3.7	38.2	23.2	0.05	4.1	2.1
Site Preparation	4.4	45.6	23.0	0.04	20.7	12.2
Grading	22.7	28.4	17.0	0.03	8.1	4.7
Building Construction	3.0	24.7	22.3	0.05	2.5	1.6
Paving	1.5	11.9	13.2	0.02	0.9	0.7
Architectural Coating	23.2	1.7	2.6	0.01	0.3	0.2
<b>Highest Value (lbs/day)</b>	<b>23.2</b>	<b>45.6</b>	<b>23.2</b>	<b>0.05</b>	<b>20.7</b>	<b>12.2</b>
SCAQMD Threshold	75	100	550	150	150	55
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Summer Emissions.

Phases do not overlap and represent the highest concentration.

**Table 2**  
**Winter Construction Emissions**  
**(Pounds per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Demolition	3.7	38.3	23.1	0.05	4.1	2.1
Site Preparation	4.4	45.6	22.8	0.04	20.7	12.2
Grading	2.7	28.4	16.9	0.03	8.1	4.7
Building Construction	3.0	24.7	21.6	0.04	2.5	1.6
Paving	1.2	11.9	13.0	0.02	0.9	0.7
Architectural Coating	23.2	1.8	2.5	0.00	0.3	0.2
<b>Highest Value (lbs/day)</b>	<b>23.2</b>	<b>45.6</b>	<b>23.1</b>	<b>0.05</b>	<b>20.7</b>	<b>12.2</b>
SCAQMD Threshold	75	100	550	150	150	55
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Winter Emissions.

Phases do not overlap and represent the highest concentration.

As shown in Table 1 and Table 2, construction emissions during either summer or winter seasonal conditions would not exceed SCAQMD thresholds. Impacts would be less than significant, and no mitigation measures would be required.

Compliance with SCAQMD Rules 402 and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM<sub>10</sub> and PM<sub>2.5</sub>).

The Project Proponent would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but not be limited to the following:

1. The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  - (a) The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly (2x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
  - (b) The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
  - (c) The Project Proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
  - (d) The Project Proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Proposed Project does not exceed SCAQMD thresholds during construction, the Applicant/Contractor would be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.
4. The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.



5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
6. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
7. The operator shall comply with all existing and future California Air Resources Board (CARB) and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

#### Operational Emissions

Operational emissions are categorized as energy (generation and distribution of energy to the end use), area (operational use of the project), and mobile (vehicle trips). Operational emissions were estimated using the CalEEMod version 2016.3.2 defaults for residential uses within the Condo/Townhouse and Single-Family Housing subcategories and are listed in Table 3 and Table 4, which represent summer and winter operational emissions, respectively.

**Table 3**  
**Summer Operational Emissions Summary**  
**(Pounds per Day)**

<b>Source</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Area	2.0	0.0	0.0	0.0	0.0	0.0
Energy	0.0	0.0	0.0	0.0	0.0	0.0
Mobile	0.6	0.9	11.2	0.0	2.9	0.8
<b>Totals (lbs/day)</b>	<b>2.6</b>	<b>1.0</b>	<b>11.2</b>	<b>0.0</b>	<b>2.9</b>	<b>0.8</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Summer Emissions.

**Table 4**  
**Winter Operational Emissions Summary**  
**(Pounds per Day)**

<b>Source</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Area	2.0	0.0	0.0	0.0	0.0	0.0
Energy	0.0	0.0	0.0	0.0	0.0	0.0
Mobile	0.6	1.0	10.2	0.0	2.9	0.8
<b>Totals (lbs/day)</b>	<b>2.6</b>	<b>1.1</b>	<b>10.2</b>	<b>0.0</b>	<b>2.9</b>	<b>0.8</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Significance</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod.2016.3.2 Winter Emissions.

As shown, both summer and winter season operational emissions are below SCAQMD thresholds. Impacts are anticipated to be less than significant, and no mitigation measures would be required.

The Proposed Project does not exceed applicable SCAQMD regional thresholds either during construction or operational activities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) **Less than Significant Impact.** SCAQMD has developed a methodology to assess the localized impacts of emissions from a proposed project as outlined within the Final Localized Significance Threshold (LST) Methodology report; completed in June 2003 and revised in July 2008. The use of LSTs is voluntary, to be implemented at the discretion of local public agencies acting as a lead agency pursuant to CEQA. According to SCAQMD LST methodology, LSTs would apply if the proposed project includes stationary sources or attracts mobile sources (such as heavy-duty trucks) that may spend long periods queuing and idling at the site; such as industrial warehouse/transfer facilities. The Proposed Project includes residential development and does not include such uses. Therefore, due to the lack of stationary source emissions, no long-term localized significant threshold analysis is warranted. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- d) **Less than Significant Impact.** The Proposed Project does not contain land uses typically associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities as well as the temporary storage of domestic solid waste associated with the Proposed Project's long-term operational uses. Standard construction requirements would minimize odor impacts resulting from construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with County of San Bernardino solid waste regulations. The Proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the Proposed Project construction and operations would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** Jericho Systems, Inc. May 28, 2019. Biological Resources Assessment and Jurisdictional Waters Delineation.

- a) **Less than Significant Impact with Mitigation Incorporated.** A general biological assessment of the Project Site was completed by Jericho Systems, Inc. (Jericho), May 29, 2019. As part of the biological assessment Jericho conducted a background data search for information on plant and wildlife species known occurrences within the vicinity of the project. The data review included biological text on general and specific biological resources, and resources considered to be sensitive by various wildlife agencies, local government agencies and interest groups. A field survey of the Project Site was conducted on May 28, 2019. The field survey included an evaluation of the surrounding habitats and a focused habitat assessment for species identified in the background data search.

The Project Site consists of exotic annual grasses with castor bean (*Ricinus communis*) scattered throughout the northern half of the parcel and is bordered by clipped Mexican fan palm trees (*Washingtonia robusta*). There are two, unmanaged fan palms in the northern half of the parcel. The southern half of the parcel is bordered by tree of heaven (*Ailanthus altissima*), with ornamental cactus (*Opuntia ssp.*) from developed neighboring areas. The non-native vegetation present within the project area consists of red brome (*Bromus rubens*), ripgut brome (*Bromus diandrus*), wild oat (*Avena barbata*) with redstem filaree (*Erodiumcicutarium*) and mustard (*Barssica incana*). Additionally, wildlife species observed or otherwise detected on-site during the surveys included: mourning dove, black phoebe, American goldfinch, California towhee, spotted towhee, house finch, Say's phoebe and Cassin's kingbird. No small mammal burrows were found on Project Site.

Jericho's database searches determined that 35 sensitive species (16 plant, 16 animal, 3 invertebrate) and 1 sensitive habitat have been documented within the Ontario USGS 7.5-minute series quadrangle. The Project Site is located within the burrowing owl (*Athene cunicularia*) overlay of the County's General Plan Biotic Resources Overlay. Burrowing owl (BUOW) is a protected species under the federal Migratory Bird Treaty Act and are designated by the California Department of Fish and Wildlife (CDFW) as a species of special concern. Jericho states that Burrowing owls are known to occur locally within suitable habitat areas. No evidence of BUOW was found in the survey area. No burrows of appropriate shape size or aspect for Burrowing owl or Burrowing owl pellets, feathers or whitewash were found on site. No Burrowing owl individuals were observed. Therefore, BUOW are considered absent from the site at the time of surveys. However, the Project Site is

suitable for use by raptors for foraging purposes. The Project Site and immediate surrounding areas do contain habitat suitable for nesting birds in general, including the shrubs on site. Nesting birds are protected under the Migratory Bird Treaty Act (MBTA) which provides protection for nesting birds that are both residents and migrants whether they are considered sensitive by resource agencies. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will be required to conduct preconstruction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests.

Despite the negative findings for Burrowing owls, Jericho notes that vegetation on-site has potential to support nesting birds and foraging raptors. Additionally, habitat suitable to support other sensitive species exists on-site, however, values are greatly diminished by human activities, ground disturbance and surrounding heavily urbanized land uses. Therefore, possible significant adverse impacts have been identified or are anticipated and the following mitigation measure is required as a condition of project approval, in accordance with the recommendations provided by Jericho, to reduce these impacts to a level below significant. The required mitigation measure is:

**Mitigation Measure BIO-1:**

*Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zone shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.*

- b) **Less than Significant Impact.** The Project Site does not support riparian habitat. It is not located in a riparian area as recognized by the general biological assessment. Implementation of the Proposed Project would not result in impacts to riparian habitat. There are no other identified sensitive natural communities in the vicinity. Therefore, significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- c) **No Impact.** The 2019 biological resources assessment included a Jurisdictional Delineation (JD) and found that there are no drainages on-site. No aspect of the site presents any evidence of jurisdictional waters. None of the following indicators are present on site: riparian vegetation, facultative, facultative wet or obligate wet vegetation, harrow marks, sand bars shaped by water, racking, rilling, destruction of vegetation, defined bed and bank, distinct line between vegetation types, clear natural scour line, meander bars, mud cracks, staining, silt deposits, litter- organic debris. No jurisdictional waters occur on site. No impacts are identified or are anticipated, and no mitigation measures are required.
- d) **No Impact.** The Project Site is located in a portion of San Bernardino County which is urbanized with commercial, and residential developments. Impacts to wildlife movement and habitat fragmentation have already occurred in the project vicinity. Implementation of the Proposed Project is not anticipated to interfere with the movement of any native resident or migratory wildlife corridor

or impede the use of native wildlife nursery sites as none are known to exist in the vicinity. No impacts are identified or are anticipated, and no mitigation measures are required.

- e) **Less than Significant Impact.** The Project Site is currently unoccupied and supports an existing concrete foundation on-site. The Project Site contains several trees and will require removal. The trees to be removed will be:
- 2 Fan Palm Trees, (unmanaged)
  - 1 Tree of Heaven
  - 1 Ornamental Cactus

The trees located on the Project Site do not meet the requirements for obtaining a permit to remove regulated trees and plants as defined in the Division 8, Resource Management and Conservation, of the San Bernardino County Development Code. The Project Proponent shall not be required to obtain a Tree or Plant Removal Permit as a condition of project approval. No impacts are identified or are anticipated, and no mitigation measures are required.

- f) **No Impact.** The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the CDFW California Regional Conservation Plans Map (October 2017). No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES - Would the project</b>					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** McKenna et al. May 2019. Phase I Cultural Resources Investigation.

In May 2019, McKenna et. al. completed an archaeological records search, consultation with the Native American Heritage Commission, and obtained a paleontological overview for the Project Site (available at the County offices for review); the findings are summarized herein.

- a, b) **Less than Significant Impact.** The archaeological records search was completed by McKenna et al. on May 22, 2019, at the California State University, Fullerton, South Central Coastal Information Center. The cultural resources records search identified no previously recorded sites within the current Project Site. However, there were a total of 18 cultural resources studies that have been conducted within a one-mile radius of the Project Site. Despite the extent of studies, only one resource was identified with the one-mile radius: 36-010330 (the Southern Pacific Railroad/Union Pacific Railroad) reported by Ashkar (1999). This alignment has been recorded in many areas

across Southern California, with the immediate alignment being recorded by Ashkar. This alignment will not be impacted by the Proposed Project.

Additionally, Mission Blvd. (5<sup>th</sup> Avenue), along with Central Avenue, Benson Avenue, and Vernon Avenue, are all historic road alignments. Mission Blvd. fronts the current project area, but improvements to this alignment have obliterated all evidence of the historic roadway. Mission Blvd./5<sup>th</sup> Avenue should be considered a historic resource, but in its current state, not a significant resource. It lacks its historic integrity and, therefore, any impacts would be considered insignificant and not resulting in any adverse environmental impacts.

McKenna et al. has determined that the Project Site has an unknown sensitive level for the presence of ethnic or historic landscape resources, given the removal of the orchard in the late 1950s. The historic landscape has already been impacted by the planting and subsequent removal of the orchard. The potential for prehistoric archaeological resources is considered low. Based on the recent research and field investigations, McKenna et al. has concluded that the TTM 20267 project area is clear of any identifiable surface evidence of potentially significant cultural (archaeological) and/or paleontological resources. The potential for identifying buried prehistoric or historic archaeological resources is considered low, but possible. In the event of an unanticipated find, the following mitigation shall be implemented to avoid potential impacts to archeological resources:

**Mitigation Measure CR-1:**

*If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County of San Bernardino.*

**Mitigation Measure CR-2:**

*Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.*

*All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.*

- Nc) **Less than Significant Impact.** Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during grading and excavation activities associated with project construction. In the event that human remains are discovered during grading or other ground disturbing activities, the Project Proponent would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097, et. seq., which requires that if the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission, who will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VI. ENERGY - Would the project:</b>				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>SUBSTANTIATION:</i></b> California Energy Commission Efficiency Division. Title 24: 2019 Building Energy Efficiency Standards				

### Building Energy Conservation Standards

The California Energy Conservation and Development Commission (California Energy Commission) adopted Title 24, Part 6, of the California Code of Regulations; energy Conservation Standards for new residential and nonresidential buildings in June 1977 and standards are updated every three years. Title 24 ensures building designs conserve energy. The requirements allow for the opportunities to incorporate updates of new energy efficiency technologies and methods into new developments. In June 2015, the California Energy Commission (CEC) updated the 2016 Building Energy Efficiency Standards. Under the 2016 Standards, residential buildings are approximately 28 percent more energy efficient than the previous 2013 Energy Efficiency Standards. The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. The CEC updated the 2019 Building Energy Efficiency Standards in May 2018. The 2019 Title 24 standards state that residential buildings are anticipated to be approximately 7 percent more energy efficient. When the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet the 2019 Title 24 standards would use approximately 53 percent less energy than residential units built to meet the 2016 standards.

### **Senate Bill 350**

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015. SB 350 establishes new clean energy, clean air and greenhouse gas reduction goals for 2030. SB 350 also establishes tiered increases to the Renewable Portfolio Standard: 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030.

### **Senate Bill 100**

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the required Renewable Portfolio Standards. SB 100 requires the total kilowatt-hours of energy sold by electricity retailers to their end-use customers must consist of at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

### **Less than Significant Impact.**

#### **a) Electricity**

Southern California Edison (SCE) provides electricity to the Proposed Project Site. Currently, the existing Project Site is vacant and does not use electricity. Therefore, development of the Proposed Project would cause a permanent increase in demand for electricity when compared to existing conditions. The increased demand is expected to be sufficiently served by the existing SCE electrical facilities. Total electricity demand in SCE's service area is estimated to increase by approximately 12,000 GWh— between the years 2015 and 2026. The increase in electricity demand from the project would represent an insignificant percent of the overall demand in SCE's service area. Therefore, projected electrical demand would not significantly impact SCE's level of service.

The Proposed Project has been designed to comply with the 2019 Building Energy Efficiency Standards. The County San Bernardino would review and verify that the Proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The Proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments, and energy efficiency. These sustainable features would be incorporated into the Proposed Project in which shall include high energy efficiency insulation, wall assemblies and windows to maximize insulation of cool or warm temperature; Cool roof concrete roof tiles; Radiant barrier roof sheathing; energy efficiency heating and cooling systems; and Solar panels. The development of the Propose Project is not anticipated to affect with achievement of the 60 percent Renewable Portfolio Standard established in in the current SB 100. SCE and other electricity retailer's SB 100 goals include that end-user electricity use such as residential and commercial developments use would decrease from current emission estimates. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation measures are recommended.



## Natural Gas

The Proposed Project and surrounding area are serviced by Southern California Gas Company (SoCalGas). The Project Site is currently vacant and has no demand on natural gas. Therefore, the development of the Proposed Project will create a permanent increase demand of natural gas. However, the existing SoCalGas facilities is expected to meet the increased demand of natural gas. The residential demand of natural gas is anticipated to decrease from approximately 236 billion cubic feet (bcf) to 186 Bcf between the years 2018 to 2035, while supplies remain constant at 3.775 billion cubic feet per day (bcfd) from 2015 through 2035. Therefore, the natural gas demand from the Proposed Project would represent an insignificant percentage to the overall demand in SoCalGas' service area. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and no mitigation measures are recommended.

## Fuel

During construction of the Proposed Project, transportation energy consumption is dependent on the type of vehicle and number of vehicle trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Temporary transportation fuel use such as gasoline and diesel during construction would come from the transportation and use of delivery vehicles and trucks, construction equipment, and construction employee vehicles. Additionally, most construction equipment during grading would be powered by gas or diesel. Electric powered equipment shall be implemented as development furthers. Impacts related to transportation energy use during construction would be temporary and would not require the use of additional use of energy supplies or the construction of new infrastructure; therefore, impacts would not be significant.

During operations of the Proposed Project, the use of fuel would be generated by residents, visitors, trips by maintenance staffs, employee vehicle trips and delivery trucks. The Proposed Project is a residential development project approximately two miles south of I-10 and two miles north of SR-60, reducing the need to drive long distances to the existing freeway system. The Proposed Project is essentially an in-fill project. Additionally, the Proposed Project is not expected to result in a substantial demand for energy that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. The fuel use related with vehicle trips produced by the Proposed Project would not be considered inefficient, wasteful, or unnecessary. The Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Impacts are less than significant, and no mitigation is recommended.

- b) **No Impact.** Project design and operation would comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the State Building Energy Efficiency Standards related to appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur.

The Proposed Project is to adhere to County of San Bernardino: Greenhouse Gas Emissions Reduction Plan and Title 24 order to support decrease energy consumption and GHG emissions to become a more sustainable community and to meet the goals of AB 32. The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and therefore no impact would occur and not mitigation measures are recommended.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
a) Directly or indirectly cause 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> LGC Geo-Environmental, Inc. December 28, 2018. Preliminary Soil Investigation Report. Safety Element of the San Bernardino, 2007 San Bernardino County General Plan				

- a) i) **Less than Significant Impact.** In December 2018, LGC Geo-Environmental, Inc. completed a geotechnical/geologic feasibility investigation for the Proposed Project Site. According to the geotechnical study, the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known faults on-site. The possibility of damage due to ground rupture is considered negligible since active faults are not known to cross the Project Site. However, secondary effects of seismic shaking resulting from large earthquakes on the majors on major faults in the Southern California region, which may affect the Project Site, include soil liquefaction, dynamic settlement, shallow ground rupture, seiches and tsunamis. The

geotechnical study states the closest known active to the Project Site is the San Jose Fault, which about 3.0 miles away. Other major active faults within 20 miles of the subject site that could produce these secondary effects. Therefore, the Proposed Project is not anticipated to expose people or structures to adverse effects related to ground rupture. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- ii) **Less than Significant Impact.** As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project Site. During the life of the Proposed Project, seismic activity associated with the active faults can be expected to generate moderate to strong ground shaking at the Project Site. As a mandatory condition of project approval, the Proposed Project would be required to construct proposed structures in accordance with the California Building Code (CBC) which is established by the California Building Standards Code. The code is also known as Title 24, Part 2 of the California Code of Regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. With mandatory compliance with standard design and construction measures, potential impacts would be reduced to a less than significant and the Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
  - iii) **No Impact.** Liquefaction is a process whereby strong earthquake shaking causes sediment layers that are saturated with groundwater to lose strength and behave as a fluid. Ground failure associated with liquefaction can result in severe damage to structures. As demonstrated by San Bernardino County Land Use Plan: Geologic Hazard Overlays Map, the Project Site is not located in an area at risk for liquefaction. Depth to groundwater in the area is generally 300 – 325 feet below surface (LGC Geo-Environmental, 2018). Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.
  - iv) **No Impact.** Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site has no prominent geologic features occurring on or within the vicinity and therefore the site is at little risk for landslide. No impacts are identified or are anticipated, and no mitigation measures are required.
- b) **Less than Significant Impact.** During the development of the Project Site, which would include disturbance of 4.7 acres, project-related dust may be generated due to the operation of machinery on-site or due to high winds. Additionally, erosion of soils could occur due to a storm event. Development of the Proposed Project would disturb more than one acre of soil; therefore, the Proposed Project is subject to the requirements of the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-2009-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Adherence to BMPs is anticipated to ensure that the Proposed Project does not result in substantial soil erosion or the loss of topsoil. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- c) **Less than Significant Impact.** LGC Geo-Environmental, Inc.'s Geotechnical Investigation states that the Project Site is located in an area with Holocene and Pleistocene Alluvial Fan Deposits. The

Holocene alluvial deposits consist of gravely sand, sandy gravel, sand, silty sand, sandy silt and Pleistocene alluvial fan deposits consist of silty sand, sandy silt, silty clay and clayey silt.

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. However, LGL states the Project Site is not in the presence of landside risk area or adjacent to a landside risk area therefore the Project Site is at little risk for landslide.

Seismically induced lateral spreading involves primary lateral movement of earth materials over underlying materials which are liquefied due to ground shaking. LGL states the Project Site groundwater levels are 300 to 325 feet below the existing ground surface and potential for liquefaction is considered remote at the Project Site. Given the Project Site's lack of susceptibility to liquefaction, seismically induced lateral spreading is not anticipated to occur.

Section VIII. Safety Element of the San Bernardino County General Plan states, the two types of subsidence of major concern to San Bernardino County are tectonic subsidence and subsidence caused by groundwater withdrawal. Within geologic time, the County has undergone tectonic activity, including the uplifting of the San Bernardino mountains in relation to the San Bernardino Valley Region. Plate tectonics is the mechanism responsible for this movement, which has caused miniplates to be formed at major plate boundaries and has reoriented, folded, and faulted these small crustal pieces. This activity has raised some of these miniplates or blocks and has allowed others to subside. This tectonic subsidence is primarily of concern during very large earthquakes, when subsidence could occur instantaneously and may total many feet. Tectonic subsidence is uncontrollable by man. However, compliance with the CBC and review of grading plans for individual projects by the San Bernardino County Engineer would ensure no significant impacts would occur. and

Given the characteristics of the geologic unit which the Project Site is located on, compliance with the CBC and review of the proposed grading plan by the San Bernardino County Engineer shall ensure that significant impacts related to landslide, lateral spreading, subsidence, and liquefaction do not occur. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- d) **Less than Significant Impact.** The San Bernardino County: Countywide Plan Safety Background report states that, expansive soils are characterized by their ability to shrink or swell due to variations in moisture content. Expansive soils expand when water is added and contract when the soils dry. Changes in soil moisture content can result from rainfall, landscape irrigation, utility leakage, pool leakage, roof drainage, perched groundwater, drought, or other factors. As a result of volume changes, expansive soils can lead to structural damage to buildings, infrastructure, and pavement if the potentially expansive soils were not considered or mitigated during the design and construction of a project. LGL states the Holocene and Pleistocene Alluvial Fan soil deposit of the Project Site are composed primarily of gravely sand, sandy gravel, sand, silty sand, sandy silt and clayey silt. Such sediments are usually non-expansive or have very low expansion potential. Therefore, with compliance with the CBC and review of the proposed grading plan by the San Bernardino Engineer, less than significant impacts are anticipated. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- e) **No Impact.** The City of Montclair and its Sphere of Influence is served by regional wastewater treatment facilities owned and operated by the Inland Empire Utilities Agency. The use of septic tanks would not occur on Project Site. Project Applicant has received a Will Serve Letter from Monte Vista Water District (MVWD) that states the Proposed Project is within the Monte Vista

Water District (MVWD) sewer service area. The MVWD will provide adequate sewer lines and storage capacity to serve the Proposed Project. No septic tanks or alternative wastewater disposal systems would be installed at the Project Site. No impacts are identified or are anticipated, and no mitigation measures are required.

- f) **No Impact.** McKenna's Phase I cultural resources investigation states that the paleontological overview completed by the Natural History Museum of Los Angeles County (McLeod 2019; Appendix D) identified the project area as consisting of younger Quaternary alluvium derived from the San Gabriel Mountains, Etiwanda Creek, Lytle Creek, Day Creek, and Cucamonga Creek. These deposits are not conducive to yielded evidence of fossil specimens. Older Quaternary alluvium has been identified to the east of the project area and these deposits may contain fossil specimens, but only at a considerable depth. As such, there is a potential for the presence of older alluvium beneath the younger alluvium and within the project impact area is low. The area is not considered sensitive for paleontological resources. Therefore, the Proposed Project is not anticipated to directly or indirectly destroy a unique paleontological resource or site or unique geologic features. No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS - Would the project:</b>				

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** CalEEMod version 2016.3.2,  
GHG Emissions Reduction Plan

- a) **Less than Significant Impact.** Emissions were estimated using the CalEEMod version 2016.3.2. Many gases make up the group of pollutants that contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of greenhouse gases (GHGs): Carbon dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), and Nitrous oxide (N<sub>2</sub>O). SCAQMD provides guidance methods and/or Emission Factors that are used for evaluating a project's emissions in relation to the thresholds. A threshold of 3,000 MTCO<sub>2</sub>e per year has been adopted by SCAQMD for non-industrial uses. Furthermore, a threshold of 3,000 MTCO<sub>2</sub>e per year for non-industrial uses has been adopted by the County of San Bernardino Greenhouse Gas Emissions Reduction Plan (Emissions Reduction Plan). The modeled emissions anticipated from the Proposed Project during both construction and operational phases, are compared to the Emissions Reduction Plan threshold and shown below in Table 5 and Table 6.

As shown in Table 5 and Table 6, the Proposed Project's emissions during construction and operations would not exceed SCAQMD's and the County of San Bernardino GHG Emissions Reduction Plan's threshold of 3,000 MTCO<sub>2</sub>e and therefore would have less than significant impacts

regarding greenhouse gas emissions. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

**Table 5**  
**Greenhouse Gas Construction Emissions**  
**(Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O
Site Preparation	43.0	0.0	0.0
Grading	9.0	0.0	0.0
Building Construction	11.2	0.0	0.0
Paving	250.1	0.0	0.0
Architectural Coating	16.4	0.0	0.0
<b>Total MTCO<sub>2</sub>e</b>	<b>335.0</b>		
SCAQMD and County of San Bernardino GHG Emissions Reduction Plan Threshold	3,000		
<b>Significant</b>	<b>No</b>		

Source: CalEEMod.2016.3.2 Annual Emissions

**Table 6**  
**Greenhouse Gas Operational Emissions**  
**(Metric Tons per Year)**

Source/Phase	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O
Area	13.7	0.0	0.0
Energy	136.4	0.0	0.0
Mobile	392.7	0.0	0.0
Waste	4.2	0.3	0.0
Water	118.3	0.1	0.0
<b>Total MTCO<sub>2</sub>e</b>	<b>576.2</b>		
SCAQMD and County of San Bernardino GHG Emissions Reduction Plan Threshold	3,000		
<b>Significant</b>	<b>No</b>		

Source: CalEEMod.2016.3.2 Annual Emissions.

b) **Less than Significant Impact.** In September 2011, San Bernardino County adopted the Emissions Reduction Plan, which outlines a strategy to use energy more efficiently, harness renewable energy to power buildings, enhance access to sustainable transportation modes, and recycle waste. It has the following specific goals:

- Reduce emissions from activities over which the County has jurisdictional and operational control to 15% below 2007 levels by 2020, consistent with the target reductions of the AB 32 Scoping Plan.
- Provide estimated GHG reductions associated with the County's existing sustainability efforts and integrate the County's sustainability efforts into the discrete actions of the Emissions Reduction Plan.

- Provide a list of discrete actions that would reduce GHG emissions.
- Approve a GHG reduction plan that satisfies the requirements of Section 15183.5 of the CEQA Guidelines, so that compliance with the GHG reduction plan can be used in appropriate situations to determine the significance of a project's effects related to GHG emissions, thus providing streamlined CEQA analysis of future projects that are consistent with the approved GHG reduction plan.

As part of the implementation of the Emissions Reduction Plan, a uniform set of County performance standards are applied to development projects as described by the following:

"All development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable Development Code provisions, including the GHG performance, and state requirements, such as the California Building Code requirements for energy efficiency. With the application of the GHG performance standards, projects that are exempt from CEQA and small project that do not exceed 3,000 MTCO<sub>2</sub>e per year will be considered to be consistent with the Emissions Reduction Plan and determined to have a less than significant individual and cumulative impact for GHG emissions".

As shown in Table 5 and Table 6 above, the Proposed Project's emissions during construction and operations would not exceed SCAQMD's and the County of San Bernardino GHG Emissions Reduction Plan's threshold of 3,000 MTCO<sub>2</sub>e. Therefore, the Proposed Project is consistent with the adopted Emissions Reduction Plan and less than significant impacts related to greenhouse gas emissions would occur. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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, will it create a significant hazard or excessive noise to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

airport or public use airport, will the project result in a safety hazard or excessive noise for people residing or working in the project area?

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** EnviroStor Data Management System; San Bernardino County 2007 General Plan – Hazard Overlay Map FH27 B, Airport Influence Area; Ontario Airport Land Use Compatibility Plan (ONT ALUCP)

- a) **No Impact.** Post-construction activities of the proposed residential development would not require the routine transport or use of hazardous materials. No significant adverse impacts or anticipated and no mitigation measures are required.
- b) **Less than Significant.** Hazardous or toxic materials transported in association with construction of the Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Post-construction activities would include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials is considered less than significant and no mitigation measures are required.
- c) **No Impact.** Although the proposed residential development occurs within 0.25-mile of a school, no hazardous materials would be emitted as a result of the construction of the residential units. The storage and use of hazardous materials are not associated with single-family homes; therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school are anticipated. No significant adverse impacts or anticipated and no mitigation measures are required.
- d) **No Impact.** The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system (accessed May 13, 2019). No hazardous materials sites are located within or in the immediate vicinity of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.
- e) **Less than Significant Impact.** The Project Site is located approximately 3.5 miles west of the Ontario International Airport. As demonstrated by Map 2-1, Airport Influence Area, of the Ontario Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is within the Airport Influence Area. In accordance with Map 2-2, Safety Zones, and Map 2-3, Noise Impact Zones, the Project Site is located outside of the ONT ALUCP safety and noise impact zones. The Project Site is located within the greater than 200-foot Allowable Height Above Ground Level (AGL) zone as depicted on Map 2-4, Airspace Protection Zones. The maximum height of the Proposed Project is approximately 28 feet in height within the AGL. The San Bernardino County's General Plan – Hazard Overlay Map



FH27 B shows that the Proposed Project is within the Airport Safety Review Area 3. The development of the Proposed Project would be subject to the land use requirements and standards of the ALUCP, and Table S-5: Land Use Compatibility in Aviation Safety Areas of the San Bernardino General Plan. With adherence to the San Bernardino County Development Code and the applicable land use requirements and standards of the ALUCP, the Proposed Project is not anticipated to result in a safety hazard for people residing or working in the project area. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- f) **No Impact.** The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Post-construction activities at the site would not interfere with an adopted emergency response or evacuation plan. Access provided via Mission Boulevard would be maintained for ingress/egress at all times. No impacts are identified or anticipated and no mitigation measures are required.
- g) **No Impact.** As identified by San Bernardino County's General Plan – Hazard Overlay Map FH27 B (Montclair), the Project Site is not located within a Fire Safety Area. Furthermore, the Project Site is located in a region which is developed primarily with residential, commercial, and industrial development; wildland is not located within the vicinity. Therefore, the Proposed Project would not 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. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>IX</b>	<b>HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** Encompass Associates, Inc. February 28, 2019. Preliminary Water Quality Management Plan for Tract 20267; Inland Empire Utilities Agency, Land Use Based Demand Model Development: Final Technical Memorandum. May 24, 2016; Monte Vista Water District: 2015 Urban Water Management Plan (UWMP)

- a) **Less than Significant Impact.** The Proposed Project includes the construction of 40 condominiums and 2 single-family residential dwelling units on a 4.7-acre site. The Proposed Project would disturb more than one acre and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one-acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a SWPPP. The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of storm water associated with construction activities; and 2) identify, construct and implement storm water pollution control measures to reduce pollutants in storm water discharges from the construction site during and after construction. The Santa Ana RWQCB has issued an area-wide NPDES Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District, and the incorporated cities of San Bernardino County. The County then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include (BMPs) to prevent project-related pollutants from impacting surface waters. These would include, but are not limited to, street sweeping of paved roads around the site during construction, and the use of hay bales or sand bags to control erosion during the rainy season. BMPs may also include or require:
- The Project Proponent shall avoid applying materials during periods of rainfall and protect freshly applied materials from runoff until dry.
  - All waste to be disposed of in accordance with local, state and federal regulations. The Project Proponent shall contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.
  - All equipment and vehicles to be serviced off-site.

In addition to complying with NPDES requirements, the County also requires the preparation of a Water Quality Management Plan (WQMP). In accordance with the County's requirements, Encompass Associates, Inc. prepared a WQMP for the Proposed Project in February 2019 (available at the County offices for review). The WQMP has identified various BMPs which shall be implemented by the Proposed Project. Mandatory compliance with the Proposed Project's SWPPP and WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, implementation of the Proposed Project would not violate any water quality standards or waste discharge requirements. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- b) **Less than Significant Impact.** As documented in the Monte Vista Water District 2015 Urban Water Management Plan (UWMP), the District relies on approximately 75 percent (28.2 mgd) of its water supply from groundwater and 25 percent from imported water. The District is dependent on four sources for its long-term water supply which include the Chino Groundwater Basin, Imported State Water Project surface water received from the Metropolitan Water District of Southern California (MWD) through the Inland Empire Utilities Agency (IEUA) and the Water Facilities Authority (WFA), and Entitlement water deliveries from San Antonio Water Company (SAWCO), including groundwater produced from local adjudicated groundwater basins and surface water produced from the San Antonio Creek Watershed; and Recycled water from IEUA. Based on the Table 4-1 of UWMP year 2040 has a projected MVWD's water supply to be 51,828 acre-feet per year (AFY) of groundwater and Table 3-2 of the UWMP states the 2040 District's water demand would be approximately 36,364 AFY. Using the UWMP: Existing Land Use Unit Demands for Residential High, the Proposed Project would create an approximate 46 AFY demand, which would be 0.126 percent of the District's 2040 total water demand. Therefore, the water basin would not be substantially depleted by serving the Proposed Project. Additionally, the Project Applicant has received a Will Serve Letter from MVWD that states the Proposed Project is within the District's service area and that service would be provided upon the payment of fees. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- c)
- i) **Less than Significant Impact.** Encompass Associates, Inc. calculates the required design capture volume (DCV) for stormwater at the Project Site is approximately 12,214 cubic feet. The WQMP states that above ground retention volume is anticipated to be approximately 6,472 cubic feet and the underground retention volume is anticipated to be approximately 5,831 cubic feet. The designed infiltration trenches will be constructed in the southern portion of the Project Site and within a landscaped area (refer to Figure 3). Implementation of the low-impact development infiltration BMPs is anticipated to achieve a complete on-site retention of the DCV. Additionally, there are no streams or rivers on, or in the vicinity of, the Project Site. With adherence to a Final WQMP approved by the County of San Bernardino, the Proposed Project is not anticipated to 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 substantial erosion, siltation, or flooding on- or off-site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- ii) **Less than Significant Impact.** The Preliminary WQMP calculates the required design capture volume (DCV) for stormwater at the Project Site is approximately 12,214 cubic feet. The WQMP states that above ground retention volume is anticipated to be approximately 6,472 cubic feet and

the underground retention volume is anticipated to be approximately 5,831 cubic feet. The designed infiltration trench, with both above and below ground components will be constructed in the southern portion of the Project Site and within a landscaped area (refer to Figure 3). Implementation of the low-impact development infiltration BMPs is anticipated to achieve a complete on-site retention of the DCV. Additionally, there are no streams or rivers on, or in the vicinity of, the Project Site. With adherence to a Final WQMP approved by the County, the Proposed Project is not anticipated to 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 substantial erosion, siltation, or flooding on- or off-site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- iii) **Less than Significant Impact.** Implementation of low-impact development infiltration BMPs as described in Section IX(c, d) above, is anticipated to achieve a complete on-site retention of the DCV. As such, with adherence to the WQMP, the Proposed Project is not anticipated to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- iv) **Less than Significant Impact.** The Preliminary WQMP calculates the required design capture volume (DCV) for stormwater at the Project Site is approximately 12,214 cubic feet. The WQMP states that above ground retention volume is anticipated to be approximately 6,472 cubic feet and the underground retention volume is anticipated to be approximately 5,831 cubic feet. The infiltration drainage basins have been designed to capture 100 percent of the runoff. Additionally, there are no streams or rivers on, or in the vicinity of, the Project Site. With adherence to the Preliminary WQMP, the Proposed Project is not anticipated to 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 substantial erosion, siltation, or flooding on- or off-site. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- d) **Less than Significant Impact.** As shown on the FEMA Flood Map, the Proposed Project is located in an area of minimal flood hazard. Tsunamis are large waves generated in open bodies of water by fault displacement of major ground movement. Due to the inland location of the Project Site, tsunamis are not considered to be a risk. A seiche is a surface wave created when an inland body of water is shaken, usually by earthquake activity. The San Bernardino County Land Use Plan: Hazards Overlay Map shows that seiches do not pose inundation hazards to the Proposed Project site. Therefore, the risk of release of pollutants of by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- e) **Less than Significant Impact.** The Proposed Project will adhere to WQMP BMP, regional and local water quality control and/or sustainable groundwater management plans. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Im pa ct</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>					

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

***SUBSTANTIATION:*** Land Use Element, San Bernardino County General Plan 2007

- a, b) **No Impact.** The Proposed Project is the development of 40 detached two-story condominiums and two detached single-story single-family residences on approximately 4.7 acres of land. The surrounding land uses to the north, south, east, and west are a mixture of commercial and residential uses. Approval of the GPA would change the Land Use District designation of the northern portion of the Project Site as well as three parcels adjacent to the east of the Project Site from Single Residential (RS-20M) and General Commercial (GM) to Multiple Residential (RM). The Project Site and adjacent three parcels total 9.71 acres, which when rounded to 10 acres would comply with the 10-acre minimum for the land use zone. A Major Variance request for a reduced front yard setback is included to allow the proposed development to comply with minimum drive aisle widths. The Major Variance will also allow the proposed development to be in line (similar setback) with existing developments on Mission Boulevard. The southern portion of the Project Site will consist of the two single-story single-family homes and remain as Residential Single (RS-20M).

The Multiple Residential (RM) Zoning District allows for the development of attached, detached, and/or mixed residential development with a wide range of densities and housing types. The Single Residential (RS-20M) Land Use Zoning District allows for the development of single family homes and requires a minimum lot size of 20,000 square feet; however, the parcel size is exempt from the required minimum lot size, as the Proposed Project is a Multifamily Subdivision in accordance with Section 83.02.050 (d)(3) of the San Bernardino County Development Code.

The Proposed Project and the three adjacent parcels would comply with the minimum 10-acre requirement for the GPA. Upon approval of the amendment, the Proposed Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>					

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:** (Check ☐ if project is located within the Mineral Resource Zone Overlay):  
California Department of Conservation. Mineral Land Classification of a Part  
Southwestern San Bernardino County: The San Bernardino Area Map (West)

- a) **Less than Significant Impact.** Gravel deposits in the alluvial fans of the San Bernardino County Valley represent the most significant and widely spread mineral resource in the region. Aggregates are essential ingredients in construction materials such as concrete, plaster and mortar. Construction of the Proposed Project would demand aggregate resources, such as steel, wood, and concrete which are anticipated to be required as part of the construction phase. These resources are commercially available in the southern California region without any constraint. No potential for adverse impacts to the natural resources base supporting these materials is forecast to occur over the foreseeable future. The Proposed Project's demand for mineral resources would be minimal and is considered less than significant due to the abundance of available local aggregate resources. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- b) **Less than Significant Impact.** The Project Site is located in an area designated as Mineral Resource Zone 3 (MRZ-3) as outlined by Mineral Land Classification of a Part Southwestern San Bernardino County: The San Bernardino Area Map (West), of The California Department of Conservation. The San Bernardino County General Plan defines MRZ-3 as an area that contains deposits whose significance cannot be evaluated from available data. Additionally, the Project Site is located in Residential Single (RS-20M) and General Commercial (GM) Districts. The Project Site is not located within a planning area for mining. Therefore, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIII. NOISE - Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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 ☐):  
Urban Crossroads, June 25, 2019. Tentative Tract No. 20267 Noise Impact Analysis.

In June 2019, a Noise Impact Analysis focused on construction-related noise was prepared by Urban Crossroads, Inc. (available at the County offices for review) in accordance with the County of San Bernardino General Plan and Development Code. The findings of the report are summarized herein.

- a) **Less than Significant Impact.** The unit of measurement used to describe a noise level is the decibel (dB), which is a logarithmic unit of noise level measurement that relates the energy of a noise source to that of a constant reference level. The human ear, however, is not equally sensitive to all frequencies within the sound spectrum. Therefore, the “A-weighted” noise scale, which weights the frequencies to which humans are sensitive, is used for measurements. Noise levels using A-weighted measurements are written as dBA. Average noise levels over a period of minutes or hours are usually expressed as dBA  $L_{eq}$ , or the equivalent noise level for that period of time. Noise standards for land use compatibility are stated in terms of the Community Noise Equivalent Level (CNEL) and the Day-Night Average Noise Level ( $L_{dn}$ ). CNEL is a 24-hour weighted average measure of community noise. CNEL is obtained by adding five decibels to sound levels in the evening (7:00 PM to 10:00 PM), and by ten decibels to sound levels at night (10:00 PM to 7:00 AM). This weighting accounts for the increased human sensitivity to noise during the evening and nighttime hours.  $L_{dn}$  is a similar 24-hour average measure that weights only the nighttime hours. The findings and recommendations of the Noise Impact Analysis, summarized below, are discussed in terms of CNEL and dBA  $L_{eq}$ .

#### Construction Noise Impacts to Off-Site Receptors

Construction activities are expected to create temporary and intermittent high-level noise conditions at receivers surrounding the Project site. Using sample reference noise levels to represent the construction activities of Tract No. 20267 site, the Noise Analysis estimated the Proposed Project related construction noise levels at nearby sensitive receiver locations. Since the County of San Bernardino General Plan and Municipal Code do not identify specific construction noise level thresholds, a threshold is identified based on the National Institute for Occupational Safety and Health (NIOSH) limits for construction noise. The worst-case Project-related short-term construction noise levels, which assumes the highest noise generating activities are operating at the Project site boundary, are expected to range from 77.6 to 82.3 dBA  $L_{eq}$  and will satisfy the 85 dBA  $L_{eq}$  threshold identified by NIOSH at the nearby residential sensitive receiver locations.

Although, the Noise Impact Analysis concludes that the Proposed Project will not result in the 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, implementation of the following best practice measures will ensure minimal noise impact from the Proposed Project:

- Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall comply with the requirements of the County of San Bernardino Development Code. (1)
- During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project Site.

- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the Project site during all Project construction (i.e., to the northwestern center).
- The contractor shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise, consistent with County of San Bernardino General Plan Noise Element, Policy N 1.5. (2)

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

- b) **Less than Significant Impact.** Groundborne vibration and groundborne noise could originate from earth movement during the construction phase of the Proposed Project as well as from the operation and maintenance of the facilities. Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Construction activities that would have the potential to generate low levels of ground-borne vibration within the Project site include grading. Using the vibration source level of construction equipment provided on Table 5-4 of the Noise Impact Analysis and the construction vibration assessment methodology published by the FTA, it is possible to estimate the Project vibration impacts. Table 5-5 of the Noise Impact Analysis presents the expected Project-related vibration levels at each of the sensitive receiver locations based on the County of San Bernardino 0.2 in/sec PPV threshold for vibration. At distances ranging from 18 to 31 feet from Project construction activity, construction vibration velocity levels are expected to approach 0.146 in/sec PPV, as shown on Table 5-5 of the Noise Impact Analysis. Based on the County of San Bernardino vibration standards, the unmitigated Project construction vibration levels will satisfy the 0.2 in/sec PPV threshold at the nearby sensitive receiver locations. Therefore, the vibration impacts due to Project construction are anticipated to result in less than significant impacts regarding exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- c) **Less than Significant Impact.** The Project Site is located approximately 3.5 miles west of the Ontario International Airport. As demonstrated by Map 2-1, Airport Influence Area, of the Ontario Airport Land Use Compatibility Plan (ONT ALUCP), the Project Site is within the Airport Influence Area. In accordance with Map 2-2, Safety Zones, and Map 2-3, Noise Impact Zones, the Project Site is located outside of the ONT ALUCP safety and noise impact zones. The Project Site is located within the greater than 200-foot Allowable Height Above Ground Level (AGL) zone as depicted on Map 2-4, Airspace Protection Zones. The maximum height of the Proposed Project is approximately 28 feet in height within the AGL. The San Bernardino County's General Plan – Hazard Overlay Map FH27 B shows that the Proposed Project is within the Airport Safety Review Area 3. The development of the Proposed Project would be subject to the land use requirements and standards of the ALUCP, and Table S-5: Land Use Compatibility in Aviation Safety Areas of the San Bernardino General Plan. With adherence to the San Bernardino County Development Code and the applicable land use requirements and standards of the ALUCP, the Proposed Project is not anticipated to exceed County Noise Standards. Although the project site is located in a flight path, the noise levels, according to Webtrak (<https://webtrak.emsbk.com/ont4>), do not exceed the County Standards, and no mitigation measures are required.



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> San Bernardino County 2007 General Plan ; San Bernardino County Land Use Plan FH27A Map				

- a) **Less than Significant Impact.** To quantify the Proposed Project's impact on population, development under the two existing land use zoning districts (General Commercial and Single Residential) was compared to development that would be allowable after the proposed GPA (to Multiple Residential). According to the San Bernardino County General Plan, there are approximately 4.82 persons per household in the unincorporated portions of the Valley Planning Region.

The San Bernardino County Land Use Plan FH27A Map shows that the current land use zoning district of the northern portion is General Commercial (CG), which provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs. Residential uses, except residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. The northern portion of the Project Site is approximately 2.3 acres. According to the Table LU-1: Primary Purpose and Intended Uses of Land Use Zoning Districts of the San Bernardino General Plan, General Commercial district allows 0.5 dwelling units per one-acre. The maximum development of the northern portion would allow for one dwelling unit, with an approximate population of five persons.

The current land use zoning district at the southern portion of the site is Single Residential (RS-20M), which has the requirement of a minimum lot size of 20,000 square feet. The southern half of the Project Site is approximately 2.3 acres in size. According to the Table LU-1: Primary Purpose and Intended Uses of Land Use Zoning Districts of the San Bernardino General Plan, Single Residential district (RS-20M) allows for one dwelling unit per 20,000 SF. The maximum development of the southern portion would allow for five dwelling units, with an approximate population of 24 persons. The Project Site, under the existing land use zoning district designations would generate a maximum total of six residential dwelling units and an approximate population of 29 persons.

- b) Upon approval of the GPA, the land use zoning district of the northern portion of the Project Site would be Multiple Residential (RM) and the southern portion of the Project Site would remain Single Residential (RS-20M). According to the Table LU-1: Primary Purpose and Intended Uses of Land Use Zoning Districts of the San Bernardino General Plan, Multiple Residential district allows one dwelling unit per 0.05-acre. The proposed 40 condominiums and two single-family residential units are estimated to generate a population of 202 persons. Under the GPA, the Proposed Project is estimated to result in an increase of dwelling units by 36 and population of 173 persons, when compared to existing land use

zoning district. However, the GPA ensures that the Proposed Project will be developed in accordance with the San Bernardino County General Plan and Development Code. The proposed number of units and population's impacts to various services and environmental resources are discussed throughout this Initial Study. No adverse impacts are identified or anticipated, and no mitigation measures are required.

The Project Site currently vacant. The Proposed Project would provide 40 single-family residential dwelling units and would not reduce the number of existing housing units, displace people, or necessitate the construction of replacement housing elsewhere. Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				

- a) Will 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** City of Montclair 1999 General Plan; Ontario-Montclair School District: Schoolhouse Services

a) Fire Protection

**Less than Significant Impact.** The City of Montclair Fire Department provides fire protection and safety services to the City of Montclair and its Sphere of Influence. The nearest fire station is Montclair Fire Station #152, 10825 Monte Vista Avenue, located approximately one-mile northwest of the Project Site. The Proposed Project is required to provide a minimum of fire safety and support fire suppression activities, including type and building construction, fire sprinklers, and paved fire access. The Proposed Project is in an urbanized area that occurs within the existing fire service area and would accommodate approximately 202 residents (based on 4.82 people per household). The Proposed Project would receive adequate fire protection services and would not result in the need for new or physically altered fire protection facilities. Developer Impact fees are collected at the time of building permit issuance. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### Police Protection

**Less than Significant Impact.** Law enforcement services are provided by the San Bernardino County Sheriff's Department. All emergency calls and requests for service from the Project would be dispatched from the Sheriff station at 10510 Civic Center Dr, Rancho Cucamonga. As crime and calls for service change over time, the District's boundaries and staffing assignments are evaluated to maintain a balance of service across the County. Staffing for the department is not based on a particular ratio of "officer per citizen" but is determined by the ability to conduct proactive community-oriented policing and problem solving.

The Proposed Project would generate approximately 202 residents (4.82 people per household). To determine a crime rate directly associated with a development proposal would be speculative; the County reviews its needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection throughout the County. Developer Impact fees are collected at the time of building permit issuance. Therefore, no significant adverse impacts to law enforcement are identified or anticipated, no mitigation measures are required.

### Schools

**Less than Significant Impact.** The Project Site is located within the boundary of the Ontario-Montclair School District. The following schools provide educational services to the project area: Mission Elementary School (5555 Howard Street), Oaks Middle School (1221 South Oaks Avenue), and Montclair High School (4725 Benito Street). The Facilities Planning and Operations Department Ontario-Montclair School District states that as of June 8, 2018, the development impact fee is \$3.44 per SF for Single-Family and Multi-Family Residences. Using the Student Generation Rates (SGR) provided by the Ontario-Montclair School District: Schoolhouse Services, the Proposed Project is anticipated to generate approximately 3 students. The methodology of estimated students was calculated by multiplying the proposed 40 condominiums by the Condominium SGR (.05) then adding the total to the generated sum of multiplying the two single family units by the Single-Family SGR (.30).

With the collection of development impact fees, impacts related to school facilities are expected to be less than significant and no mitigation measures are required.

### Parks

**Less than Significant Impact.** According Section VI, Open Space Element of the San Bernardino County General Plan: The County will provide plentiful open spaces, local parks, and a wide variety of recreational amenities for all residents. The County strives to achieve a standard of 14.5 acres of undeveloped lands and/or trails per 1,000 population and 2.5 acres of developed regional park land per 1,000 populations. "Undeveloped lands" may include areas established to buffer regional parks from encroachment by incompatible uses. The Proposed Project would increase the population by 202 residents and a need for park space of 0.5-acre. However, the Proposed Project has planned an approximately 0.3-acre area of common open space that includes a tot lot, and picnic tables for the on-site residents. The Proposed Project would contribute to the County's current insufficient parkland acreage. However, the collection of development impact fees and inclusion of open space lots proposed within the development would ensure impacts to parks are less than significant and no mitigation measures are required.

### Other Public Facilities

**Less than Significant.** The Proposed Project population of 202 will increase demand for other public facilities/services, such as libraries, community recreation centers, and/or animal shelters. The Project Proponent would be required to pay the applicable development impact fees, property tax, and utility user tax. As such, implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. No impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>					
a)	Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** Open Space Element, San Bernardino County General Plan; City of Montclair General Plan 1999

- a) **Less than Significant Impact** San Bernardino County General Plan states the County possesses a wide variety of recreational opportunities and vast expanses of scenic vistas. This is attributable to its immense size and spatial relationship to major natural features found only in the southwestern portion of the United States. The County encompasses approximately 20,106 square miles (52,072 square kilometers). Section VI, Open Space Element of the San Bernardino County General Plan: The County will provide plentiful open spaces, local parks, and a wide variety of recreational amenities for all residents. The County strives to achieve a standard of 14.5 acres of undeveloped lands and/or trails per 1,000 population and 2.5 acres of developed regional park land per 1,000 populations. "Undeveloped lands" may include areas established to buffer regional parks from encroachment by incompatible uses. The nearest regional park, Cucamonga-Guasti Regional Park, which is approximately five miles west of the Proposed Project. The Proposed Project would increase the population by 202 residents and a need for regional park space of 0.5-acre. However, the Purposed Project has planned an approximately 0.3-acre area of common open space that includes a tot lot, picnic and tables for the on-site residents.

According to the City of Montclair General Plan: Local Parks and Recreational Areas Montclair, the City has established 48.7 acres for park and recreational use in the City. There are 12 parks, one of which is currently undeveloped and is located within the unincorporated area. Several other parks are leased from the Ontario-Montclair School District or the Chino Basin Water Conservation District for use by the City. The nearest city park, Kingsley Park, is approximately 0.6 miles north of the Proposed Project. Implementation of policies listed in the Countywide Goals and Policies of the Open Space Element in the County's General Plan would ensure impacts to neighborhood and regional parks are less than significant. The collection of development impact fees and inclusion of

open space lots proposed within the development would ensure impacts to parks are less than significant and no mitigation measures are required.

- b) **Less than Significant Impact.** The Proposed Project is the development of a 4.7-acre lot into 40 condominiums and two single-family homes with a 0.3-acre area designated common open with picnic tables and a tot lot. The 0.3-acre area will aid with Countywide Goals and Policies of the Open Space Element of 2.5 acres per 1,000 population. Implementation of policies listed in the Countywide Goals and Policies of the Open Space Element in the County's General Plan would ensure impacts to parks are less than significant and no mitigation measures are required. The Proposed Project is not anticipated to require construction or expansion of recreational facilities. Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** Urban Crossroads, June 25, 2019. Tract No. 20267 Vehicle Miles Travelled (VMT) Assessment.

In June 2019, a Vehicles Miles Travelled (VMT) Assessment was prepared by Urban Crossroads in accordance with the County of San Bernardino Traffic Impact Study Guidelines (available at the County offices for review). The findings of the report are summarized herein.

- a) **No Impact.** The study area is currently served by Omnitrans, which primarily serves the unincorporated portions of County of San Bernardino and 15 surrounding cities. Omnitrans offers multiple services such as Local Fixed Route Buses, Freeway Express Routes, OmniGo, sbX Rapid Transit, and Access ADA Service.

Omnitrans provides services to/from 12 Transit Centers throughout San Bernardino Valley. The Transit Centers interconnect to other Transit Centers, which allow for movement to major destinations such as the Ontario International Airport, medical centers, educational facilities, shopping malls, business parks, and community centers.

The VMT Assessment states that existing transit routes and the existing transit stops within a ½ mile of the Project Site. Currently, the study area is served by Omnitrans Routes 85 along

Central Avenue. Omnitrans has stops located on Central Avenue, less than ½-mile from the site. The transit frequency at stops is about 30 minutes during the morning and afternoon peak commute periods.

The VMT assessment states that, the 2018 Technical Advisory indicates that residential and office projects that locate in areas with low VMT, and that incorporates similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. The San Bernardino County Policy Plan Traffic Impact Analysis (March 27, 2019, prepared by Fehr & Peers) identifies that the Valley subregion exhibits the lowest average VMT for unincorporated areas. The residential VMT/Capita for unincorporated Valley subregion is 14.1 compared to 20.5 for the unincorporated San Bernardino County. The Proposed Project's VMT/Capita is anticipated to be approximately 31% lower than the average residential VMT/Capita for the unincorporated San Bernardino County. The Project's VMT/Capita is presumed to be less than significant due to the Project's location in a low- VMT generating area.

The Proposed Project is not anticipated to conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. No impacts are identified or are anticipated, and no mitigation measures are required.

- b) **No Impact.** The San Bernardino County Policy Plan Traffic Impact Analysis (March 27, 2019, prepared by Fehr & Peers) identifies that the Valley subregion exhibits the lowest average VMT for unincorporated areas. The Proposed Project is located in the unincorporated Valley subregion of the San Bernardino County and as such, VMT/Capita for the Project is expected to be below the Countywide average. The 2018 Technical Advisory indicates that residential and office projects that locate in areas with low VMT, and that incorporates similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. The residential VMT/Capita for unincorporated Valley subregion is 14.1 compared to 20.5 for the unincorporated San Bernardino County. The Proposed Project is not anticipated to conflict or be inconsistent with CEQA Guidelines section 15064.3.(b)(1). No impacts are identified or are anticipated, and no mitigation measures are required.
- c) **No Impact.** The Project Site is located on the south side of Mission Boulevard between Vernon and Benson Avenues. Mission Boulevard and Bel Air Avenue will serve as access roads for the Proposed Project (refer to Figure 3, Site Plan). Proposed off-site improvements include extending Bel Air Avenue to create a cul-de-sac and a southerly site access (driveway), as well as installation of curb, gutter, and sidewalk improvements along the Project Site's southern frontage. The Proposed Project is not expected to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). No impacts are identified or are anticipated, and no mitigation measures are required.
- d) **Less than Significant Impact.** Mission Boulevard and Bel Air Avenue will serve as access roads for the Proposed Project (see Figure 3, Site Plan). The Proposed Project design features will be verified during the County's Site Plan review process. The Proposed Project is not anticipated to result in inadequate emergency access. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is?

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or?

☐ ☐ ☒ ☐

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

☐ ☒ ☐ ☐

**SUBSTANTIATION:** McKenna et al. May 28, 2019. Phase I Cultural Resources Investigation for Tentative Tract Map No. 20267; County of San Bernardino Tribe Consultation Letters

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

a) i) **Less than Significant Impact.** Senate Bill 18 (SB 18) was approved by Governor Schwarzenegger on September 29, 2004. SB 18 changed the California Government Code and requires local government agencies to contact and consult with California Native American Tribes prior to amendment or, or adoption of General Plans, Specific Plans, or designation of Open Space.

Assembly Bill 52 (AB52) was approved by Governor Brown on September 25, 2014. AB52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill require lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead agency, in writing, to be informed of proposed projects in that geographic area. The legislation further requires that the tribe-requested consultation be completed prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

The Proposed Project has low potential for historic archaeological resources and is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources. However, the Aha Makav Cultural Society, Fort Mojave Indian Tribe (FMIT) responded on July 3, 2019 and concurs with Mitigation Measure CR-1 which is listed in Section V. With implementation of Mitigation Measure CR-1, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- ii) **Less than Significant with Mitigation.** In accordance with Assembly Bill 52 (AB 52) and Senate Bill 18 (SB18), San Bernardino County contacted the Aha Makav Cultural Society - Colorado River Indian Tribes, San Gabrieleño Band of Mission Indians, San Manuel Band of Mission Indians, , Gabrieleno Band of Mission Indians, Soboba Band of Luiseno Indians and Morongo Band of Mission Indians, in June 2019 and inquired into the presence/absence of any known sacred or religious Native American sites in the general area of the Project Site. Letters were sent to the identified representatives, requesting comment or raising issues pertaining to the area. The Aha Makav Cultural Society, Fort Mojave Indian Tribe (FMIT) responded on July 3, 2019 with “No Adverse Effects” indicating the Proposed Project will not adversely affect properties of cultural or sacred significance to the FMIT Tribe. The Gabrieleño Band of Mission Indians-Kizh Nation responded in August 2019, with the following Mitigation Measures that the County agrees will be implemented:

**Mitigation Measure TR-1:**

*The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC’s Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.*

**Mitigation Measure TR-2:**

*Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation*



of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

### **Mitigation Measure TR-3:**

*Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.*

*Upon discovery, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.*

*Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).*

*If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.*

*Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered*

*with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material.*

#### **Mitigation Measure TR-4:**

*If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.*

*Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.*

Based on completion of consultation under AB 52 with interested tribes, final recommendations will be incorporated into the Project's Mitigation Monitoring and Reporting Program and Conditions of Approval. Implementation of Mitigation Measures TR-1 through TR-4 would ensure impacts are reduced to a less than significant level.

<b>Issues</b>		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in a determination by the wastewater treatment provider,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?				
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** Monte Vista Waster District (MVWD) 2015 Urban Water Management Plan; City of Montclair General Plan 1999; City of Montclair, Sewer Master Plan 2017; California Department of Resources Recycling and Recovery (CalRecycle); Solid Waste Section IV: Circulation and Infrastructure Element, San Bernardino County General Plan 2007

a) **Less than Significant Impact.**

The Monte Vista Water District (MVWD) is the public water utility that would provide water service to the Project Site as shown on MVWD Map. Currently, there are two existing water lines in the vicinity; one 10-inch water line in Mission Boulevard along the Project Site's northern boundary, and one 6-inch water line in Bel Air Avenue along the Project Site's southern boundary. The Proposed Project would be connected to one or both of the existing water lines. The Project Proponent will pay all connection and meter fees to MVWD and adhere to MVWD's requirements for ensuring that the appropriate connections are made to the existing main.

According to the City of Montclair: Sewer Master Plan 2017, the majority of wastewater flows within the City and southerly unincorporated areas in the City's sphere of influence. Wastewater flows are conveyed to a 21-inch trunk sewer along Roswell Avenue near the southwest corner of the City before being discharged to the regional Inland Empire Utilities Agency (IEUA) interceptor system. The remaining City wastewater is discharged to the regional IEUA interceptor within Phillips Boulevard east of Ramona Avenue. The City of Montclair owns, operates, and maintains a sanitary sewer collection system including approximately 87 miles of sewer lines, among which, 80 miles of City sewers are within the City limits and the remaining seven miles of City sewer lines are located in the southerly unincorporated areas of the City. The City of Montclair Public Works Sewer Maintenance Division would provide sewer service to the Project Site via the existing eight-inch sewer line located in Bel Air Avenue along the southern portion of the Project Site as shown on Figure 3. The Proposed Project will be connected to the existing sewage line.

Southern California Edison (SCE) provides electrical service to the project area. The source of electricity is from existing powerlines. The Proposed Project will receive electrical power by connecting to Southern California Edison's existing power lines. Southern California Gas Company provides natural gas service to the vicinity and the Proposed Project Site. Therefore, the Proposed Project will receive natural gas from the Southern California Gas Company by connecting to the existing line. Verizon and Time Warner Cable provide telecommunication services to the vicinity of the area. Telecommunication services to the area will be via above ground connections from existing telephone lines and therefore the Proposed Project will connect to existing telecommunication infrastructure.

Residential development of the Proposed Site has been included in the utility and service providers' plans. The Proposed Project is not anticipated to require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- b) **Less than Significant Impact.** The Monte Vista District (MVWD) is the public water utility that would provide water service to the Project Site as shown on MVWD Map. As stated in the 2015 UWMP, the region utilizes drinking water produced from groundwater and water purchased from WFA, CDA, and the San Antonio Water Company and has purchased recycled water from IEUA. The UWMP states that the region will increase its total water supply from 16,833 AF of water delivered in 2015 to 51,828AFY in 2040. Additionally, the UWMP provides a supply reliability analysis which includes future supply and demand comparisons for the service area. As shown in UWMP Table 5-5, Multiple Dry Years Supply and Demand Comparison, the projected 2040 multiple dry year water supply is 51,586AF while the projected 2040 multiple dry year water demand is approximately 36,364AF. As provided by Table 4-1 Existing Land Use Unit Demands of the Inland Empire Utilities Agency, Land Use Based Demand Model Development: Final Technical Memorandum, the proposed 40 condominiums and two single family units are anticipated to result in a total water demand of 12.46 per year on average. This would amount to approximately 0.034 percent of the anticipated multiple dry year water supply in 2040. Therefore, the District can expect to meet future demands through 2040 for all climatologic classifications. Furthermore, the Proposed Project is a conditionally permitted use within the General Plan and therefore associated water demands have already anticipated by the Monte Vista District and evaluated by the 2015 UWMP. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
- c) **Less than Significant Impact.** According to the City of Montclair's Sewer Master Plan 2017, the Project Site is within the sewer service area of the City of Montclair. The City, through its Public Works Department, provides sewer service to residents and businesses within the City limits as well as the southerly unincorporated areas in the City's sphere of influence. The City also receives some flow from the City of Upland. The City owns, operates, and maintains a sanitary sewer collection system including approximately 87 miles of sewers. Among which, 80 miles of City sewers are within the City limits and the remaining seven miles of City sewers are located in the southerly unincorporated areas of the City. The majority of wastewater flows within the City are conveyed to a 21-inch trunk sewer along Roswell Avenue in the southwest corner of the City before being discharged to the regional Inland Empire Utilities Agency (IEUA) interceptor system. The remaining City wastewater flow is discharged to the regional IEUA interceptor on Phillips Boulevard east of Ramona Avenue.

The City of Montclair Public Works Sewer Maintenance Division would provide sewer maintenance to the Project Site via the existing eight-inch sewer line located in Bel Air Avenue along the southern portion of the Project Site as shown on the TTM 20267.

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

- d) **Less than Significant Impact.** Burrtec provides solid waste services for the City of Montclair and surrounding areas. The nearest landfill is the Mid-Valley Sanitary Landfill, located in Rialto. According to CalRecycle, the Mid-Valley Landfill has an estimated remaining capacity of 67,520,000 cubic yards with an approximate cease operation date of April 2033. The nearest Material Recovery Facilities (MRF) is West Valley Transfer Station in Fontana, which sorts and processes recyclable materials. As

provided by California Department of Resources Recycling and Recovery (CalRecycle), the proposed 40 condominiums and two Single-Family residential units are anticipated to produce approximately 142 pounds of solid waste per day. The Proposed Project's contribution of 142 pounds of solid waste per day would not substantially alter existing or future solid waste generation patterns or disposal services considering the maximum permitted throughput at the Mid-Valley Landfill and the availability of additional landfills in the region. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

The Proposed Project would also adhere to regional and state solid waste policies. The Proposed Project is subject to Assembly Bill 1327, Chapter 18, Solid Waste Reuse and Recycling Access Act of 1991 (Act). The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass, and other recyclables. Implementation of the waste reduction and recycling programs would reduce the amount of solid waste generated by the Proposed Project and diverted to landfills. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- e) **Less than Significant Impact.** The Proposed Project would be consistent with the Solid Waste Section IV: Circulation and Infrastructure Element of the County General Plan waste policies and goals. The Proposed Project would comply with all federal, state, and local statutes and regulations related to solid waste, including the Solid Waste Reuse and Recycling Access Act of 1991. The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass, and other recyclables. The Proposed Project does not propose any activities that would conflict with the applicable programmatic requirements. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XX.</b>	<b>WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a)	Substantially Impair and adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants, to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

landslides, as a result of runoff, post-fire slope instability or drainage changes?

**SUBSTANTIATION:** San Bernardino County, Hazards Overlay Map; LGC Geo-Environmental, Inc. February 20, 2019. Preliminary Infiltration Investigation Report; FEMA Flood Zone; Encompass Associates, Inc. February 28, 2019. Preliminary Water Quality Management Plan

- a) **No Impact.** The Project Site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County of San Bernardino. The Proposed Project would not impair an adopted emergency response plan or emergency evacuation plan; therefore, no impacts are identified or are anticipated, and no mitigation measures are required.
- b) **No Impact.** With no major slopes. Elevations on-site range from approximately 939 feet above mean sea level (msl) in the northern portion of the Project Site to approximately 931 feet msl in the southern portion of the Project Site. Additionally, the Project Site is located within a predominantly developed region with no wildlands located on or adjacent to the Project Site. As shown in the San Bernardino County Land Use Plan: General Plan Hazard Overlays Map, the Project Site is not identified in an area associated with risk of wildland fire. Therefore, the Proposed Project is not anticipated to exacerbate wildfire risks, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.
- c) **Less than Significant Impact.** The Project Site is located on the south side of Mission Boulevard between Vernon and Benson Avenues. Proposed off-site improvements include extending Bel Air Avenue to create a cul-de-sac and southerly site access (driveway), as well as installation of curb, gutter, and sidewalk improvements along the Project Site southern frontage. As stated in Section XIX(a), the Proposed Project will connect to existing utilities and service system infrastructure. Therefore, the Proposed Project is not anticipated to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.
- d) **No Impact.** According to LGC's Infiltration Report the topography of the Proposed Project site is relatively level. Elevations range from approximately 939 feet above mean sea level (msl) in the northern portion of the Proposed Project Site to approximately 931 feet msl in the southern portion of the Proposed Project Site. As shown in the San Bernardino County Land Use Plan: General Plan Hazard Overlays Map, the Project Site is not identified in an area associated with risk of wildland fire. Additionally, the Project Site is not located within a 100-year FEMA Flood Zone Area and there are no dams, reservoirs, or large water bodies near the Project Site, as shown in the FEMA Flood Map. Furthermore, as stated in Section IX (Hydrology & Water Quality), The Preliminary WQMP calculates the required design capture volume (DCV) for stormwater at the Project Site is approximately 12,214 cubic feet. The WQMP states that above ground retention volume is anticipated to be approximately 6,472 cubic feet and the

underground retention volume is anticipated to be approximately 5,831 cubic feet. The infiltration drainage basins are anticipated to capture 100 percent of the runoff. Therefore, the Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>					
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> Jericho Systems, Inc. May 28, 2019. Biological Resources Assessment and Jurisdictional Waters Delineation; McKenna et al. May 7, 2019. Phase I Cultural Resources Investigation for the Tentative Track Map No. 20267					

- a) **Less than Significant with mitigation incorporated.** In June 2019, Jericho prepared a Biological Resources Assessment (BRA) and Jurisdictional Delineation (JD) for the Proposed Project. Jericho concludes that vegetation on-site has the potential to support nesting birds and migratory birds protected under the MBTA. The Project Site also provides potential foraging habitat for raptors. As such, pre-construction surveys are warranted and recommended to reduce the potential impacts to nesting birds, should project implementation occur during the bird nesting season. Therefore, possible significant adverse impacts have been identified or are anticipated and Mitigation Measure BIO-1 is required as a condition of project approval, in accordance with the recommendations provided by Jericho, to reduce these impacts to a level below significant. The Proposed Project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or a wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, and reduce the number or restrict the range of a rare or endangered plant or animal with implementation of Mitigation Measure BIO-1. No additional mitigation is warranted.

In May 2019, McKenna et al. prepared an Historical/Archaeological Resources Survey Report for the Proposed Project. Based on the findings, McKenna et al. concludes that no "historical resources" will be impacted by the Proposed Project. However, the possibility of discovering significant examples of the major periods of California history or prehistory remains. Therefore, possible significant adverse impacts have been identified or anticipated and Mitigation Measure CR-1 through CR-2, listed in Section V, and Mitigation Measure TR-1 through TR-5, listed in Section XVIII are required as a condition of project approval to reduce these impacts to a level below significant; no additional mitigation is warranted.



- b) **Less than Significant Impact.** Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

(a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Impacts associated with the Proposed Project would not be considered individually or cumulatively adverse or considerable. Impacts identified in this Initial Study can be reduced to a less than significant impact. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- c) **Less than Significant Impact.** The incorporation of design measures, County of San Bernardino policies, standards, and guidelines and proposed mitigation measures as identified within this Initial Study would ensure that the Proposed Project would have no substantial adverse effects on human beings, either directly or indirectly on an individual or cumulative basis.

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## **PROJECT-SPECIFIC REFERENCES**

Encompass Associates, Inc. February 28, 2019. Preliminary Water Quality Management Plan for: Tract 20267 Prepared for Crestwood Communities.

Jericho Systems, Inc. May 28, 2019. Biological Resources Assessment and Jurisdictional Waters Delineation. Prepared for Lilburn Corporation.

LGC Geo-Environmental, Inc. December 28, 2018. Preliminary Soil Investigation Report. Prepared for Patrick Diaz.

LGC Geo-Environmental, Inc. February 20, 2019. Preliminary Infiltration Investigation Report. Prepared for Patrick Diaz.

McKenna et al. May 28, 2019. Phase I Cultural Resources Investigation for Tentative Tract Map No. 20267. Prepared for Lilburn Corporation.

Urban Crossroads, June 25, 2019. Tentative Tract No. 20267 Noise Impact Analysis. Prepared for Lilburn Corporation.

Urban Crossroads, June 25, 2019. Tract No. 20267 Vehicle Miles Travelled (VMT) Assessment. Prepared for Lilburn Corporation.

## **Draft Resolution #3304**

**Attachment 5**

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

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**PROPOSAL NO.: LAFCO SC#449**

**HEARING DATE: APRIL 15, 2020**

## **RESOLUTION NO. 3304**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#449 – CITY OF MONTCLAIR IRREVOCABLE AGREEMENT TO ANNEX NO. 20-06-I-104 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBER 1011-351-02)**

**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 et seq.), 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 April 15, 2020 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;

## RESOLUTION NO. 3304

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

### **DETERMINATIONS:**

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

1. The project area, identified as Assessor Parcel Number 1011-351-02, is within the sphere of influence assigned to the City of Montclair and is anticipated to become a part the City sometime in the future. The application requests authorization to receive sewer service from the City of Montclair for the proposed Tentative Tract Map 20267. This requirement is a condition of approval placed upon the project by the County. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy this condition of approval
2. The Irrevocable Agreement to Annex No. 20-06-I-104 being considered is for the provision of sewer service to Assessor Parcel Number 1011-351-02, generally located on the south side of Mission Boulevard (5533 Mission Boulevard). This contract will remain in force in perpetuity for the proposal development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Montclair to proceed in finalizing the agreement for the extension of sewer service.
3. The City of Montclair estimates a total of \$322,654.50 (known cost) for the extension of sewer service to the proposed project. The property owner/developer shall bear all costs to complete improvements needed to extend sewer service to the parcel.
4. During the period from August to December 2019, acting as the CEQA lead agency, the County prepared an environmental assessment for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-single family residential lots on a 4.7-acre project site. The assessment indicates that the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed 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 as 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.

**RESOLUTION NO. 3304**

**SECTION 2. CONDITION.** The City of Montclair 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 Montclair to provide sewer service to Assessor Parcel Number 1011-351-02.

**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#449 – City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 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, SAMUEL MARTINEZ, 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 April 15, 2020.**

**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** APRIL 8, 2020

**FROM:** SAMUEL MARTINEZ, Executive Officer  
JEFFREY LUM, LAFCO Analyst

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #7: LAFCO SC#450 – City of San Bernardino Irrevocable Agreement No. 2020-002 for Sewer Service (Assessor Parcel Numbers 0262-041-09, -13, -18 and -20)

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**INITIATED BY:**

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

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#450 by taking the following actions:

1. For environmental review as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Minor Use Permit to construct a 321,496 sq. ft. industrial warehouse facility with a 10,000 sq. ft. office space on the approximately 20-acre project site, 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#450 authorizing the City of San Bernardino to extend sewer service outside its boundaries to the project area comprised of four (4) adjacent parcels identified as Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18 and 0262-041-20; and,
3. Adopt LAFCO Resolution #3305 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 four (4) contiguous parcels, Assessor Parcel Numbers (APNs) 0262-041-09, -13, -18, and -20, comprising approximately 20 acres, generally located on the north side of Cajon Boulevard, approximately 2,500 feet south of the intersection of Kendall Drive and Cajon Boulevard, in the community of Verdemon 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.



*FIGURE 1 – Vicinity Map*

In 2019, the County Land Use Services Department (LUSD) processed and approved a Minor Use Permit (MUP) for the construction of a 321,496 sq. ft. industrial warehouse facility with 10,000 sq. ft. office space on the 21.2-acre project site. The Conditions of Approval for the project includes the requirement to connect to the City of San Bernardino's sewer facilities (Conditions 113) and requires LAFCO approval of the contract (Item 2, Condition 116). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

It should be noted that 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).

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/developer, 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 connecting to City of San Bernardino existing 15-inch sewer main in Cajon Boulevard, adjacent to the proposed development.

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 \$61,634.26 in sewer fees. The following table provides the breakdown of fees:

<b>FEES</b>	<b>COST</b>	<b>TOTAL</b>
Sewer Capacity Fee	\$26,238.38	\$26,238.38
Sewer Connection Fee	\$330.02/3,000 sf	\$35,366.70
Sewer Lateral Inspection Fee	\$29.18	\$29.18
	<b>Total Sewer Fees</b>	<b>\$61,634.26</b>

In addition, the City identified an Outside City Sewer Service Permit fee of \$1,321. The property owner/developer will also be responsible for the entire cost of the construction and installation of the sewer improvements to the project.

**ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration for a Minor Use Permit to construct and operate a 321,496 sq. ft. industrial warehouse facility with a 10,000 sq. ft. of office space on the 20-acre project site. 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 sewer service from the City of San Bernardino.

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 four (4) adjacent parcels identified as Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18, and 0262-041-20, 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. The requirement for sewer connection is a condition of approval 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 four (4) adjacent parcels, Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18, and 0262-041-20, which are generally located on the north side of Cajon Boulevard, approximately 2,500 feet south of the intersection of Kendall Drive and Cajon Boulevard, in the community of Verdemon 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 \$61,634.26 (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/developer shall bear all costs to complete improvements needed to extend the sewer service to the proposed development.
4. During the period from November 2018 to March 2019, acting as the CEQA lead agency, the County prepared an environmental assessment for a Minor Use Permit (MUP) to construct a 321,496 sq. ft. industrial warehouse facility with a 10,000 sq. ft. of office space on the approximately 20-acre project site. 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.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#450, 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.

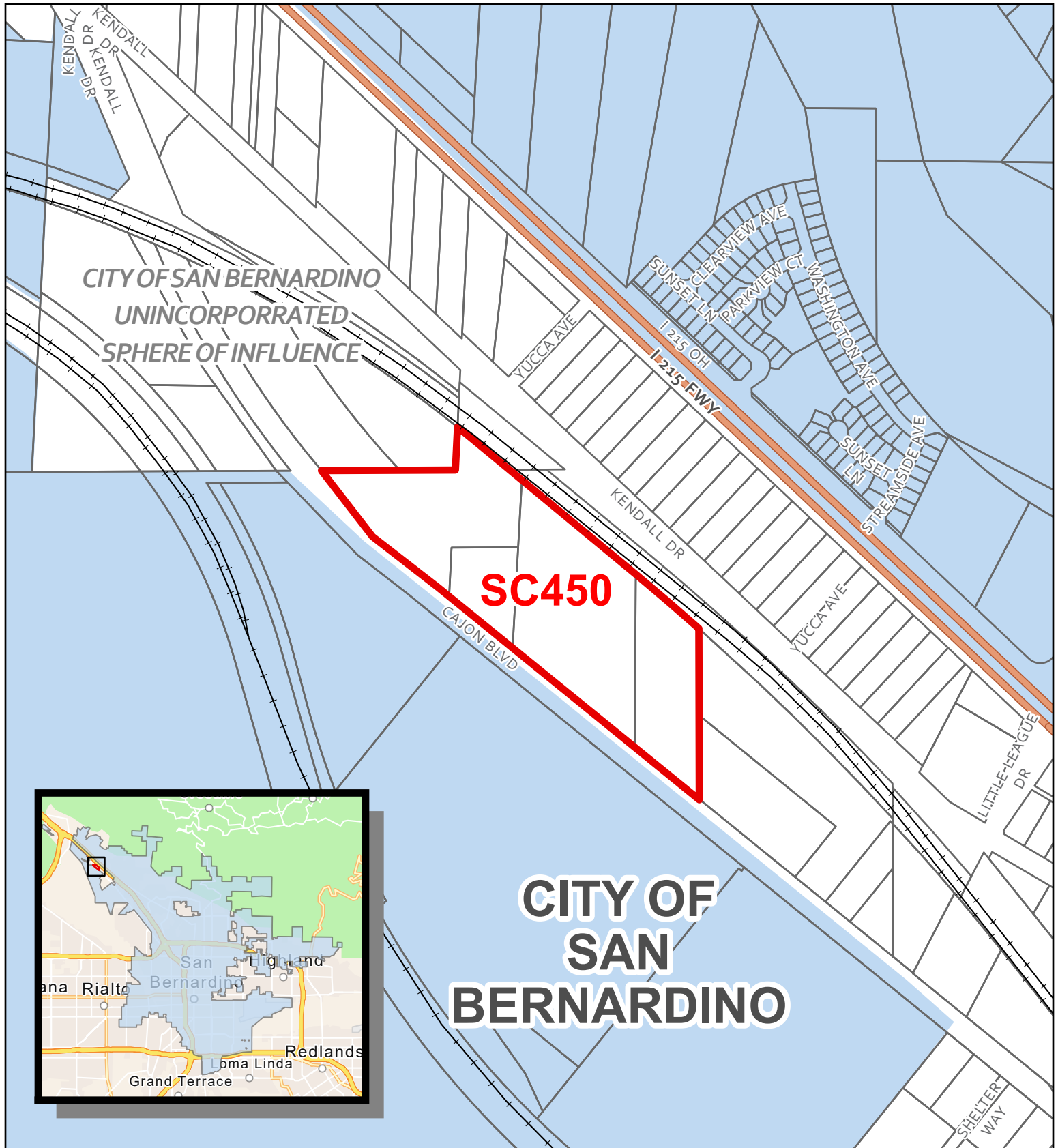
SM/jl

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Contract](#)
3. [County Conditions of Approval for the Minor Use Permit](#)
4. [Tom Dodson and Associates' Response Including the County's Environmental Assessment for the Minor Use Permit](#)
5. [Draft Resolution #3305](#)

# **Vicinity Map**

**Attachment 1**





**SC 450 - City of San Bernardino Irrevocable Agreement to  
Annex No. 2020-002 for Sewer Service  
(Assessor Parcel Numbers 0262-041-09, -13, -18 and -20)**

0 125 250 500  
Yards



Disclaimer: The information shown is intended to be used for  
general display only and is not to be used as an official map.

-  SC 450 (APNs: 0262-041-09, -13, -18 and -20)
-  City of San Bernardino

# **City of San Bernardino's Application and Contract**

**Attachment 2**



**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: San Bernardino Municipal Water Department

CONTACT PERSON: Ted Brunson

ADDRESS: 397 Chandler Place  
San Bernardino, CA 92408

PHONE: (909) 453-6165

EMAIL: Ted.Brunson@sbmwd.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Cajon Boulevard LLC, a Delaware limited  
liability company

CONTACT PERSON: Clark Neuhoﬀ

MAILING ADDRESS: Alere Property Group  
100 Bayview Circle, Suite 310 Newport Beach, CA 92660

PHONE: 949-509-5002

EMAIL: cneuhoﬀ@alerellc.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 19640 Cajon Boulevard  
San Bernardino, CA 92407

CONTRACT NUMBER/IDENTIFICATION: 2020-002

PARCEL NUMBER(S): APN(s): 0262-041-09, 13, 18 & 20

ACREAGE: 19.045 From PIMS

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.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.

Sanitary Sewer Collection (Sewer Connection)

Sanitary Sewage Treatment (Sewer Capacity)

- (b) Are any of the services identified above "new" services to be offered by the agency? ☒ YES ☐ NO. If yes, please provide explanation on how the agency is able to provide the service.

Existing sanitary sewer collection mains exist within street fronting parcel.

Existing wastewater treatment plant has available treatment capacity.

Sewer lateral to connect to SBMWD sanitary sewer main to be installed by owner.

2. Is the property to be served within the agency's sphere of influence? ☒ YES ☐ NO

3. Please provide a description of the service agreement/contract.

SBMWD Sewer Connection Invoice to be paid prior to issuance of permits and sewer connection.

Sewer collection and treatment fees to be added to property's SBMWD account for monthly billing.

Irrevocable Annexation Agreement was established as a required condition of connection.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. 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.

No Known time frame exists. Goals of annexation will be furthered by

Irrevocable Annexation Agreements for new sewer connections.

- (b) Is the property to be served contiguous to the agency's boundary?  
☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

The annexation is being contemplated and is desired. Goals of annexation will  
be furthered by Irrevocable Annexation Agreements for new sewer connections.

Single parcel annexations are not being pursued, due to administrative costs.

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 ☐ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

Not applicable. Contract property is within Agency's sphere of influence.

6. (a) What is the existing use of the property?

The site is currently graded to make way for the proposed warehouse. Prior to the site grading, the majority of the site was  
vacant with a small portion of the site being used for tractor-trailer and misc. storage along with a few small out-buildings.

- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change.

The proposed development consists of an industrial warehouse.

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 321,496 square foot warehouse with 10,000 square feet of office space.

The project received planning approval in the form of a minor use permit on 3/25/2019.

The site has been graded and is currently awaiting a building permit from the County.

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	<input type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

See attached documents.

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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. Plan for Service:

- (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.

SBMWD 15" VCP sanitary sewer main exists in Cajon Blvd., fronting the contract

property. Capacity exists in this 15" sanitary sewer main, as well as at the San

Bernardino Water Reclamation Plant, to serve this contract property.

Sewer lateral to be installed by owner's licensed contractor (Class A or Classes

C-34 & C-42), from proposed development up to and including connection to

existing sanitary sewer main. All necessary permits for excavation and pavement

replacement to be obtained by owner's contractor with the respective governing

agencies. SBMWD to provide sewer connection permit and certificate of paid

sewer capacity fees, as well as perform inspection of the completed sewer lateral.

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- (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.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Capacity Fee	\$26,238.38	\$26,238.38
Sewer Connection Fee	\$330.02/3,000sf	\$35,366.70
Sewer Lateral Inspection Fee	\$29.18	\$29.18
<b>Total Costs</b>		<b>\$61,634.26</b>

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

Outside City Sewer Service Permit Application Fee

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Fee amounts to \$1,321.00, due upon receipt of application.

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- (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).

Not applicable.

- 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.  
Policy attached. Policy was adopted by the City of San Bernardino when the  
sewer collection system was maintained by the Public Works Department. It  
is unknown if this policy has been provided to LAFCO at an earlier date.

## CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the  
\_\_\_\_\_ SBMWD 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*

(FOR LAFCO USE ONLY)

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:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

04/09/2020

**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:

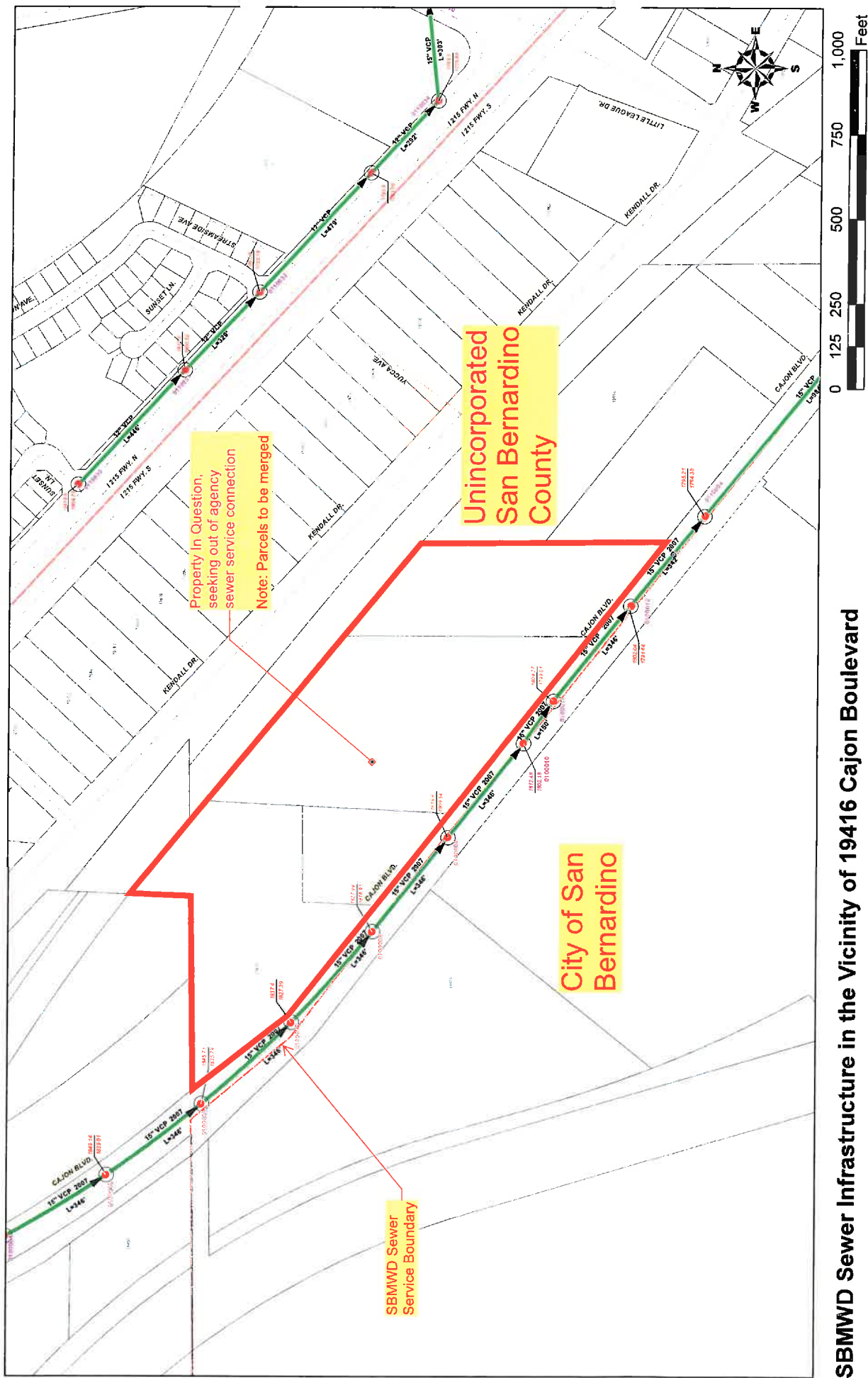
**Local Agency Formation Commission for San Bernardino County**

1170 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015





RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City of San Bernardino  
290 N. D Street  
San Bernardino, California 92401  
Attn: City Manager

Exempt from Recording fee  
pursuant to Gov't Code §§ 27383, 6103

(Space above for Recorder's use)

**IRREVOCABLE AGREEMENT TO ANNEX**

No. \_\_\_\_\_

THIS AGREEMENT, is entered into this 29 day of January, 2019; by and between Cajon Boulevard, LLC c/o Alere Property Group, LLC, hereinafter referred to as "OWNER," and the City of San Bernardino, a charter city and municipal corporation, hereafter referred to as "CITY."

**RECITALS:**

WHEREAS, OWNER holds title to the unincorporated parcel(s), located at 19416 Cajon Blvd, California, and parcel(s) is (are) further described as follows: PTN SEC 2 TP 1N R 5W COM AT INTERSECTION NELY LI STATE HWY R/W WITH WLY LI IRVINGTON LAND AND WATER CO SUB TH NWLY ALG SD NELY LI STATE HWY 1050 FT TO TRUE POB TH CONT NWLY ALG SD NELY LI 350 FT TH NLY PARALLEL TO WLY LI IRVINGTON LAND AND WATER CO SUB PT OF INTERSECTION WITH SWLY LI A T AND S F RR R/W TH SELY ALG SD R/W 350 FT TH SLY PARALLEL TO WLY LI IRVINGTON LAND AND WATER CO SUB TO POB 5 AC M/L

PTN SEC 2 TP 1N R 5W COM AT SW COR LOT M MEYER & BARCLAY SUB TH SLY ALG SLY EXT W LI SD LOT M TO NELY LI ST HWY TH SELY ALG SD NELY LI SD SHWY TO A PT WHICH IS 1400 FT NWLY ALG SD GHGWY FROM WLY LI IRVINGTON LAND & WATER CO SUB TH N TO INTERSECTION SWLY LI A T & S F RR R/W TH NWLY ALG SLY R/W TO S LI LOT M TH W TO POB EX PARCEL MAP 3925 & EX MNL RTS RESERVATION OF RECORD

BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 3925, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, SAID POINT BEING THE TRUE POINT OF BEGINNING THENCE NORTH 51 DEG 05'49" WEST ALONG THE NORTHWESTERLY RIGHT OF WAY OF CAJON BOULEVARD, A DISTANCE OF 343.98 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 1; THENCE NORTH 02 DEG 42'00" EAST, A DISTANCE OF 204.94

FEET ALONG THE WESTERLY LINE OF SAID PARCEL 1; THENCE NORTH 89 DEG 36'35" EAST, A DISTANCE OF 277.97 FEET TO THE EASTERLY LINE OF SAID PARCEL 1; THENCE SOUTH 02 DEG 42'00" WEST, A DISTANCE OF 423.10 FEET TO THE TRUE POINT OF BEGINNING.

THAT PORTION OF LAND LOCATED IN SECTION 2, TOWNSHIP 1 NORTH, RANGE 5 WEST DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 10 OF THE MEYER AND BARCLAY SUBDIVISION THENCE SOUTH 89 DEG 36'35" WEST ALONG THE SOUTH BOUNDARY OF SAID MEYER AND BARCLAY SUBDIVISION, 233.98 FEET TO THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE CALIFORNIA STATE HIGHWAY, KNOWN AS 31-A OR U.S. 66, THENCE CONTINUING SOUTH 89 DEG 36'35" WEST ALONG SAID SOUTH BOUNDARY LINE OF MEYER AND BARCLAY SUBDIVISION, ALSO BEING SAID NORTHEASTERLY LINE OF SAID HIGHWAY, A DISTANCE OF 330.43 FEET TO THE INTERSECTION OF THE NORTHEASTERLY LINE OF SAID HIGHWAY THENCE LEAVING SAID SOUTH BOUNDARY LINE AND CONTINUING SOUTHEASTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE IN ACCORDANCE WITH LAST MENTIONED DEED ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3450.00 FEET THROUGH AN ANGLE OF 11 DEG 34'37" A DISTANCE OF 697.10 FEET TO THE END THEREOF; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE SOUTH 50 DEG 58'30" EAST TO A POINT ON THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOHN T. RITCHIE, ET UX THENCE NORTH ALONG THE WEST LINE OF SAID RITCHIE LAND TO THE POINT OF BEGINNING TOGETHER WITH ALL OF PARCEL 1 OF PARCEL MAP NO. 3925 LOCATED NORTH OF THE SOUTH TWO ACRES OF SAID PARCEL 1, SAID SOUTH TWO ACRES DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, SAID POINT BEING THE TRUE POINT OF BEGINNING THENCE NORTH 51 DEG 05'49" WEST ALONG THE NORTHWESTERLY RIGHT OF WAY OF CAJON BOULEVARD, A DISTANCE OF 343.98 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 1; THENCE NORTH 02 DEG 42'00" EAST, A DISTANCE OF 204.94 FEET ALONG THE WESTERLY LINE OF SAID PARCEL 1; THENCE NORTH 89 DEG 36'35" EAST, A DISTANCE OF 277.97 FEET TO THE EASTERLY LINE OF SAID PARCEL 1; THENCE SOUTH 02 DEG 42'00" WEST, A DISTANCE OF 423.10 FEET TO THE TRUE POINT OF BEGINNING, as per map recorded in Book 0262 of Maps, page 04, records of the County Recorder of San Bernardino County, State of California. with Assessor's Parcel Number(s): 0262-041-09, 13, 18 & 20 ("Property").

WHEREAS, the Property is within the CITY's sphere of influence; and

WHEREAS, OWNER desires to obtain CITY's sewage system and wastewater treatment plant service for the Property; and

WHEREAS, CITY's sewage system and wastewater treatment plant service could be provided to Property by connecting to the CITY'S sewer service system; and

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

NOW, THEREFORE, the parties hereto agree as follows:

**SECTION I            OWNER AGREES:**

- a. OWNER hereby consents to the annexation of the Property to the CITY. OWNER 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. OWNER 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 OWNER'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.
- 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 to connect to and use the CITY'S sewage system and wastewater treatment plant service system, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the 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 the San Bernardino Municipal Code and any rules and regulations promulgated by the Water Board of the San Bernardino Municipal Water Department relating to CITY'S sewage system and wastewater treatment plant service system.
- f. To make application to the Local Agency Formation Commission, and allow CITY to make application on behalf of the Owner and pay all application fees, for approval to

connect to CITY'S sewage system and wastewater treatment plant service system, pursuant to Section 56133 of the Government Code.

- g. To execute a standard form agreement with CITY stipulating the terms and conditions under which the connection to the CITY'S sewage system and wastewater treatment plant service system shall be made and maintained.
- h. OWNER acknowledges and agrees that if the CITY determines that any attempted annexation fails or is unreasonably delayed because the OWNER or Successor failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to the CITY'S sewage system and wastewater treatment plant service system permitted or authorized by this agreement may be disconnected at the sole option of CITY and upon reasonable notice to the OWNER to provide for alternative service.
- i. OWNER 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.
- j. OWNER shall indemnify, defend, and hold the CITY and its officials and staff harmless from any and all liability, claims, costs (including reasonable attorneys' fees), damages, expenses and causes of action resulting from any construction performed under or otherwise related to performance of this Agreement.

## **SECTION II**

### **CITY Agrees:**

- a. To allow OWNER's parcel(s), described hereinbefore, to connect to the CITY'S sewage system and wastewater treatment plant service system, subject to payment of all applicable fees and permits.

## **SECTION III**

### **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(s) 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 parcel(s) to CITY'S sewage system and wastewater treatment plant service system is contingent upon OWNER securing approval from LAFCO.
- d. This Agreement may be executed in counterparts.
- e. CITY and OWNER 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.

- f. This Agreement may only be amended by the written consent of all of the Parties at the time of such amendment. If either Party commences an action against the other Party arising out of or in connection with this Agreement, the prevailing party shall be entitled to have and recover from the losing Party reasonable attorneys' fees and costs of suit, and, if the City is awarded such attorneys' fees and costs, such award shall constitute a lien upon the Property.
- g. 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.
- h. This Agreement has been executed in and shall be governed by the laws of the State of California. With venue being in San Bernardino County.

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

CITY OF SAN BERNARDINO

*Approved By:*



Teri Ledoux  
City Manager

*Approved as to Form:*



Gary D. Saenz  
City Attorney

*Attested By:*

Georgeann Hanna, MMC  
City Clerk

OWNER



Signature

**DANIEL L. WEBB**  
Vice President

Name

Title

**CALIFORNIA ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 that document.

State of California

County of San Bernardino }

On January 29, 2020 before me, \_\_\_\_\_  
Date

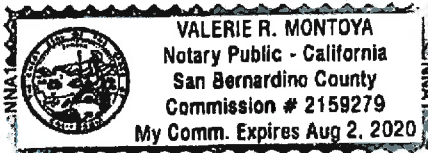
Valerie R. Montoya, a Notary Public  
Here Insert Name and Title of the Officer

personally appeared \_\_\_\_\_

Teri Ledoux

Name(s) of 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 \_\_\_\_\_

Valerie R. Montoya

Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Irrevocable Agreement to Annex

Document Date: 1-29-2020 Number of Pages: 5

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Teri Ledoux

- ☐ Corporate Officer – Title(s): \_\_\_\_\_  
☒ Partner ☐ Limited ☐ General  
☒ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: City of San Bernardino

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer – Title(s): \_\_\_\_\_  
☐ Partner ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

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 that document.

STATE OF CALIFORNIA

)

) ss

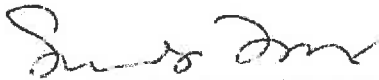
COUNTY OF ORANGE

)

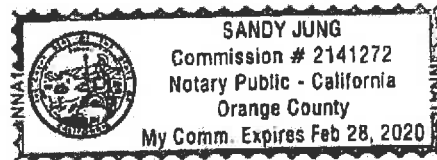
On February 24, 2020 before me, Sandy Jung, a Notary Public, personally appeared Daniel L. Webb, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their 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.



Notary Public



# **County Conditions of Approval for the Minor Use Permit**

**Attachment 3**





## Land Use Services Department Planning

Terri Rahhal  
Director

March 22, 2019

**Effective Date: March 25, 2019**  
**Expiration Date: March 25, 2022**

Clark Neuhoﬀ  
Alere Property Group  
100 Bayview Circle  
Newport Beach, CA 92660

**RE: MINOR USE PERMIT TO CONSTRUCT A 321,496-SQUARE FOOT WAREHOUSE WITH 10,000 SQUARE FEET OFFICE SPACE ON 19.95 ACRES, IN THE GLEN HELEN SPECIFIC PLAN. FIFTH SUPERVISORIAL DISTRICT; APN: 0262-041-09, 13, 18 AND 20; PROJECT P201700647.**

Dear Mr. Neuhoﬀ,

The Zoning Administrator, by its action of March 14, 2019, has **CONDITIONALLY APPROVED** the above-reference project. Enclosed are the Zoning Administrator's Findings and Conditions of Approval, two copies of the stamped-approved site plan, and three certificate of compliance forms.

Pursuant to the applicable provisions of the County of San Bernardino Development Code, within ten (10) days from the date of application approval, any interested person may appeal this action in writing to the County Planning Commission. The appeal must be submitted, along with the appropriate fee, on the forms available from this office.

If you have questions regarding this action, you may contact me at 909.387.0235 or by e-mail at [Aron.Liang@lun.sbcounty.gov](mailto:Aron.Liang@lun.sbcounty.gov).

Sincerely,

Aron Liang, Senior Planner  
AL/drp/lb

**Attachments:** Findings  
Conditions of Approval  
Approved Site Plan  
Certificate of Compliance Forms

### BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD  
First District

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Chairman, Fourth District

JOSIE GONZALES  
Vice Chair, Fifth District

Gary McBride  
Chief Executive Officer

**PROJECT FINDINGS:** Minor Use Permit to construct a 321,496-square foot industrial warehouse distribution center with 10,000 square feet of office/administrative uses (Project), located at 19416 Cajon Boulevard, on 19.95 acres, in the Glen Helen Specific Plan-Heavy Industrial (GHSP-HI) zoning district.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open spaces, setbacks, walls and fences, yards, and other required features pertaining to the application. All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning. The submitted Project plans shows adequate design, parking, landscaping, circulation, access, and setbacks and is compatible with the existing development in the area.
2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use. Access to the Project site is provided with two standard commercial/industrial driveways located on Cajon Boulevard, which will provide legal and physical access to the site and appropriate regional circulation mitigation has been required. On-site circulation drive aisles meet County Fire Department Standards.
3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The Project has been designed to use building materials, colors and landscaping including shades of white, and gray, with blue glazing on the windows facing Cajon Boulevard that are complementary to the existing warehouse facilities to the south. The Project design includes a 25-foot landscape buffer, building features, and screen wall with pilasters for screening truck, staging, and loading activities that further enhance the overall aesthetic quality of the development.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan. The proposed Conditional Use Permit site plan, together with the provisions for its design and improvement are consistent with the County General Plan. The Project specifically implements the following goals and policies:

General Plan Goal LU 4: The unincorporated communities within the County will be sufficiently served by industrial land uses.

- Goal Implementation: The proposed Project provides additional industrial development opportunities in the Glen Helen Specific Plan.

General Plan Goal LU 9: Development will be in a contiguous manner as much as possible to minimize environmental impacts, minimize public infrastructure and service costs, and further countywide economic development goals.

General Plan Policy LU 9.1: Encourage infill development in unincorporated areas and sphere of influence (SOI) areas.

Goal ED 1: The County will have a vibrant and thriving local economy that spans a variety of industries, services, and other sectors.

Goal ED 4: The County will assist development of small businesses and encourage new businesses of all sizes.

ED 19.1: Retain and expand trucking, warehousing, and distribution opportunities.

GOAL V/ED 1. Promote economic development that is compatible with the land use patterns and environment of the Valley Region.

POLICY V/ED 1.1. Support commercial and industrial development that is compatible with surrounding development and does not disrupt the land use patterns and environment of the Valley Region.

The Project is located within the boundary of the Glen Helen Specific Plan. Additionally, Site Access and Site Planning Guidelines of the Glen Helen Specific Plan support approval of the Project.

- Controlled site access. (GH3.0205 – No. 4)
- Convenient access and efficient circulation for visitor parking and truck traffic. (GH3.0205 – No. 5)
- Large scale development parcels (five acres and above) shall articulate building placement and landscaping to avoid a sea of parking along the street front. (GH3.0205 – No. 9)
- Proper screening of parking, outdoor storage, mechanical equipment and loading and service areas. (GH3.0205 – No. 10)
- Establish adequate separation between access points. (GH3.0235 – No. 3)
- Provide adequate stacking distance at access driveways to avoid traffic back up. (GH3.0235 – No. 5)
- Development parcels five acres or larger shall provide a minimum of two access points. (GH3.0235 – No. 6)

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels. The developer will be required to construct road improvements, as well as contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area. The use will not substantially interfere with the present or future ability to use solar energy systems.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to reduce air quality and traffic impacts and enforce performance standards of the County Development Code.
7. The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, through the orientation and design with adequate building setbacks and the future ability to construct rooftop solar facilities.
8. There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts. As discussed in Finding No. 3, above, an Initial Study (IS) has been prepared for the proposed project, which concluded that the project will not have a significant adverse effect or impact on surrounding property and the environment and the site would be suitable for the proposed development.

9. The project is planned for immediate development in one phase and does not include a phased development, because the conditions of approval will not allow the project to be developed in phases.
10. The project is not likely to result in controversy because the project received no comment letters from the public after the notices were mailed to the surrounding property owners.
11. The project was determined to be subject to the California Environmental Quality Act (CEQA). The County prepared an Initial Study (IS), pursuant to the California Environmental Quality Act (CEQA) requirements to evaluate the environmental impacts for the Project. Based upon the analysis for the proposed Project as designed with certain mitigations incorporated, the proposed Project would not result in a significant impact on the quality of the human environment.

A Notice of Intent and Notice availability (NOI/NOA) to adopt a Mitigated Negative Declaration (MND) in accordance with CEQA was released for a 20-day public comment review period from November 19, 2018, to December 12, 2019. During the public review period, four comment letters were received, from 1) Habitat Defense Council (HDC) & California Native Plant Society (CNPS), 2) California Department of Fish and Wildlife (CDFW), 3) Lozzeau Drury LLP, and 4) San Bernardino County Department of Public Works. A mitigation measure MM BR-7 has been added, as follows:

*MM BR-7: Prior to the commencement of ground-clearing activities on the Project site, a qualified biologist shall relocate any Los Angeles pocket mouse (LAPM) individuals on the Project site to suitable off-site habitat. The relocation activities shall be conducted in accordance with a LAPM Relocation Plan that is prepared by a qualified biologist and approved by the California Department of Fish and Wildlife (CDFW). The LAPM Relocation Plan shall specify the trapping and relocation methodology, timing, release areas, and any other details required by CDFW. Upon the completion of relocation activities, a report shall be provided to the County of San Bernardino and CDFW summarizing the results of the relocation activities.*

The added Mitigation MM BR-7 would ensure that concern comments from the HDC and CNPS and the CDFW have been adequately addressed. The comment letter from Lozeau Drury LLP has been addressed in that the County will keep them informed of notices, hearings and approvals related to the Project. Lastly, the environmental effects associated with the Project's proposed construction activities within the Cajon Boulevard right-of-way have been addressed throughout the proposed MND, in the discussions of the Project's construction-related impacts; therefore, comments from San Bernardino County Department of Public Works have been addressed. No additions, revisions, or corrections to the MND are needed. No other comment letters were received during the public review from property owners. Therefore, if the Project is approved, a Notice of Determination (NOD) will be filed.

## EXHIBIT C CONDITIONS OF APPROVAL

Alere Warehouse at Cajon Boulevard P201700647/MUP

### GENERAL REQUIREMENTS Ongoing and Operational Conditions

#### **LAND USE SERVICES – Planning Division 909.387.8311**

1. **Project Description.** This Conditional Use Permit approval is for the construction of an 321,496-square foot industrial warehouse building with 10,000 square feet of office area to be used as a warehouse facility on 19.95 acres, in the Heavy Industrial (GH/SP-HI) zoning district, in compliance with the San Bernardino County Code (SBCC), California Building Codes, San Bernardino County Fire Code, California Fire Code, the Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations and landscape plans).
2. **Project Location.** The Project site is located at 19416 Cajon Boulevard, in the Glen Helen Specific Plan.
3. **Conditions of Approval:** The developer shall provide a copy of the approved conditions and the site plan to every current and future commercial tenant, lessee, and any future property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0262-041-09, 13, 18, and 20 and Project Number: P201700647.
4. **Revisions.** Any proposed change to the approved use/activity on the site; 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 allocation, 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)
5. **Continuous Effect/Revocation.** All Conditions of Approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
6. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any Condition of Approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees 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 or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

7. **Expiration.** This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
- The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
  - 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 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:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is 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.

**PLEASE NOTE:** This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

8. **Extension of Time.** County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include 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. **Development Impact Fees.** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
10. **Project Account.** The Job Costing System (JCS) account number is P201700142. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
11. **Condition Compliance.** In order to obtain construction permits for grading, building, final inspection, and/or 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 the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits:** a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - 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.
  - Final Occupancy:** a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by County Planning.

- 
12. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all 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 may include:
- a) FEDERAL: None
  - b) STATE: Regional Water Quality Control Board (RWQCB) - Santa Ana Region
  - c) COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works, South Coast Air Quality Management District, City of San Bernardino by special agreement provides water, sewer, sanitation, and fire services to this area.
13. Continuous Maintenance. The Project property owner shall continually 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 property owner 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. The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping. The developer shall maintain landscaping 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.
  - d) Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage. The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers. The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - h) Screening. The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - i) Signage. The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - j) Lighting. The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - k) Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires Planning Division review and approval. Markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled parking and path of travel, directional signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
  - l) Fire Lanes. The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in 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 forms of particulate matter.
  - c) Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Smoke Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
  - 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.

15. Lighting. The glare from any luminous source, including on-site lighting shall not 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.
16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall 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.
17. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
18. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Signs. 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. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
  - a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - b. All sign lighting shall not exceed 0.5 foot-candle.
  - c. 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. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
20. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
21. Access. The access point to the facility shall remain unobstructed at all times, except a driveway access gate, which may be closed after normal working hours.
22. AQ/Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
  - a) County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]
  - b) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
  - c) All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
  - d) On-site electrical power connections shall be provided.
  - e) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - f) The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.



23. Truck Queues. All commercial vehicles are restricted from queuing in excess of 5 minutes on Cajon Boulevard ingress/egress points to minimize diesel particulate emissions to sensitive receptor sites.
24. Local Labor. The Developer and future operators of the Project shall make a good faith effort to employ residents of San Bernardino County for the construction and operation of the Project. Good faith efforts shall include but not be limited to utilizing local advertising and outreach for employee recruitment.

**LAND USE SERVICES DEPARTMENT – Code Enforcement Division 909.387.8311**

25. Enforcement. 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.
26. Weed Abatement. The Applicant 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).

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

27. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
28. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
29. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.
30. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
31. Continuous BMP Maintenance. The property owner/“developer” 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 BMPs. 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.
32. BMP Enforcement. In the event the property owner/“developer” (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 and/or “developer”, 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.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

33. Franchise Hauler Service Area –This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec- dba Jack’s Disposal).
34. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

35. Mandatory Commercial Recycling. Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five or more must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.
36. Mandatory Organics Recycling – As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190 / (909) 386-8465/LOCAL FIRE JURISDICTION**

37. Fire Jurisdiction. 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 applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]
38. High-Piled Storage. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant 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. [F66]
39. Fire Fee. The required fire fees (currently \$492) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400. This fee is in addition to fire fees that are paid to the County of San Bernardino. [F40]
40. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

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**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

41. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
42. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
43. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY**  
The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

44. AQ – Operational Standards. The developer shall implement the following air quality measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:
  - a) County Diesel Exhaust Control Measures [SBCC § 83.01.040 (c)]. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use. All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
  - b) On-site electrical power connections shall be provided.
  - c) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
  - d) The loading docks shall be posted with signs providing the telephone numbers of the building facilities manager and the California Air Resources Board to report violations.
45. AQ – Dust Control Plan. The developer shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed 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 requirements:
  - a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
  - b) 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.
  - c) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
  - d) Storm water control systems shall be installed to prevent off-site mud deposition.
  - e) All trucks hauling dirt away from the site shall be covered.
  - f) Construction vehicle tires shall be washed, prior to leaving the project site.
  - g) Rumble plates shall be installed at construction exits from dirt driveways.
  - h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
  - i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. 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 and after street sweeping.
46. AQ – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:

- a) 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.
  - b) Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.
  - c) Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
  - d) All gasoline-powered equipment shall have catalytic converters.
  - e) Provide onsite electrical power to encourage use of electric tools.
  - f) Minimize concurrent use of equipment through equipment phasing.
  - g) Provide traffic control during construction to reduce wait times.
  - h) Provide on-site food service for construction workers to reduce offsite trips.
  - i) Implement the County approved Dust Control Plan (DCP)
  - j) 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).
47. AQ – Coating Restriction Plan. The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a condition that the contractors adhere to the requirements of the CRP. The CRP measures shall be following implemented to the satisfaction of County Building and Safety:
- 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 shall be used to apply coatings.
  - d) Precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings shall be used, if practical.
  - e) Comply with SCAQMD Rule 1113 on the use or architectural coatings.
- Biological Resources Monitoring:
48. BR 1: Burrowing Owl Pre-construction Survey: *Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino prior to the issuance of a grading permit and subject to the following provisions:*
- A) In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.*
- B) In the event that the pre-construction survey identifies the presence of at least one Individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall confirm in writing to the County of San Bernardino Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.*
49. BR 2: Vegetation Cleaning: *Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:*
- a) *A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.*

b) A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.

*Although the Project would not result in substantial adverse indirect effects to biological resources, the following mitigation measures are recommended to minimize the Project's potential indirect impacts to sensitive biological habitats and/or species.*

50. *BR-3: Prior to the initiation of construction activities, the perimeter of the Project's work area shall be fenced with highly visible fencing (e.g., orange construction fencing) to ensure impacts do not occur outside of the Project footprint.*
51. *BR-4: All off-road equipment shall be washed, particularly the wheels and under carriage, prior to transport to the Project site to prevent the spread of weedy plant species.*
52. *BR-5: Staging areas shall be placed in areas that have been previously disturbed and do not show an infestation of non-native plant species. Staging areas shall be maintained in a weed/noxious weed-free condition.*
53. *BR-6: All refuse created or brought on-site must be placed in covered containers, removed from the site at regular intervals, and properly disposed.*
54. *BR-7: Prior to the commencement of ground-clearing activities on the Project site, a qualified biologist shall relocate any Los Angeles pocket mouse (LAPM) individuals on the Project site to suitable off-site habitat. The relocation activities shall be conducted in accordance with a LAPM Relocation Plan that is prepared by a qualified biologist and approved by the California Department of Fish and Wildlife (CDFW). The LAPM Relocation Plan shall specify the trapping and relocation methodology, timing, release areas, and any other details required by CDFW. Upon the completion of relocation activities, a report shall be provided to the County of San Bernardino and CDFW summarizing the results of the relocation activities. [Mitigation Measure IV BIO1 – IV BIO7] - Prior to Grading Permit/Planning*
55. *Cultural Resources Monitoring:*  
*CR-1: The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the importance of Historic Route 66. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy issuance.*  
*CR-2: The Project Applicant/Developer shall install Historic Route 66 pavers on the sidewalk on Cajon Boulevard along the Project site frontage. The paver intervals shall not exceed 100 feet in length to commemorate the roadway. The location of the pavers shall be shown on the Project's roadway improvement plans for Cajon Boulevard that are submitted to the County of San Bernardino for approval. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for paver installation prior to the Certificate of Occupancy issuance. [Mitigation Measure V-2] During Grading*  
*CR-3: The Project shall include landscaping along the Project site's frontage with Cajon Boulevard that complies with the applicable design standards/guidelines from the Glen Helen Specific Plan. The landscaping shall beautify the segment of Cajon Boulevard that abuts the Project site and create an enjoyable viewing experience for motorists. The County of San Bernardino shall verify the landscaping has been installed prior to the issuance of a Certificate of Occupancy. [Mitigation Measure V-3] During Grading*

*CR-4: For the duration of construction activities, protective fencing and/or appropriate cautionary markers shall be placed around the base of the transmission line towers to protect the towers from inadvertent impacts. During construction, cranes or other construction equipment with the potential to reach the height of the transmission lines shall maintain the minimum separation from the transmission line towers required by Southern California Edison.*

*CR-5: The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the importance of the historic transmission line that traverses the Project site. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy issuance.*

*CR-6: Vehicle parking shall be prohibited within the transmission line easement that traverses the Project site until and unless the Project has completed Southern California Edison's consent review process and written approval is provided by Southern California Edison. If Southern California permits within the on-site transmission line easement, such parking shall be restricted to passenger vehicles. No truck or trailer parking, long-term parking of any vehicle, or vehicle storage shall be permitted within the easement and signage that describes the parking restrictions within the easement shall be placed in a conspicuous location.*

*CR-7: No trees shall be installed along Cajon Boulevard where the transmission line easement intersects with Cajon Boulevard to maintain visibility of the transmission line towers. Additionally, no aboveground improvements with the potential to detract from the visual character of the overhead transmission lines, including but not limited to light poles and trees, shall be placed in the easement without written approval from Southern California Edison.*

*CR-8: Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric and historic archaeological monitoring during earthmoving activities on-site and excavation activities within Cajon Boulevard. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (i.e. older soil deposition, high alluvial activity and therefore highly disturbed deposit). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease.*

*CR-9: Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction.*

*CR-10: Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources, and provide evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other accredited repository.*

*CR-11: If a significant archaeological resource is discovered on the Project site as defined by CEQA §21083.2, the Project Archaeologist shall temporarily halt all grading within a 100-foot radius of the discovered resource and make recommendations to the County of San Bernardino on the measures from the CRMP and measures the Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP) that shall be implemented to protect/recover the discovered resource(s). No further grading shall occur within a 100-foot radius of the discovery until the County of San Bernardino approves the protection/recovery measures and the measures have been implemented by the Project Archaeologist. Any archaeological artifacts recovered as a result of mitigation, excluding items covered by the provisions of applicable CRMP and MDTDP, shall be donated to the San Bernardino County Museum as directed by the County's General Plan policies.*

*CR-12: Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and*

trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure CR-4 shall apply.

CR-13: If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.

56. *Greenhouse Gas Monitoring:*

GHG-1: Prior to issuance of building permits, the Project Applicant shall provide documentation to the County of San Bernardino Building Department demonstrating that the improvements and/or buildings subject to the building permit application include features identified in the County of San Bernardino Development Review Processes (March 2015) Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points.

57. *Noise Monitoring:*

N-1: Prior to issuance of a certificate of occupancy, the County of San Bernardino Building Division shall verify that a minimum 8-foot high noise barrier is constructed along the perimeter of the truck loading/loading dock area, as shown on Exhibit 9-A of the Project's Noise Study (Technical Appendix L). The noise barrier shall provide a weight of at least four (4) pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways. The barrier shall provide a minimum transmission loss of 20 dBA and must present a solid face from top to bottom. All gaps (except weep holes) shall be filled with grout or caulking. The noise barrier shall be constructed using the following materials: masonry block; earthen berm; or any combination of construction materials capable of the minimum weight of 4 pounds per square foot and a minimum transmission loss of 20 dBA.

58. *Transportation/Traffic Monitoring:*

T-1: Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

a) Intersection #6 – Palm Avenue & I-215 SB Ramp: Re-stripe to provide a second southbound left turn lane.

T-2: Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

a) Intersection #4 – Palm Avenue & Institution Road: Implement overlap phasing on the westbound right turn lane.

b) Intersection #5 – Palm Avenue & Industrial Parkway: Install a traffic signal.

c) Intersection #7 – Palm Avenue & I-215 NB Ramp: Install a second northbound left turn lane, install a westbound left turn lane, and re-stripe the existing shared left-through lane as a shared through-right turn lane.

59. *Tribal Resources Monitoring:*

TCR-1: Due to the heightened cultural sensitivity of the proposed Project area, a Tribal monitor representing the Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians, and San Manuel Band of Mission

*Indians (Consulting Tribes) shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for all Tribal monitors and the services these individuals provide as part of the monitoring effort for the Project.*

*TCR-2: Prior to the issuance of any ground disturbance-related permits (such as grading permits), the Lead Agency shall contact the Consulting Tribes to coordinate the development of a mutually-acceptable Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP). The MDTDP will provide details regarding the process for monitoring and in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin. The MDTDP shall be approved and adopted by the Lead Agency prior to the issuance of any ground disturbance-related permits.*

*TCR-3: A pre-construction meeting shall be held with the contractors, archaeologists, and American tribal monitors/representatives(s) prior to the start of construction. This meeting shall outline all processes for monitoring on the project and information regarding how the Project Archaeologist and the Tribes will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.*

60. Once project grading and foundation plans are prepared and available, the project geotechnical consultant shall review the grading and foundation plans relative to the geotechnical recommendations in the above referenced report and provide an updated report and/or supplement if determined to be necessary. The geotechnical consultant shall stamp and wet-sign the grading and foundation plans which shall be submitted the County for review and approval as part of the plan check process.
61. The project geotechnical consultant shall perform inspection and density testing during grading. Upon completion of rough grading, the geotechnical consultant shall prepare a grading/compaction report that includes the results of compaction testing and a plat or other suitable site plan map showing the location of compaction tests. In addition, the report shall summarize the results of in-grading inspections and shall indicate that the grading has been conducted in accordance with the recommendations of the approved geotechnical report and the 2016 CBC. The report shall be submitted to Building and Safety with appropriate fees for review and approval.
62. The project geotechnical consultant shall inspect and approve footing excavations prior to placement of forms, steel, or pouring of concrete.
63. The developer shall submit and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce noise impacts during construction, which shall include the following vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
  - a) During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.
  - b) The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
  - c) The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.
  - d) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.



- e) The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division 909.387.8311**

- 64. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.\
- 65. Geology Report: A geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to final project approval.
- 66. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
- 67. Grading Plans: Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
- 68. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

- 69. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
- 70. Flow Mitigation: Mitigation measures must address the offsite flow. Increased storm runoff flow from the onsite shall be mitigated until the ultimate storm drain system is built on Cajon Blvd. Submit proposal for mitigation measures intended.
- 71. FEMA Flood Zone: The project is located within Flood Zone X (Unshaded) according to FEMA Panel Number 06071C7910H dated 08/28/2008. There are no elevation requirements.
- 72. Topo Map: A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
- 73. Grading Plans: Grading plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
- 74. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
- 75. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
- 76. On-site Flows: On-site flows need to be directed to the drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
- 77. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. The report shall

adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://www.sbcounty.gov/dpw/land/npdes.asp>) .

78. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190 / (909) 386-8465/LOCAL FIRE JURISDICTION**

79. Access. 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. [F45]
80. Water System. 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 B of the California Fire Code. [F05]
81. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to building permit issuance. [F05B]
82. Combustible Protection. 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. [F44]

**DEPARTMENT OF PUBLIC WORKS – Surveyor 909.387.8149**

83. A boundary survey, with an accompanying Record of Survey map, shall be completed, to identify the project property boundaries, prior to fences and walls installation.
84. Monumentation. If any activity on this project will disturb any land survey monumentation, including be not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor to Section 8771(b) Business and Professions Code.
85. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- a. Monuments set to mark property lines or corners;
  - b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
  - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

86. Vectors. The project area has a high probability of containing vectors. 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 (800) 442-2283.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**  
The Following Shall Be Completed

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**LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

87. Lot Merger. Assessor Parcel Numbers: 0262-041-09, 13, 18, and 20 shall have merger, prior to building permit issuance.
88. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
89. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.
90. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
91. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code, as well as the Blooming Community Plan requirements. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
92. Energy Efficiency for Commercial/Industrial Development (GHG Reduction Measure R2E7). The developer shall document that the design of the proposed structure exceeds the current Title 24 energy efficiency requirements as indicated below:
- Building Envelope:
- Insulation – Modestly enhanced insulation (walls R-13, Roof/attic R-38) (15 points).
  - Windows – Modestly Enhanced Window Insulation (0.4 U-factor, 0.32 SHGC) (7 points).
  - Cool Roof – Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance) (12 points).
- Indoor Space Efficiencies:
- Artificial Lighting – Efficient lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 fixtures, 60 lumens/watt for fixtures > 40 watts) (9 points).
93. Per Capita Water Use Reduction Commercial/Industrial (GHG Reduction Measure R2WC1) The developer shall document that the design of the proposed structure provide efficiency requirements as indicated below:
- Irrigation and Landscaping:
- Water Efficient Landscaping – Only low water using plants (4 points).
  - Water Efficient irrigation Systems – Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use) (5 point).
- Potable Water:
- Toilets – Water efficient toilets/Urinals (1.5gpm) (6 points)
  - Faucets – Water efficient faucets (1.28gpm) (3 points).
94. Renewable Fuel/Low Emission Vehicles (EV Charging Stations) (GHG Reduction Measure R2T5). The project shall provide public charging station for use by an electric vehicle (ten points for each charging station within the facility) (40 points).

95. Solid Waste Diversion Program (GHG Reduction Measure R2W6). The project shall provide separated recycling bins within each commercial building/floor and provide large external recycling collection bins at central location for collection truck pick-up. (2 points)
96. Once project grading and foundation plans are prepared and available, the project geotechnical consultant shall review the grading and foundation plans relative to the geotechnical recommendations in the above referenced report and provide an updated report and/or supplement if determined to be necessary. The geotechnical consultant shall stamp and wet-sign the grading and foundation plans which shall be submitted the County for review and approval as part of the plan check process.
97. The project geotechnical consultant shall perform inspection and density testing during grading. Upon completion of rough grading, the geotechnical consultant shall prepare a grading/compaction report that includes the results of compaction testing and a plat or other suitable site plan map showing the location of compaction tests. In addition, the report shall summarize the results of in-grading inspections and shall indicate that the grading has been conducted in accordance with the recommendations of the approved geotechnical report and the 2016 CBC. The report shall be submitted to Building and Safety with appropriate fees for review and approval.
98. The project geotechnical consultant shall inspect and approve footing excavations prior to placement of forms, steel, or pouring of concrete.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division 909.387.8311**

99. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
100. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section 909.387.8311**

101. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Cajon Boulevard (Major Highway 104')**

- Road Dedication. A 2 foot grant of easement is required to provide a half-width right-of-way of 52 feet.
  - Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
  - Sidewalks. Design sidewalks per County Standard 109 Type “C”.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
  - Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=24' min – 34' max), and located per San Bernardino County Standard 130.
102. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

103. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
104. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
105. Soils Testing. 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 sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
106. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
107. Street Gradients. 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 County Public Works confirming the adequacy of the grade.
108. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Redlands Donut Hole Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$1.89 per square foot for Industrial Use, which includes the 321,496 sq. ft. building per the site plan dated April 12, 2018.

Therefore, the estimated Regional Transportation Fees for the Project is \$607,627.44. The current Regional Transportation Development Mitigation Plan can be found at the following website:

<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

#### **SPECIAL DISTRICTS – (909) 387-5940**

109. This project lies within the sphere area of County Service Area 70, Zone SL-1. Due to your projected use of the property, street lighting may be required. If required, annexation to the district will occur and the developer is requirement to provide the street lighting plans, plan check fees, and (3) three-year advanced energy charges for review and approval. Development plans are to be submitted to the Special Districts Department at 222 W. Hospitality Lane, 2<sup>nd</sup> Floor, San Bernardino, CA 92415-0450. For additional information on street light plans, please call Streetlighting Section at (909) 386-8821

#### **DEPARTMENT OF PUBLIC WORKS – Traffic Division 909.387.8186**

110. Fair Share. The total fair share contribution for this project is required based on the traffic letter dated 09/06/2018 from Urban Crossroads. The fair share breakdown for these improvements is shown below:

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
Palm Ave. at Institution Rd.			
Intersection Total	\$ 371,827	12.7%	\$ 47,352

<b>Palm Ave. at Industrial Pkwy.</b>			
<b>Intersection Total</b>	<b>\$ 360,000</b>	<b>8.7%</b>	<b>\$ 31,416</b>
<b>Total Fair Share, City San Bernardino</b>			<b>\$ 84,811</b>

<b>Palm Ave. &amp; I-215 SB Ramps</b>			
<b>Intersection Total</b>	<b>\$ 828,846</b>	<b>4.8%</b>	<b>\$ 40,037</b>
<b>Palm Ave. &amp; I-215 NB Ramps</b>			
<b>Intersection Total</b>	<b>\$ 630,766</b>	<b>2.8%</b>	<b>\$ 17,872</b>
<b>Total Fair Share, Caltrans</b>			<b>\$ 51,867</b>

The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit. The fair share contribution shall be paid to the City of San Bernardino in the amounts of \$84,811 and \$51,867 pursuant to the IGR letter dated September 13, 2018. The Applicant shall provide proof to the County Traffic Division of the fair share amount paid to the City of San Bernardino prior to issuance of Building Permits. At the present time, the total estimated cost is \$136,678. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

**PUBLIC HEALTH – Environmental Health Services 800.442.2283**

111. Water. Water purveyor shall be San Bernardino Municipal Water Department or EHS approved.
112. Water Letter. The Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall reference Assessor's Parcel Number (APN): 0253-211-56. For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at 800.442.2283.
113. Sewer. Method of sewage disposal shall be City of San Bernardino, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
114. Sewer Letter. The Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
115. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
116. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
  1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
  2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

117. Demolition. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283. In addition, prior to grading, obtain clearance from Vector Control.
118. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, SBCC §83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance with noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 800.442.2283.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/ (909) 386-8465/LOCAL FIRE JURISDICTION**

119. Building Plans. Building Plans shall be submitted to the Fire Department for review and approval. All fees shall be paid at the time of submittal. [F42]
120. The proposed project shall have fire apparatus access roads, meeting the dimensions listed above and in Fire Prevention Standard A-1, on all four sides of the building.
121. Hydrant Marking. 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. [F80]
122. Street Sign. 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. [F72]
123. This project will require two, remote, points of connection to the public water system.
124. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made 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. [F57]
125. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation. [F58]
126. Roof Certification. 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]
127. Fire Safety Overlay. The County General Plan designates this property as being within the Fire Safety Review Area 1 (One) and all future construction shall adhere to all applicable standards and requirements of this overlay district. [F04A]

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

128. Construction and Demolition Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a demolition permit can be issued.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**  
The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division 909.387.8311**

129. Route 66 Pavers. The applicant shall install Route 66 pavers at every 25 feet, or match existing pattern Route 66 pavers installed on the south side of Cajon Boulevard.
130. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
131. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance").
132. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each affected agency.
133. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
134. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
135. Wheel Stops. 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 or curbs installed when adjacent to fences, walls or buildings; these shall be three feet (3') away from such facilities.
136. Signs. Prior to occupancy, the developer shall provide verification that the one freestanding sign is installed. All signs must comply with and be permitted in accordance with SBCC §83.13, Sign Regulations.
137. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
138. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201500091 shall be paid in full.
139. GHG – Installation/Implementation. The developer shall submit for review and obtain approval from County Planning evidence that all applicable GHG reduction measures have been installed, implemented and that specified performance objectives are being met.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division 909.387.8311**

140. Condition Compliance Release Form Sign-off: Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section 909.387.8311**

141. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
142. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.



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**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section 909.387.8311**

143. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
144. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
145. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain 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 prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
146. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to County Public Works.
147. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Planning. It shall be maintained by the adjacent property owner or other County-approved entity.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190) / (909) 386-8465/LOCAL FIRE JURISDICTION**

148. Fire Sprinkler-NFPA 13. An automatic fire sprinkler system complying with NFPA 13 and the Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's 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. [F59]
149. Fire Alarm. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F62A]
150. Commercial - Large facility Addressing. 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. [F83]
151. Smoke and Heat Removal. Mechanical smoke removal systems shall be provided for buildings protected by EFSR sprinkler systems as required by the California Fire Code. The mechanical smoke removal systems shall meet the requirements of Section 910 of the CFC. [F64A]
152. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. [F85]
153. Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
154. Fire Lanes. The applicant 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. [F93]

155. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
156. Fire Control Room. A fire control room is required for this project. Please see Fire Prevention Standard S-1 and the County Fire Code for location, size and all items to be included in the fire control room.
157. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
158. High-Piled Storage. The applicant shall submit an application for high-piled storage (internal storage over 12' in height), detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant 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. [F66]
159. Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management 909.386.8961**

160. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 50% of total weight or volume of all construction waste.

**END OF CONDITIONS**





## CONDITION COMPLIANCE RELEASE FOR LAND DISTURBANCE/GRADING PERMITS

This project may require land to be disturbed and/or grading to be conducted as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to land disturbance and/or prior to grading. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-grading/land disturbance requirements to your project.

A release must be obtained from the agencies circled below:

1. Planning Division/Land Use Svcs. Dept.
2. Land Development Engineering/Drainage
3. Building and Safety Division/Land Use Svcs. Dept.
4. Fire Department/Fire Protection Planning
5. Public Works/surveyor
6. Public Health/ENV Health Services

Coordinate the completion of all pre-grading/land disturbance conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the disturbance of land and/or issuance of grading permits. If the pre-grading/land disturbance conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		

**APN:** 0262-041-09, 13, 18 and 20  
**Applicant:** Alere Property Group  
**Community:** San Bernardino / 5th Supervisorial District  
**Location:** 19416 Cajon Blvd.  
**Project No:** P201700647 / MUP  
**Staff:** Aron Liang, Senior Planner

**Rep:** Clark Neuhoff  
**Proposal:** This Minor Use Permit is approved to construct a 321,496-square foot industrial warehouse building with 10,000 square feet of office space for a warehouse distribution facility on 19.95 acres.

To Building and Safety:  
Planning Division verifies all land disturbance conditions and requirements are complete.  
Grading permit may be issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## CONDITION COMPLIANCE RELEASE FOR BUILDING PERMITS

This project requires building permits as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to issuance of those permits. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned prebuilding permit requirements to your project.

A release must be obtained from the agencies circled below:

1. Environmental Health Services
2. Special Districts
3. Fire Department/Fire Protection Planning
4. Planning Division/Land Use Svcs. Dept.
5. Traffic Division/Department of Public Works
6. Building & Safety Div./Land Use Svcs. Dept.
7. Solid Waste Mgmt./Dept. of Public Works.
8. Land Development Engineering/Roads

Coordinate the completion of all prebuilding permit conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the issuance of building permits. If the prebuilding permit conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		

**APN:** 0262-041-09, 13, 18 and 20  
**Applicant:** Alere Property Group  
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**Proposal:** This Minor Use Permit is approved to construct a 321,496-square foot industrial warehouse building with 10,000 square feet of office space for a warehouse distribution facility on 19.95 acres.

To Building and Safety:  
Planning Division verifies all conditions and requirements are complete.  
Building permits may be issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## CONDITION COMPLIANCE RELEASE FOR OCCUPANCY/USE

This project requires authorization to occupy and/or use the project. In addition to the final clearance granted by Building and Safety, other reviewing agencies may have imposed certain requirements on your project that must be completed prior to issuance of said clearance. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-occupancy/pre-use requirements to your project.

A release must be obtained from the agencies underlined below:

1. Traffic Division/Dept. of Public Works
2. Planning Division/Land Use Svcs. Dept.
3. Fire Department/Fire Protection Planning
4. Special Districts.
5. Land Development Engineering/Roads
6. Land Development Engineering/Drainage
7. Building & Safety Div./Land Use Svcs. Dept.
8. Solid Waste Mgmt./Dept. of Public Works

Coordinate the completion of all pre-occupancy/pre-use conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

### FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the occupancy/use of the proposal. If the pre-occupancy/pre-use conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

**APN:** 0262-041-09, 13, 18 and 20

**Applicant:** Alere Property Group

**Community:** San Bernardino / 5th Supervisorial District

**Location:** 19416 Cajon Blvd.

**Project No:** P201700647 / MUP

**Staff:** Aron Liang, Senior Planner

**Rep:** Clark Neuhoﬀ

**Proposal:** This Minor Use Permit is approved to construct a 321,496-square foot industrial warehouse building with 10,000 square feet of office space for a warehouse distribution facility on 19.95 acres.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Tom Dodson and Associates'  
Response Including County's  
Environmental Assessment for  
the Minor Use Permit**

**Attachment 4**

# **TOM DODSON & ASSOCIATES**

---

*Mailing Address:* PO Box 2307, San Bernardino, CA 92406

*Physical Address:* 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

*Tel:* (909) 882-3612 ♦ *Fax:* (909) 882-7015 ♦ *Email:* [tda@tdaenv.com](mailto:tda@tdaenv.com)



April 1, 2020

Mr. Samuel Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 W. Third Street, Unit 150  
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO SC#450 consists of a proposal by the City of San Bernardino (City) to extend sewer service to a site of about 19.04 acres generally located in the community of Verdemon on the North side of Cajon Boulevard, southeast of Cajon's intersection with Kendall Avenue, 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 an approximate 321,496 square foot industrial warehouse. The proposed project will be required to extend a sewer lateral from the project site to a 15-inch sewer line adjacent in Cajon Boulevard. If the Commission approves LAFCO SC#450, the project site can be developed with the above referenced project.

The County of San Bernardino prepared an Initial Study (November 2018) and adopted a Mitigated Negative Declaration (MND) for this project on March 14, 2019. The Notice of Determination was filed on the same date, March 14, 2019. See attached Notice of Determination. The extension of sewer service by the City is required for the future occupancy of the industrial warehouse that will be constructed 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 a few feet and occurs within an area developed with existing warehouses, 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, no potential exists to induce growth from the proposed lateral extension to the proposed development site.

As indicated, the County prepared an MND which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of 27 mitigation measures (such as biology and cultural resources). 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#450.

Based on the preceding review of LAFCO SC#450 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 2018-19, so environmental conditions remain essentially the same. 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. Under this situation, I recommend



that the Commission take the following steps if it chooses to approve LAFCO SC#450, 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 constructed.
4. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson".

Tom Dodson

TD/cmc

Attachments

LA-996/SC-450 CEQA Resp Agency Memo

Posted On: 3-14-2019Removed On: 4-26-2019Receipt No: 36-03142019-191**Notice of Determination**

To:

☐ Office of Planning and Research

U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth St., Rm 113

Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave, First Floor San  
Bernardino, CA 92415-0187Contact: Aron LiangPhone: (909) 387-3067

Lead Agency (if different from above):

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): NAProject Title: Alere Warehouse on Cajon Blvd. / P201700647 / MUPProject Applicant: Clark Neuhoof / Alere Property GroupProject Location (include county): 19416 Cajon BoulevardProject Description: Minor Use Permit to construct a 321,496 -square foot industrial warehouse building With 10,000 square feet of office space for a warehouse distribution facility on 19.95 acres, in the Glenn Helen Specific Plan.This is to advise that the San Bernardino County has approved the above (☒ Lead Agency or ☐ Responsible Agency)described project on 3/14/2019 and has made the following determinations regarding the above (date)  
described project.

1. The project [ ☐ will ☒ 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.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ☒ were ☐ 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 is available to the General Public at:

385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency):

Aron LiangTitle: Senior PlannerDate: 3-14-2019Date Received for filing at OPR: N/AAuthority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.

Revised 2011

## **SAN BERNARDINO COUNTY**

### **INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

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This form and the descriptive information in the application package constitute the contents of the Initial Study pursuant to San Bernardino County Guidelines under Ordinance 3040 and CEQA Guidelines Section 15063.

#### **PROJECT LABEL:**

<b>APN:</b>	0262-041-09, -13, -18, & -20
<b>APPLICANT:</b>	Alere Property Group, LLC
<b>COMMUNITY:</b>	Bloomington /5th Supervisorial District
<b>LOCATION:</b>	Northeast of, and abutting Cajon Blvd. and southwest of Kendall Drive
<b>STAFF:</b>	Aron Liang, Senior Planner
<b>REP(S):</b>	T&B Planning, Inc
<b>PROPOSAL:</b>	Minor Use Permit to construct an approximately 321,496 square-foot light industrial/warehouse building on approximately 20 acres

**USGS Quad:** Devore  
**T, R, Section:** T01N R05W 2

**OLUD:** Heavy Industrial (GH/SP – HI)  
**Planning Area:** Glen Helen Specific Plan  
**Overlays:** Burrowing Owl Overlay Zone

#### **PROJECT CONTACT INFORMATION:**

**Lead Agency:** County of San Bernardino  
Land Use Services Department – Planning Division  
385 North Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

**Contact Person:** Aron Liang, Senior Planner  
**Phone No.** (909) 387-0235; **Fax No.** (909) 387-3249  
**E-mail:** Aron.Liang@lus.sbcounty.gov

**Project Sponsor:** Alere Property Group, LLC  
100 Bayview Circle  
Newport Beach, CA 92660

**Consultant:** T&B Planning, Inc.  
17542 East 17<sup>th</sup> Street, Suite 100  
Tustin, CA 92780

#### **PROJECT DESCRIPTION:**

The Alere Warehouse @ Cajon Boulevard project (hereafter referred to as the "Project" and as described in further detail on the following pages) consists of an application for a Minor Use Permit (P201700647) to develop an approximately 20-acre property located immediately northeast of Cajon Boulevard and southwest of Kendall Drive. Figure 1, *Regional Map*, and Figure 2, *Vicinity Map*, depict the location of the Project site. Copies of the entitlement application materials for the proposed Project are herein incorporated by reference pursuant to CEQA Guidelines § 15150 and are available for review at the County of San Bernardino Land Use Services Department, Planning Division, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415.

**MINOR USE PERMIT (P201700647)**

As shown on Figure 3, *Conceptual Site Plan*, the Project Applicant proposes to construct a 321,496 s.f. warehouse facility on the subject property. The proposed building would contain 301,496 s.f. of warehouse floor area and 20,000 s.f. of office/mezzanine space. Vehicular access to the Project site would be provided by two driveways fronting Cajon Boulevard. Both driveways would accommodate full access for both passenger vehicles and trucks.

***Parking and Loading***

Figure 3 depicts the location of parking spaces and loading bays for the Project. The Project would include a minimum of 370 total parking spaces, with 186 automobile spaces (including 7 handicap spaces) and 184 truck trailer spaces, and two bicycle rack areas. The Project includes 52 loading docks and two (2) drive through doors within an enclosed loading/unloading area on the northeast side of the building. The Project complies with the minimum parking requirements of the Glen Helen Specific Plan and the County of San Bernardino Development Code.

The Project also may include an additional 37 parking spaces for automobiles within a Southern California Edison transmission line easement that traverses the western portion of the Project site. Parking within the easement would be subject to approval by Southern California Edison via their Consent Review process. If Southern California Edison approves the Project's proposal for parking within the easement, the Project would include a maximum of 223 automobile parking spaces.

***Conceptual Architecture***

Figure 4, *Conceptual Architectural Elevations*, depicts the Project's conceptual architectural design. The proposed warehouse building would be constructed to a maximum height of approximately 48 feet (measured from finished floor to the top of the parapets). The building would be constructed with painted concrete tilt-up panels and low-reflective, blue-glazed glass. Articulated building elements, including a varied roofline, parapets, wall recesses, and mullions are proposed as decorative elements. The exterior color palette for the proposed building is comprised of various neutral colors, including shades of white and gray.

APNs: 0262-041-09, -13, -18, -20

Alere Warehouse @ Cajon Boulevard

Figure 1 Regional Map

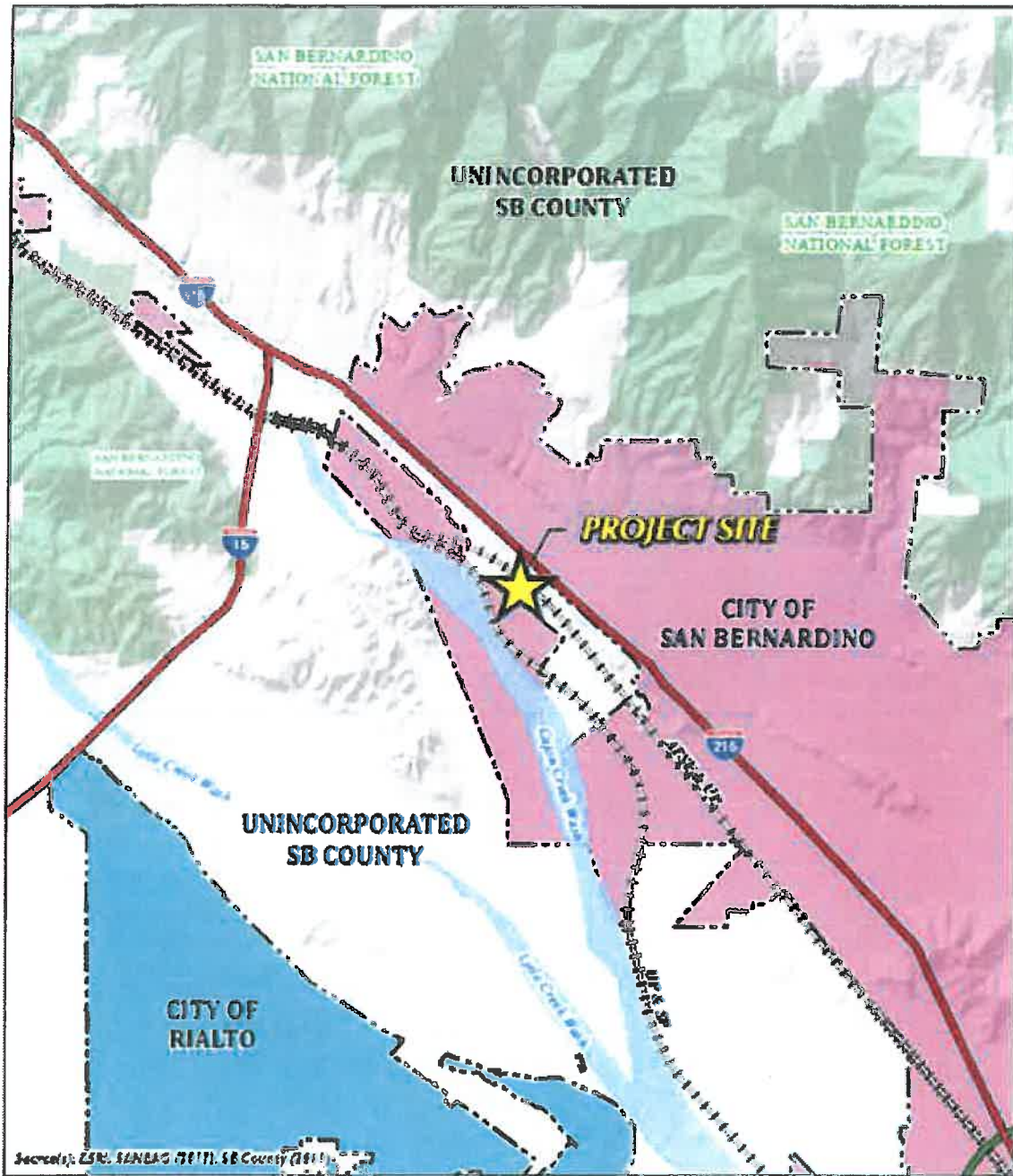


Figure 1



Regional Map

APNs: 0262-041-09, -13, -18, -20  
 Alere Warehouse @ Cajon Boulevard  
 Figure 2 Vicinity Map

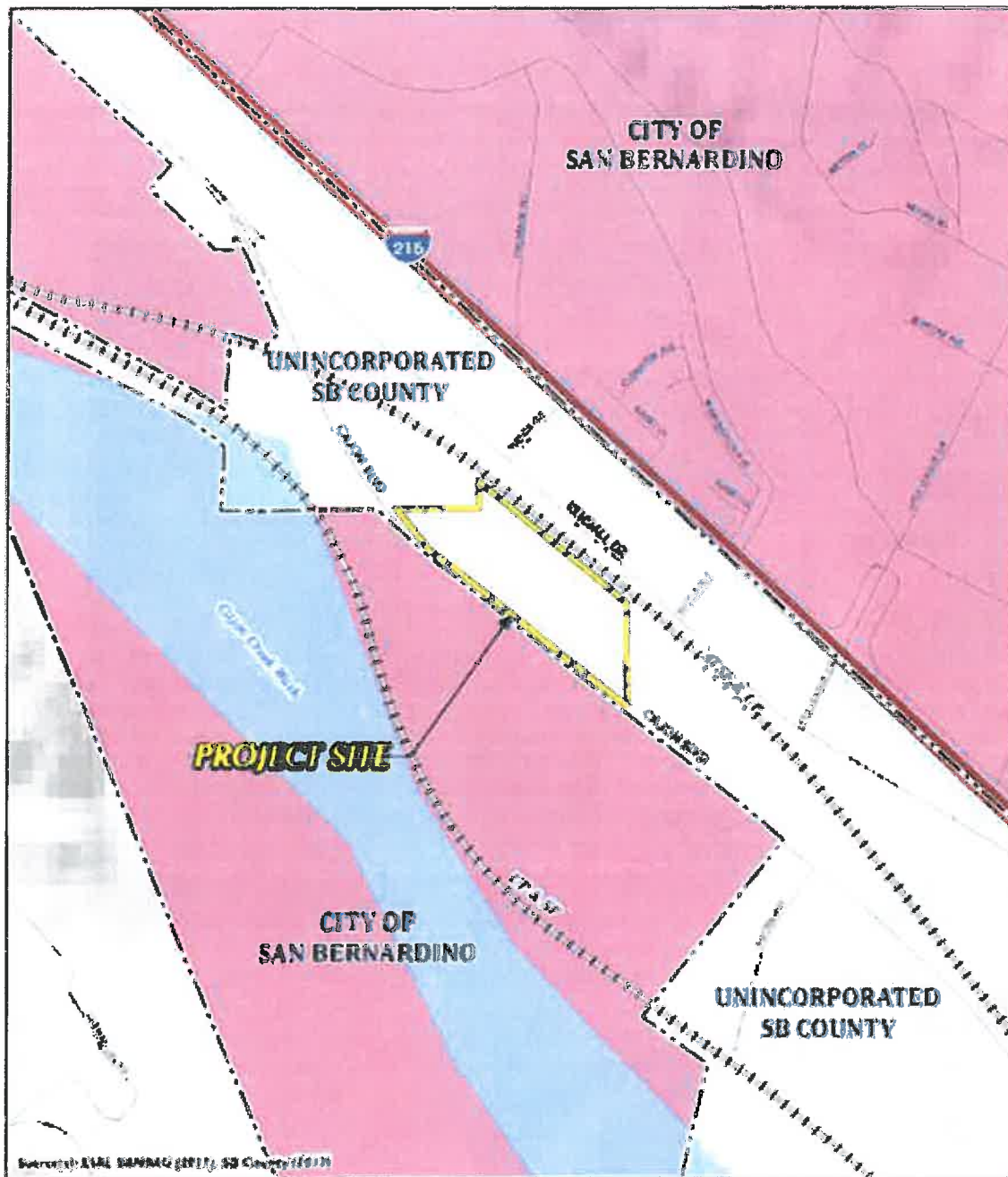


Figure 2

Vicinity Map

Architectural drawing of the exterior of the building at 2000 Kendall Drive. The drawing shows a large, rectangular building with a grid-like structure. The building area is labeled "BUILDING AREA 221,400 S.F.". The drawing also shows the surrounding streets, including "KENDALL DRIVE" and "C-101-011-0". The drawing is a technical sketch, likely a site plan or a perspective view, showing the building's footprint and its relationship to the surrounding environment.



1. 姓名: 王德明  
 2. 性别: 男  
 3. 年龄: 45  
 4. 籍贯: 山东烟台  
 5. 职业: 教师  
 6. 婚姻状况: 已婚  
 7. 子女情况: 有一个儿子, 12岁  
 8. 教育程度: 大学  
 9. 工作单位: 烟台市第一中学  
 10. 联系电话: 0535-1234567  
 11. 电子邮箱: wangdeming@163.com  
 12. 住址: 烟台市芝罘区幸福路100号  
 13. 邮政编码: 264000  
 14. 身份证号: 370602195805101234  
 15. 血型: O型  
 16. 身高: 175cm  
 17. 体重: 70kg  
 18. 爱好: 读书, 游泳, 旅游  
 19. 特长: 英语, 钢琴  
 20. 其他: 无不良嗜好, 遵纪守法



**Figure 4 Conceptual Architectural Elevations**



**Figure 4**

**Conceptual Architectural Elevations**



APNs: 0262-041-09, -13, -18, -20  
Alere Warehouse @ Cajon Boulevard  
***Conceptual Landscape Plan***

The Project's conceptual landscape plan is depicted in Figure 5, *Conceptual Landscape Plan*. Proposed landscaping would be ornamental in nature. Landscaping would feature drought-tolerant trees, shrubs, accent succulents and ornamental grasses, and groundcovers. Plant materials would be concentrated along the Project site's frontage with Cajon Boulevard, along the slopes at the northern boundary of the Project site, at building entries, and within the automobile parking lot. The Project's planting and irrigation plans are required to comply with Chapter 83.10 of the County of San Bernardino Development Code, which establishes requirements for landscape design, irrigation system design, and water-use efficiency.

## **PROJECT TECHNICAL CHARACTERISTICS**

### ***Project Improvements***

#### ☐ **Public Roadway Improvements**

The only public street abutting the Project site is Cajon Boulevard. Under existing conditions, Cajon Boulevard is partially developed along the Project site's frontage with three vehicular travel lanes (two southeast-bound lanes and one northwest-bound lane), a bike lane/shoulder on the northern/eastern side of the road, a painted median, and a sidewalk with a landscape parkway along the southern/western side of the road. The Project would improve the northern/eastern side of Cajon Boulevard, along the Project site's frontage to the ultimate half-width of Cajon Boulevard by constructing an additional northwest-bound lane, a five (5)-foot-wide, curb-adjacent sidewalk, and a seven (7)-foot-wide landscaped parkway.

#### ☐ **Water Infrastructure**

Water service would be provided to the Project site by the SBMWD. Under pre-development conditions, water service is available to the Project area via two (2) 12-inch-diameter water mains beneath Cajon Boulevard.

To provide water service to the Project site, the Project would construct six (6) new connections to the existing 12-inch-diameter water mains beneath Cajon Boulevard – four (4) connections for fire hydrants/service, one (1) connection for new domestic service, and one (1) connection for irrigation service. The Project's proposed water infrastructure improvements are depicted on Figure 6, *Conceptual Water Utility Plan*. All proposed water facilities would be designed and constructed in accordance with SBMWD standards.

#### ☐ **Wastewater Infrastructure**

Wastewater conveyance and treatment services are provided to the Project site by the SBMWD. Under existing conditions, sewer service is available in the Project area via a 15-inch-diameter sewer main beneath Cajon Boulevard. As shown on Figure 7, *Conceptual Sewer Plan*, the Project would construct one (1) new connection to the existing 15-inch-diameter sewer main beneath Cajon Boulevard. All proposed wastewater facilities are required to be designed and constructed in accordance with SBMWD standards.

Figure 5 Conceptual Landscape Plan

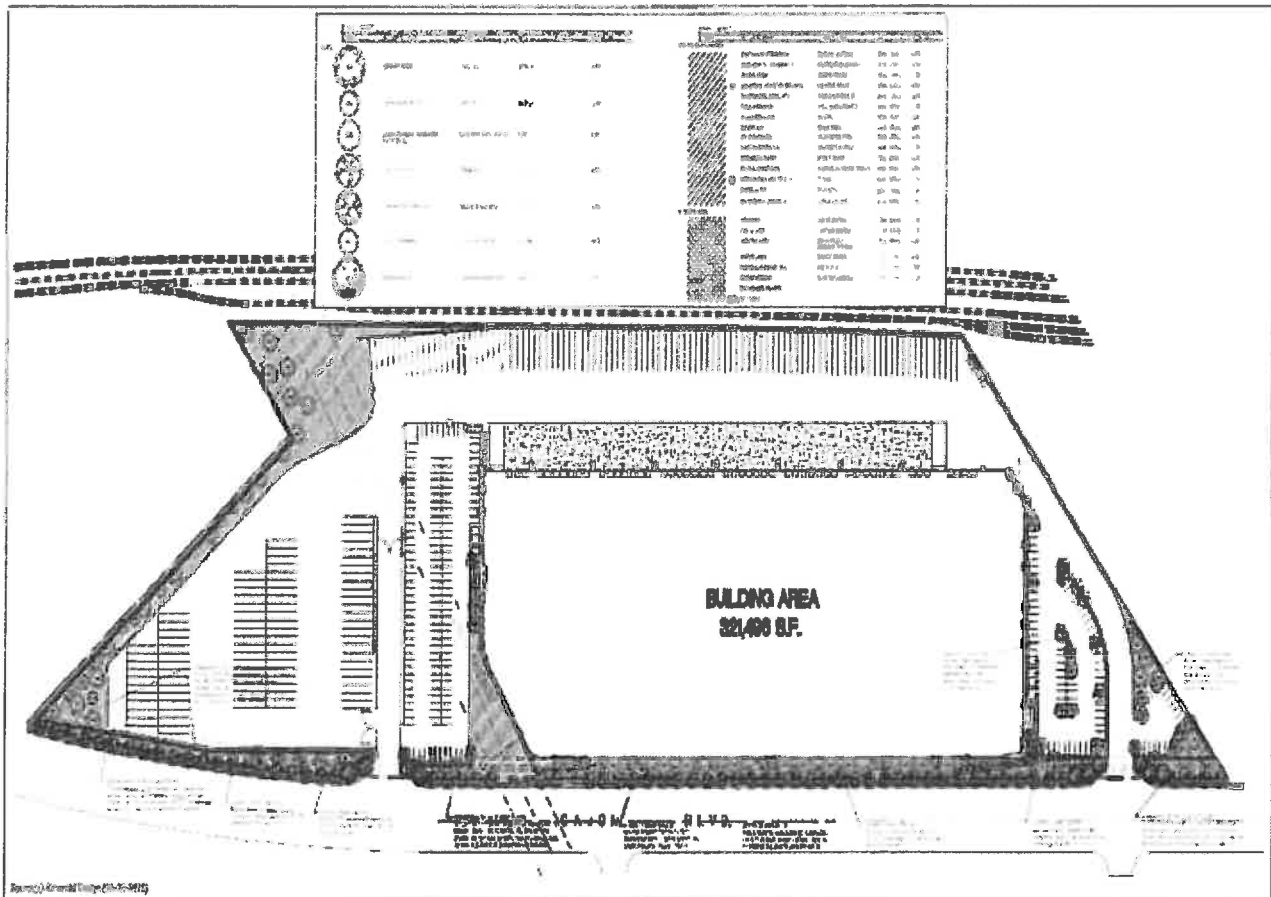
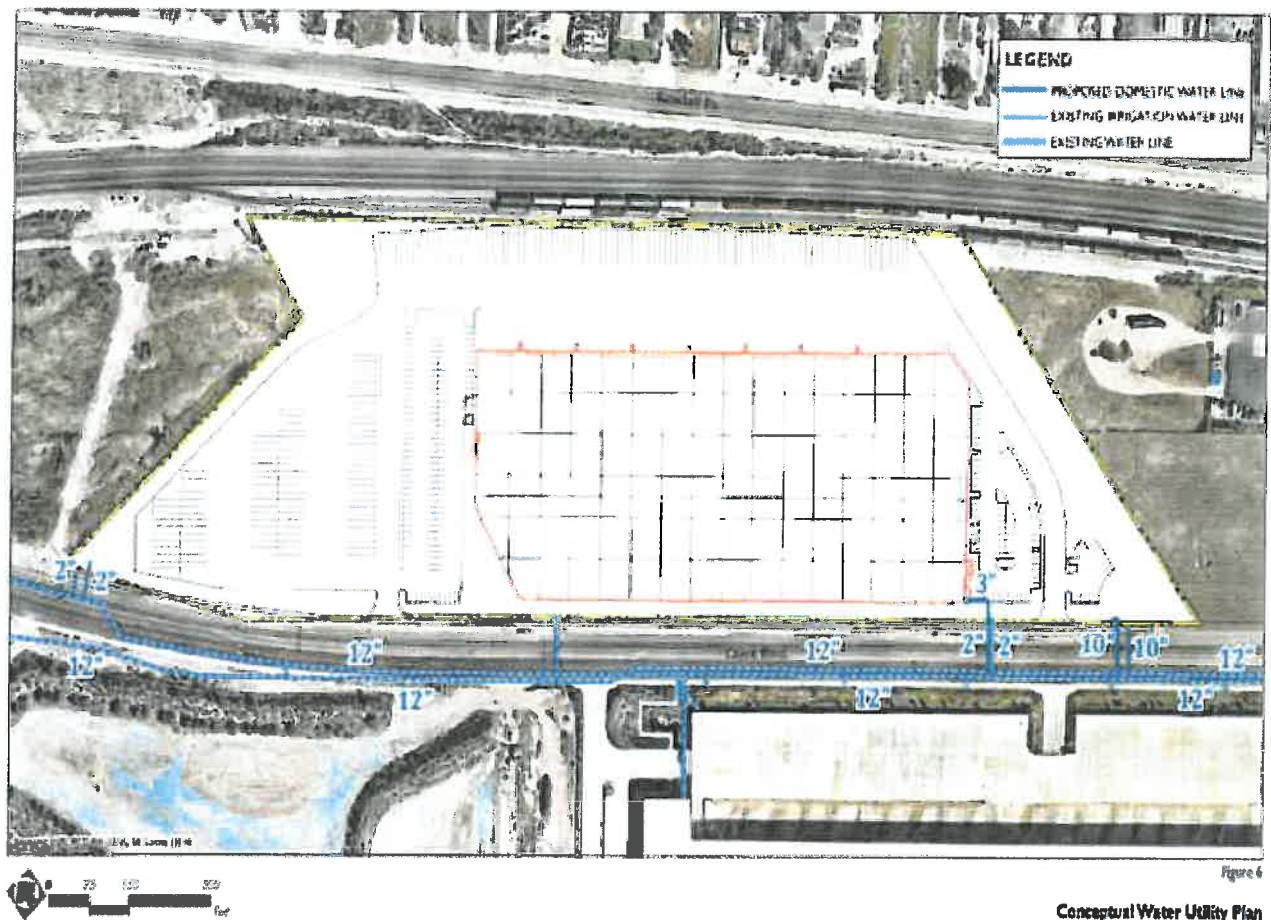


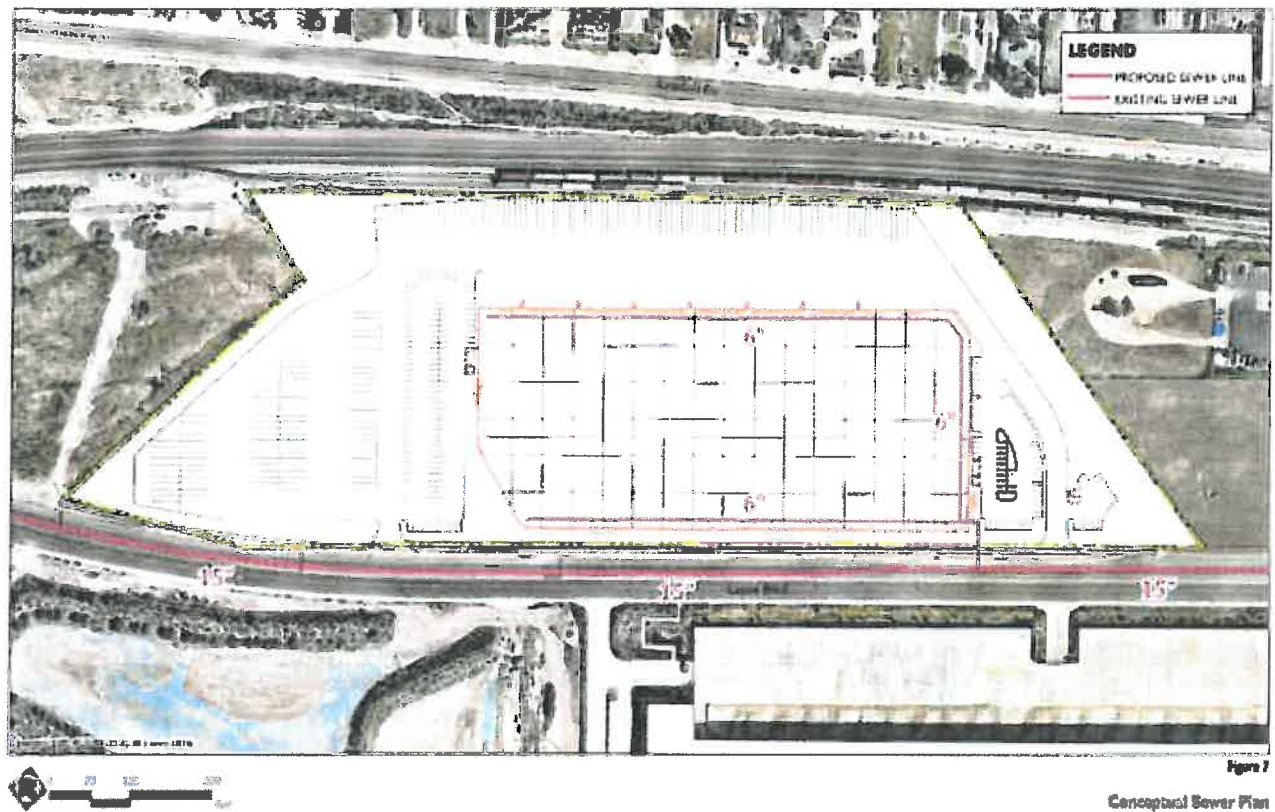
Figure 5

Conceptual Landscape Plan

Figure 6 Conceptual Water Utility Plan



**Figure 7 Conceptual Sewer Plan**



APNs: 0262-041-09, -13, -18, -20  
Alere Warehouse @ Cajon Boulevard

☐ Drainage Plan

The Project's storm water drainage system is depicted on Figure 8, *Conceptual Drainage Plan*. The Project's on-site storm water drainage system would consist of catch basins, underground storm drain pipes, water quality basins, and one (1) underground infiltration basin located at the southeast of the proposed building. The system is designed to collect, treat, and/or temporarily detain storm water runoff before discharging treated flows off-site. The proposed underground infiltration basins would facilitate percolation to maximize on-site infiltration and minimize off-site storm water discharge.

☐ Earthwork and Grading

As shown on Figure 9, *Conceptual Grading Plan*, earthwork and grading would occur over a majority of the Project site (the two existing steel H-frame electrical line transmission towers and an approximate 25-foot radius surrounding each tower would not be impacted by the Project). Proposed earthwork and grading activities would occur in one phase and would result in approximately 91,832 cubic yards (c.y.) of cut and 91,832 c.y. of fill. No import or export of soil materials would be required. Proposed manufactured slopes on-site would reach a maximum incline of 2:1.

***Construction Characteristics***

The proposed Project is expected be constructed over the course of approximately eight months (Urban Crossroads, 2018a, Table 3-2). Construction activities would commence with site preparation and the removal of the storage and equipment related to the existing gunite operations on the subject property. After site preparation, the property would be graded, and underground infrastructure would be installed. Next, surface materials would be poured and the building would be erected, connected to the underground utility system, and painted. Lastly, landscaping, fencing/walls, and other site improvements would be installed, and fine grading would occur. Construction equipment is expected to be in operation on the Project site eight hours per day, five days per week during the construction phase. The types and numbers of heavy equipment expected to be used during construction activities are summarized in Table 3-3 of *Technical Appendix A*.

***Operational Characteristics***

At the time this MND was prepared, the future occupant(s) of the Project proposed warehouse building were unknown. The Project Applicant expects that the building would be occupied by warehouse distribution operators, and the building is not designed to include any cold storage or refrigerated uses. For purposes of evaluation in this MND, it is anticipated that the Project would be operational in the year 2019. The Project could be operational 24 hours per day, seven days per week, with exterior loading, and parking areas illuminated at night. Lighting would be subject to compliance with San Bernardino County Development Code § 83.07.030, which states that outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass. The building is designed such that business operations would be conducted within the enclosed building, with the exception of traffic movement, parking, and the loading, and unloading of tractor trailers at designated loading bays. The outdoor cargo handling equipment used during loading, and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, forklifts) are expected to be powered by non-diesel-fueled engines (e.g., natural gas, electric) (Urban Crossroads, 2018b, p. 4). During long-term operating conditions, the Project is calculated to generate approximately 560 actual vehicle trips on a daily basis, including 448 passenger vehicle trips and 112 truck trips. (Urban Crossroads, 2018f, Table 4-1).



Figure 8 Conceptual Drainage Plan

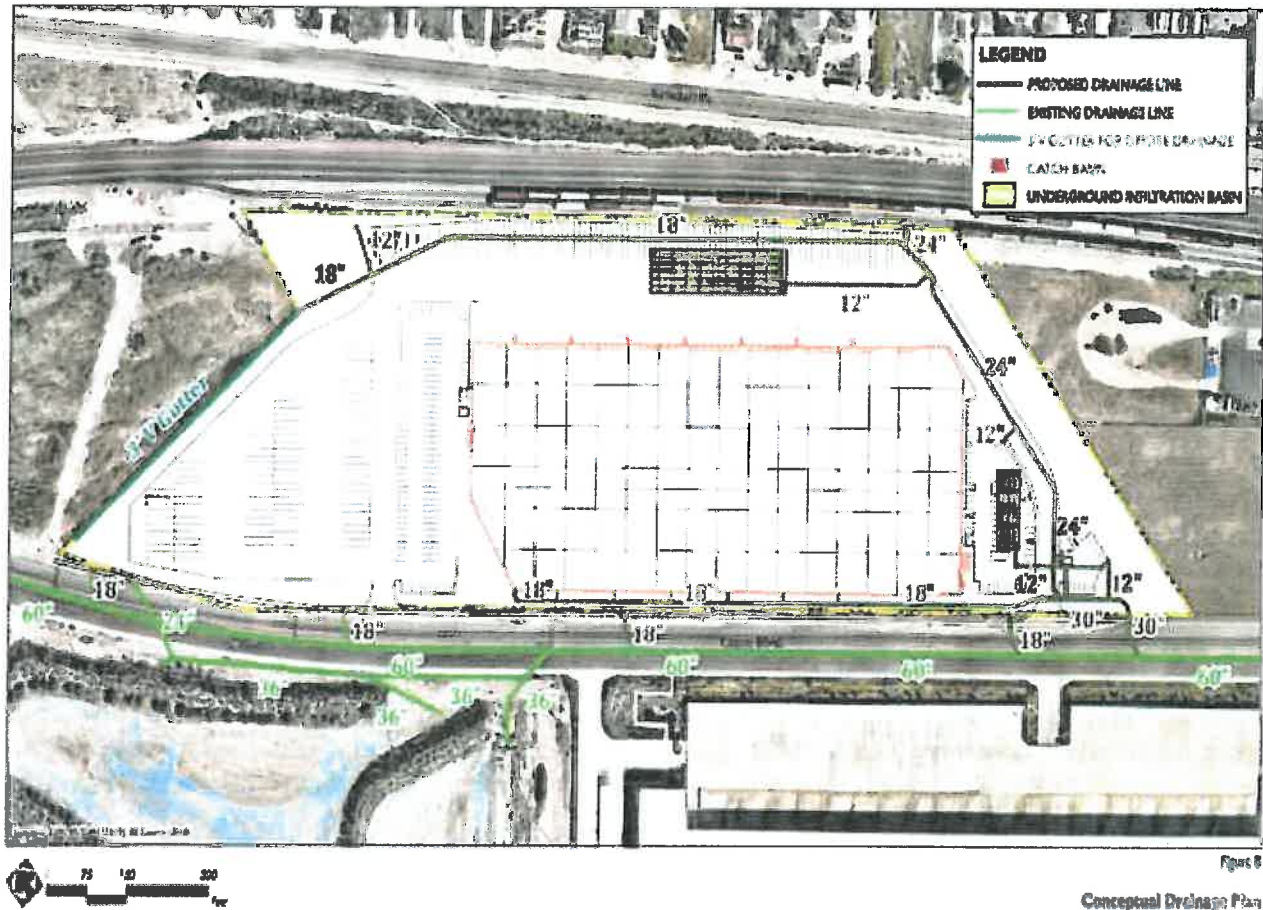
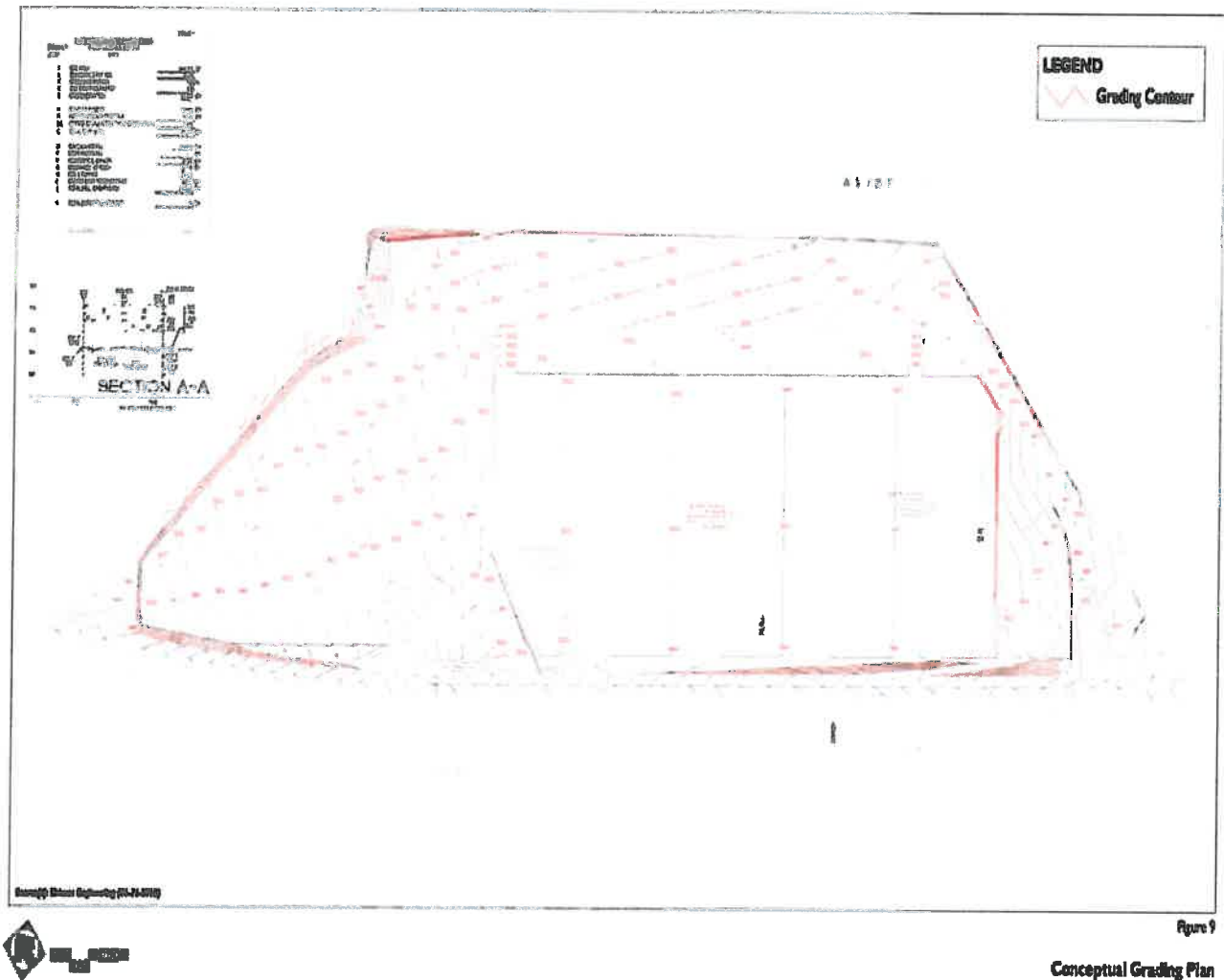


Figure 9 Conceptual Grading Plan



APNs: 0262-041-09, -13, -18, -20

Alere Warehouse @ Cajon Boulevard

Based on calculations from the Project's energy analysis (*Technical Appendix E*), the Project's operational energy use is estimated at approximately 845,951 kilowatt hours (kWh) per year, and natural gas usage is estimated at approximately 652,637 kilo-British thermal units per year (kBtu/yr) (Urban Crossroads, 2018c, p. 28). The Project's daily water usage and sewer generation are estimated to be approximately 37,000 gallons per day based on generation rates from the City of San Bernardino Public Works Department (SBPWD, 2014, Table A).

### **ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

Pursuant to CEQA Guidelines § 15125, the physical environmental condition for purposes of establishing the setting of an MND is the environment as it existed at the time the Lead Agency commenced the environmental analysis for the project. The Project's application was filed with the County of San Bernardino in October 2017 and the environmental review commenced at that time. As such, the environmental baseline for the Project is established as October 2017 and the following subsections provide a description of the Project site's physical environmental condition as of that approximate date. Topics are presented on the following pages in no particular order of importance.

#### ***General Plan and Zoning Designation***

The County of San Bernardino General Plan Land Use and Zoning District Maps designates the Project site as "Glen Helen Specific Plan (GH/SP)." The GHSP "create[s] a comprehensive guide for quality land development with a viable program for building and financing the infrastructure necessary to support it." (SB County, 2015, p. 1-6) The GHSP includes specific zoning designations and standards for development within its geographical boundaries which supersede those of the County's General Plan and Development Code. As shown on Figure 10, *Glen Helen Specific Plan Land Use Plan*, the GHSP applies a "Heavy Industrial (HI)" zoning designation to the Project site (SB County, 2015, Exhibit 2-2). Pursuant to GHSP § GH2.04229(b), the HI zoning designation allows for the warehousing use proposed by the Project with the approval of a Minor Use Permit (SB County, 2015, p. 2-59). The Project site is also located within the "Biotic Resources Overlay" which applies to the entirety of the GHSP boundary. The Biotic Resources Overlay requires projects that propose to alter at least 25% of the land within potentially sensitive habitats to prepare a biological report that characterizes the habitat types and identifies the presence or the potential occurrence of sensitive species. (SB County, 2015, p. 2-115) Refer to GHSP Division 2, *Land Use Plan and Development Standards*, and Division 3, *Design Guidelines*, for more information on the specific development regulations and design standards that apply to the Project site.

#### ***Land Use***

Based on historical aerial photography, the Project site remained undeveloped until approximately 1938 when two high-tension electrical transmission lines were installed along the northwestern portion of the property. Between 1953 and 1959, small structures appeared in the northwestern portion of the Project site which were precursory to the Al Jo Lumber Company, a lumber mill/wood working operation, that was operated on the northwestern portion of the Project site until 2005. Since 2005, the northwestern portion of the Property has been used for truck and truck trailer parking and as a storage yard/staging area for a swimming pool gunite business. The eastern/southeastern portion of the Project site has never been developed but has been maintained with minimal weed abatement activities. (SCS Engineers, 2017, pp. 7, 10-11, Appendix C) The Project site's existing uses are depicted on Figure 11, *Aerial Photograph*.



Figure 10 Glen Helen Specific Plan Land Use Plan

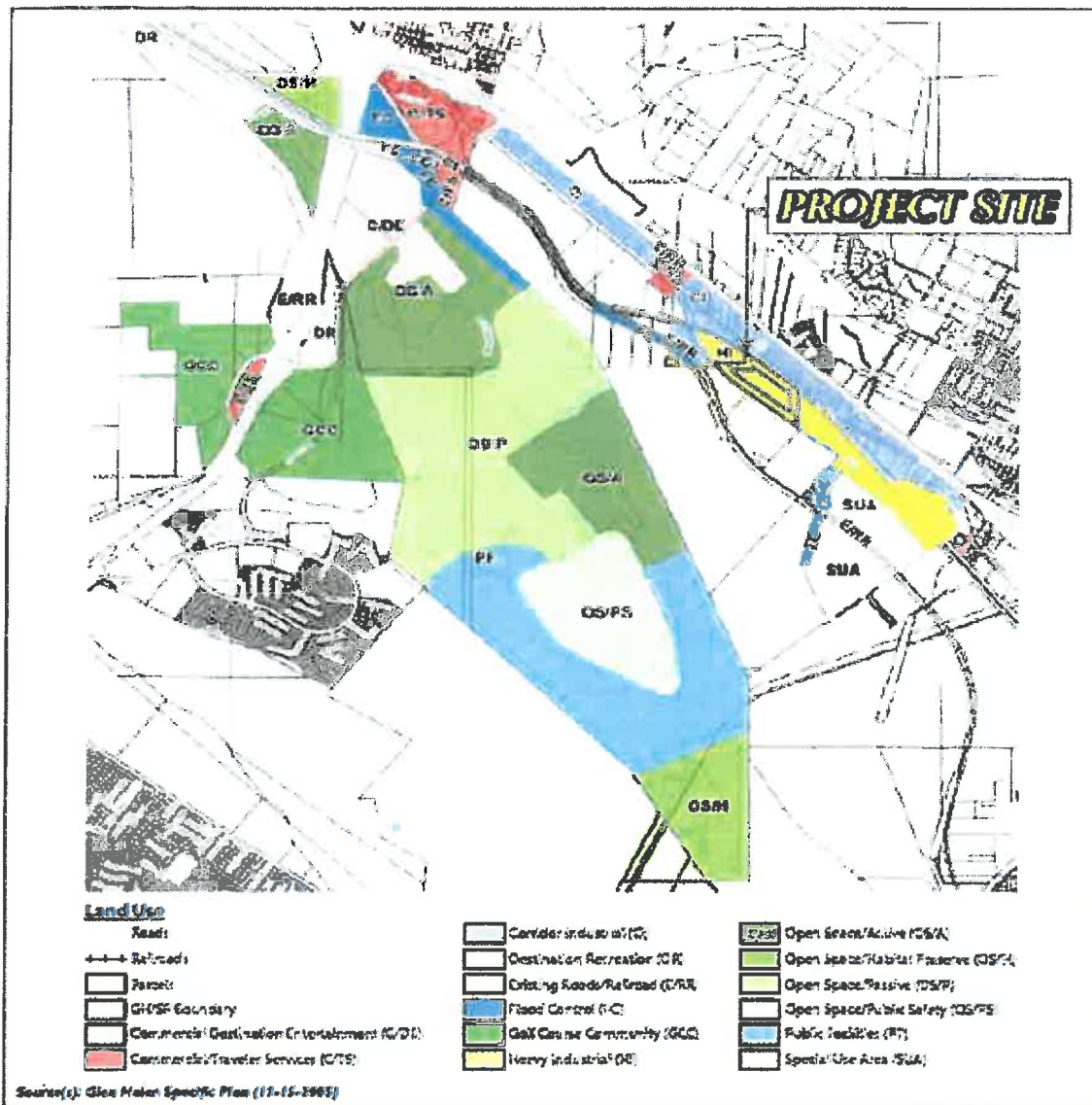


Figure 10



Glen Helen Specific Plan Land Use Plan

APNs: 0262-041-09, -13, -18, -20

Alere Warehouse @ Cajon Boulevard

Figure 11 Aerial Photograph

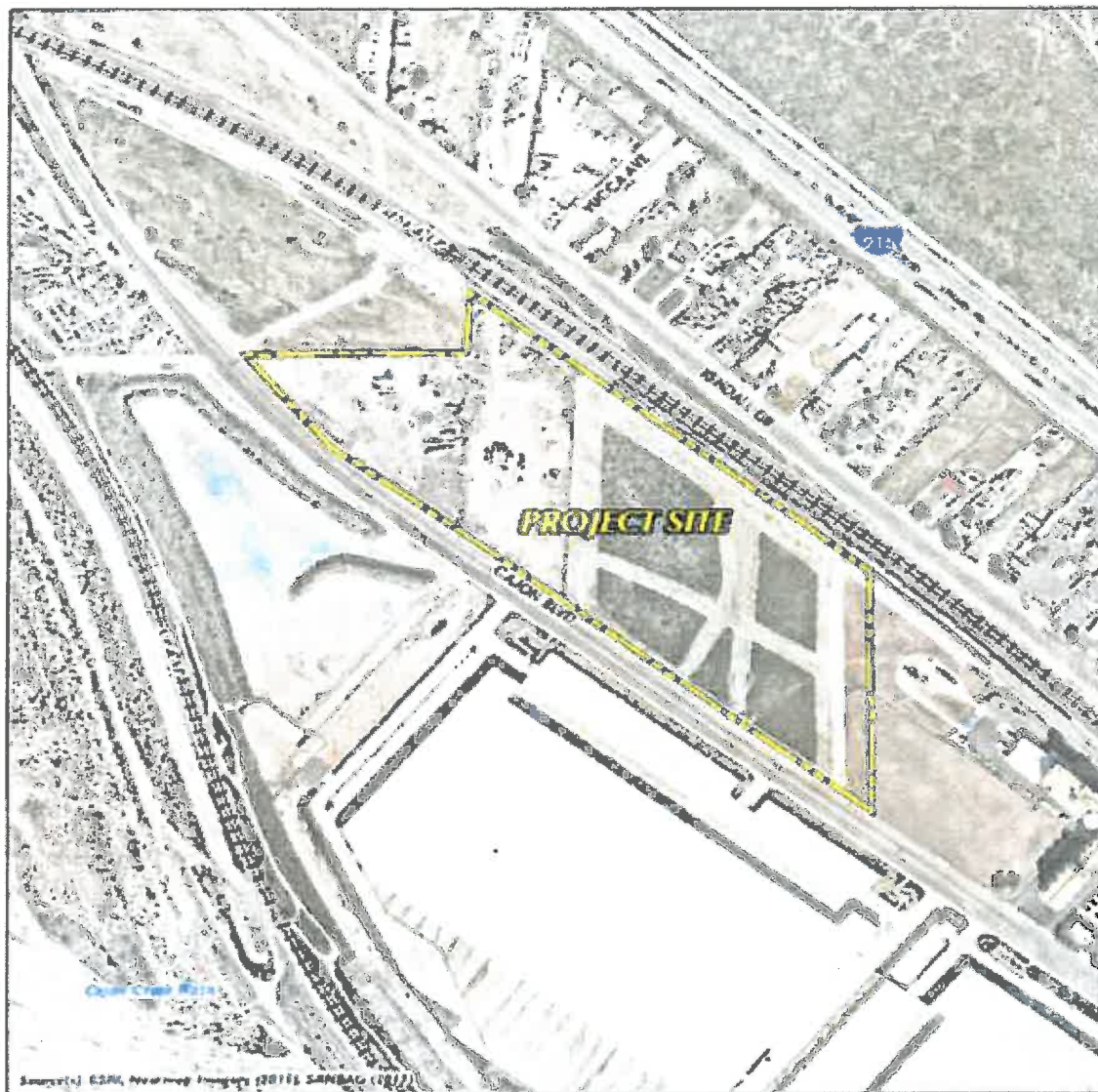


Figure 11



Aerial Photograph

APNs: 0262-041-09, -13, -18, -20

Alere Warehouse @ Cajon Boulevard

***Surrounding Land Uses and Development***

Figure 12, *Surrounding Land Uses and Development*, depicts the existing land uses immediately surrounding the Project site. Land uses surrounding the Project site generally include warehouses, vacant lands, a vehicle junkyard, a granary, railroad tracks, non-conforming single-family homes, and rural commercial businesses. The specific land uses surrounding the Project site are described below.

**Northeast/Northwest**

The Project site's northeastern boundary abuts the Atchison, Topeka and Santa Fe (ATSF) and Union Pacific (UP) railroad lines. Farther northeast of the rail lines is Kendall Drive and non-conforming single-family homes and rural commercial businesses that front Kendall Drive. Directly northwest of the Project site is vacant land that appears to be routinely disturbed by weed abatement activities. Farther northwest of the Project site (immediately west of Cajon Boulevard) is a vehicle junkyard (DC Auto Parts & Recycling).

**Southeast/Southwest**

The Project site's entire western/southwestern boundary fronts Cajon Boulevard. A Southern Pacific (SP) / UP railroad line is located approximately 0.10-mile west of the Project site. Southwest of the Project site (southwest of Cajon Boulevard in the City of San Bernardino) are two large warehouse facilities (approximately 800,000 s.f and 825,000 s.f) which both include automobile parking, exterior lighting and ornamental landscaping along their frontages with Cajon Boulevard. Directly southeast of the Project site is vacant land disturbed by weed abatement activities. Farther southeast of the Project site is a granary operation comprising of silos which are easily visible from Cajon Boulevard and Kendall Drive.

***Aesthetic and Topographic Features***

The Project site is perceived as flat, with a topographic high point of approximately 1,845 feet above mean sea level (amsl) in the northwest corner of the site and a topographic low point of approximately 1,801 feet amsl in the southern corner of the site. The overall topographic relief of the Project site is approximately 44 feet. Figure 13, *USGS Topographic Map*, illustrates the topographic character of the Project site.

The Project site's aesthetic character is primarily defined by disturbed and undeveloped land. The northwestern portion of the Project site contains minimal vegetation and is used as a storage yard/staging area. A chain link fence is installed around the perimeter of the storage yard and along the Project site's northwestern frontage with Cajon Boulevard. The undeveloped land in the eastern/southeastern portion of the Project site contains both disturbed and undisturbed vegetation. Additionally, two steel H-frame towers supporting overhead electricity transmission lines traverse the western portion of the Project site in a north-south orientation and five wooden poles supporting overhead electricity transmission lines are located off-site, abutting the Project site's northern boundary. The existing aesthetic conditions of the Project site are illustrated on Figure 14, *Site Photograph Key Map*, Figure 15, *Site Photographs 1 & 2*, Figure 16, *Site Photographs 3 & 4*, and Figure 17, *Site Photographs 5 & 6*.



Figure 12 Surrounding Land Uses and Development

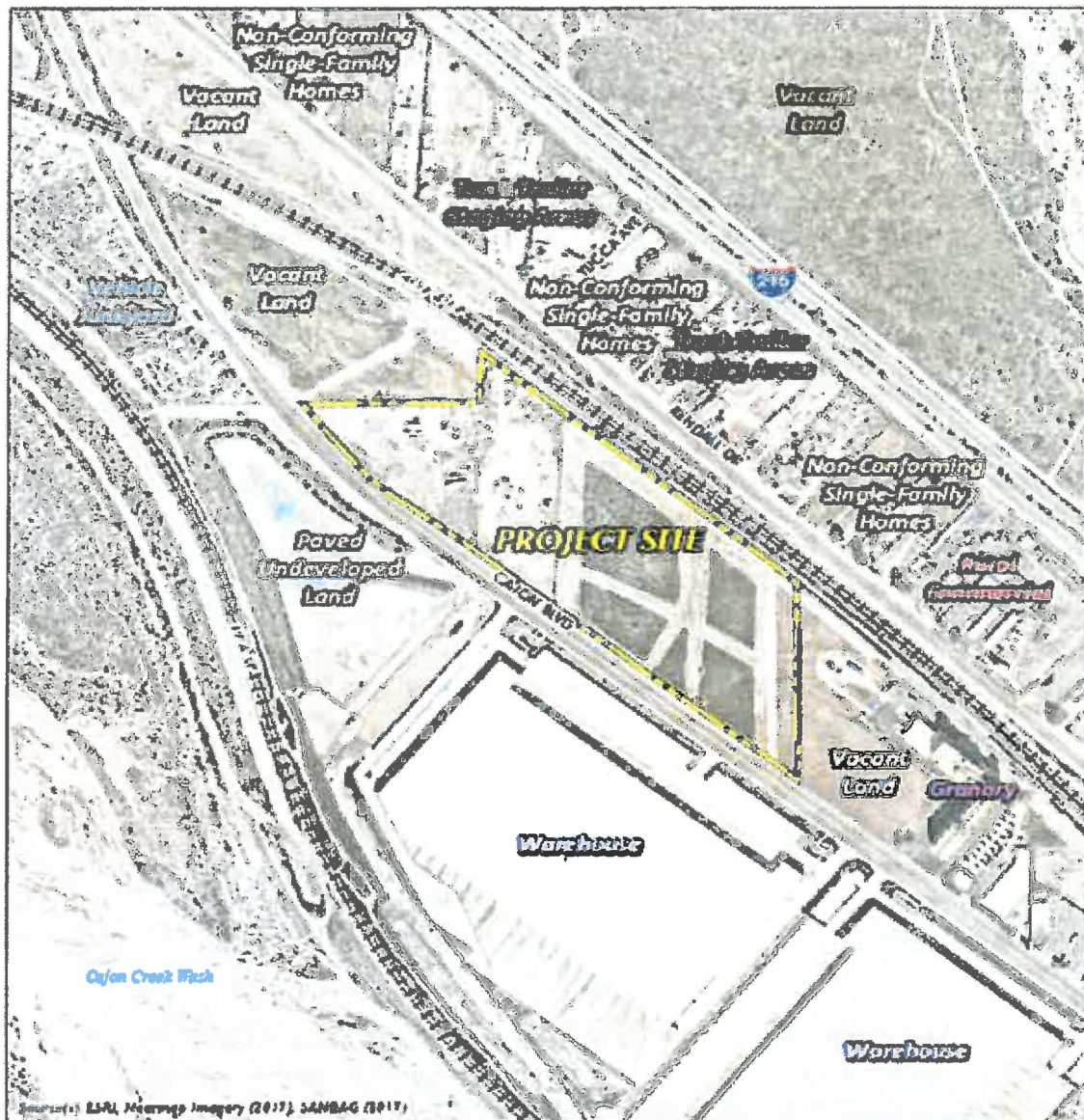


Figure 12

Surrounding Land Uses and Development

Figure 13 USGS Topographic Map

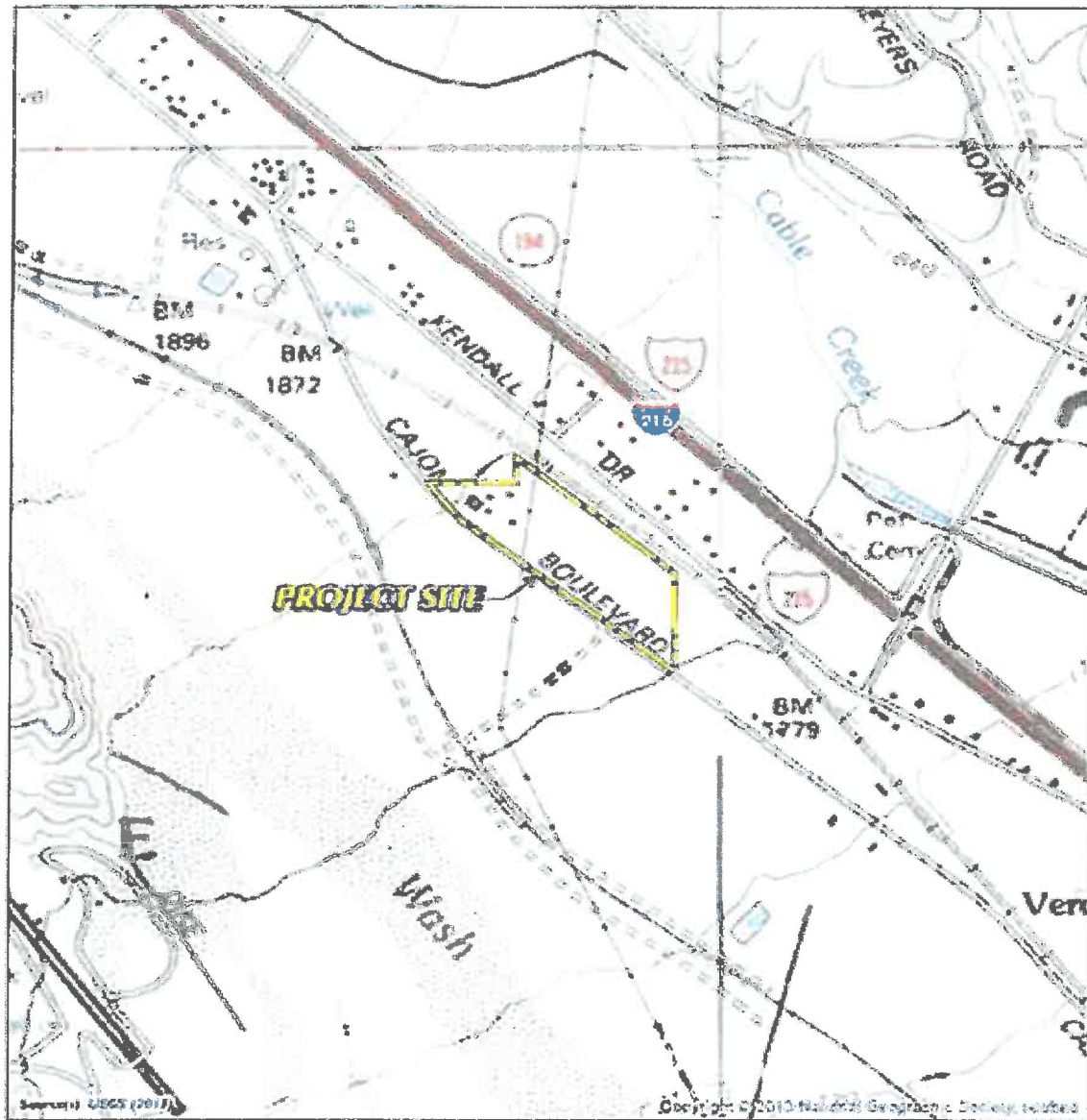


Figure 13

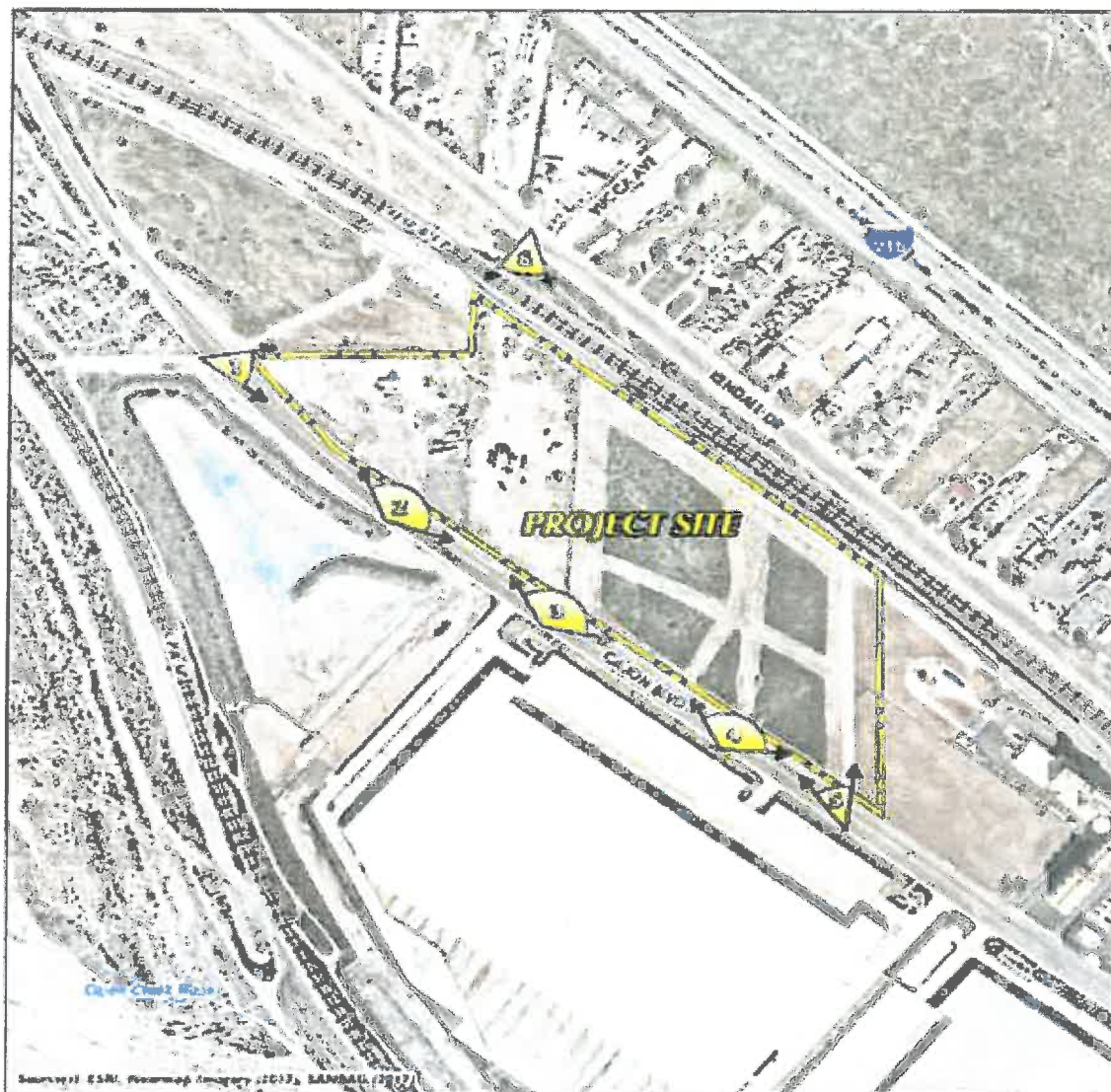


USGS Topographic Map



APNs: 0262-041-09, -13, -18, -20  
Alere Warehouse @ Cajon Boulevard

**Figure 14 Site Photograph Key Map**



**Figure 14**



**Site Photograph Key Map**

Figure 15 Site Photographs 1 & 2



Site Photograph 1: From Cajon Boulevard looking East to Southeast.



Site Photograph 2: From Cajon Boulevard looking Northwest to Southeast.

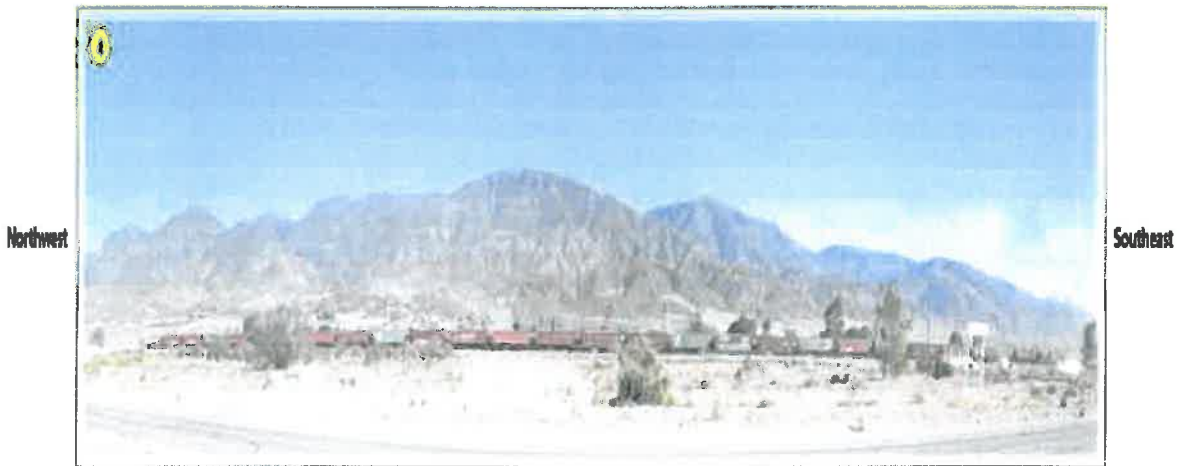
Figure 15

Site Photographs 1 & 2

**Figure 16 Site Photographs 3 & 4**



**Site Photograph 3: From Cajon Boulevard looking Northwest to Southeast.**



**Site Photograph 4: From Cajon Boulevard looking Northwest to Southeast.**

**Figure 16**

**Site Photographs 3 & 4**



Figure 17 Site Photographs 5 & 6



Site Photograph 5: From Cajon Boulevard looking Northwest to North.



Site Photograph 6: From Kendall Drive looking South to Southwest.

Figure 17

Site Photographs 5 & 6

The Project site abuts Cajon Boulevard, a southeast-northwest oriented roadway. The Project site receives access from and provides access to Cajon Boulevard via two existing driveways located at the northwestern boundary of the site.

The Project site is located approximately 0.1-mile southwest of Interstate 215 (I-215), a north-south oriented freeway, and approximately 1.8 miles southeast of Interstate 15 (I-15), a north-south oriented freeway. Both I-215 and I-15 are part of the state highway system operated by the California Department of Transportation (CalTrans).

There are no bus or public transit facilities located along the Project site's frontage with Cajon Boulevard.

### ***Air Quality and Climate***

The Project site is located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west, the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the San Diego County line to the south. The SCAB is within the jurisdiction of South Coast Air Quality Management District (SCAQMD), the agency charged with bringing air quality in the SCAB into conformity with federal and state air quality standards. The climate of the SCAB is characterized as semi-arid and more than 90% of the SCAB's rainfall occurs from November through April. During the dry season, which also coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, characterized by a daytime onshore sea breeze and a nighttime offshore drainage wind.

In the Project region, the SCAB does not attain State and/or federal standards established for one-hour and eight-hour Ozone (O<sub>3</sub>) concentrations, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and Lead (Pb) concentrations. Local air quality in the vicinity of the Project site has exceeded air quality standards for one-hour and eight-hour ozone concentrations and particulate matter concentrations within the last three years, as recorded at the nearest air monitoring station to the Project site (SCAQMD Southwest San Bernardino Valley monitoring station). (Urban Crossroads, 2018a, p. 12) Refer to Table 2-3 in the Project's air quality report (refer to *Technical Appendix A*) for a detailed summary of air quality conditions in the vicinity of the Project site over the last three years.

Air pollution contributes to human health concerns. The SCAQMD conducted an in-depth analysis of the toxic air contaminants and their resulting health risks for all of Southern California. This study, titled "Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES IV)," shows that the Project area has an ambient carcinogenic risk of 536.65 in one million persons (SCAQMD, n.d.). Information about specific air pollutants and their specific effects on human health are contained in the Air Quality Impact Analysis and Mobile Source Health Risk Assessment provided as *Technical Appendix A* and *Technical Appendix B*, respectively, to this MND.

### ***Geology***

There are no known active or potentially active earthquake faults on the Project site or in the immediate area, and the Project site is not located within an "Alquist-Priolo" Special Studies Zone (Norcal Engineering, 2017, p. 2). The closest active fault to the Project site, the San Jacinto fault, is located approximately 0.7-mile southwest from the Project site (CalTech, 2012). Similar to other properties

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throughout Southern California, the Project site is located within a seismically active region and is subject to ground shaking during seismic events.

During subsurface investigations conducted on the Project site in 2017, no groundwater was encountered at any of the boring samples (up to 51.5 feet below existing ground surface) (Norcal Engineering, 2017, p. 8). Accordingly, the static groundwater table at the Project site is considered to exist at depths in excess of 51.5 feet below existing ground surface.

### ***Soils***

The Project site features fill and disturbed topsoils which generally extend to depths of one (1) to two (2) feet below the existing ground surface and consist of loose and dry, silty sand with gravel, small cobbles, roots, and minor debris. Native soils lie beneath the fill soils and consist of medium dense and dry to damp, slightly silty sand with gravel and small cobbles. Soil composition is relatively consistent across the Project site. (Norcal Engineering, 2017, p. 4).

### ***Hydrology***

The Project site is located in the Santa Ana River watershed, which drains an approximately 2,650 square-mile area and is the principal surface flow water body within the region. The Santa Ana River starts in the San Bernardino Mountains, approximately 1.5 miles northeast of the Project site, and flows southwesterly for approximately 96 miles across San Bernardino, Riverside, Los Angeles, and Orange counties before spilling into the Pacific Ocean.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C7910H, the Project site is located within "Flood Zone X (unshaded)" which corresponds with areas of minimal flood hazard (i.e., less than 0.2-percent annual chance of flood). (FEMA, n.d.)

Under existing conditions, storm water flows across the Project site as sheet flow in a southeasterly direction toward Cajon Boulevard. An existing 60-inch-diameter storm drain system (Line E-21) is located beneath Cajon Boulevard and is designed to capture and convey peak runoff within its master plan area during 100-year storm events. (Thlenes, 2017a, n.p.)

### ***Noise***

Noise generated on or within the vicinity of the Project site under existing conditions is limited to the on-site gunite operation, vehicles travelling to and from the Project site along Cajon Boulevard, vehicles travelling along Kendall Drive, the railroad lines located west of the Project site, and the railroad lines abutting the northeastern boundary of the Project site, and periodic, routine maintenance activities on the Project site (i.e., discing). Based on 24-hour noise measurements collected by the consulting firm Urban Crossroads on February 14, 2018, hourly noise levels in the Project area range between 62.1 equivalent decibels (dBA Leq) and 74.7 dBA Leq (Urban Crossroads, 2018e, Table 5-1).

### ***Utilities and Service Systems***

The Project site is located in the service area of the City of San Bernardino Municipal Water Department (SBMWD) for domestic water and sewer service. The SBMWD manages the domestic water supply and delivery service within its 325-square mile service area. SBMWD's water supply is obtained from the State Water Project and various groundwater storages managed by the SBMWD. (WSC, 2016, p. 6-1)

Wastewater flows generated within the Project area are conveyed to and treated to secondary levels at the San Bernardino Regional Wastewater Reclamation Plant and to tertiary levels at the Rapid

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Infiltration/Extraction (RIX) Plant. The Reclamation Plant and RIX Plant are both operated by the SBMWD (WSC, 2016, p. 7-11).

Solid waste collection and disposal in the Project area is conducted by the County of San Bernardino Solid Waste Management Division (SWMD). The SWMD contracts with Burtec Waste Industries for disposal site operations and maintenance. (SB County, 2007b, IV-190) The Mid-Valley Landfill and/or San Timoteo Landfill would receive the solid waste produced from the Project site. (SWMD, 2015)

### ***Vegetation***

Under existing conditions, the northwestern portion of the site has been disturbed by past development activities on the subject property. Sections of the eastern portion of the Project site have been partially disturbed by weed abatement activities (i.e., disking for weed abatement and fire fuel management). There are a few trees and blocks of undisturbed vegetation within the eastern portion of the Project site. Three (3) vegetation communities/land cover types were identified on the Project site by L&L Environmental. The locations and extents of these vegetation communities are illustrated on Figure 18, *Existing Vegetation Map*, and summarized below:

- ❑ Alluvial Fan Sage Scrub (approximately 5.7 acres): Alluvial Fan Sage Scrub (AFSS), occurs along washes and drainages on low gradient alluvial fans and terraces that may be periodically or rarely flooded. Soils are usually sandy or rocky and well drained. AFSS has both the drought-deciduous, low-growing, soft-leaved shrubs of sage scrubs and the larger perennial species found in chaparral habitats, but the presence of scale broom is required. Although the habitat appears to qualify as AFSS with the presence of  $\geq 1\%$  scalebroom, very few scalebroom plants were observed in the survey area. The lack of periodic flooding and scouring on the Project site has resulted in a transition from AFSS on-site to California buckwheat scrub. (L&L Environmental, 2018a, pp. 19-20)
- ❑ Developed Land (approximately 7.2 acres): Developed areas consist of hardtops of asphalt or gravel and are devoid of any vegetation. These areas are heavily used by commercial and/or passenger vehicles. (L&L Environmental, 2018a, p. 20)
- ❑ Disturbed (approximately 8.3 acres): Disturbed habitat is habitat that has been previously and/or repeatedly disturbed but where native plants are still present in small numbers and soils are open and sandy. (L&L Environmental, 2018a, p. 20)

No special-status plant species were identified on Project site during surveys conducted by L&L Environmental (L&L Environmental, 2018a, p. 21). For more information pertaining to on-site vegetation refer to *Technical Appendix C1*.

### ***Wildlife***

L&L Environmental observed 32 wildlife species on or within the vicinity of the Project site. No special-status wildlife species were observed on Project site; but, two (2) sensitive wildlife species were observed/trapped on-site: the Los Angeles pocket mouse and the California horned lark. (L&L Environmental, 2018a, pp. 24, 26, 31). For a detailed summary of the wildlife species observed on-site refer to *Technical Appendix C1*.

Figure 18 Existing Vegetation Map

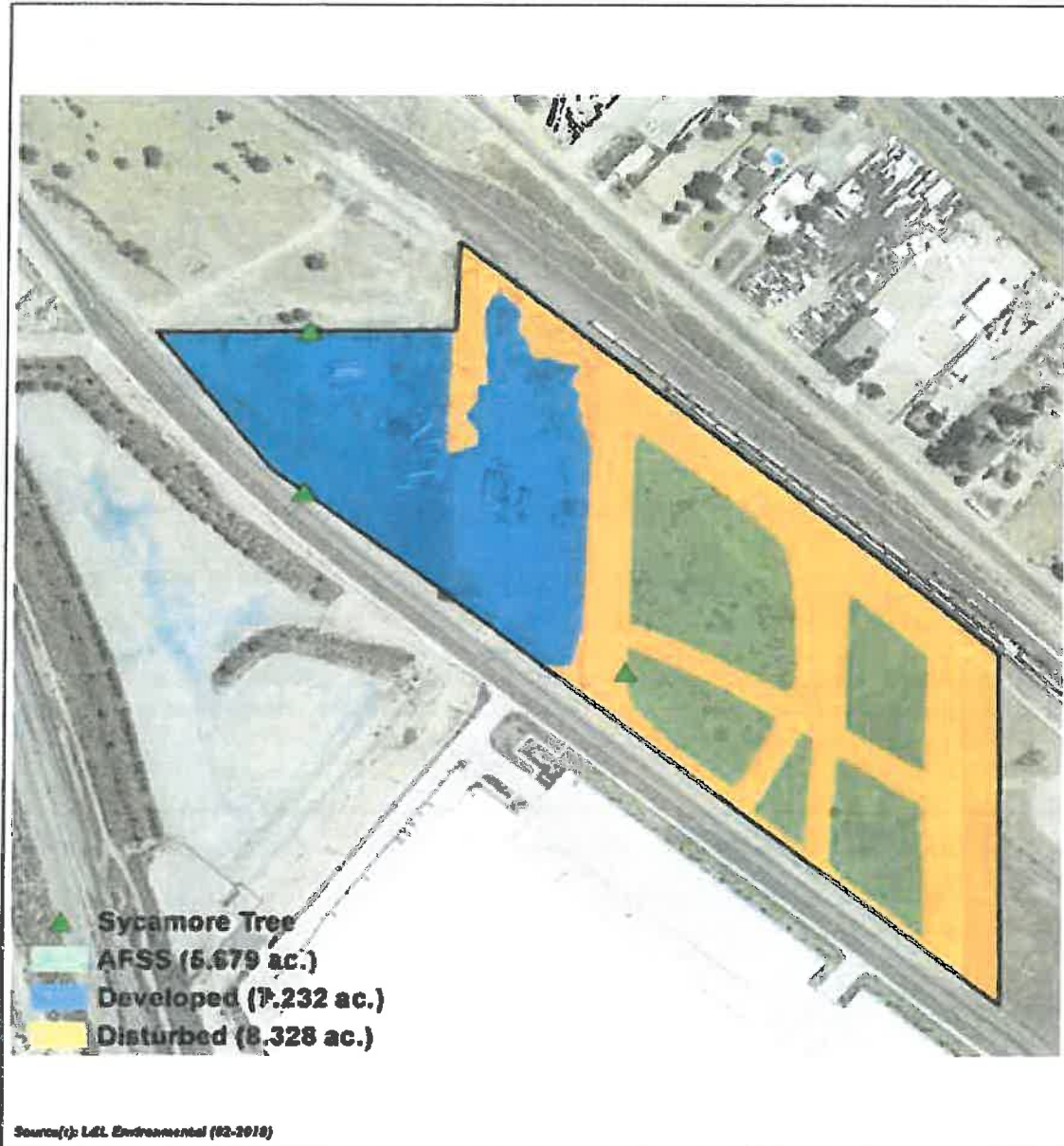


Figure 18



Existing Vegetation Map

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 16000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The project is evaluated based upon its effect on 19 major categories of environmental factors. Each factor in the Initial Study Checklist is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The effect of the project is categorized into one of the following four categories of possible determinations:

- Potentially Significant Impact
- Less than Significant Impact with Mitigation
- Less than Significant Impact
- No Impact

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. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less-than-Significant Impact:** No substantial adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less-than-Significant Impact with Mitigation Incorporated:** A substantial adverse impact is identified or anticipated; but, the application of mitigation measure(s) would avoid or mitigate the effects to a point where clearly no significant impact would occur.
4. **Potentially Significant Impact:** A substantial adverse impacts is identified or anticipated for which adequate mitigation may not be feasible. An Environmental Impact Report (EIR) is required to evaluate these impacts.



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

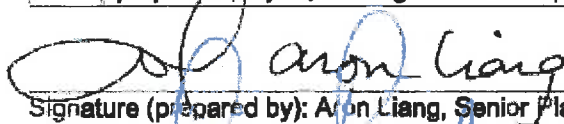
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Utilities/Service Systems
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Mandatory Findings of Significance
<input type="checkbox"/>	Greenhouse Gas Emissions				

**DETERMINATION:**

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

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	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 <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	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 <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature (prepared by): Aron Liang, Senior Planner

11/19/2018  
Date

  
Signature: Dave Prusch, Supervising Planner

11/19/2018  
Date

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>I. AESTHETICS</b>				
<b>Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan.				

- I-a) Less-than-Significant Impact.** The San Bernardino County General Plan does not designate specific scenic vistas throughout the County; however, General Plan Policy OS 5.1 states that a scenic resource includes "vista[s] that provide relief from less attractive views of nearby features (such as views of mountain backdrops from urban areas)" (SB County, 2007a, pp. VI-12 - VI-13). The Project site is located in a relatively flat valley floor approximately 1.4 miles southwest of the foothills of the San Bernardino Mountains, 0.8-mile east of the Glen Helen foothills, and 2.0 miles southeast of the foothills of the San Gabriel Mountains. Under existing conditions, prominent views of the San Bernardino Mountains are available within areas adjacent to the Project site on Cajon Boulevard and Kendall Drive (looking east) and prominent views of the Glen Helen foothills and San Gabriel mountains are available from Cajon Boulevard and Kendall Drive (looking northwest). Refer to Figure 15 through Figure 17 for existing views in the Project site area.

The proposed warehouse facility would be constructed to a maximum height of approximately 46 feet, which would partially and momentarily obstruct or obscure views of the San Bernardino Mountains provided to vehicles and pedestrians travelling on Cajon Boulevard along a portion of the Project site's frontage. Additionally, the proposed warehouse facility would partially obstruct or obscure views of the Glen Helen foothills and/or San Gabriel Mountains for vehicles and pedestrians traveling on Kendall Drive and from non-conforming residences fronting Kendall Drive. Notwithstanding the potentially-obstructed views, neither the San Bernardino County General Plan nor the Glen Helen Specific Plan identify the Project site as being located within a scenic vista or within a scenic corridor and viewshed of the San Bernardino Mountains, Glen Helen foothills, or San Gabriel Mountains. Views of these features are not views unique to the Project site or surrounding area. Views to these landforms would remain available in the vicinity of the Project site and surrounding area.



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Accordingly, implementation of the proposed Project would not have a substantial effect on a designated or unique scenic vista. Thus, a less-than-significant impact would occur.

- I-b) Less-than-Significant Impact.** The Project site does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings. There are no State-designated or eligible scenic highways within the vicinity of the Project site (CalTrans, 2017). Accordingly, the Project site is not located within a state scenic highway corridor and implementation of the proposed Project would not have a substantial effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor. Thus, a less-than-significant impact would occur.

The Project site is located approximately 0.13-mile (675 feet) west of Interstate 215, which the County General Plan and Glen Helen Specific Plan recognize as a "Scenic Route" (Glen Helen Specific Plan, Page 1-17). However, the Project site is located outside of the I-215 Scenic Corridor defined by the Glen Helen Specific Plan (which only extends 600 feet west of I-215) (Glen Helen Specific Plan, Page 2-114.)

- I-c) Less-than-Significant Impact.** Under existing conditions, the Project site and the surrounding area consist entirely of developed or under-developed/disturbed land. The areas immediately south and southwest of the Project site contain industrial and warehouse buildings with associated parking lots, drive aisles, and landscaping. The properties immediately southeast and northwest of the Project site contain undeveloped/underutilized land that have been disturbed during weed abatement activities. The properties immediately north and northeast of the Project site (beyond the railroad lines) contain non-conforming single-family homes, and rural commercial businesses. Lastly, the property northwest of the Project site contains a junkyard. Implementation of the Project would convert land that was previously used as a lumber mill and partially, currently used for parking and a sprayed concrete gunite business to one warehouse building and associated loading docks, parking spaces, drive aisles, utility infrastructure, landscaping, exterior lighting and signage.

The Project's construction phase would occur over approximately eight months. All Project-related construction activities would be temporary in nature and all construction equipment would be removed from the Project site following completion of the Project's construction activities. Project-related changes to local visual character would be less than significant during near-term construction activities because construction activity is common throughout San Bernardino County, would be temporary in nature, and would not substantially degrade the visual quality or character of the area, which currently contains a junkyard, warehouse buildings, railroad lines, disturbed vacant land, and non-conforming residential uses.

The Project site is located in an area of San Bernardino County that is developing with distribution warehousing, e-commerce, and light industrial land uses. The development proposed by the Project is similar in nature to the warehouse developments located to the south and southwest of the Project site. Therefore, while the proposed Project would alter the visual character of the site, due to its similarity to the existing character of other large buildings in the surrounding area, such an alteration would not result in a substantial degradation to the existing visual character. The Project's impacts to visual character would be less than significant.

Although aesthetic changes to the Project site would occur as compared to existing conditions, the Project incorporates a number of features to enhance the aesthetic quality of the Project. The Project's architecture incorporates a color palette that would not be visually offensive and also incorporates accent elements, such as colored glass and decorative building elements, for visual interest. The Project's landscape plan incorporates plant species that can maintain vibrancy during drought conditions. Additionally, the proposed facility includes loading docks and truck parking areas that are set back from public streets and enclosed by a solid screen wall. The Project's visual features complement surrounding development and would be consistent with the design standards for Industrial development provided by the Glen Helen Specific Plan (GHSP). Based on the foregoing, the Project's impacts to visual quality would be less than significant.

- I-d) Less-than-Significant Impact.** Under existing conditions, the Project site generates a negligible amount of glare. Existing artificial lights on the Project site come from flood lights found near storage trailers used by the on-site sprayed concrete operation. Streetlights are present along a portion of Cajon Boulevard that abuts the Project site's southwestern boundary. There are no streetlights located along Kendall Drive or other light features along the railroad lines, which abut the Project site's northeastern boundary.

The proposed Project would include exterior lighting; however, the installation of exterior lighting would be ancillary to the proposed warehouse building. The proposed Project would be required to adhere to the lighting requirements as set forth in the GHSP and the County of San Bernardino Development Code. The GHSP includes standards for lighting of properties within the GHSP's boundaries as follows: exterior lighting shall be "arranged to prevent glare and illumination on streets or adjoining property" and shall be "shielded and focused to minimize spill light into the night sky." (SB County, 2015, p. 3-45) Additionally, County of San Bernardino Development Code § 83.07.030 requires that outdoor lighting for commercial or industrial land uses to be fully shielded to preclude light pollution or light trespass. The County's Development Code also specifies that exterior lighting associated with nonresidential uses shall not blink, flash, oscillate, or be of unusually high intensity or brightness. The Project would be required to demonstrate compliance with the aforementioned requirements prior to issuance of building permits. Project compliance with the GHSP's lighting requirements and the County of San Bernardino Development Code would ensure that the Project would not produce a new source of substantial light or glare from artificial lighting sources that would adversely affect day or nighttime views in the area.

The proposed Project would involve the construction of one (1) warehouse building with exterior building surfaces that consist of concrete tilt-up panels and blue-glazed glass. While window glazing has a potential to result in minor glare effects, such effects would not adversely affect daytime views of any surrounding properties, including motorists on adjacent roadways, because the glass used by the Project would be low-reflective. Areas proposed for window glazing would be limited, as shown on the Project's application materials. Accordingly, a less-than-significant daytime glare impact would occur.

The Project does not propose to install rooftop solar panels; however, the roof of the proposed warehouse building could accommodate the potential future installation of solar panels.

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Because solar panels absorb light – and do not reflect it – they are not expected to result in substantial adverse glare effects. In the event solar panels are installed on the proposed warehouse building in the future, potential glare impacts would be less than significant.

Based on the foregoing analysis, the proposed Project would not create a new source of substantial light or glare and would not adversely affect daytime or nighttime views of the area. Impacts would be less than significant.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>II. AGRICULTURE AND FORESTRY RESOURCES</b>				
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) prepared by the California 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(9)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in loss of forest land or conversion of forest land non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> Check <input type="checkbox"/> if project is located in the Important Farmlands Overlay.				

**II-a) No Impact.** According to Farmland Mapping and Monitoring Program mapping information available from the California Department of Conservation (DOC), the Project site does not contain any soils mapped by the Department of Conservation as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance." (DOC, 2016a) As such, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. No impact would occur.

**II-b) No Impact.** The Project site is zoned for "Heavy Industrial (HI)" land uses. There are no properties zoned for agricultural land uses in the Project vicinity. (SB County, 2015; SB County, 2010a) Therefore, implementation of the Project has no potential to conflict with existing zoning for an agricultural use.

As disclosed by mapping information from the California DOC, neither the Project site nor any land in the site's vicinity are under a Williamson Act Contract (DOC, 2016b). As such, no impact would occur.

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- II-c) No Impact.** The Project site is zoned for "Heavy Industrial (HI)" uses and is not zoned as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. The nearest County- and Nationally-designated forest land is located approximately 1.1-mile northeast of the Project site. (SB County, 2010a). Due to the Project's distance to the nearest forest land and the land uses proposed by the Project being consistent with the site's zoning designation, the Project has no potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands. As such, no impact would occur.
- II-d) No Impact.** The Project site does not contain a forest and is not designated as forest land; thus, the proposed Project would not result in the loss of forest land or the conversion of forest land to non-forest use (SB County, 2010a). As such, no impact would occur.
- II-e) No Impact.** "Farmland" is defined in Section II(a) of Appendix G of the CEQA Guidelines to mean "Prime Farmland," "Unique Farmland" or "Farmland of Statewide Importance." According to the DOC, the Project site does not contain any Farmland but does contain lands classified as "Farmland of Local Importance." Although the Project site is classified as "Farmland of Local Importance" by the DOC, the Project site has not been used for agricultural production (based on a review of records dating to 1896) and the quality/productivity of on-site soils are only classified as "fair" (based on the California State Index and the USDA Land Capability Class rating (SCS Engineers, 2017, pp. 7-8; UC Davis, n.d.). The Project site does not contain any soils mapped by the DOC as "Farmland." Additionally, as described above in the responses to Thresholds II-c and II-d, the Project site is located 1.1-mile to the nearest forest lands and is not designated for forest land uses. Thus, implementation of the Project would not result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>III. AIR QUALITY</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

An *Air Quality Impact Analysis* and a *Mobile Source Health Risk Assessment* were prepared for the Project by Urban Crossroads, Inc. to evaluate potential criteria and hazardous air pollutant emissions that could result from the Project's construction and operation. These reports are included as *Technical Appendices A and B*, respectively, to this Initial Study and their findings are incorporated into the analysis presented herein.

- III-a) Less-than-Significant Impact.** The Project site is located within the South Coast Air Basin (SCAB or "Basin"). The SCAB encompasses approximately 6,745 square miles and includes Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south. In these areas, the SCAQMD is principally responsible for air pollution control, and works directly with the Southern California Association of Governments (SCAG), county transportation commissions, local governments, as well as state and federal agencies to reduce emissions from stationary, mobile, and indirect sources to meet state and federal ambient air quality standards.

Currently, State and federal air quality standards are exceeded in most parts of the Basin. In response, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. The current AQMP, the 2016 AQMP, was adopted by SCAQMD in March 2017 and the Project's consistency with the 2016

AQMP is discussed below. Criteria for determining consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook (1993). The Project's consistency with these criteria is discussed below.

***Consistency Criterion No. 1:** The Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.*

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). As evaluated under Thresholds III-b, III-c, and III-d, below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation with the application of mandatory regulatory requirements. Therefore, the Project would not violate either the CAAQS or NAAQS. Accordingly, the Project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

***Consistency Criterion No. 2:** The Project will not exceed the assumptions in the AQMP based on the years of Project build-out phase.*

The growth forecasts used in the AQMP to calculate future emissions levels are based in part on land use data provided by lead agency general plan documentation. Projects that increase the intensity of use on a subject property may, as compared to its General Plan designation, result in increased stationary area source emissions and/or vehicle source emissions when compared to the AQMP assumptions. However, if a project does not exceed the growth projections in the applicable local general plan, then the project is considered to be consistent with the growth assumptions in the AQMP. The prevailing planning document for the Project site is the Glen Helen Specific Plan, which designates the Project site for Heavy Industrial (HI) land use. The Project does not propose a Specific Plan Amendment and the Project's proposed features would be consistent with the HI development standards enforced by the Glen Helen Specific Plan. As such, the Project would not exceed the assumptions of the AQMP.

For the reasons stated above, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. Furthermore, the Project would not exceed the growth assumptions in the AQMP. As such, the Project would be consistent with the AQMP and impacts would be less-than-significant.

- III-b) Less-than-Significant Impact.** The proposed Project has the potential to generate substantial pollutant concentrations during both construction activities and long-term operation. The following analysis is based on the applicable significance thresholds established by the SCAQMD (which are based on Federal and State air quality standards). This analysis assumes that the proposed Project would comply with applicable, mandatory regional air quality standards, including: SCAQMD Rule 403, "Fugitive Dust;" SCAQMD Rule

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431.2, "Sulfur Content of Liquid Fuels;" SCAQMD Rule 1113, "Architectural Coatings;" SCAQMD Rule 1186, "PM<sub>10</sub> Emissions from Paved and Unpaved Roads, and Livestock Operations;" SCAQMD Rule 1186.1, "Less-Polluting Street Sweepers," and Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations "Airborne Toxic Control Measure." For a detailed description of the health effects of air pollutants refer to Section 2.6 of the Project's Air Quality Report (*Technical Appendix A*). In general, air pollutants have adverse effects to human health, including but not limited to, respiratory illness and carcinogenic effects.

#### Impact Analysis for Construction Emissions

For purposes of this analysis, construction is expected to begin in August 2018 and end in April 2019. If construction activities actually occur at a later date than assumed by this analysis, emissions associated with construction vehicle exhaust would be less than disclosed herein due to the implementation and enforcement of progressively more restrictive regulatory requirements for construction equipment and the ongoing replacement of older construction fleet equipment with newer, less-polluting equipment by construction contractors, as accounted for by the California Emissions Estimator Model (CalEEMod) (Urban Crossroads, 2018a, p. 31). The Project's construction characteristics and construction equipment fleet assumptions used in the analysis are provided in Table 3-3 of the Project's Air Quality Impact Analysis (*Technical Appendix A*) report. The calculated maximum daily emissions associated with Project construction are presented in Table 1, *Summary of Construction Emissions*.

**Table 1 Summary of Construction Emissions**

Year	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2018	6.18	71.78	36.66	0.09	11.19	6.89
2019	69.33	69.39	51.23	0.13	6.89	3.79
<b>Max Daily Emissions</b>	<b>69.33</b>	<b>71.78</b>	<b>51.23</b>	<b>0.13</b>	<b>11.19</b>	<b>6.89</b>
SCAQMD Regional Threshold	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

Source: (Urban Crossroads, 2018a, p. 31, Table 3-4)

As shown in Table 1, Project-related daily construction emissions of volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>) carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) would not exceed SCAQMD regional criteria thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during construction and would not contribute to an existing or projected air quality violation, on a direct or cumulatively considerable basis. Impacts associated with construction-related emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would be less than significant and mitigation is not required.

#### Impact Analysis for Operational Emissions

Operational activities associated with the Project are expected to generate air pollutant emissions from the operation of motor vehicles (including trucks), landscape maintenance activities, application of architectural coatings, and the use of electricity and natural gas. Long



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term operational emissions associated with the Project are presented in Table 2, *Summary of Peak Operational Emissions*.

**Table 2 Summary of Peak Operational Emissions**

Operational Activities: Summer Scenario	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source	7.30	9.00E-04	0.10	1.00E-05	3.50E-04	3.50E-04
Energy Source	0.02	0.18	0.15	1.05E-03	0.01	0.01
Mobile (Passenger Cars)	0.78	1.12	15.81	0.05	5.67	1.52
Mobile (Trucks)	1.24	37.93	8.69	0.13	4.28	1.40
<b>Total Maximum Daily Emissions</b>	<b>9.33</b>	<b>39.23</b>	<b>24.74</b>	<b>0.18</b>	<b>9.97</b>	<b>2.94</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Operational Activities: Winter Scenario	Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source	7.30	9.00E-04	0.10	1.00E-05	3.50E-04	3.50E-04
Energy Source	0.02	0.18	0.15	1.05E-03	0.01	0.01
Mobile (Passenger Cars)	0.84	1.17	12.74	0.05	5.67	1.52
Mobile (Trucks)	1.26	38.93	9.05	0.13	4.28	1.40
<b>Total Maximum Daily Emissions</b>	<b>9.21</b>	<b>40.28</b>	<b>22.03</b>	<b>0.18</b>	<b>9.97</b>	<b>2.94</b>
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2018a, p. 31, Table 3-5)

As summarized in Table 2, Project-related operational emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would not exceed SCAQMD regional criteria thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during long-term operation and would not contribute to an existing or projected air quality violation. Impacts associated with long-term emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would be less than significant.

In conclusion, the Project would not violate or contribute substantially to an existing or projected air quality violation during construction or operation. Impacts would be less than significant.

**III-c) Less-than-Significant Impact.** SCAQMD considers air pollutant emissions that exceed the SCAQMD's project-level thresholds also to be cumulatively considerable. Conversely, if a project does not exceed the SCAQMD project-level thresholds, then SCAQMD considers that project's air pollutant emissions to be less than cumulatively considerable. The evaluation of Project-specific air pollutant emissions presented under Threshold III-b demonstrates that the Project would not exceed any applicable thresholds that are designed to assist the region in attaining the applicable State and national air quality standards; therefore, the Project's air emissions would be less than cumulatively considerable and would not contribute to the non-attainment of applicable State and federal standards after mitigation.

- III-d) Less-than-Significant Impact.** The following provides an analysis of the Project's potential to expose sensitive receptors in the immediate vicinity of the Project site to substantial pollutant concentrations during Project construction and long-term operation. For a detailed description of the health effects of air pollutants refer to Section 2.6 of the Project's Air Quality Report (*Technical Appendix A*). In summary, air pollutants have adverse effects to human health, including but not limited to, respiratory illness and carcinogenic effects. The following analysis is based on the applicable significance thresholds established by the SCAQMD.

#### Impact Analysis for Construction Localized Emissions

As summarized in Table 3, *Summary of Construction Localized Emissions*, the Project would not exceed the SCAQMD's localized significance threshold for any criteria pollutants during construction. Impacts would be less than significant.

**Table 3 Summary of Construction Localized Emissions**

On-Site Site Preparation Emissions	Emissions (pounds per day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions	71.70	23.76	10.99	6.83
SCAQMD Localized Threshold	291	2,804	45	12
Threshold Exceeded?	NO	NO	NO	NO
On-Site Grading Emissions	Emissions (pounds per day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions	71.27	35.73	6.70	4.12
SCAQMD Localized Threshold	291	2,804	45	12
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2018a, p. 31, Table 3-5)

#### Impact Analysis for Operational Localized Emissions

The Project's estimated operational localized emissions are presented in Table 4, *Summary of Operational Localized Emissions*. As shown, the Project's calculated long-term operational emissions would not exceed the localized thresholds established by the SCAMQD. Accordingly, long-term operation of the Project would not result in the exposure of any sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

**Table 4 Summary of Operational Localized Emissions**

Operational Activity	Emissions (pounds per day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions	2.13	1.47	0.51	0.16
SCAQMD Localized Threshold	302	2,396	11	3
Threshold Exceeded?	NO	NO	NO	NO

Source: (Urban Crossroads, 2018a, p. 31, Table 3-8)

#### Impact Analysis for CO "Hot Spots"

Localized areas where ambient CO concentrations exceed the CAAQS and/or NAAQS are termed CO "hot spots." Emissions of CO are produced in greatest quantities from motor vehicle combustion and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind)

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atmospheric conditions. Consequently, the highest CO concentrations are generally found within close proximity to congested intersection locations.

For purposes of providing a conservative, worst-case impact analysis, the Project's potential to cause or contribute to CO hotspots was evaluated by comparing the study area intersections that would receive Project traffic (both intersection geometry and traffic volumes) with prior studies conducted by the SCAQMD in support of their AQMPs. In the 2003 AQMP, the SCAQMD evaluated CO concentrations at four (4) busy intersections in the City of Los Angeles that were determined to be the most congested intersections in the SCAB. Each of the evaluated intersections were primary thoroughfares, some of which were located near major freeway on/off ramps, and experienced traffic volumes of approximately 100,000 vehicles per day. The SCAQMD's analysis at these busy intersections did not identify any CO hotspots. Based on an analysis of the intersections in the Project's study area, Urban Crossroads determined that, with the addition of the Project, none of the intersections in the Project's study area would be subject to the extreme traffic volumes and vehicle congestion of the intersections modeled by the SCAQMD in the 2003 AQMP. (Urban Crossroads, 2018a, pp. 44-45) Therefore, Project-related vehicular emissions would not create a CO hot spot and would not substantially contribute to an existing or projected CO hot spot. Impacts would be less than significant.

#### Impact Analysis for Diesel Particulate Emissions

Diesel-fueled trucks would travel to/from the Project site during operation of the Project. Diesel trucks produce diesel particulate matter (DPM), which is known to be associated with health hazards, including cancer. According to the SCAQMD's MATES IV study, the background excess cancer risk in the Project area is calculated to be 536.65 in one million. In order for a project to have a cumulatively considerable effect. The SCAQMD determined that it must increase cancer risk by 10 or more in one million (SCAQMD, n.d.). To evaluate the Project's potential to expose nearby sensitive receptors to substantial amounts of DPM during long-term operation, a Mobile Source Health Risk Assessment was prepared for the proposed Project (*Technical Appendix B*). Project-related DPM health risks were evaluated under three (3) receptor scenarios, which are summarized below. Detailed air dispersion model outputs and risk calculations are presented in Appendices 2.1 and 2.2, respectively, of *Technical Appendix B*.

At the maximally exposed individual receptor (MEIR) – the residential land use located approximately 292 feet north of the Project site (on Kendall Drive) – the maximum excess cancer risk attributable to the proposed Project's DPM emissions is calculated to be 1.25 in one million. The cancer risk attributable to the Project at the MEIR (i.e., 1.25 in one million) would not exceed the SCAQMD cancer risk threshold of 10 in one million. At this same receptor location, the non-cancer health risk index attributable to the proposed Project would be 0.0005, which would not exceed the SCAQMD non-cancer health risk index of 1.0. (Urban Crossroads, 2018b, p. 1) Accordingly, long-term operations at the Project site would not directly cause or contribute in a cumulatively considerable manner to the exposure of residential receptors to substantial DPM emissions. Therefore, the Project would result in a less-than-significant impact.

At the maximally exposed individual worker (MEIW), identified as the Coastal Metals facility located 675 feet southeast of the Project site (on Cajon Boulevard), the maximum excess cancer risk attributable to the proposed Project's DPM emissions is calculated to be 0.13, which would not exceed the SCAQMD cancer risk threshold of 10 in one million. At this same receptor location, the non-cancer health risk index attributable to the proposed Project would be 0.0004, which would not exceed the SCAQMD non-cancer health risk index of 1.0. (Urban Crossroads, 2018b, p. 1) Accordingly, long-term operations at the Project site would not directly cause or contribute in a cumulatively considerable manner to the exposure of nearby workers to substantial DPM emissions. Therefore, the Project would result in a less-than-significant impact.

At the maximally exposed individual school child (MEISC), identified as Cesar Chavez Middle School and North Verdemont Elementary School located approximately 3,112 feet and 3,181 feet northeast of the Project site, respectively, the maximum excess cancer risk attributable to the proposed Project is calculated to be 0.04 in one million and the non-cancer health risk index attributable to the proposed Project's DPM emissions would be 0.00008. Both the estimated excess cancer risk and non-cancer health risk index would not exceed SCAQMD thresholds of significance (10 in one million and 1.0, respectively). (Urban Crossroads, 2018b, p. 1) Accordingly, long-term operations at the Project site would not directly cause or contribute in a cumulatively considerable manner to the exposure of nearby school child receptors to substantial DPM emissions. Therefore, the Project would result in a less-than-significant impact.

- III-e) Less-than-Significant Impact.** The Project could produce odors during proposed construction activities resulting from construction equipment exhaust, application of asphalt, and/or the application of architectural coatings; however, standard construction practices would minimize the odor emissions and their associated impacts. Furthermore, any odors emitted during construction would be temporary, short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. In addition, construction activities on the Project site would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance. (Urban Crossroads, 2018a, pp. 1-2) Accordingly, the proposed Project would not create objectionable odors affecting a substantial number of people during construction, and short-term impacts would be less than significant.

During long-term operation, the proposed Project would include warehouse distribution land uses, which are not typically associated with objectionable odors. The temporary storage of refuse associated with the proposed Project's long-term operational use could be a potential source of odor; however, Project-generated refuse is required to be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations, thereby precluding any significant odor impact. Furthermore, the proposed Project would be required to comply with SCAQMD Rule 402, which prohibits the discharge of odorous emissions that would create a public nuisance, during long-term operation. (Urban Crossroads, 2018a, pp. 1-2) As such, long-term operation of the proposed Project would not create objectionable odors affecting a substantial number of people.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>IV. BIOLOGICAL RESOURCES</b>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database <input checked="" type="checkbox"/> : Biological Resources Overlay				

A *Biological Assessment*, *Botanical and Burrowing Owl Survey* report and a *San Bernardino Kangaroo Rat Trapping Study* were prepared for the Project by L&L Environmental, Inc. and Natural Resources Assessment, Inc., to identify any potential impacts that could occur to biological resources as a result of the Project. The reports summarize the results from records searches and field visits to document current site conditions and habitat suitability for sensitive and common and rare biological species. These reports are included as *Technical Appendices C1* and *C2*, respectively, to this Initial Study and their findings are incorporated into the analysis presented herein.

- IV-a) Less-than-Significant Impact with Mitigation Incorporated.** No candidate, sensitive, or special-status botanical species were observed on the Project site during a general field survey conducted by L&L Environmental in late 2017 or focused botanical species conducted by L&L Environmental in the spring and summer of 2018. (L&L Environmental, 2018a, pp. 21-23) Accordingly, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any important, rare, or protected botanical species.

No candidate or special-status wildlife species were observed on the Project site by L&L Environmental during field surveys conducted in 2017 and 2018. Two (2) sensitive wildlife species were observed on-site, the Los Angeles pocket mouse and the California horned lark, and six (6) additional sensitive species were determined to have a moderate potential to occur on the Project site: California glossy snake, red-diamond rattlesnake, coast horned lizard, Southern California rufous-crowned sparrow, Bell's sage sparrow, Crotch bumble bee, and burrowing owl. L&L Environmental determined that the Project's impacts to the above-listed wildlife species, with the exception of the burrowing owl, would be less than significant because these species are relatively common in California and the Project would not remove a substantial amount of habitat or range from any of these species. Although the burrowing owl was not observed on the Project site during focused surveys conducted in 2018, the species is nomadic and has the potential to occupy the site prior to the initiation of construction activities. Should the burrowing owl occupy the Project site at the time of construction, a significant impact would occur and mitigation would be required (see MM BR-1). (L&L Environmental, 2018a, pp. 24-34, 45)

MM BR-1 would reduce potential impacts to the burrowing owl to less-than-significant levels by ensuring that surveys are conducted to determine the presence or absence of the burrowing owl on the Project site prior to the commencement of construction activities. If the burrowing owl is present on the Project site at the time of construction, MM BR-1 establishes performance criteria that require avoidance and/or relocation of the species in accordance with accepted protocols.

- IV-b) Less-than-Significant Impact.** According to a field survey conducted in late 2017 by L&L Environmental (included in *Technical Appendix C1*), no riparian habitats were found on or adjacent to the Project site (L&L Environmental, 2018a, p. 35). Approximately 5.7 acres of Alluvial Fan Sage Scrub (AFSS) was found on-site and is considered a special status habitat by the California Natural Diversity Database (CNDDDB). Notwithstanding, L&L Environmental concluded that although AFSS habitat is present on-site, the habitat has been isolated from similar or native habitats and, based on a lack of flooding and scouring, the habitat is transitioning into a non-sensitive, upland vegetation community. (L&L Environmental, 2018a, pp. 19-20) Accordingly, there is no potential for the Project to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Wildlife Service. A less-than-significant impact would occur.
- IV-c) No Impact.** According to a field survey conducted in late 2017 by L&L Environmental, the Project site does not contain any protected wetland or aquatic resources, including but not limited to, natural drainages or water courses, wetland habitat, marsh, vernal pool, or coastal resources (L&L Environmental, 2018a, p. 35). Therefore, the Project would not result in a substantial adverse effect on federally protected wetlands as defined by Section 404 of the

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Clean Water Act through direct removal, filling, hydrological interruption, or other means. No impact would occur and mitigation is not required.

- IV-d) Less-than-Significant Impact with Mitigation Incorporated.** According to a field survey conducted in late 2017 by L&L Environmental, the survey area supports some native habitat; however, this habitat is separated from other native habitats by varied levels of disturbance and development and does not provide a wildlife movement corridor (L&L Environmental, 2018a, pp. 35-36). In addition, there are no natural water bodies on the Project site; therefore, there is no potential for the Project to interfere with the movement of fish. There are also no native wildlife nurseries on-site. Therefore, there is no potential for the Project to impede the use of a native wildlife nursery site. No impact would occur.

L&L Environmental concluded that there were individual trees and large bushes present in the survey area that could provide for bird roosting, perching, and nesting (L&L Environmental, 2018a, p. 35). The Project would result in removal of trees and low-lying vegetation across the Project site that have the potential to support nesting migratory birds that are protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code and, out of an abundance of caution, this Initial Study concludes the Project's potential to impact nesting birds and migratory birds is a significant direct impact for which mitigation is required.

MM BR-2 would reduce potential impacts nesting migratory birds to less-than-significant levels by ensuring that surveys are conducted to determine the presence or absence of protected nesting bird species on the Project site prior to the commencement of construction activities. If protected nesting bird species are present on the Project site at the time of construction, the mitigation measure provides performance criteria that requires avoidance and/or relocation of the species in accordance with accepted protocols.

- IV-e) Less-than-Significant Impact.** The removal of trees on the Project site would be subject to Chapter 88.01 of the San Bernardino County Development Code which contains guidelines and regulations related to the protection and management of plant species (SB County, 2018, § 88.01). Mandatory compliance with standard regulatory requirements would preclude any potentially significant impacts caused by conflict with local policies or ordinances protecting trees. Therefore, impacts would be less than significant.

The County of San Bernardino does not have any additional policies or ordinances in place to protect biological resources that are applicable to the Project.

- IV-f) No Impact.** There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the Project site. Accordingly, the Project would not conflict with any such plan, and no impact would occur.

**SIGNIFICANCE:** Possible significant adverse impacts have been identified or are anticipated and the following mitigation measures are required as conditions of Project approval to reduce these impacts to a level considered less than significant:

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**MM BR-1:** Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino prior to the issuance of a grading permit and subject to the following provisions:

a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction.

b) In the event that the pre-construction survey identifies the presence of the burrowing owl on the Project site, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.

**MM BR-2:** Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:

a) A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.

b) A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.

Although the Project would not result in substantial adverse indirect effects to biological resources, the following mitigation measures are recommended to minimize the Project's potential indirect impacts to sensitive biological habitats and/or species.

**MM BR-3:** Prior to the initiation of construction activities, the perimeter of the Project's work area shall be fenced with highly visible fencing (e.g., orange construction fencing) to ensure impacts do not occur outside of the Project footprint.



**MM BR-4:** All off-road equipment shall be washed, particularly the wheels and under carriage, prior to transport to the Project site to prevent the spread of weedy plant species.

**MM BR-5:** Staging areas shall be placed in areas that have been previously disturbed and do not show an infestation of non-native plant species. Staging areas shall be maintained in a weed/noxious weed-free condition.

**MM BR-6:** All refuse created or brought on-site must be placed in covered containers, removed from the site at regular intervals, and properly disposed.

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>V. CULTURAL RESOURCES</b>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> Check if the project is located in the Cultural <input type="checkbox"/> or Paleontological <input type="checkbox"/> Resources overlays or cite results of cultural resource review.				

A *Phase 1 Prehistoric Archaeological Resources Assessment* and *Historic Archaeological Resources Assessment* were prepared for the Project by L&L Environmental, Inc. to identify potential archaeological and historical resources that may be affected by the proposed Project. These reports include the findings from an archaeological pedestrian survey; a cultural records search and sacred lands search and an inventory of all recorded archaeological and historical resources located on the Project site and within a one-mile radius of the Project site. These reports are included as *Technical Appendices D1* and *D2*, respectively, to this Initial Study and their findings are incorporated into the analysis presented herein.

**V-a) Less than Significant Impact with Mitigation Incorporated.** Based on a field survey and archival records search conducted by L&L Environmental, the Project site is located in an area of San Bernardino County with high historic resources sensitivity and five historic resources, as described below, were identified on or abutting the Project site.

The segment of Cajon Boulevard that abuts the Project comprises a segment of historic Route 66. Although the entire length of Route 66 was determined to be eligible for listing on the National Register of Historic Places (NRHP) in the 1990s, the segment abutting the Project site had never been formally evaluated or nominated for listing. L&L Environmental's evaluation concluded that the segment of Cajon Boulevard that abuts the Project site retains the integrity of location, setting, feeling, design, and association from Route 66's period of historic significance (between 1926 through the late 1950s). As a standard condition of approval, the Project will be required to construct improvements to Cajon Boulevard along the Project site's frontage, including pavement within the travel way, curb and gutter, sidewalk, and landscaping. Mitigation will be required to ensure that improvements to Cajon Boulevard do not adversely affect the historic character of Route 66. (L&L Environmental, 2018c, pp. 49-53, 57-58) The Project would be required to implement MM CR-1 through MM CR-3 to recognize the historic importance of Route 66 and enhance the visual quality along the roadway corridor. With implementation MM CR-1 through MM CR-3, the Project's potential

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impacts to the historical significance of Route 66 would be reduced to less-than-significant levels.

Under existing conditions, the Project site contains two steel H-frame transmission line towers for overhead electrical lines. The H-frame towers located on the Project site were constructed circa 1930-1931 and are associated with a historic 225-mile transmission line extending from San Bernardino, California to Boulder City, Nevada to supply electrical power for the construction of the Boulder Dam (later re-named Hoover Dam). The transmission line towers on the Project site represent two of the more than 1,600 towers that comprised the historic transmission line and, to-date, many of the historic transmission towers have been replaced with modern towers. (There are no historic transmission line towers visible south of Cajon Boulevard; but, there are five such towers visible off-site from Kendall Drive looking north.) The Project would not modify or physically impact either of the transmission line towers on the Project site and would provide a minimum 25-foot buffer around each tower during construction and operation. Regardless, L&L Environmental determined that the Project would adversely affect the visual integrity of the historic transmission line corridor because the proposed warehouse building would partially, and briefly, block views of the towers from traffic traveling west on Cajon Boulevard and because vehicles parked within the transmission line easement – if approved by Southern California Edison – would detract from views of the towers. The impacts to the visual integrity of the historic transmission line towers on-site are determined to be significant and mitigation is required. (L&L Environmental, 2018c, pp. 37-39, 47-49) The Project would be required to implement MM CR-4 through MM CR-7 to protect the historical significance of the historic transmission line towers. MM CR-4 would ensure the transmission line towers are protected from potential damage during construction activities. MM CR-5 through MM CR-7 would protect the visual quality and character of the transmission line easement while also educating visitors to the significance of the transmission lines. With implementation MM CR-4 through MM CR-7, the Project's potential impacts to the historical significance of the on-site electrical transmission line towers would be reduced to less-than-significant levels.

The northern portion of the Project site contained a lumber mill business from 1957 through 2005. L&L Environmental observed two concrete foundations, a silo sheet metal funnel, bendable stove pipe, a metal bed frame, and miscellaneous debris (wood fragments, sheet metal strips, and unidentifiable debris) on the northern portion of the Project site that appeared to be associated with historic operations at the on-site lumber mill. The concrete foundations were observed to be in good condition, all other observed resources are deteriorating due to exposure to natural elements. None of the resources observed on-site contain any extraordinary character, marks, or features, nor was the historic lumber mill operation connected to any events or persons that have significantly contributed to the history of California. Based on the foregoing, L&L Environmental determined that impacts to the historic artifacts present on the northern portion of the Project site would be less than significant. (L&L Environmental, 2018c, pp. 33-36, 45-47)

Three isolated historic artifacts were observed on the Project site: a milky glass fragment, a "Hemingway" power pole insulator, and an iron railroad spike. These artifacts were determined to lack association and context with other archaeological materials and do not have substantial historic significance. The Project's impacts to these isolated resources would

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be less than significant. (L&L Environmental, 2018c, pp. 36-37, 47) Notwithstanding, due to the presence of historic artifacts on the Project site and the high historic resources sensitivity of the Project area, L&L Environmental determined that the Project has the potential to impact subsurface (i.e., buried) historic resources during construction activities. Accordingly, the Project would be required to implement mitigation measures MM CR-8 through MM CR-11, which would ensure the proper identification and subsequent treatment of any archeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of MM CR-8 through MM CR-11, the Project's potential impacts to historic archaeological resources would be reduced to less-than-significant levels.

The Project site abuts a segment of the Atchison, Topeka, and Santa Fe Railway (BNSF Railway) that is eligible for listing on the NRHP (L&L Environmental, 2018c, p. 27). The Railway is located off-site and the Project would not encroach within the Railway right-of-way or modify or physically impact the Railway. Accordingly, the Project's impacts to the historic BNSF Railway that abuts the Project site would be less than significant.

**V-b) Less-than-Significant Impact with Mitigation Incorporated.** Based on a field survey and archival records search conducted by L&L Environmental, no prehistoric archaeological resources were observed on the surface of the Project site or have been previously recorded within the Project's disturbance area (L&L Environmental, 2018b, p. 23). However, due to the low surface visibility on portions of the Project site and the lack of previous, deep ground disturbance within the southern portion of the Project site, and the Project site's relative proximity to two known Serrano villages, L&L Environmental concluded that there is a moderate potential for subsurface (i.e., buried) prehistoric resources to be present on the Project site (L&L Environmental, 2018b, pp. 30-31). Accordingly, the Project would be required to implement mitigation measures MM CR-8 through MM CR-11, which would ensure the proper identification and subsequent treatment of any archeological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of MM CR-8 through MM CR-11, the Project's potential impacts to prehistoric archaeological resources would be reduced to less-than-significant levels

**V-c) Less-than-Significant Impact with Mitigation Incorporated.** No known paleontological resources or unique geologic features are present on the Project site. Notwithstanding, the San Bernardino County General Plan EIR states that unknown paleontological resources have the potential to exist on properties that have not been disturbed by prior development activities (such as the majority of the Project site) (SB County, 2007b, p. IV-63). Accordingly, the Project has the potential to result in significant adverse impacts to paleontological resources that may exist beneath the ground surface on the Project site and mitigation would be required. The Project's adherence to MM CR-12 and MM CR-13 would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities associated with Project construction. With implementation of MM CR-12 and MM CR-13, the Project's potential impacts to paleontological resources would be reduced to less-than-significant levels.

**V-d) Less-than-Significant Impact.** The Project site does not contain a cemetery, and no known formal cemeteries are located within the immediate site vicinity. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation

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activities associated with Project construction. If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code, Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC). Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, would be less than significant.

**SIGNIFICANCE: Possible significant adverse impacts have been identified or are anticipated and the following mitigation measures are required as conditions of Project approval to reduce these impacts to a level considered less than significant:**

**MM CR-1:** The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the Importance of Historic Route 66. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy Issuance.

**MM CR-2:** The Project Applicant/Developer shall install Historic Route 66 pavers on the sidewalk on Cajon Boulevard along the Project site frontage. The paver intervals shall not exceed 100 feet in length to commemorate the roadway. The location of the pavers shall be shown on the Project's roadway improvement plans for Cajon Boulevard that are submitted to the County of San Bernardino for approval. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for paver installation prior to the Certificate of Occupancy Issuance.

**MM CR-3:** The Project shall include landscaping along the Project site's frontage with Cajon Boulevard that complies with the applicable design standards/guidelines from the Glen Helen Specific Plan. The landscaping shall beautify the segment of Cajon Boulevard that abuts the

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Project site and create an enjoyable viewing experience for motorists. The County of San Bernardino shall verify the landscaping has been installed prior to the issuance of a Certificate of Occupancy.

**MM CR-4:** For the duration of construction activities, protective fencing and/or appropriate cautionary markers shall be placed around the base of the transmission line towers to protect the towers from inadvertent impacts. During construction, cranes or other construction equipment with the potential to reach the height of the transmission lines shall maintain the minimum separation from the transmission line towers required by Southern California Edison.

**MM CR-5:** The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the importance of the historic transmission line that traverses the Project site. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy issuance.

**MM CR-6:** Vehicle parking shall be prohibited within the transmission line easement that traverses the Project site until and unless the Project has completed Southern California Edison's consent review process and written approval is provided by Southern California Edison. If Southern California permits within the on-site transmission line easement, such parking shall be restricted to passenger vehicles. No truck or trailer parking, long-term parking of any vehicle, or vehicle storage shall be permitted within the easement and signage that describes the parking restrictions within the easement shall be placed in a conspicuous location.

**MM CR-7:** No trees shall be installed along Cajon Boulevard where the transmission line easement intersects with Cajon Boulevard to maintain visibility of the transmission line towers. Additionally, no aboveground improvements with the potential to detract from the visual character of the overhead transmission lines, including but not limited to light poles and trees, shall be placed in the easement without written approval from Southern California Edison.

**MM CR-8:** Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric and historic archaeological monitoring during earthmoving activities on-site and excavation activities within Cajon Boulevard. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (i.e. older soil deposition, high alluvial activity and therefore highly disturbed deposit). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease.

**MM CR-9:** Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural

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Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction.

**MM CR-10:** Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources, and provide evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other accredited repository.

**MM CR-11:** If a significant archaeological resource is discovered on the Project site as defined by CEQA §21083.2, the Project Archaeologist shall temporarily halt all grading within a 100-foot radius of the discovered resource and make recommendations to the County of San Bernardino on the measures from the CRMP and measures the Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP) that shall be implemented to protect/recover the discovered resource(s). No further grading shall occur within a 100-foot radius of the discovery until the County of San Bernardino approves the protection/recovery measures and the measures have been implemented by the Project Archaeologist. Any archaeological artifacts recovered as a result of mitigation, excluding items covered by the provisions of applicable CRMP and MDTDP, shall be donated to the San Bernardino County Museum as directed by the County's General Plan policies.

**MM CR-12:** Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure CR-4 shall apply.

**MM CR-13:** If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VI. GEOLOGY AND SOILS</b>				
<b>Would the project:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b> Check <input type="checkbox"/> if project is located in the Geologic Hazards Overlay District.				

A *Geotechnical Investigation* was prepared for the Project by NorCal Engineering to evaluate the geotechnical conditions of subject property, identify any geologic hazards, and provide recommendations for the future development of the Project. This report is included as *Technical Appendix F* to this Initial Study and its findings are incorporated into the analysis presented herein.

- VI-a) I. No Impact.** There are no known active or potentially active earthquake faults on the Project site or in the immediate area, and the Project site is not located within an "Alquist-Priolo" Special Studies Zone (Norcal Engineering, 2017, p. 2). Because there are no known faults located on the Project site, there is no potential for the Project to expose people or structures to substantial adverse effects related to ground rupture. Thus, no impact would occur.



**ii. Less-than-Significant Impact.** The Project site is located in a seismically active area of Southern California and is expected to experience moderate-to-severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of Project approval, the proposed warehouse building is required to be constructed in accordance with the California Building Standards Code (CBSC), also known as California Code of Regulations (CCR), Title 24 (Part 2), and the County of San Bernardino Building Code, which is based on the CBSC with local amendments. The CBSC and County of San Bernardino Building Code have been specifically tailored for California earthquake conditions and provide standards that must be met to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures. In addition, the CBSC (Chapter 18) and the County of San Bernardino require development projects to prepare geologic engineering reports to identify site-specific geologic and seismic conditions and implement the site-specific recommendations contained therein to preclude adverse effects involving unstable soils and strong seismic ground-shaking, including, but not limited to, recommendations related to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems. Such a report has been prepared for the Project site and is included as *Technical Appendix F* to this Initial Study. The County would condition the Project to comply with the site-specific ground preparation and construction recommendations contained in this report (SB County, 2018, § 83.04.020). With mandatory compliance with these standards and site-specific design and construction measures, potential impacts related to seismic ground shaking would be less than significant. As such, the Project would not expose people or structures to substantial adverse effects, including loss, injury, or death, involving seismic ground shaking. Impacts would be less-than-significant.

**iii. Less-than-Significant Impact.** According to the County's Geologic Hazards Overlay exhibit, the Project site is located in an area with medium susceptibility for liquefaction (SB County, 2010b). However, the geotechnical investigation prepared for the Project site concludes that based on observed subsurface conditions, the potential for liquefaction at the site is low due to dense to very dense sandy soils and lack of groundwater in the upper 50 feet of soils (Norcal Engineering, 2017, p. 7). Thus, the Project would expose people and structures to less-than-significant effects involving seismic-related ground failure.

**iv. Less-than-Significant Impact.** The Project site is virtually flat and contains no substantial natural or man-made slopes under existing conditions. There are no substantial natural or man-made slopes in the immediate Project site vicinity, either. Accordingly, the Project site is located in an area with a low potential for landslides. Proposed grading would create manufactured slopes; however, proposed manufactured slopes on-site would be constructed to be stable in accordance with the design safety standards and recommendations included within the Project's geotechnical study. Accordingly, development on the subject property would not be exposed to landslide risks, and the Project would not pose a landslide risk to surrounding properties and a less-than-significant impact would occur.

- VI-b) Less-than-Significant Impact.** The analysis below summarizes the likelihood of the Project to result in substantial soil erosion during temporary construction activities and/or long-term operation.

#### Impact Analysis for Temporary Construction-Related Activities

Construction of the Project would involve grading, paving, utility installation, building construction, and landscaping installation, which has the potential to temporarily expose on-site soils that would be subject to erosion during rainfall events or high winds. Pursuant to State Water Resources Control Board requirements, the Project Applicant is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for construction activities, including proposed grading. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one (1) acre of total land area. The County's Municipal Separate Storm Sewer System (MS4) NPDES Permit requires the Project Applicant to prepare and submit to the County for approval a Project-specific Storm Water Pollution Prevention Plan (SWPPP) (SB County, 2018, § 85.11.030). The SWPPP would identify a combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges during construction. In addition, the Project would be required to comply with SCAQMD Rule 403, which would reduce the amount of particulate matter in the air and minimize the potential for wind erosion (SCAQMD, 2005). With mandatory compliance to the requirements noted in the Project's SWPPP, as well as applicable regulatory requirements, the potential for water and/or wind erosion impacts during Project construction would be less than significant and mitigation is not required.

#### Long-Term Operational Activities

Following construction, wind and water erosion on the Project site would be less than existing conditions because the Project site would be landscaped or covered with impervious surfaces and drainage would be controlled through a storm drain system. Implementation of the Project would result in less long-term erosion and loss of topsoil than occurs under the site's existing conditions.

The County's MS4 NPDES Permit requires the Project Applicant to prepare and submit to the County for approval a Water Quality Management Plan (WQMP) (SB County, 2018, § 35.0118). The WQMP is required to identify an effective combination of erosion control and sediment control measures (i.e., Best Management Practices) to reduce or eliminate sediment discharge to surface water from storm water and non-storm water discharges. The Preliminary WQMP for the Project prepared by Thienes Engineering (Thienes) (attached hereto as *Technical Appendix J*) incorporates catch basin/inlet filters and one (1) underground infiltration basin (Thienes, 2017b). The catch basin/inlet filters would remove waterborne pollutants from storm water flows, including silt and sediment. The underground infiltration basin would facilitate percolation to maximize on-site infiltration and minimize off-site storm water discharge. These design features would be effective at removing silt and sediment from storm water runoff, and the Preliminary WQMP requires post-construction maintenance and operational measures to ensure on-going erosion protection. Compliance with the Preliminary WQMP would be required as a condition of Project approval and long-term maintenance of

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on-site water quality features is required. (SB County, 2018, § 35.0118) Therefore, the proposed Project would not result in substantial erosion or loss of top soil during long-term operation. The Project's impact would be less than significant.

- VI-c) Less-than-Significant Impact.** The Project site's geotechnical report (*Technical Appendix F*) indicates that the site's settlement potential would be attenuated through the proposed removal of near surface soils down to competent materials and replacement with properly compacted fill, which is included as a recommendation in the Project site's geotechnical report. Additionally, only minor ground subsidence ( $\pm 0.1$  feet) is expected to occur in the soils below the zone of removal, due to settlement and machinery working. (Norcal Engineering, 2017, pp. 9-10). Through standard conditions of approval, the proposed Project would be required by the County to incorporate the recommendations contained within the Project site's geotechnical report into the grading plan for the Project (SB County, 2018, § 83.04.020). As such, implementation of the Project would result in less-than-significant impacts associated with soil shrinkage/subsidence and collapse.

As discussed in Thresholds VI-a(iii) and VI-a(v), development of the property as proposed by the Project would result in a less-than-significant impact involving ground failure, including liquefaction and landslide, and a less-than-significant impact would occur.

- VI-d) Less-than-Significant Impact.** As determined by Norcal Engineering, the near surface on-site soils possess a very low expansion potential (Expansion Index ranging from 0-20) (Norcal Engineering, 2017, p. 15). The minimal expansive characteristics of on-site soils would be attenuated by implementation of the foundation and floor slab design recommendations included in the Project's geotechnical report (Norcal Engineering, 2017, pp. 7-17). Pursuant to Section 83.04.020 of the County's Development Code, the Project would be required to incorporate the recommendations contained within the Project geotechnical report into the grading plan for the Project. As such, implementation of the Project would result in less-than-significant impacts associated with expansive soils and would not create substantial risks to life or property.

- VI-e) No Impact.** The Project does not propose the use of septic tanks or alternative waste water disposal systems. Accordingly, no impact would occur.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VII. GREENHOUSE GAS EMISSIONS</b>				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

A *Greenhouse Gas Analysis* was prepared for the Project by Urban Crossroads to quantify the greenhouse gas (GHG) emissions that would result from Project-related construction and operation. This report is included as *Technical Appendix H* to this Initial Study and its findings are incorporated into the analysis presented herein.

- VII-a) Less-than-Significant Impact.** While estimated Project-related GHG emissions can be calculated, the direct impacts of such emissions on Global Climate Change (GCC) and global warming cannot be determined on the basis of available science because global climate change is a global phenomenon and not limited to a specific locale such as the Project site and its immediate vicinity. Furthermore, there is no evidence that would indicate that the emissions from a project the size of the proposed Project could directly or indirectly affect the global climate. Because global climate change is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, the proposed Project would not result in a direct impact to global climate change; rather, Project-related impacts to global climate change only could be significant on a cumulative basis. Therefore, the analysis below focuses on the Project's potential to contribute to global climate change in a cumulatively considerable way.

The County of San Bernardino adopted a Greenhouse Gas Reduction Plan in September 2011, which provides guidance on how to analyze GHG emissions and determine significance during the CEQA review of proposed development projects within the County of San Bernardino. The Greenhouse Gas Reduction Plan includes a GHG Development Review Process (DRP) that specifies a two-step approach in quantifying GHG emissions. First, a screening threshold of 3,000 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year is used to determine if additional analysis is required. If a proposed project were to produce GHG emissions in exceedance of 3,000 MTCO<sub>2e</sub> per year, then the project is required to either achieve a minimum of 100 points per the Screening Tables provided within the Greenhouse Gas Reduction Plan or achieve a 31% reduction in MTCO<sub>2e</sub> emissions over 2007 emissions levels. (Urban Crossroads, 2018d, p. 51) In accordance with the Greenhouse Gas Reduction Plan, if the Project were to emit less than 3,000 MTCO<sub>2e</sub> per year, or reach the 100-point minimum score on the screening table, or reduce emissions by 31% from 2007 emissions, the Project would be determined to have a less than significant impact for GHG emissions.

The Project's annual GHG emissions are summarized in Table 5, *Total Annual Project Greenhouse Gas Emissions*. The methodology used to calculate the Project's GHG emissions is described in detail in *Technical Appendix H*.

**Table 5 Total Annual Project Greenhouse Gas Emissions**

Emission Source	Emissions (metric tons per year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> E
Annual construction-related emissions amortized over 30 years	27.21	0.00	0.00	27.33
Area	0.02	6.00E-05	0.00	0.03
Energy	304.37	0.01	0.00	305.54
Mobile Sources (Passenger Cars)	568.44	0.01	0.00	568.76
Mobile Sources (Trucks)	2,279.40	0.08	0.00	2,281.45
Waste	61.35	3.63	0.00	151.98
Water Usage	332.03	2.44	0.06	410.75
<b>Total CO<sub>2</sub>E (All Sources)</b>	<b>3,745.83</b>			

Source: (Urban Crossroads, 2018d, Table 3-1)

As shown in Table 5, the Project would emit approximately 3,745.83 MTCO<sub>2</sub>e per year which would exceed the County's screening threshold of 3,000 MTCO<sub>2</sub>e emissions per year. Notwithstanding, the Project would include design features that would directly and indirectly reduce GHG emissions and achieve at least 100 points from the County of San Bernardino Greenhouse Gas Reduction Plan DRP Screening Tables (refer to Appendix 3.2 of *Technical Appendix H*). In summary, these design features include, but are not limited to, building insulation, roofing materials, window enhancements, lighting design, landscape irrigation, potable water systems, and electric vehicle charging stations. Accordingly, because 100 points would be achieved, the Project would not generate substantial GHG emissions – either directly or indirectly – that would have a significant impact on the environment. Impacts would be less than significant.

Although the Project's impact would be less than significant, MM GHG-1 is required to ensure the Project would comply with the County's Greenhouse Gas Reduction Plan DRP screening tables.

- VII-b) Less-than-Significant Impact.** The Project would comply with a number of regulations, policies, plans, and policy goals that would reduce GHG emissions, including the County of San Bernardino Greenhouse Gas Reduction Plan (as shown above under Threshold VII-a) Title 24 of the California Building Standards Code (CBSC), Assembly Bill 32 (AB 32), and Senate Bill 32 (SB 32), which are regulations particularly applicable to the Project. For more information on these regulations as well as other state-wide plans, policies, and regulations associated with GHG emissions that are not directly applicable to the Project, refer to *Technical Appendix H*.

The Project would include the construction and operation of a warehouse building, which would include contemporary, energy-efficient/energy-conserving design features and operational procedures. Warehouse land uses are not inherently energy-intensive and the

total Project energy demands would be comparable to, or less than, other warehouse projects of similar scale and configuration due to the Project's modern construction and requirement to be constructed in accordance with the most recent CBSC. The CBSC includes the California Energy Code, or Title 24, Part 6 of the California Code of Regulations, also titled The Energy Efficiency Standards for Residential and Nonresidential Buildings. The California Energy Code was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated approximately every three years to improve energy efficiency by incorporating new energy efficiency technologies and methods. The Project would be required to comply with all applicable provisions of the CBSC. As such, the Project's energy demands would be minimized through design features and operational programs that, in aggregate, would ensure that Project energy efficiencies would comply with – or exceed – incumbent CBSC energy efficiency requirements, thereby minimizing GHG emissions produced from energy consumption. An *Energy Analysis* report prepared for the Project determined that the Project would not result in the inefficient, wasteful, and unnecessary consumption of energy (Urban Crossroads, 2018c, pp. 26-28). The Project has no potential to be inconsistent with the mandatory regulations of the CBSC because compliance is required by state law.

The Global Warming Solutions Act of 2006 (AB 32) is the State of California's primary GHG emissions reduction regulation. AB 32 requires that by year 2020 the State's GHG emissions must be reduced to year 1990 levels. The California Air Resources Board (CARB) identified measures in its Scoping Plan that would reduce statewide GHG emissions and achieve the emissions reductions goals of AB 32. Thus, projects that are consistent with the CARB Scoping Plan would not conflict with AB 32's mandate to reduce state GHG emissions. A detailed description of the Project's consistency with the CARB Scoping Plan is presented in Section 3.7 of *Technical Appendix H*. As presented in *Technical Appendix H*, the Project would not conflict with any applicable measures of the CARB Scoping Plan. (Urban Crossroads, 2018d, p. 48)

In April 2015, Governor Edmund Brown Jr. signed Executive Order (EO) B-30-15, which advocated for a statewide GHG-reduction target of 40 percent below year 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In September 2016, Governor Brown signed the Senate Bill (SB) 32. SB 32 formally established a statewide goal to reduce GHG emissions to 40 percent below year 1990 levels by 2030. To date, no statutes or regulations have been adopted to translate the year 2050 GHG reduction goal into comparable, scientifically-based statewide emission reduction targets.

According to research conducted by the Lawrence Berkeley National Laboratory and supported by the CARB, California, under its existing and proposed GHG reduction policies, is on track to meet the years 2020 and 2030 reduction targets established by AB 32 and SB 32, respectively (Urban Crossroads, 2018d, p. 32). As described above, the Project would not conflict with or obstruct implementation of the CARB Scoping Plan; therefore, the Project would not interfere with the State's ability to achieve the year 2030 GHG-reduction target established by SB 32.

Rendering a significance determination for year 2050 GHG emissions relative to EO B-30-15 would be speculative because EO B-30-15 establishes a goal 32 years into the future; no

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agency with GHG subject matter expertise has adopted regulations to achieve the statewide goal at the project-level; and, available analytical models cannot presently quantify all project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050. (Urban Crossroads, 2018d, p. 33)

As described on the preceding pages, the Project would not conflict with the State's ability to achieve the State-wide GHG reduction targets defined in AB 32 and would be consistent with applicable policies and plans related to GHG emissions reductions. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and would result in a less-than-significant impact.

**SIGNIFICANCE:** Although no significant adverse impacts related to greenhouse gases have been identified, the following mitigation measure is required as a condition of Project approval to ensure the Project's compliance with the County of San Bernardino Greenhouse Gas Reduction Plan:

**MM GHG-1:** Prior to issuance of building permits, the Project Applicant shall provide documentation to the County of San Bernardino Building Department demonstrating that the improvements and/or buildings subject to the building permit application include features identified in the County of San Bernardino Development Review Processes (March 2015) Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points.

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

A Phase I Environmental Site Assessment (ESA) was prepared for the Project site by SCS Engineers (herein, "SCS"), in October 2017 (included as *Technical Appendix I* to this Initial Study). As part of the Phase I ESA efforts, SCS conducted a site reconnaissance; interviews with persons with a historical link to the property; a review of historical sources; a review of regulatory agency records; and a review of a regulatory database report provided by a third-party vendor (SCS Engineers, 2017, pp. 1-2).



**VIII-a) Less-than-Significant Impact.****Impact Analysis for Existing Site Conditions**

A Recognized Environmental Condition (REC) is defined as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property." Based on a review of historic regulatory agency hazardous materials databases, historic site aerial photographs, interviews with current property owners, and a reconnaissance of the Project site SCS determined that the Project site does not contain any RECs (SCS Engineers, 2017, p. 7).

The Project site was undeveloped prior to 1954, although high tension electrical transmission lines have traversed the site since approximately the mid-1930s. In 1954, the northern/western portion of site was operated as a lumber mill. The eastern/southern portion of the Project site was never developed. The lumber mill was damaged and/or destroyed by three different wildfires: one in the 1970s, one in the 1980s, and one around 2005. The lumber mill was not re-built after the 2005 wildfire. Since 2005, the northern/western portion of the Project site has been used as a storage and equipment staging area for a sprayed concrete business and as a truck and truck trailer parking area. (SCS Engineers, 2017, pp. 10-11) There were no USTs, ASTs, drain lines, sumps, ponds, pits, lagoons, stressed vegetation, hydraulic equipment, or wells found on the Project site. One pole-mounted Southern California Edison (SCE) electrical transformer was found servicing the sprayed concrete operation in the northwestern portion of the Property. Some electric transformers have been known to utilize polychlorinated biphenyls (PCBs), an organic pollutant, as an insulating cooling fluid. However, based on a statement from SCE and a study conducted on SCE electric transformers, SCS concluded that there is no significant environmental impact anticipated from the electric transformer currently used on the Project site. Five-gallon containers of new motor oil are stored at a shipping container on the central-western side of the property. Empty motor oil containers were observed inside a small shed next to a work area where oil and tire changes are conducted. With the exception of some small, superficial oil stains from leaking vehicles, SCS did not observe any evidence of past chemical releases. The small oil stains are not considered to be a hazardous condition. (SCS Engineers, 2017, pp. 5-6)

The Project site is located approximately eight miles upgradient of two plumes of groundwater (the Newmark Plume area and the Muscoy Plume) which contain volatile organic compounds (VOCs). Based on a review of historical vapor migration data, it is unlikely that there is a current risk of vapor migration to the subject site from these groundwater plumes due to the depth to groundwater below the Project site (more than 50 feet) and the fact that there has been no indication of the past use of chlorinated solvents on the Project site. (SCS Engineers, 2017, p. 14)

Based on the foregoing analysis, the Project would not create significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials associated with the site's existing condition. A less-than-significant impact would occur.

Impact Analysis for Temporary Construction-Related Activities

Heavy equipment (e.g., dozers, excavators, tractors) would be operated on the subject property during construction of the Project. Heavy equipment is typically fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which is considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the proposed Project than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited to requirements imposed by the EPA, California Department of Toxic Substances Control (DTSC), SCAQMD, and Santa Ana Regional Water Quality Control Board (RWQCB). With mandatory compliance with applicable hazardous materials regulations, the Project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. Impacts would be less than significant.

Impact Analysis for Long-Term Operational Activities

The future building occupant(s) for the Project site are not yet identified. However, the Project is designed to house warehouse distribution occupants and it is possible that hazardous materials could be used during the course of a future building user's daily operations. State and federal Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals in use at local businesses. Laws also are in place that requires businesses to plan and prepare for possible chemical emergencies. Any business that occupies the warehouse building on the Project site and that handles hazardous materials (as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95) will require a permit from the San Bernardino County Fire Department Hazardous Materials Division in order to register the business as a hazardous materials handler. Such businesses also are required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the County of San Bernardino Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. In addition, any business handling at any one time, greater than 500 pounds of solid, 55 gallons of liquid, or 200 cubic feet of gaseous hazardous material, is required, under Assembly Bill 2185 (AB 2185), to file a Hazardous Materials Business Emergency Plan (HMBEP). A HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. The intent of the HMBEP is to satisfy federal and State Community Right-To-Know laws and to provide detailed information for use by emergency responders.

If businesses that use or store hazardous materials occupy the Project, the business owners and operators would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, use, emission, and disposal of hazardous

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substances (as described above). With mandatory regulatory compliance, the Project is not expected to pose a significant hazard to the public or the environment through the routine transport, use, storage, emission, or disposal of hazardous materials, nor would the Project increase the potential for accident conditions which could result in the release of hazardous materials into the environment. In addition, the Project would be required to comply with County of San Bernardino Development Code § 23.0107, which establishes specific requirements for the storage of hazardous materials and Development Code § 23.0602, which establishes requirements for reporting and permitting the use, handling, storage, and transportation of hazardous materials.

With mandatory regulatory compliance, along with mandatory compliance with the County of San Bernardino Development Code, potential hazardous materials impacts associated with long-term operation of the Project are determined to be less than significant and mitigation is not required.

- VIII-b) Less-than-Significant Impact.** Accidents involving hazardous materials that could pose a significant hazard to the public or the environment would be highly unlikely during the construction and long-term operation of the Project and are not reasonably foreseeable. As discussed above under Threshold VIII-a, the transport, use, and handling of hazardous materials on the Project site during construction is a standard risk on all construction sites, and there would be no greater risk for upset and accidents than would occur on any other similar construction site. Upon buildout, the Project site would operate as a warehouse distribution center. Based on the operational characteristics of warehouse distribution centers, it is possible that hazardous materials could be used during the course of a future occupant's daily operations; however, as discussed above under Threshold VIII-a, the Project would be required to comply with all applicable local, State, and federal regulations related to the transport, handling, and usage of hazardous material. Accordingly, impacts associated with the accidental release of hazardous materials would be less than significant during both construction and long-term operation of the Project and mitigation would not be required.
- VIII-c) No Impact.** There are no schools located within 0.25-mile of the Project site. The nearest school to the Project site is Cesar Chavez Middle School, located approximately 0.55-mile northeast of the Project site. (Google Earth, 2018) Thus, the Project would not have a significant effect in emitting hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur.
- VIII-d) No Impact.** The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (SCS Engineers, 2017, pp. 11-13; CDTSC, n.d.). Accordingly, no impact would occur.
- VIII-e) No Impact.** The Project site is not located within an airport land use plan or within two miles of a public airport (Google Earth, 2018). The warehouse building proposed by the Project would be approximately 46 feet tall and does not include an air travel component (e.g., runway, helipad). Based on the foregoing, the Project would not result in safety hazards for people residing or working in the Project area and no impacts would occur.

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- VIII-f) No Impact.** There are no private airfields or airstrips in the vicinity of the Project site. Because no private airports are located nearby, there is no potential for the Project to result in a safety hazard for people residing or working the Project area. No impact would occur.
- VIII-g) No Impact.** The Project site does not contain any emergency facilities under existing conditions nor does it serve as an emergency evacuation route, so there is no potential for the Project to adversely affect an existing emergency response or evacuation plan. During construction and at Project buildout, the proposed Project would be required to maintain adequate emergency access for emergency vehicles as required by the County. As part of the County's discretionary review process, the County of San Bernardino reviewed the Project to ensure that appropriate emergency ingress and egress would be available to-and-from the proposed warehouse building for public safety, and determined that the Project would not substantially impede emergency response times in the local area. Accordingly, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and no impact would occur.
- VIII-h) Less-than-Significant Impact.** According to the County of San Bernardino Hazard Overlay Maps, the Project site is not located in an area of substantial or high fire risk (SB County, 2010c). Notwithstanding, structures formerly on the Project site were damaged or destroyed in three different wildfires that occurred in the 1970s, 1980s, and in 2005). The proposed Project would construct a modern warehouse facility on-site that complies with California Building Code minimum requirements for fire resistive building materials and building features, including an internal sprinkler system, to minimize potential fire hazards. The Project's landscaping would be properly maintained and irrigated and would thereby decrease the potential fire fuel load on the Project site. Thus, implementation of the proposed Project would not 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. Impacts would be less than significant.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>IX. HYDROLOGY AND WATER QUALITY</b>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				

A *Preliminary Water Quality Management Plan (WQMP)* and *Preliminary Hydrology Calculations* report were prepared for the Project by Thienes Engineering, Inc. The purpose of the *Preliminary WQMP* is to

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help identify pollutants of concern, establish the Best Management Practices for the Project, and establish long term maintenance responsibilities for the Project. The *Preliminary Hydrology Calculations* report identifies drainage patterns and off-site flow tributary to the Project site and evaluates post-development runoff conditions. The hydraulic calculations are intended to be used to design the Project's storm drain system. These reports are included as *Technical Appendices J* and *K*, respectively, to this Initial Study and their findings are incorporated into the analysis presented herein.

- IX-a) Loss-than-Significant Impact.** The California Porter-Cologne Water Quality Control Act (Section 13000 *et seq.*, of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act (CWA)) require that comprehensive water quality control plans be developed for all waters within the State of California. The Project site is located within the jurisdiction of the Santa Ana RWQCB. Water quality information for the Santa Ana River is contained in the Santa Ana RWQCB's *Santa Ana River Basin Water Quality Control Plan* (updated June 2011) and the *One Water, One Watershed Plan 2.0 (OWOW) for the Santa Ana River Watershed* (also referred to as "Integrated Regional Water Management Plan," dated February 4, 2014), prepared by the Santa Ana Watershed Project Authority. These documents are herein incorporated by reference and are available for public review at the Santa Ana RWQCB office located at 3737 Main Street, Suite 500, Riverside, CA 92501. (SARWQCB, 2011; SAWPA, 2014)

The CWA requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. The Project site is located within the Santa Ana River Watershed. Receiving waters for the property's drainage include: Lytle Creek Channel Santa Ana River Reaches 1 through 5, and the Prado Dam, which discharge into the Pacific Ocean. Lytle Creek Channel is impaired by pathogens; Santa Ana River Reach 2 is impaired by indicator bacteria; Santa Ana River Reach 3 is impaired by pathogens, copper, and lead; and Santa Ana River Reach 4 is impaired by pathogens. (Thienes, 2017b, p. 3-3)

A specific provision of the CWA applicable to the proposed Project is CWA Section 402, which authorizes the NPDES permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one acre or larger to prepare a SWPPP and obtain authorization to discharge storm water under an NPDES construction storm water permit.

#### Temporary Construction-Related Activities

Construction of the proposed Project would involve clearing, grading, paving, utility installation, building construction, and landscaping activities. Construction activities would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana RWQCB and the County of San Bernardino (Development Code Chapter 85.11 and § 35.0121), the Project would be required to obtain a NPDES Municipal Stormwater Permit for construction activities. The NPDES permit is

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required for all projects that include construction activities, such as clearing, soil stockpiling, grading, and/or excavation that disturb at least one (1) acre of total land area. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, including grading. The SWPPP will specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the proposed Project does not violate any water quality standards or waste discharge requirements during construction activities. Therefore, water quality impacts associated with construction activities would be less than significant and no mitigation measures would be required.

Post-Development Water Quality Impacts

Stormwater pollutants commonly associated with the warehouse land use proposed by the Project include bacterial indicators, metals, nutrients, pesticides, toxic organic compounds, sediments, trash and debris, and oil and grease. Based on current receiving water impairments (pursuant to the CWA's Section 303(d) list), the Project's pollutants of concern are nutrients, metals, and pathogens. (Thienes, 2017b, p. 2-2)

Pursuant to the County of San Bernardino (Development Code § 35.0118), the Project would be required to implement a WQMP to demonstrate compliance with the County's NPDES permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The WQMP is a site-specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection of the watershed basin. The Project's Preliminary WQMP, prepared by Thienes, is included as *Technical Appendix J* appended to this Initial Study. As identified in *Technical Appendix J*, the proposed Project is designed to include on-site, structural source control BMPs (including an infiltration basin and on-site storm drain catch basins/inlets with filters) as well as operational source controls (including but not limited to: drainage system maintenance, storm drain system stenciling and signage, and implementation of minimal pesticide use) to minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Compliance with the Preliminary WQMP would be required as a condition of Project approval pursuant to Municipal Code § 35.0118, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

In addition to the WQMP, the NPDES program also requires certain land uses, including industrial land uses as proposed by the Project, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. On April 1, 2014, the California State Water Resources Control Board adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the "Industrial General Permit"). Under the newly effective NPDES Industrial General Permit, the Project is required to prepare a SWPPP for

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operational activities and implement a long-term water quality sampling and monitoring program or receive an exemption. Because the permit is dependent upon the operational activities of the buildings, and the Project's future building occupants and their operations are not known at this time, details of the SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined at this time. However, based on the requirements of the NPDES Industrial General Permit, it is assured that the Project's mandatory compliance with all applicable regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements during long-term operation. Impacts would be less than significant.

- IX-b) Less-than-Significant Impact.** No potable groundwater wells are proposed by the Project. The proposed Project would be served with potable water by the City of San Bernardino Municipal Water Department (SBMWD). The SBMWD relies on the Bunker Hill Groundwater Basin as a source of its water supply. The SBMWD has indicated it has sufficient available water resources to adequately serve the Project in addition to past, present, and future commitments to supply water. (WSC, 2016, pp. 10-12 - 10-19) Therefore, the proposed Project would not substantially deplete groundwater supplies and the Project's impact to groundwater supplies would be less than significant.

Development of the Project would increase impervious surface coverage on the property, which would reduce the amount of water percolating down into the underground aquifer that underlies the Project site and a large area of the County. However, the impact of an incremental reduction in groundwater recharge area would not be significant because the SBMWD purchases water from the Municipal Water District of Southern California in order to recharge the groundwater basin in times of need and does not solely rely on surface water percolation to replenish the groundwater basin. Additionally, water captured by the proposed Project's infiltration basin and landscaped areas would have the opportunity to percolate into the ground. With buildout of the Project, the local groundwater levels would not be substantially adversely affected. Accordingly, buildout of the Project would not interfere substantially with groundwater recharge.

For the reasons stated above, the Project would neither substantially deplete groundwater supplies nor 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. Impacts would be less than significant.

- IX-c) Less-than-Significant Impact.** Under existing conditions, storm water sheet flows across the Project site in a southeasterly direction toward Cajon Boulevard. An existing 60-inch-diameter storm drain pipe is located beneath Cajon Boulevard and is designed to convey peak runoff within the Project area during 100-year storm events. Storm water runoff originating off-site, from properties to the north and northeast of the Project site, generally sheet flow in a southeasterly direction onto the Project site.



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The Project would grade the entire property and construct one warehouse building and associated improvements, which would change the site's existing ground contours and alter the site's existing, internal drainage patterns. Upon buildout of the Project, storm water originating in the northwestern, northern, and northeastern portions of the Project would flow into catchment basins and travel southeasterly toward a drainage inlet located near the southeastern corner of the Project site where "first flush" flows (i.e., initial runoff) would be diverted into an underground infiltration basin. The infiltration basin would contain a portion of on-site storm water flows and facilitate percolation into the ground. When the underground infiltration basin reaches capacity, storm water would bypass the basin, convey southwesterly, and discharge into an above-ground water quality management basin located at the southern corner of the Project site. When the above-ground water quality management basin reaches capacity, storm water would be discharged into the existing storm drain line within Cajon Boulevard.

Stormwater originating in the southeastern portions of the Project site would flow into catchment basins, travel southeasterly, and discharge at the above-ground water quality management basin in the southern corner of the Project site. When the above-ground water quality management basin reaches capacity, storm water would be discharged into the existing storm drain line within Cajon Boulevard.

Off-site runoff, which sheet flows southerly and southeasterly onto the Project site, would be captured by above-ground u-channels installed along the northwestern and northeastern boundaries of the Project site. Off-site storm water would be conveyed across the site and would discharge into the existing storm drain line within Cajon Boulevard.

Although the Project would alter the subject property's internal drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. Under post-development conditions, a majority of the site would be covered with impervious surfaces and, therefore, the amount of exposed soils on the Project site would be minimal. Also, as discussed under Threshold IX-a, the Project would construct an integrated storm drain system on-site with BMPs to minimize the amount of water-borne pollutants carried from the Project site. The BMPs proposed by the Project and enforced by the Project's Preliminary WQMP, including catch basins/inlets with filters and an underground infiltration basin are highly effective at removing sediment from storm water runoff flows. Therefore, storm water runoff flows leaving the Project site would not carry substantial amounts of sediment. Once storm water runoff leaves the Project site, it would be discharged into a storm drain pipe beneath Cajon Boulevard. Because there are no exposed soils at the Project's discharge points, there is no potential for the Project's storm water runoff to result in erosion as it leaves the Project site. Accordingly, the Project would not result in substantial erosion or siltation on- site or off-site, and a less-than-significant impact would occur.

- IX-d) Less-than-Significant Impact.** As described above under Threshold IX-c, proposed grading and earthwork activities on the Project site would alter the site's existing drainage patterns but would not substantially alter the drainage pattern of the local area. Under long-term development conditions, the peak storm water runoff flows discharged from the Project site would be reduced relative to existing conditions, from 67.6 cubic feet per second (cfs) under existing conditions to 58.3 cfs under Project buildout. Stormwater flows leaving the Project

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site would be conveyed to an existing storm drain line beneath Cajon Boulevard. The storm drain line beneath Cajon Boulevard is designed pursuant to the City of San Bernardino Vulcan Materials Master Plan (SBVMMP). The SBVMMP identifies master-planned drainage and flood control facilities that are needed to safely convey storm water runoff generated within the SBVMMP area during a 100-year storm event and preclude flooding. The storm drain line beneath Cajon Boulevard that would accept peak storm water runoff flows from the Project is designed pursuant to the SBVMMP and has adequate capacity to accept and convey Project storm water flows downstream and the peak, post-development flows from the Project site are consistent with the projections of the SBVMMP. (Thienes, 2017a, n.p.) Because the proposed Project is consistent with the applicable master drainage plan, Project Implementation would not result in flooding on- or off-site due to the introduction of substantial, unanticipated storm water flows. Impacts associated with flooding would be less than significant.

- IX-e) Less-than-Significant Impact.** As discussed above under the analysis for Threshold IX-d, the proposed Project would be consistent with the SBVMMP and existing storm drain improvements have sufficient capacity to convey storm water runoff generated by the Project. Accordingly, the Project would not create or contribute runoff which would exceed the capacity of any planned storm water drainage system, and impacts would be less than significant.

As discussed under the analysis of Threshold IX-a, the proposed Project would be required to comply with a future SWPPP and the Project's Preliminary WQMP (*Technical Appendix J*), which identify required BMPs to be incorporated into the Project to ensure that near-term construction activities and long-term post-development activities of the proposed Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and Preliminary WQMP, the proposed Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant.

- IX-f) No Impact.** Refer to Thresholds IX-a, IX-c, and IX-d above. The Project does not contain any other features that would have the potential to substantially degrade water quality. Thus, no impact would occur.
- IX-g) No Impact.** The proposed Project does not include housing. Therefore, there is no potential for the Project to place housing within a 100-year flood hazard area. No impact would occur.
- IX-h) No Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C7910H, the Project site is located within "Flood Zone X (unshaded)" which corresponds with areas of minimal flood hazard (i.e., less than 0.2-percent annual chance of flood, also referred to as a 500-year flood zone). (FEMA, n.d.) Therefore, implementation of the proposed Project would not place structures within a 100-year flood hazard area that would impede or redirect flood flows. No impact would occur.
- IX-i) No Impact.** The nearest dam to the Project site is the Devil's Canyon Percolation Basin, located approximately 1.7 miles northeast of the Project site. According to County of San Bernardino Hazards Maps, the Project site is not located in an identified dam inundation area (SB County, 2010c). There are no levees in the vicinity of the Project site. Accordingly, and

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also based on the information provided under Thresholds IX-d, IX-g, and IX-h, the Project would not expose people or structures to a significant risk of loss, injury or death involving flooding. No impacts would occur.

- IX-J) No impact.** The Pacific Ocean is located more than 50 miles southwest of the Project site; consequently, there is no potential for tsunamis to impact the Project site. In addition, the Project site and immediate surrounding area do not contain steep hillsides that may be susceptible to mudflow. The nearest large body of surface water to the site is the Devil's Canyon Percolation Basin, located approximately 1.8 miles northeast of the Project site. (Google Earth, 2018) Due to the distance of the Devil's Canyon Percolation Basin from the Project site, a seiche in the Devil's Canyon Percolation Basin would have no impact on the Project site. Therefore, the Project site would not be subject to seiches, mudflows, and/or tsunamis. Thus, no impact would occur and no further analysis of this subject is required.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>X. LAND USE AND PLANNING</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

- X-a) No Impact.** The Project site is located in a developing area of the County of San Bernardino that is designated for industrial development. Development of the Project site with a warehouse building and associated improvements would not physically disrupt or divide the arrangement of an established community. The properties to the immediate northwest and southeast of the site are undeveloped, and the properties to the northwest and southwest of the site are physically separated by the Project site by railroad tracks/Keller Drive and Cajon Boulevard, respectively. Furthermore, the property is proposed to be developed in accordance with its assigned General Plan land use zoning district (Specific Plan) and GHSP land use zoning designation of "Heavy Industrial (HI)." The Project would serve, effectively, as an extension of existing industrial development patterns to the south and southwest. Thus, no impact would occur.
- X-b) No Impact.** Under existing conditions, the Project site is designated for "Heavy Industrial" land uses by the GHSP. The proposed Project would develop the subject property in accordance with the underlying GHSP land use and development standards and applicable zoning ordinance development standards. Accordingly, the Project would not conflict with the GHSP or Zoning Ordinance. The Project otherwise would not conflict with any applicable goals, objectives, and policies of the SCAQMD AQMP (refer to Threshold III-a) or the SCAG RTP/SCS, and SCAG Regional Comprehensive Plan which rely on General Plan consistency for general compliance with those regional plans. No impact would occur.
- X-c) Less-than-Significant Impact.** Please refer to the analysis provided for Threshold IV-f. The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>		Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>					

**XI-a) Less-than-Significant Impact.** The California Department of Conservation (DOC) designates the Project site as being located within Mineral Resource Zone (MRZ)-2, which is a zone known to contain significant mineral deposits or have a high likelihood of containing significant deposits (DOC, 2008). However, the mineral resource zone classifications assigned by the DOC focus solely on geologic factors and the potential value and marketability of a mineral resource, without regard to existing land use and ownership or the compatibility of surrounding land uses. The County of San Bernardino General Plan and the County's Glen Helen Specific Plan, which establish the County's plan for the highest and best use of the Project site in consideration of the local land use context, identify the Project site for industrial land uses. This means that the County has determined that industrial land uses on-site are more valuable to the region than potential mineral extraction uses. Additionally, due to constraints on and abutting the Project site (i.e., the powerlines that traverse the Project site, the railroad tracks that abut the site on the north/east, and the proximity to off-site residences) mineral resources extraction would not be feasible on-site. In addition, the County's General Plan and the Glen Helen Specific Plan do not identify any important mineral resource recovery sites on- or in the proximity of the Project site. Accordingly, the Project would result in a less-than-significant impact related to the loss of availability of a known mineral resource.

**XI-b) No Impact.** Please refer to the response to Threshold XI-a, above.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XII. NOISE</b>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				

A *Noise Impact Analysis* was prepared for the Project by Urban Crossroads to evaluate Project-related long-term operational and short-term construction noise impacts. This report is included as *Technical Appendix L* to this Initial Study and its findings are incorporated into the analysis presented herein.

- XII-a) Less-than-Significant Impact with Mitigation Incorporated.** Noise generated on or within the vicinity of the Project site under existing conditions is limited to the on-site sprayed concrete operation, vehicles travelling to and from the Project site along Cajon Boulevard, vehicles travelling along Kendall Drive, the railroad lines located west of the Project site, and the railroad lines abutting the northeastern boundary of the Project site, and routine maintenance activities on the Project site (i.e., discing). For more information about the existing noise environment surrounding the Project site, refer to *Technical Appendix L*.

Development of the Project site as a warehouse building has the potential to expose persons to or result in elevated noise levels during both near-term construction activities and under long-term operational conditions. Near-term (i.e., temporary) and long-term (i.e., permanent) noise level increases that would be associated with the Project are described below.

Impact Analysis for Near-Term Construction Noise

The County's Development Code (§ 83.01.080(g)) includes a provision that exempts construction activities that comply with specified performance standards from any maximum noise level limit (SB County, 2018, § 83.01.080). The Project would be conditioned to comply with the County's Development Code; therefore, implementation of the Project would not expose persons to or generate near-term construction noise levels in excess of standards adopted by the County.

Impact Analysis for Long-Term Stationary Operational Noise

According to County Development Code § 83.01.080, the maximum allowable exterior sound levels are as follows: 55 A-weighted decibels (dBA) during the day (7:00am to 10:00pm) and 45 dBA at night (10:00pm to 7:00am) for residential uses; 55 dBA any time of day for professional services; 60 dBA any time of day for commercial uses, and 70 dBA any time of day for industrial uses. These standards are not be exceeded for a cumulative period of 30 minutes ( $L_{50}$ ), or the standard plus 5 dBA cannot be exceeded for a cumulative period of more than 15 minutes ( $L_{25}$ ) in any hour; or the standard plus 10 dBA for a cumulative period of more than 5 minutes ( $L_5$ ) in any hour; or the standard plus 15 dBA for a cumulative period of more than 1 minute ( $L_1$ ) in any hour; or the standard plus 20 dBA at any time ( $L_{max}$ ). (SB County, 2018, § 83.01.080) In the City of San Bernardino (which borders the Project site to the southwest, across from Cajon Boulevard), there are no standards restricting exterior noise levels at commercial or industrial uses (City of San Bernardino, 2018, § 19.20.030.15).

Using the reference noise levels collected from other warehouse facilities in the Inland Empire area – which include noise associated with idling trucks, delivery truck activities, parking, backup alarms, and HVAC equipment (to represent the proposed warehouse operations on the Project site) Urban Crossroads calculated the operational source noise levels that are expected to be generated at the Project site. Refer to *Technical Appendix L* for a detailed description of the methodology used to calculate the Project's operational noise levels. As shown in Table 6, *Project Operational Noise Levels (Without Mitigation)*, the operational noise levels expected to be generated by the Project exceed the County's applicable nighttime exterior noise level threshold at three receiver locations (R2 through R4, which represents residential homes across Kendall Drive). (See Figure 19, *Noise Receiver Locations*, for locations of the modeled receptors and refer to *Technical Appendix L* for a detailed description of the receptors.) The Project's daytime and nighttime noise levels would be acceptable at all other receptor locations. Accordingly, without mitigation the Project would expose receptors in the Project site vicinity to noise levels in excess of standards established in the local noise ordinance and a significant impact would occur.

Figure 19 Noise Receiver Locations

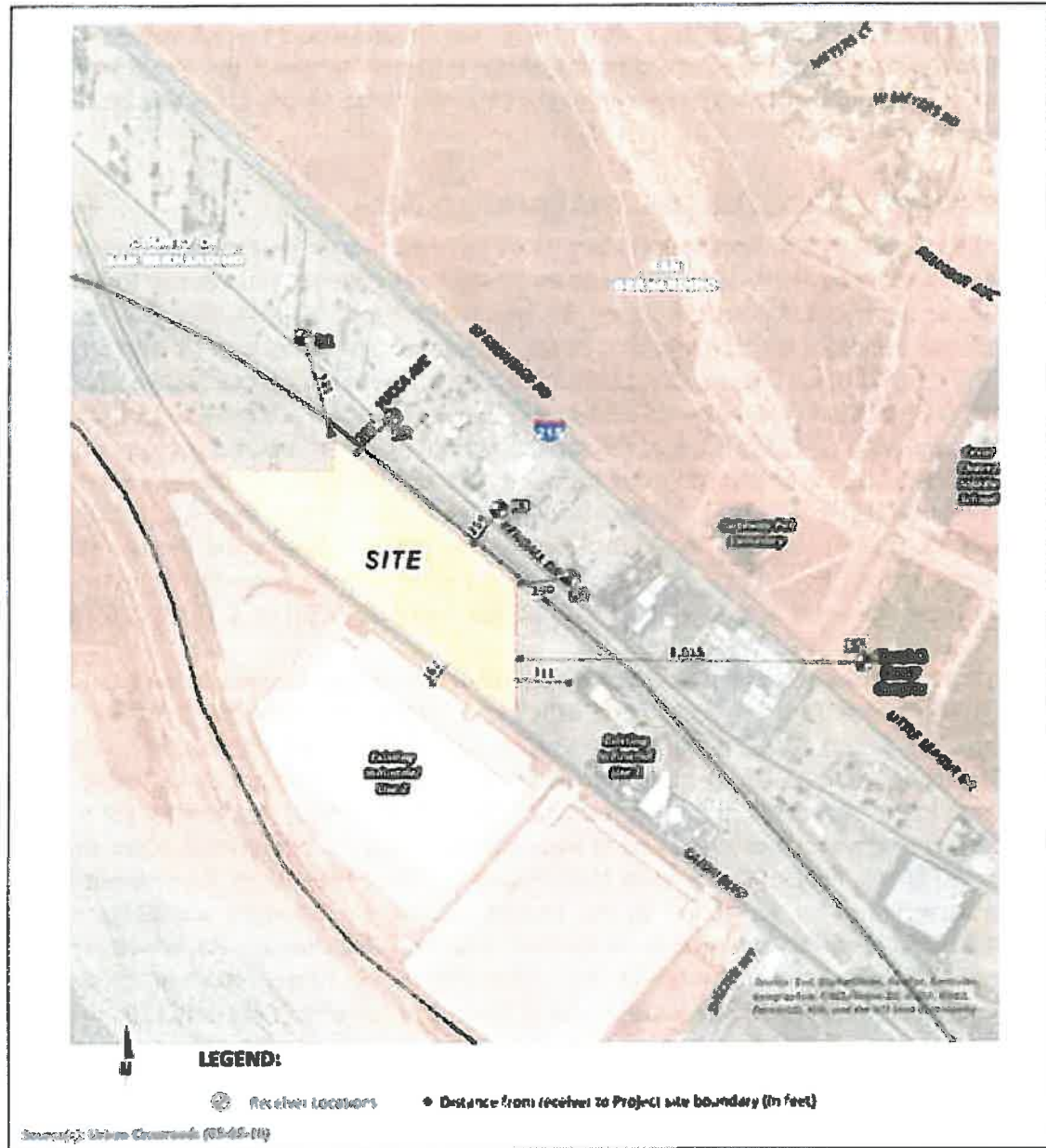


Figure 19



0 100 200  
Feet

Noise Receiver Locations



**Table 6 Project Operational Noise Levels (Without Mitigation)**

Receiver Location <sup>1</sup>	Jurisdiction	Noise Level at Receiver Locations (dBA) <sup>2</sup>						Threshold Exceeded?
		L <sub>eq</sub> (E. Avg.)	L <sub>90</sub> (30 mins)	L <sub>25</sub> (15 mins)	L <sub>5</sub> (5 mins)	L <sub>2</sub> (1 min)	L <sub>max</sub> (Anytime)	
Daytime	Lowest Residential Noise Level Limits	55	55	60	65	70	75	-
Nighttime		45	45	50	55	60	65	-
Anytime	Industrial Limits	70	70	75	80	85	90	-
R1	County of San Bernardino	39.4	36.4	39.3	43.8	47.6	52.3	No
R2		46.1	43.1	46.1	50.6	54.4	59.0	<u>Yes</u>
R3		48.0	45.0	48.0	52.6	56.3	60.8	<u>Yes</u>
R4		47.0	44.0	46.9	51.5	55.3	59.8	<u>Yes</u>
R5	San Bernardino	32.1	-	-	-	-	-	No
Industrial 1	County of San Bernardino	43.2	40.2	43.0	47.3	51.1	56.1	No
Industrial 2		44.6	41.6	44.0	47.7	51.1	56.4	No

<sup>1</sup>Noise receiver locations are shown on Figure 19.<sup>2</sup>Estimated Project operational noise levels as shown on Table 9-2 of *Technical Appendix L*.

Source: (Urban Crossroads, 2018e, Table 9-3)

In order for the Project to reduce operational noise to levels compliant with the County's Development Code, Implementation of MM N-1 would require the installation of a minimum 8-foot-tall noise barrier wall along the majority of the northeastern boundary of the Project site and a portion of the eastern boundary of the Project site). As shown in Table 7, *Project Operational Noise Levels (With Mitigation)*, implementation of MM N-1 would reduce the Project's operational noise to levels compliant with the standards established in the County's noise ordinance, and a less-than-significant impact would occur.

**Table 7 Project Operational Noise Levels (With Mitigation)**

Receiver Location <sup>1</sup>	Jurisdiction	Noise Level at Receiver Locations (dBA) <sup>2</sup>						Threshold Exceeded? <sup>3</sup>
		L <sub>eq</sub> (E. Avg.)	L <sub>90</sub> (30 mins)	L <sub>25</sub> (15 mins)	L <sub>5</sub> (5 mins)	L <sub>2</sub> (1 min)	L <sub>max</sub> (Anytime)	
Daytime	Lowest Residential Noise Level Limits	55	55	60	65	70	75	-
Nighttime		45	45	50	55	60	65	-
R2	County of San Bernardino	41.7	38.7	41.5	45.9	49.7	54.7	<u>No</u>
R3		43.4	40.4	43.3	47.8	51.5	56.2	<u>No</u>
R4		42.5	39.5	42.3	46.8	50.5	55.4	<u>No</u>

<sup>1</sup>Noise receiver locations are shown on Figure 19.<sup>2</sup>Unmitigated Project operational noise levels as shown on Table 6.<sup>3</sup>Reference noise level measurement locations as shown on Exhibit 5-A of *Technical Appendix L*.<sup>4</sup>Observed daytime ambient noise levels as shown on Table 5-1 of *Technical Appendix L*.<sup>5</sup>Represents the combined ambient conditions plus the Project activities.<sup>6</sup>The noise level increase expected with the addition of the proposed Project activities.<sup>7</sup>Significance Criteria as defined in Section 4 of *Technical Appendix L*.

Source: (Urban Crossroads, 2018e, Table 9-5)

**XII-b) Less-than-Significant Impact.****Impact Analysis for Near-Term Construction Vibration**

Construction activities on the Project site would utilize heavy equipment that has the potential to generate low levels of intermittent, localized ground-borne vibration. Refer to *Technical Appendix L* for a detailed description of the methodology used to calculate construction vibration levels.

The County's vibration level standard is a peak particle velocity (PPV) of 0.2 inches per second (0.2 in/sec PPV) at any sensitive receiver locations (SB County, 2018, § 83.01.090). Vibration levels from Project-related construction activities were calculated at five receiver locations near the Project site (see Figure 19 for locations of the modeled receptors). The results of the vibration analysis for Project-related construction activities are summarized in Table 8, *Project Construction Vibration Levels*. As shown in Table 8, Project-related construction activities would not exceed the County's significance threshold of 0.2 in/sec PPV at any off-site receptor location (Urban Crossroads, 2018e, p. 67). Accordingly, the Project's near-term construction activities would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.

**Table 8 Project Construction Vibration Levels**

Receiver Location	Distance to Construction Activity (Ft)	Receiver PPV Levels (in/sec)					Threshold Exceeded? <sup>3</sup>
		Small Bulldozer	Jackhammer	Loaded Trucks	Large Bulldozer	Peak Vibration	
R1	640'	0.000	0.000	0.001	0.001	0.001	No
R2	304'	0.000	0.001	0.002	0.002	0.002	No
R3	274'	0.000	0.001	0.002	0.002	0.002	No
R4	321'	0.000	0.001	0.002	0.002	0.002	No
R5	1,829'	0.000	0.000	0.000	0.000	0.000	No

<sup>1</sup> Receiver locations are shown on Exhibit 10-A of *Technical Appendix L*.

<sup>2</sup> Based on the Vibration Source Levels of Construction Equipment included on Table 6-8 of *Technical Appendix L*.

<sup>3</sup> Vibration levels in PPV are converted to RMS velocity using a 0.71 conversion factor identified in the Caltrans Transportation and Construction Vibration Guidance Manual, September 2013.

Source: (Urban Crossroads, 2018e, Table 10-10)

**Impact Analysis for Long-Term Operational Vibration**

Under long-term conditions, the proposed Project would not include nor require equipment, facilities, or activities that would result in substantial or perceptible groundborne vibration. Trucks would travel to-and-from the Project site during long-term operation; however, vibration levels for heavy trucks operating at low-to-normal speeds on smooth, paved surfaces – as is expected on the Project site and along surrounding roadways – typically do not exceed 0.004 in/sec PPV, which is lower than the County of San Bernardino vibration threshold of 0.2 in/sec PPV (Urban Crossroads, 2018e, p. 55). Accordingly, long-term operation of the Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and a less-than-significant impact would occur.

**XII-c) Less-than-Significant Impact.**

The Federal Interagency Committee on Noise (FICON) developed guidance to be used for the assessment of project-generated increases in noise levels that take into account the ambient noise environment. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, these recommendations are often used in environmental noise impact assessments involving the use of cumulative exposure metrics, such as the average-daily noise level (i.e., CNEL). The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. For example, if the ambient noise environment is very quiet and a new noise source substantially increases localized noise levels, a perceived impact may occur even though the numerical noise threshold might not be exceeded. Therefore, for the purpose of this analysis, when the ambient noise environment is less than 60 dBA CNEL, a 5 dBA or more increase (i.e., "readily perceptible") resulting from Project-related noise is considered cumulatively considerable when noise sensitive receptors are affected. Where the ambient noise levels range from 60 to 65 dBA CNEL, a 3 dBA or more increase (i.e., "barely perceptible") resulting from Project-related noise is considered cumulatively considerable when noise sensitive receptors are affected. In areas where the ambient noise levels exceed 65 dBA CNEL, a 1.5 dBA or more increase resulting from Project-related noise is considered cumulatively considerable when noise sensitive receptors are affected. (Urban Crossroads, 2018e, p. 24)

**Stationary Source Impacts**

As summarized in Table 9, *Project Operational Noise Levels at Sensitive Receiver Locations*, the Project would not contribute substantial noise at nearby sensitive receptors during daytime (7:00 a.m. - 10:00 p.m.) or nighttime (10:01 p.m. - 6:59 a.m.) hours. Accordingly, the Project would not contribute to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project. Impacts would be less than significant.

**Table 9 Project Operational Noise Levels at Sensitive Receiver Locations (In CNEL)****Daytime Noise Levels (7:00 a.m. – 10:00 p.m.)**

Receiver Location <sup>1</sup>	Total Project Operational Noise Level <sup>2</sup>	Measurement Location <sup>3</sup>	Reference Ambient Noise Levels <sup>4</sup>	Combined Project and Ambient <sup>5</sup>	Project Contribution <sup>6</sup>	Threshold Exceeded? <sup>7</sup>
R1	40.0	L1	69.2	69.2	0.0	No
R2	46.1	L2	74.7	74.7	0.0	No
R3	48.0	L2	74.7	74.7	0.0	No
R4	47.0	L2	74.7	74.7	0.0	No
R5	32.1	L3	69.6	69.6	0.0	No

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**Table 9 Project Operational Noise Levels at Sensitive Receiver Locations (In CNEL) (cont.)*****Nighttime Noise Levels (10:01 p.m. – 6:59 a.m.)***

<b>Receiver Location<sup>1</sup></b>	<b>Total Project Operational Noise Level<sup>2</sup></b>	<b>Measurement Location<sup>3</sup></b>	<b>Reference Ambient Noise Levels<sup>4</sup></b>	<b>Combined Project and Ambient<sup>5</sup></b>	<b>Project Contribution<sup>6</sup></b>	<b>Threshold Exceeded?<sup>7</sup></b>
R1	40.0	L1	65.8	65.8	0.0	No
R2	46.1	L2	73.8	73.8	0.0	No
R3	48.0	L2	73.8	73.8	0.0	No
R4	47.0	L2	73.8	73.8	0.0	No
R5	32.1	L3	67.9	67.9	0.0	No

<sup>1</sup>Noise receiver locations are shown on Figure 19.<sup>2</sup>Estimated Project stationary source noise levels based on data presented in Table 6.<sup>3</sup>Reference noise level measurements as shown on Exhibit 5-A of *Technical Appendix L*.<sup>4</sup>Observed daytime ambient noise levels as shown on Table 5-1 of *Technical Appendix L*.<sup>5</sup>Represents the combined reference ambient noise levels plus Project operational noise level.<sup>6</sup>The noise level increase expected with the addition of the Project.<sup>7</sup>Significance Criteria as defined in Section 4 of *Technical Appendix L*.

Source: (Urban Crossroads, 2018a, Table 9-6 and 9-7)

**Traffic-Related Noise Impacts**

To evaluate permanent, off-site noise level increases that could result from Project-related traffic, noise levels were modeled for the following traffic scenarios:

- **Existing Conditions Without / With Project:** This scenario refers to the existing present-day noise conditions without and with the proposed Project.
- **Opening Year 2019 Without / With the Project:** This scenario refers to Opening Year noise conditions without and with the proposed Project, including reasonably foreseeable cumulative projects identified in the Project's Traffic Impact Analysis (*Technical Appendix L*).
- **Horizon Year 2040 Without / With the Project:** This scenario refers to Horizon Year noise conditions without and with the proposed Project, including reasonably foreseeable cumulative projects identified in the Project's Traffic Impact Analysis (*Technical Appendix L*).

Traffic noise contours and noise levels were established based on existing and projected future traffic conditions on off-site roadway segments within the Project's study area, and do not take into account the effect of any existing noise barriers or topography that may affect ambient noise levels. Refer to *Technical Appendix L* for a detailed description of the methodology used to evaluate the Project's traffic-related noise effects.

Table 10, *Existing plus Project Traffic Noise Impacts*, presents a comparison of the existing noise conditions along Project study area roadway segments and the noise levels that would result with addition of Project-related traffic. Noise levels along roadway segments within the Project study area would increase between 0.0 to 1.9 dBA CNEL with development of the Project. However, as shown in Table 10, the Project's noise contributions would not exceed the applicable significance thresholds (i.e.,  $\geq 1.5$  dBA CNEL from Project-related noise to

**Table 10 Existing plus Project Traffic Noise Impacts (in CNEL)**

ID	Road	Segment	Adjacent Land Use <sup>1</sup>	CNEL at Adjacent Land Use (dBA) <sup>2</sup>			Noise - Sensitive Land Use?	Threshold Exceeded? <sup>3</sup>
				No Project	With Project	Project Addition		
1	Palm Av.	n/o I-215 Fwy.	Commercial (Resid.)	78.4	78.4	0.0	Yes	No
2	Palm Av.	s/o Kendall Dr.	Commercial	73.4	74.0	0.6	No	No
3	Palm Av.	s/o Industrial Pkwy.	Commercial (Vacant)	71.1	72.0	0.9	No	No
4	Palm Av.	s/o Cajon Bl.	Commercial (Vacant)	68.2	69.9	1.7	No	No
5	Cajon Bl.	s/o Dwy. 2	Industrial	66.6	68.5	1.9	No	No
6	Cajon Bl.	w/o Palm Av.	Industrial	67.3	68.9	1.6	No	No

<sup>1</sup>Source: City of San Bernardino General Plan Land Use Element, *Figure LU-1*.<sup>2</sup>The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the nearest adjacent land use.<sup>3</sup>Significance Criteria as defined in Section 4 of *Technical Appendix L*.

Source: (Urban Crossroads, 2018e, Table 7-7)

nearby noise sensitive land uses). Accordingly, the Project would not result in a substantial permanent increase in noise levels above ambient conditions. Therefore, the Project's off-site, traffic-related noise impacts would be less than significant under Existing plus Project conditions.

Table 11, *Opening Year 2019 Traffic Noise Impacts*, presents a comparison of the calculated 2019 noise conditions along Project study area roadway segments and the noise levels that would result with addition of Project-related traffic. Noise levels along roadway segments within the Project study area would increase between 0.0 to 1.5 dBA CNEL with development of the Project. As shown in Table 11, the Project's noise contributions would not exceed the applicable significance thresholds (i.e.,  $\geq 1.5$  dBA CNEL from Project-related noise to nearby noise sensitive land uses). Accordingly, the Project would not result in a substantial permanent increase in noise levels above ambient conditions. Therefore, the Project's off-site traffic-related noise impacts would be less than significant under Opening Year 2019 development conditions.

Table 12, *Horizon Year 2040 Traffic Noise Impacts*, presents a comparison of the calculated 2040 noise conditions along Project study area roadway segments and the noise levels that would result with addition of Project-related traffic. Noise levels along roadway segments within the Project study area would increase between 0.0 to 1.0 dBA CNEL with development of the Project. As shown in Table 12, the Project's noise contributions would not exceed the applicable significance thresholds (i.e.,  $\geq 1.5$  dBA CNEL from Project-related noise to nearby noise sensitive land uses). Accordingly, the Project would not result in a substantial permanent increase in noise levels above ambient conditions. Therefore, the Project's off-site traffic-related noise impacts would be less than significant under Horizon Year 2040 development conditions.

**Table 11 Opening Year 2019 Traffic Noise Impacts (In CNEL)**

ID	Road	Segment	Adjacent Land Use <sup>1</sup>	CNEL at Adjacent Land Use (dBA) <sup>2</sup>			Noise - Sensitive Land Use?	Threshold Exceeded? <sup>3</sup>
				No Project	With Project	Project Addition		
1	Palm Av.	w/o I-215 Fwy.	Commercial (Resid.)	78.7	78.7	0.0	Yes	No
2	Palm Av.	s/o Kendall Dr.	Commercial	75.2	75.6	0.4	No	No
3	Palm Av.	s/o Industrial Pkwy.	Commercial (Vacant)	72.5	73.2	0.7	No	No
4	Palm Av.	s/o Cajon Bl.	Commercial (Vacant)	69.8	71.0	1.2	No	No
5	Cajon Bl.	e/o Dwy. 2	Industrial	67.8	69.3	1.5	No	No
6	Cajon Bl.	w/o Palm Av.	Industrial	68.3	69.7	1.3	No	No

<sup>1</sup>Source: City of San Bernardino General Plan Land Use Element, Figure LU-1.<sup>2</sup>The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the nearest adjacent land use.<sup>3</sup>Significance Criteria as defined in Section 4 of Technical Appendix L.

Source: (Urban Crossroads, 2018e, Table 7-8)

**Table 12 Horizon Year 2040 Traffic Noise Impacts (In CNEL)**

ID	Road	Segment	Adjacent Land Use <sup>1</sup>	CNEL at Adjacent Land Use (dBA) <sup>2</sup>			Noise - Sensitive Land Use?	Threshold Exceeded? <sup>3</sup>
				No Project	With Project	Project Addition		
1	Palm Av.	w/o I-215 Fwy.	Commercial (Resid.)	79.4	79.4	0.0	Yes	No
2	Palm Av.	s/o Kendall Dr.	Commercial	75.8	76.1	0.3	No	No
3	Palm Av.	s/o Industrial Pkwy.	Commercial (Vacant)	73.1	73.7	0.6	No	No
4	Palm Av.	s/o Cajon Bl.	Commercial (Vacant)	71.0	71.9	1.0	No	No
5	Cajon Bl.	e/o Dwy. 2	Industrial	71.4	72.1	0.7	No	No
6	Cajon Bl.	w/o Palm Av.	Industrial	71.4	72.1	0.7	No	No

<sup>1</sup>Source: City of San Bernardino General Plan Land Use Element, Figure LU-1.<sup>2</sup>The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the nearest adjacent land use.<sup>3</sup>Significance Criteria as defined in Section 4 of Technical Appendix L.

Source: (Urban Crossroads, 2018e, Table 7-9)

In summary, long-term operation of the proposed Project would not generate a substantial permanent increase in off-site, traffic-related noise levels. The Project's traffic-related noise impacts would be less than significant.

- XII-d) Less-than-Significant Impact.** The Project's only potential to cause a substantial temporary or periodic increase in ambient noise levels would occur during the construction phase. Construction activities on the Project site, especially those activities involving the use of heavy equipment, would create intermittent, temporary increases in ambient noise levels in the vicinity of the Project site. Noise generated by heavy construction equipment, including trucks, graders, bulldozers, concrete mixers, and portable generators, can reach high levels. However, construction-related noise increases: 1) would be transitory (i.e., varying from day-to-day and throughout the day), 2) would completely cease upon completion of Project construction, and 3) would not represent a recurring, periodic source of noise, although periodic and temporary construction noise has the potential to be substantial compared to existing ambient noise levels.

As discussed above under Threshold XIII-a, the Project's construction-related activity is required to comply with the County's Noise Ordinance (Development Code § 83.01.080). Regardless of the Project's consistency with the County's Noise Ordinance, construction activities on the Project site, especially those activities involving heavy equipment, would create intermittent, temporary increases in ambient noise levels that have the potential to adversely affect sensitive receptors in the vicinity of the Project site. The Project's construction-related noise levels are presented in Table 13, *Project Construction Noise Level Summary (Without Mitigation)*, as measured at the sensitive receptor locations previously depicted on Figure 19 and based on reference noise levels collected from construction sites throughout Southern California (refer to *Technical Appendix L* for a detailed description of reference construction noise levels).

As shown on Table 13, Project-related construction activities are estimated to reach maximum noise levels between 48.3 and 64.8 equivalent-level decibels (dBA Leq) when measured at nearby sensitive receptors. Noise levels less than 65 dBA Leq are not considered to be excessive for sensitive receptors; therefore, the Project's temporary or periodic noise impacts would be less-than-significant and mitigation would not be required. (Urban Crossroads, 2018e, p. 65)

**Table 13 Project Construction Noise Level Summary (Without Mitigation)**

Receiver Location	Construction Noise Levels (dBA Leq)					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Peak
R1	57.4	57.4	46.0	49.5	45.3	57.4
R2	63.9	63.9	52.5	55.9	51.8	63.9
R3	64.8	64.8	53.4	56.8	52.7	64.8
R4	63.4	63.4	52.0	55.4	51.3	63.4
R5	48.3	48.3	36.9	40.3	36.2	48.3

Source: (Urban Crossroads, 2018e, Table 10-7)

- XII-e) No Impact.** The Project site is not located within an airport land use plan or within two miles of a public airport. Accordingly, the proposed Project would not expose people residing or working in the Project area to excessive noise levels. No impact would occur.
- XII-f) No Impact.** There are no private airfields or airstrips in the vicinity of the Project site. Therefore, the Project would not expose people to excessive noise levels associated with operations at a private airstrip. No impact would occur.

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**SIGNIFICANCE:** Possible significant adverse impacts have been identified or are anticipated and the following mitigation measure is required a condition of Project approval to reduce these impacts to a level considered less than significant:

**MM N-1:** Prior to issuance of a certificate of occupancy, the County of San Bernardino Building Division shall verify that a minimum 8-foot high noise barrier is constructed along the perimeter of the truck loading/loading dock area, as shown on Exhibit 9-A of the Project's Noise Study (*Technical Appendix L*). The noise barrier shall provide a weight of at least four (4) pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways. The barrier shall provide a minimum transmission loss of 20 dBA and must present a solid face from top to bottom. All gaps (except weep holes) shall be filled with grout or caulking. The noise barrier shall be constructed using the following materials: masonry block; earthen berm; or any combination of construction materials capable of the minimum weight of 4 pounds per square foot and a minimum transmission loss of 20 dBA.



<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XIII. POPULATION AND HOUSING</b>				
<b>Would the project:</b>				
a) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XIII-a) No Impact.** The Project would develop the subject property in accordance with the land use designation applied to the site by the County of San Bernardino General Plan and the GHSP (i.e., Heavy Industrial). Accordingly, the proposed Project would not result in growth that was not already anticipated by the County of San Bernardino General Plan and evaluated in the County of San Bernardino General Plan FEIR. Furthermore, the Project site is served by existing public roadways, and utility infrastructure is already installed beneath public rights of way that abut the property. The Project would improve Cajon Boulevard along its frontage and would connect to existing utility infrastructure. In doing so, the Project would be in conformance with the General Plan, the GHSP, and applicable Infrastructure master plans. Accordingly, the Project and its required improvements would not induce direct or indirect substantial growth in the area and impacts would be less than significant.

**XIII-b) No Impact.** The Project site does not contain permanent housing under existing conditions. Accordingly, implementation of the Project would not displace substantial numbers of existing housing and would not necessitate the construction of replacement housing elsewhere. No impact would occur.

**XIII-c) No Impact.** The Project site does not contain permanent residential structures and no people live on the subject property under existing conditions. Accordingly, implementation of the proposed Project would not displace substantial numbers of people and would not necessitate the construction of replacement housing elsewhere. No impact would occur.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XIV. PUBLIC SERVICES</b>				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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?				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XIV-a) Less-than-Significant Impact.** Fire protection services to the Project site are provided by the San Bernardino County Fire Department (SBCFD). The Project site is served by San Bernardino County Fire Station No. 232, located at 8065 Palm Avenue (approximately 1.8 roadway miles to the southeast of the Project site) and Devore Fire Station No. 2, located at 1511 Devore Road (approximately 2.8 roadway miles to the northwest of the Project site). Based on the Project site's proximity to two existing fire stations the Project would be adequately served by fire protection services, and no new or expanded unplanned facilities would be required. The Project is required to comply with the provisions of the County of San Bernardino Fire Protection District Fee Ordinance (Ordinance No. FPD-01), which requires a fee payment that the County applies to the funding of fire protection facilities. Mandatory compliance with Ordinance No. FPD-01 would be required prior to the issuance of a building permit. In addition, property tax revenues generated from development of the site would also provide funding to offset potential increases in the demand for fire protection at Project build-out.

The Project would feature a minimum of fire safety and fire suppression activities, including type of building construction, fire sprinklers, a fire hydrant system, and paved access. The proposed building would be of concrete tilt-up construction that contains a low fire hazard risk rating. In addition, a fire alarm system is proposed to be installed, as well as ESFR (Early Suppression, Fast Response) ceiling mounted fire sprinklers. ESFR provides protection that exceeds that of in-rack systems. ESFR high output, high volume systems are located in ceiling spaces as with conventional fire sprinkler systems, but they incorporate large, high-volume, high-pressure heads to provide the necessary fire protection for warehouse buildings that may contain high-piled storage. While most other sprinklers are intended to control the growth of a fire, an ESFR sprinkler system is designed to suppress a fire. To suppress a fire does not necessarily mean it will extinguish the fire but rather it is meant to "knock" the fire back down to its source.

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Based on the foregoing, the proposed Project would receive adequate fire protection service and would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection facilities would be less than significant.

- XIV-b) Less-than-Significant Impact.** The Project would introduce a new warehouse building and employees and visitors to the Project site, which would result in an incremental increase in demand for police protection services, but is not anticipated to require or result in the construction of new or physically altered police facilities. Furthermore, property tax revenues generated from development of the site would provide funding to offset potential increases in the demand for police services at Project build-out. Based on the foregoing, the proposed Project would receive adequate police protection service, and would not result in the need for new or physically altered police protection facilities. Impacts to police protection facilities would therefore be less than significant.
- XIV-c) Less-than-Significant Impact.** The Project would not create a direct demand for public school services, as the subject property would contain non-residential uses that would not generate any school-aged children requiring public education. The proposed Project is not expected to draw a substantial number of new residents to the region and would, therefore, not indirectly generate school-aged students requiring public education. Because the proposed Project would not directly generate students and is not expected to indirectly draw students to the area, the proposed Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a direct demand for additional public-school services, the Project Applicant would be required to contribute development impact fees to the San Bernardino City Unified School District in compliance with California Senate Bill 50 (Greene), which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Mandatory payment of school fees would be required prior to the issuance of building permits. Impacts to public schools would be less than significant.
- XIV-d) No Impact.** As discussed under Thresholds XVI-a and XVI-b below, the Project would not create a demand for public park facilities and would not result in the need to modify existing or construct new park facilities. Accordingly, implementation of the Project would not adversely affect any park facility. Thus, no impact would occur.
- XIV-e) No Impact.** The Project is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, public health facilities, and/or animal shelters. As such, implementation of the Project would not adversely affect other public facilities or require the construction of new or modified public facilities and no impact would occur.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XV. RECREATION</b>				
Would the project:				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XV-a) No Impact.** The Project would develop the subject property with industrial land uses. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, thus, no impact would occur and no further analysis of this subject is required.

**XV-b) No Impact.** The Project does not propose to construct any new on- or off-site recreation facilities. Additionally, the Project would not expand any existing off-site recreational facilities. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVI. TRANSPORTATION / TRAFFIC</b>				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government 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?				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

A *Traffic Impact Analysis* was prepared for the Project by Urban Crossroads to evaluate the potential circulation system deficiencies that may result from the development of the proposed Project and to recommend improvements to achieve acceptable circulation system operational conditions. This report is included as *Technical Appendix M* to this Initial Study and its findings are incorporated into the analysis presented herein.

APNs: 0262-041-09, -13, -18, -20

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**XVI-a) Less-than-Significant Impact with Mitigation Incorporated.****Project Study Area**

The Project's traffic impact study area (hereafter "Project study area" or "study area") represents the transportation facilities that would receive the greatest volumes of project-related traffic and have the potential to be significantly impacted. The study area was based on the County of San Bernardino Traffic Study Guidelines and consultation with County of San Bernardino staff. The study area includes the intersections listed in Table 14, *Intersections Analysis Locations* (Urban Crossroads, 2018f, p. 4).

**Table 14 Intersections Analysis Locations**

ID	Intersection Location	Jurisdiction	CMP?
1	Driveway 1 & Cajon Boulevard – Future Int.	County and City of San Bernardino	No
2	Driveway 2 & Cajon Boulevard – Future Int.*	County and City of San Bernardino	No
3	Institution Road & Cajon Boulevard	City of San Bernardino	No
4	Palm Avenue & Institution Road	City of San Bernardino	No
5	Palm Avenue & Industrial Parkway	City of San Bernardino	No
6	Palm Avenue & I-215 Southbound Ramps*	Caltrans, City of San Bernardino	No
7	Palm Avenue & I-215 Northbound Ramps*	Caltrans, City of San Bernardino	No

Source: (Urban Crossroads, 2018f)

Existing traffic counts were collected in the study area in January 2018 during typical weekday peak hour traffic conditions (Urban Crossroads, 2018f, p. 35). Based on the collected traffic counts, all intersections in the Project study area operate at a level of service (LOS) of "D" or better during the AM and PM peak hours (7:00am-9:00am and 4:00pm-6:00pm, respectively) (Urban Crossroads, 2018f, Table 3-1). Refer to *Technical Appendix M* for more information about LOS definitions and existing traffic conditions in the Project's study area.

**Thresholds of Significance**

For purpose of evaluation herein, the Project would result in a significant direct impact to the County of San Bernardino, Caltrans, and/or City of San Bernardino circulation system if any of the following situations occur (Urban Crossroads, 2018f, pp. 22-23):

***County of San Bernardino Circulation Facilities:***

- ☐ A direct impact would occur if the Project would cause any study area intersection to degrade from an acceptable level of service (LOS D or better) to an unacceptable level of service (LOS E or LOS F).
- ☐ A cumulatively considerable impact would occur if the Project would contribute substantial traffic (i.e., 50 or more trips at a signalized intersection or 10 or more trips at an unsignalized intersection) to an intersection that already operates at an unacceptable level of service (LOS E or F) without the Project.

***City of San Bernardino Circulation Facilities:***

- ☐ A direct impact would occur if: 1) an intersection operates at level of service (LOS) C without the Project and the addition of Project traffic would change the volume-to-capacity (v/c) ratio at the intersection by more than 0.04; or 2) an intersection operates at LOS D without the Project and the addition of Project traffic would change the v/c ratio

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at the intersection by more than 0.02; or 3) an intersection operates at LOS E or F without the Project and the addition of Project traffic would change the v/c ratio at the intersection by more than 0.01.

- ☐ A cumulatively considerable impact would occur if: 1) an intersection operates at level of service (LOS) C with cumulative traffic, but without the Project, and the addition of Project traffic would change the volume-to-capacity (v/c) ratio at the intersection by more than 0.04; or 2) an intersection operates at LOS D with cumulative traffic, but without the Project, and the addition of Project traffic would change the v/c ratio at the intersection by more than 0.02; or 3) an intersection operates at LOS E or F with cumulative traffic, but without the Project, and the addition of Project traffic would change the v/c ratio at the intersection by more than 0.01.

***Caltrans Circulation Facilities:***

- ☐ A direct impact would occur if the Project would cause any Caltrans facility in the study area intersection to degrade from an acceptable level of service (LOS D or better) to an unacceptable level of service (LOS E or LOS F).
- ☐ A cumulatively considerable impact would occur if the Project would contribute substantial traffic (i.e., 50 or more trips) to a Caltrans facility that already operates at an unacceptable level of service (LOS E or F) without the Project.

**Project Trip Generation and Distribution**

Trip generation represents the amount of traffic that is attracted to and produced by a development project. Based on land use-specific vehicle trip generation rates published by the Institute of Transportation Engineers (ITE), the Project is calculated to generate approximately 560 daily vehicle trips, including 55 trips during the AM peak hour and 61 trips during the PM peak hour (Urban Crossroads, 2018f, Table 4-2).

Of the Project's estimated 560 daily vehicle trips, 112 trips would be from trucks with two or more axles, which take up more space on the roadway and take longer to speed up and slow down than passenger cars. In conformance with standard traffic engineering practices in Southern California, the Project's daily vehicle trips were converted to a passenger car equivalent (PCE). PCE factors allow the typical "real-world" mix of vehicle types to be represented as a single, standardized unit (i.e., the passenger car), for purposes of capacity and LOS analyses and more accurately assess the effects of trucks on the circulation network. A PCE factor of 1.5 was applied to two-axle truck trips, a factor of 2.0 was applied to three-axle truck trips, and a factor of 3.0 was applied to four plus-axle truck trips. After converting Project trips to PCE, the Project is calculated to produce an estimated 732 daily PCE trips, including 70 PCE trips during the AM peak hour and 79 PCE trips during the PM peak hour (112 PCE trips from trucks). (Urban Crossroads, 2018f, Table 4-2) For more information about the Project's trip generation, refer to *Technical Appendix M*.

Trip distribution is the process of identifying the probable destinations, directions, or traffic routes that would be utilized by Project traffic. The potential interaction between the planned land uses and surrounding regional access routes are considered, to identify the routes where Project traffic would distribute. The trip distribution for the proposed Project was developed based on anticipated passenger car and truck travel patterns to-and-from the Project site. The

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total volume on each roadway was divided by the Project's total traffic generation to indicate the percentage of Project traffic that would use each component of the roadway system in each relevant direction. The Project's trip distribution patterns are graphically depicted on Figure 20, *Project Truck Trip Distribution*, and Figure 21, *Project Car Trip Distribution*.

The assignment of traffic from the Project site to the adjoining roadway system is based on the Project trip generation, trip distribution, and the arterial highway and local street system improvements that would be in place by the time of initial occupancy of the Project. Based on the identified Project traffic generation and trip distribution patterns, PCE factored Project average daily traffic (ADT) volumes for the weekday are shown on Figure 22, *Project Average Daily Traffic*.

**Analysis Scenarios**

The Project's potential impacts to traffic and circulation have been assessed for each of the following conditions:

- Near-term construction;
- Existing (2018) plus Project;
- Opening Year (2019) and cumulative development projects with and without Project
- Horizon Year (2040) and cumulative development projects with and without Project

The Near-term Construction conditions analysis determines the potential for the Project's construction-related traffic to result in an adverse effect to the local roadway system. Types of traffic anticipated during construction include construction workers traveling to/from the Project site as well as deliveries of construction materials to the Project site.

The Existing (2018) plus Project (E+P) analysis determines direct Project-related traffic impacts that would occur on the roadway system under the theoretical scenario where the Project is added to existing conditions. The E+P scenario is presented to disclose direct impacts as required by CEQA. In the case of the proposed Project, the estimated time period between the commencement of the Project's environmental review (2018) and estimated Project buildout (2019) is one year. During this time period, traffic conditions are not static – other projects are being constructed, the transportation network is evolving, and traffic patterns are changing. Therefore, the E+P scenario is very unlikely to materialize in real world conditions and thus does not accurately describe the environment that will exist when the proposed Project is constructed and becomes operational. Regardless, the Existing plus



Figure 20 Project Truck Trip Distribution

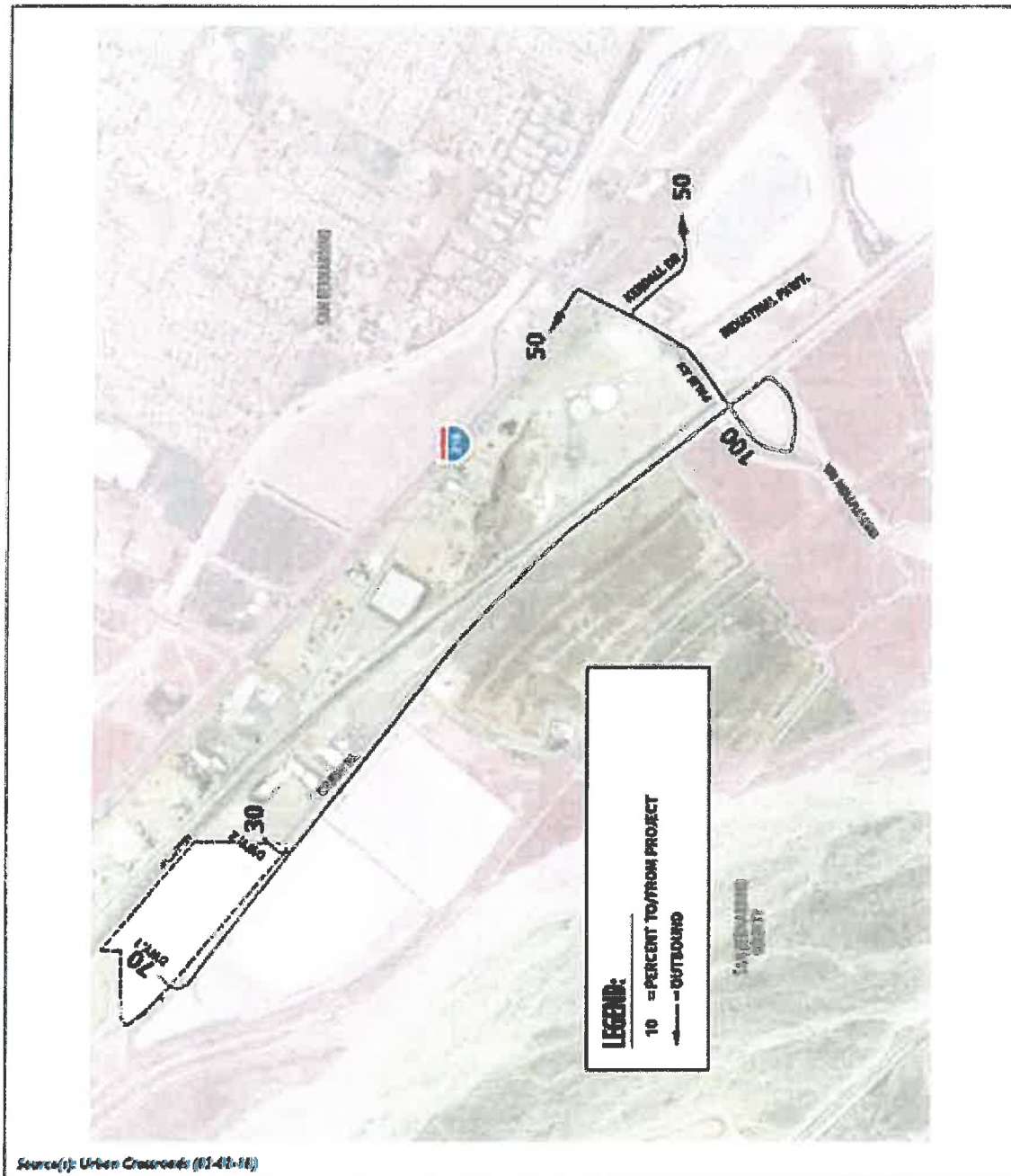


Figure 20



Project Truck Trip Distribution

APNs: 0262-041-09, -13, -18, -20

Alere Warehouse @ Cajon Boulevard

Figure 21 Project Car Trip Distribution

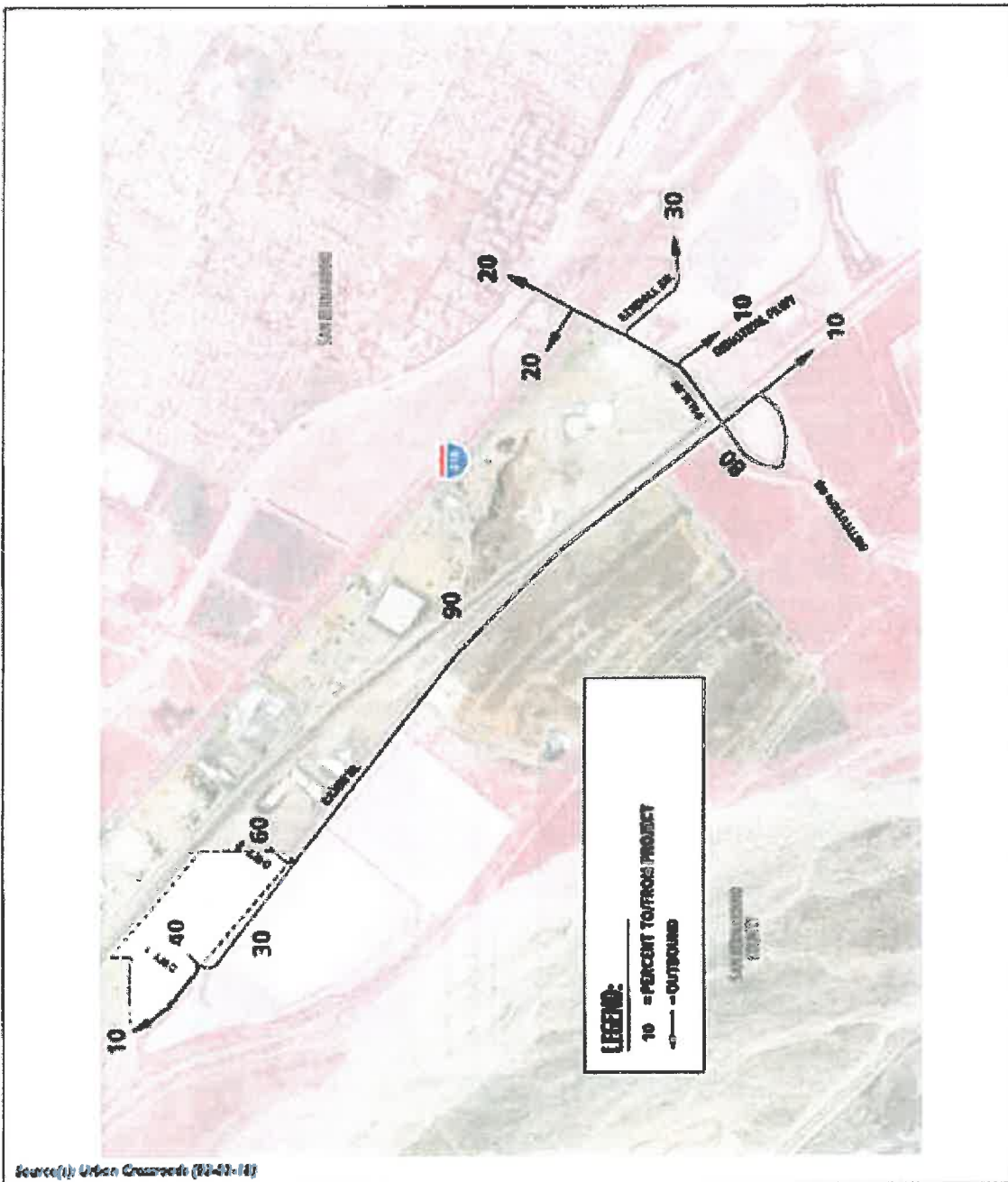


Figure 21



Project Car Trip Distribution



APNs: 0262-041-09, -13, -18, -20

Aiere Warehouse @ Cajon Boulevard

Project scenario is evaluated to satisfy CEQA requirements to identify the Project's Impacts to the existing environment.

The Opening Year (2019) analysis includes an evaluation of traffic conditions at the Project's "opening year." In the case of the Project, 2018 represents the existing condition and the Opening Year is defined as 2019. The Opening Year (2019) analysis is utilized to determine the Project's contribution to potential cumulative traffic impacts within the study area with consideration of existing traffic + ambient growth + Project-related traffic + traffic from reasonably foreseeable cumulative development projects (refer to the list of projects provided in Table 4-3 in *Technical Appendix M*).

The Horizon Year (2040) conditions analysis determines the potential for long-term cumulative circulation system deficiencies when the San Bernardino County General Plan reaches full buildout in the year 2040. The Horizon Year (2040) traffic forecasts were derived from the Southern California Association of Governments (SCAG) transportation model. In addition, traffic associated with reasonably foreseeable cumulative projects in the area was also added in addition to Project traffic for Horizon Year (2040) conditions.

Refer to *Technical Appendix M* for a detailed discussion of the methodologies and assumptions for each analysis scenario, and a list of cumulative development projects considered in the analysis.

#### Impact Analysis for Near-term Construction Traffic Conditions

During the construction phase of the Project, traffic to-and-from the subject property would be generated by activities such as construction employee trips, delivery of construction materials, and use of heavy equipment. Vehicular traffic associated with construction employees would be substantially less than daily and peak hour traffic volumes generated during Project operational activities, especially because construction activities typically begin/end outside of the peak hour; therefore, a majority of the construction employees would not be driving to/from the Project site during hours of peak congestion. Traffic from construction workers is not expected to result in a substantial adverse effect to the local roadway system because most trips would occur during non-peak hours. Deliveries of construction materials to the Project site would also have a nominal effect to the local roadway network because most trips would occur during non-peak hours. Construction materials would be delivered to the site throughout the construction phase based on need and would not occur on an everyday basis. Heavy equipment would be utilized on the Project site during the construction phase. As most heavy equipment is not authorized to be driven on public roadways, most equipment would be delivered and removed from the site via flatbed trucks. As with the delivery of construction materials, the delivery of heavy equipment to the Project site would not occur on a daily basis, but would occur periodically throughout the construction phase based on need. Accordingly, traffic generated by the Project's construction phase would not result in a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts during the Project's construction phase would be less than significant.

Impact Analysis for Existing plus Project (E+P) Traffic Conditions

Study area intersection levels of service for E+P conditions are summarized in Table 15, *Existing plus Project Intersections Analysis*, Intersections Analysis. As shown in Table 15, one intersection (Intersection #6) would operate at an unacceptable LOS under E+P traffic conditions, while all other intersections would operate at acceptable LOS. The Project's impact to Intersection #6 is determined to be significant and mitigation is required. The Project's impacts to all other study area intersections would be less than significant.

**Table 15 Existing plus Project Intersections Analysis**

#	Intersection	Traffic Control <sup>2</sup>	Existing (2018)						E+P						Δ v/c Difference		Significant Impact?
			Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>		Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>				
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
1	Dwy. 1 & Cajon Bl.	<del>TS</del> CSS	Does Not Exist				-	-	9.4	9.6	A	A	-	-	-	-	No
2	Dwy. 2 & Cajon Bl.	CSS	0.0	0.0	A	A	-	-	9.9	10.1	A	B	-	-	-	-	No
3	Institution Rd. & Cajon Bl.	AWS	8.3	8.3	A	A	-	-	8.6	8.4	A	A	-	-	-	-	No
4	Palm Av. & Institution Rd.	AWS	8.8	10.1	A	B	-	-	9.3	10.9	A	B	-	-	-	-	No
5	Palm Av. & Industrial Pkwy.	AWS	10.1	14.0	B	B	-	-	10.8	17.1	B	C	-	-	-	-	No
6	Palm Av. & I-215 SB Ramps	TS	51.6	40.6	D	D	0.87	0.58	61.3	41.3	E	D	0.93	0.59	0.06	0.01	Yes
7	Palm Av. & I-215 NB Ramps	TS	19.9	21.7	B	C	-	0.67	19.9	21.8	B	C	-	0.70	-	0.03	No

**BOLD** = LOS does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

<sup>1</sup> Per the HCM (8th Edition), overall average intersection delay and LOS are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and LOS for the worst individual movement (or movements sharing a single lane) are shown.

<sup>2</sup> CSS = Cross-street Stop; AWS = All Way Stop; TS = Traffic Signal; CSS = Improvement

<sup>3</sup> Volume to capacity ratio has been reported using the HCM 2000 methodology (as HCM 8th Edition does not report the overall v/c) for intersections operating at LOS C or worse, consistent with the City of San Bernardino Traffic Impact Study Guidelines.

Source: (Urban Crossroads, 2018f, Table 6-1)

To mitigate the Project's significant impact to Intersection #6, Mitigation Measure MM T-1 would require the Project Applicant to facilitate improvements to the southbound leg of Intersection #6 to improve LOS during peak hours. As shown in Table 16, Existing plus Project Intersections Analysis (With Improvements), implementation of MM T-1 would improve the LOS at Intersection #6 to an acceptable level (LOS D) and reduce the Project's impact to less than significant.

Intersection #6	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>								Delay <sup>2</sup> (secs.)		Level of Service					
		Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM
		L	T	R	L	T	R	L	T	R	L	T	R				
Palm Av. & I-215 SB Ramps																	
• Existing	TS																
• Without Improvements		1	2	0	1	2	0	0	1	d	0	1	0	51.6	40.6	D	D
• Existing plus Project	TS																
• Without Improvements		1	2	0	1	2	0	0	1	d	0	1	0	61.3	41.3	E	D
• With Improvements	TS	1	2	0	2	2	0	0	1	d	0	1	0	47.9	38.1	D	D

Source: (Urban Crossroads, 2018f, Table 5-3)

As shown in Table 17, *Opening Year Intersections Analysis*, all intersections in the Project study area would operate at acceptable LOS under Opening Year (2019) traffic conditions, with the exception of Intersections #5 and #6. The Project would contribute more than 50 peak hour trips at Intersections #5 and #6; therefore, the Project's contribution to the LOS deficiencies at these intersection under Opening Year (2019) traffic conditions would be cumulatively considerable and mitigation is required. The Project's impacts to all other study area intersections would be less than significant.

#	Intersection	Traffic Control <sup>a</sup>	2019 Without Project						2019 With Project						Δ v/c Difference		Significant Impact?
			Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>		Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>				
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
1	Dwy. 1 & Cajon Bl.	—CSS	Does Not Exist				—	—	9.7	9.9	A	A	—	—	—	—	No
2	Dwy. 2 & Cajon Bl.	CSS	0.0	0.0	A	A	—	—	10.4	10.5	B	B	—	—	—	—	No
3	Institution Rd. & Cajon Bl.	AWS	8.8	9.3	A	A	—	—	9.3	9.7	A	A	—	—	—	—	No
4	Palm Av. & Institution Rd.	AWS	10.4	15.0	B	B	—	—	11.3	18.2	B	C	—	—	—	—	No
5	Palm Av. & Industrial Pkwy.	AWS	14.9	55.5	B	F	—	—	16.7	76.8	C	F	—	—	—	—	Yes
6	Palm Av. & I-215 SB Ramps	TS	128.7	81.6	F	F	1.25	0.87	133.5	85.4	F	F	1.28	0.80	0.03	0.03	Yes
7	Palm Av. & I-215 NB Ramps	TS	23.6	43.7	C	D	0.50	0.98	23.8	47.8	C	D	0.52	1.00	0.02	0.02	No

Source: (Urban Crossroads, 2018f, Table 6-1)

**To mitigate the Project's cumulatively considerable impacts to Intersection #5, Mitigation Measure MM T-2 would require the Project Applicant to make a fair share fee payment to the**



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Intersection improvements specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis" (*Technical Appendix M*). As shown in Table 18, *Opening Year (2019) Intersection Analysis (With Improvements)*, implementation of MM T-2 would provide the proper funds to install a traffic signal at Intersection #5, thereby improving the LOS at Intersection #5 to an acceptable level (LOS C) and reducing the Project's significant cumulative traffic impact to less-than-significant. MM T-1, as previously described under the E+P analysis, would improve the LOS at Intersection #6 to an acceptable level (LOS D) and reduce the Project's impact to less than significant, as shown in Table 18.

**Table 18 Opening Year (2019) Intersection Analysis (With Improvements)**

Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>												Delay <sup>2</sup> (secs.)		Level of Service	
		Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM
		L	T	R	L	T	R	L	T	R	L	T	R				
Int. #5: Palm Av. & Industrial Pkwy. • 2019 Without Project o Without Improvements o With Improvements • 2019 With Project o Without Improvements o With Improvements	AWS	1	1	1	1	1	1	0	1	0	1	1	1	14.9	55.5	B	F
	TS	1	1	1	1	1	1	0	1	0	1	1	1	15.4	22.9	B	C
	AWS	1	1	1	1	1	1	0	1	0	1	1	1	16.7	76.8	C	F
	TS	1	1	1	1	1	1	0	1	0	1	1	1	15.4	26.1	B	C
Int. #6: Palm Av. & I-215 SB Ramps • 2019 Without Project o Without Improvements o With Improvements • 2019 With Project o Without Improvements o With Improvements	TS	1	2	1	1	2	0	0	1	d	0	1	0	126.7	81.6	F	F
	TS	1	2	1	2	2	0	0	1	d	0	1	0	47.7	40.1	D	D
	TS	1	2	1	1	2	0	0	1	d	0	1	0	133.5	85.4	F	F
	TS	1	2	1	2	2	0	0	1	d	0	1	0	49.0	42.0	D	D

**BOLD** = LOS does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

<sup>1</sup> When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes.

L = Left; T = Through; R = Right; d = Defacto Right Turn Lane; 1 = Improvement

<sup>2</sup> Per the Highway Capacity Manual (8th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.

<sup>3</sup> TS = Traffic Signal; AWS = All Way Stop

Source: (Urban Crossroads, 2018f, Table 6-3)

### Impact Analysis for Horizon Year (2040) Traffic Conditions

As shown in Table 19, *Horizon Year Intersections Analysis*, all intersections in the Project study area would operate at acceptable LOS under Horizon Year (2040) traffic conditions, with the exception of Intersections #4 through #7. The Project would contribute more than 50 peak hour trips at Intersections #4 through #7; therefore, the Project's contribution to the LOS deficiency at these intersection under Horizon Year (2040) traffic conditions would be cumulatively considerable and mitigation is required.

#	Intersection	Traffic Control <sup>2</sup>	2040 Without Project						2040 With Project						Δ v/c Difference		Significant Impact?
			Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>		Delay <sup>1</sup> (secs.)		Level of Service		Average v/c <sup>3</sup>				
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
1	Dwy. 1 & Cajon Bl.	<del>CSS</del>	Does Not Exist				-	-	9.8	10.1	A	B	-	-	-	-	No
2	Dwy. 2 & Cajon Bl.	CSS	0.0	0.0	A	A	-	-	10.8	10.8	B	B	-	-	-	-	No
3	Institution Rd. & Cajon Bl.	AWS	9.8	12.1	A	B	-	-	10.3	13.2	B	B	-	-	-	-	No
4	Palm Av. & Institution Rd.	AWS	13.1	67.1	B	F	-	-	15.2	98.5	C	F	-	-	-	-	Yes
5	Palm Av. & Industrial Pkwy.	AWS	25.2	125.5	D	F	-	-	33.4	157.2	D	F	-	-	-	-	Yes
6	Palm Av. & I-215 SB Ramps	TS	>200	114.9	F	F	1.51	1.05	>200	117.7	F	F	1.54	1.09	0.03	0.04	Yes
7	Palm Av. & I-215 NB Ramps	TS	39.0	103.2	D	F	0.81	1.17	40.6	110.5	D	F	0.82	1.18	0.01	0.02	Yes

Source: (Urban Crossroads, 2018f, Table 7-1)

**Table 20 Horizon Year (2040) Intersection Analysis (With Improvements)**[illegible]



**Table 20 Horizon Year (2040) Intersection Analysis (With Improvements)**

Intersection	Traffic Control <sup>2</sup>	Intersection Approach Lanes <sup>1</sup>								Delay <sup>2</sup> (secs.)		LOS					
		Northbound			Southbound			Eastbound		Westbound		AM	PM	AM	PM		
		L	T	R	L	T	R	L	T	R	L					T	R
o Without Improvements o With Improvements • 2040 With Project o Without Improvements o With Improvements	TS	1	2	1	1	2	0	0	1	d	0	1	0	>200.0	114.9	F	F
	TS	1	2	1	2	2	0	0	1	d	0	1	0	51.6	52.7	D	D
	TS	1	2	1	1	2	0	0	1	d	0	1	0	>200.0	117.7	E	F
	TS	1	2	1	2	2	0	0	1	d	0	1	0	55.0	54.9	D	D
Int #7: Palm Av. & I-215 NB Ramps																	
• 2040 Without Project o Without Improvements o With Improvements • 2040 With Project o Without Improvements o With Improvements	TS	0	2	0	0	2	0	0	0	0	0	1	1	39.0	103.2	D	F
	TS	1	2	0	0	2	0	0	0	0	1	1	1	26.4	26.3	C	C
	TS	0	2	0	0	2	0	0	0	0	0	1	1	40.6	110.5	D	F
	TS	1	2	0	0	2	0	0	0	0	1	1	1	29.8	28.7	C	C

**BOLD** = LOS does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

<sup>1</sup>When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. L = Left; T = Through; R = Right; d = Defacto Right Turn Lane; 1 = Improvement

<sup>2</sup>Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all-way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown. TS = Traffic Signal; AWS = All Way Stop

Source: (Urban Crossroads, 2018f, Table 7-3)

### Conclusion

Based on the foregoing analysis, the Project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system during projected near- or long-term development conditions. With implementation of MMs T-1 and T-2, the Project would result in a less-than-significant impact to the local circulation system.

- XVI-b) Less-than-Significant Impact.** No San Bernardino County Congestion Management Program (CMP) arterial roadways are located within the Project study area; therefore, there is no potential for the Project to cause or contribute to adverse effects to CMP arterial roadways (Urban Crossroads, 2018f, p. 21).

The Project would contribute fewer than 50 two-way peak hour trips to I-215, which is part of the CMP roadway network and is the nearest freeway facility to the Project site (Urban Crossroads, 2018f, p. 4). Projects that contribute fewer than 50 two-way peak hour trips to a freeway do not exceed Caltrans' typical screening threshold for requiring an analysis of potential impacts to freeway mainline segments because when a project's peak hour trips are less than 50 they become unrecognizable from other traffic on the State highway system. Accordingly, the Project would not contribute substantial traffic to I-215 mainline segments. In addition, the Project would not cause or contribute to unacceptable queuing conditions at any I-215 ramp within the Project study area (Urban Crossroads, 2018f, pp. 60, 70, 81). Based on the foregoing information, the Project's impacts to freeway facilities located within the Project study area would be less than significant.

Beyond I-215, Project-related traffic would continue to travel throughout the Southern California region along the State highway system, dissipating as distance from the Project site increases. As such, Project-related traffic has the potential to travel along freeway mainline segments that experience unacceptable levels of service. All State highway system facilities

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that operate at an unacceptable LOS are considered to be cumulatively impacted; however, because the Project would contribute fewer than 50 peak hour trips to these congested freeway segments, the Project's effect on San Bernardino County CMP freeway mainline facilities and other freeway mainline facilities located outside of San Bernardino County would be less than cumulatively considerable under all traffic scenarios.

Based on the foregoing analysis, the Project would not conflict with the applicable CMP and impacts would be less-than-significant.

- XVI-c) Less-than-Significant Impact.** The Project site is not located within an airport land use plan or within the vicinity of a public airport. In addition, the proposed Project would not include an air travel component (e.g., runways, helipads) and products transported to and from the Project site would not be transported via direct air travel. Accordingly, the Project would not substantially affect air traffic patterns, including an increase in traffic levels or a change in flight path location that results in substantial safety risks. A less-than-significant impact would occur.
- XVI-d) Less-than-Significant Impact.** County staff reviewed the Project's application materials and determined that no unsafe design features are proposed as part of the Project. All improvements planned as part of the Project would be in conformance with applicable County of San Bernardino standards and would not result in any hazards due to a design feature. Additionally, the proposed Project would be compatible with existing and planned land uses in the surrounding area and would not substantially increase safety hazards due to incompatible uses. Thus, impacts would be less than significant.
- XVI-e) Less-than-Significant Impact.** The Project would construct one warehouse building on the Project site, which would require the need for emergency access to-and-from the site. During the course of the County of San Bernardino's review of the proposed Project, the County confirmed that the Project would provide adequate access to-and-from the Project site for emergency vehicles. The County also confirmed the layout of the Project's proposed warehouse building, drive aisles, parking lots, and truck courts was sufficient to provide adequate on-site circulation for emergency vehicles. The Project's proposed driveways would connect directly to Cajon Boulevard, and the Project does not propose any changes to public roads other than frontage improvements along Cajon Boulevard that are designed to improve local traffic circulation. Furthermore, the County of San Bernardino will review all future Project construction drawings to ensure that adequate emergency access is maintained along abutting public streets during temporary construction activities. Impacts would be less than significant.
- XVI-f) Less-than-Significant Impact.** The proposed Project would contain a warehouse building, which is a land use that is not likely to attract large volumes of pedestrian, bicycle, or transit traffic. Regardless, the Project is designed to comply with all applicable County of San Bernardino transportation policies.

Neither the County of San Bernardino General Plan nor the Glen Helen Specific Plan identify bicycle routes or pedestrian trails within the vicinity of the Project site (SB County, 2007a; SB County, 2015). Accordingly, the Project has no potential to conflict with any County-

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designated bikeways. According to the City of San Bernardino General Plan, within the vicinity of the Project, a bicycle route is planned along Cajon Boulevard, extending from Institution Road. There are no pedestrian trails within the vicinity of the Project site that have the potential to be affected. (City of San Bernardino, 2005, Figure PRT-2) The Project's driveways would be stop-sign controlled and sight distance at each Project driveway would be reviewed by the County of San Bernardino at the time future improvement plans are considered to ensure that sight distance meets applicable County standards and provides for safe bicycle and pedestrian circulation.

There are no bus transit facilities within the vicinity of the Project site. The nearest bus facility is located approximately 1.1 miles southeast of the Project site along Kendall Drive (Urban Crossroads, 2018f, Exhibit 3-6). Accordingly, the Project could not conflict with local public transit service.

As demonstrated by the foregoing analysis, the Project would not conflict with adopted policies, plans or programs related to alternative transportation, or otherwise substantially decrease the performance or safety of such facilities, and a less-than-significant impact would occur.

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

**MM T-1:** Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

a) Intersection #6 – Palm Avenue & I-215 SB Ramp: Re-stripe to provide a second southbound left turn lane.

**MM T-2:** Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

a) Intersection #4 – Palm Avenue & Institution Road: Implement overlap phasing on the westbound right turn lane.

b) Intersection #5 – Palm Avenue & Industrial Parkway: Install a traffic signal.

c) Intersection #7 – Palm Avenue & I-215 NB Ramp: Install a second northbound left turn lane, install a westbound left turn lane, and re-stripe the existing shared left-through lane as a shared through-right turn lane.

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVII. TRIBAL CULTURAL RESOURCES</b>				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XVII-a) Less-than-Significant Impact.****XVII-b) Less-than-Significant Impact with Mitigation Incorporated.**

L&L Environmental conducted a pedestrian field survey, an archival records search, a Sacred Lands File records search, and sent information requests to the Native American tribes with potential knowledge of the Project area (refer to *Technical Appendix D1* for additional details). Based on information provided to L&L Environmental, the Project site is located in relative proximity to two tribal villages and an area that may have been used as a travel/trade corridor. However, no prehistoric archaeological resources were observed on the surface of the Project site or have been previously recorded within the Project site's immediate vicinity (L&L Environmental, 2018b, pp. 23, 27).

The Project is subject to compliance with Assembly Bill 52 (AB 52). The primary purpose of AB 52 is to establish a consultation process between potentially affected Native American tribes and CEQA lead agencies that aims to identify tribal cultural resources that would potentially be impacted by a proposed project. During the AB 52 consultation process, the County of San Bernardino was notified by Native American tribes with traditional use areas that encompasses the Project site that buried tribal cultural resources had the potential to be uncovered on the Project site during construction. Accordingly, although not anticipated, Implementation of the Project could cause a substantial adverse change in the significance of a tribal cultural resource. Mitigation would be required.

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Implementation of MM TCR-1 through MM TCR-3 would ensure the proper identification and subsequent treatment of any tribal cultural resources that may be encountered during ground-disturbing construction activities associated with the proposed Project. With implementation of the required mitigation, the Project's potential impact to tribal cultural resources would be reduced to less-than-significant.

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

**MM TCR-1:** Due to the heightened cultural sensitivity of the proposed Project area, a Tribal monitor representing the Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians, and San Manuel Band of Mission Indians (Consulting Tribes) shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for all Tribal monitors and the services these individuals provide as part of the monitoring effort for the Project.

**MM TCR-2:** Prior to the issuance of any ground disturbance-related permits (such as grading permits), the Lead Agency shall contact the Consulting Tribes to coordinate the development of a mutually-acceptable Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP). The MDTDP will provide details regarding the process for monitoring and in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin. The MDTDP shall be approved and adopted by the Lead Agency prior to the issuance of any ground disturbance-related permits.

**MM TCR-3:** A pre-construction meeting shall be held with the contractors, archaeologists, and American tribal monitors/representatives(s) prior to the start of construction. This meeting shall outline all processes for monitoring on the project and information regarding how the Project Archaeologist and the Tribes will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XVIII. UTILITIES AND SERVICE SYSTEMS</b>				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XVIII-a) Less-than-Significant Impact.** Wastewater treatment services would be provided to the Project site by the City of San Bernardino Municipal Water Department (SBMWD). The Project's effluent would be typical of a modern warehouse operation (bathroom, sinks, toilets, etc.). No industrial waste requiring special treatment or handling would occur. The SBMWD is required to operate their wastewater treatment facilities in compliance with the waste treatment and discharge standards/requirements established by the Santa Ana RWQCB. Therefore, the Project's contribution of wastewater to the SBMWD wastewater treatment facilities would not have any potential to exceed wastewater treatment requirements of the Santa Ana RWQCB. Additionally, the Project would not install or utilize septic systems or alternate wastewater treatment systems; therefore, the Project would have no potential to exceed the applicable wastewater treatment requirements established by the Santa Ana RWQCB. Accordingly, a less-than-significant impact would occur.

**XVIII-b) Less-than-Significant Impact.** Refer to the response to Threshold XVIII-e, below, for an analysis of the Project's potential effects to wastewater treatment facilities.

The Project would construct an on-site network of water and sewer pipes that would connect to existing water and sewer lines beneath Cajon Boulevard. The installation of water and sewer line connections as proposed by the Project would result in on-site physical impacts; however, these impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study accordingly. In instances where significant impacts have been identified for the Project's construction phase, mitigation measures are recommended in each applicable subsection of this Initial Study to reduce impacts to less-than-significant levels. The construction of water and sewer lines necessary to serve the proposed Project would not result in any significant physical effects on the environment that are not already identified and disclosed as part of this Initial Study. Accordingly, additional mitigation measures beyond those identified throughout this Initial Study would not be required.

- XVIII-c) Less-than-Significant Impact.** The Project would involve the construction of storm water drainage facilities, including an underground infiltration basin, storm drain pipes, and catch basins. The construction of storm water drainage facilities proposed by the Project would result in physical impacts to the surface and subsurface of the Project site, as well as physical impacts within Cajon Boulevard. These impacts are considered to be part of the Project's construction phase and are evaluated throughout the Initial Study accordingly. In instances where potentially significant impacts may occur during the Project's construction phase, such potential impacts have been identified under the appropriate issue area in this Initial Study. The construction of storm drain infrastructure as necessary to serve the proposed Project would not result in any potentially-significant physical effects on the environment that are not already identified and disclosed as part of this Initial Study. The Project's impact would be less than significant.
- XVIII-d) Less-than-Significant Impact.** SBMWD is responsible for supplying potable water to the Project site and its region. As discussed in the 2015 San Bernardino Valley Regional Urban Water Management Plan, herein incorporated by reference as the "UWMP," which applies to and was adopted by the SBMWD, adequate water supplies are projected to be available to meet the SBMWD's estimated water demand through 2040 under normal, historic single-dry and historic multiple-dry year conditions (WSC, 2016, 10-18 - 10-19). SBMWD forecasts for projected water demand are based on the population projections of the Southern California Association of Governments (SCAG), which rely on the adopted land use designations contained within the general plans that cover the geographic area within SBMWD's service. Because the Project would be consistent with the County of San Bernardino General Plan land use designations for the site, the water demand associated with the Project was considered in the demand anticipated by the 2015 UWMP and analyzed therein. As stated above, the SBMWD expects to have adequate water supplies to meet all its demands until at least 2040; therefore, the SBMWD has sufficient water supplies available to serve the Project from existing entitlements/resources and no new or expanded entitlements are needed. The Project's impact would be less than significant.
- XVIII-e) Less-than-Significant Impact.** Wastewater generated by the Project would be treated by the SBMWD, which conveys wastewater to the San Bernardino Regional Wastewater Reclamation Plant (WRP) then to the Regional Tertiary Treatment Rapid Infiltration and Extraction (RIX) Facility for tertiary treatment. Based upon the City of San Bernardino Public

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Works Department *Sewer System Management Plan (2014)*, the average wastewater generation flow for property designated for "heavy industrial" land use is 0.005 cubic feet per second (CFS) per acre (SBPWD, 2014, Table A). Accordingly, the proposed Project could generate approximately 37,000 gallons (0.037 million gallons) of wastewater per day (0.005 CFS per acre x 7.38 acres of building area = 0.05 CFS or 36,902 gpd). According to the City of San Bernardino Public Works Department and SARWQCB, the San Bernardino Regional WRP has an excess treatment capacity of approximately 5 million gallons per day (mgpd) and the RIX Facility has an excess treatment capacity of approximately 7 mgpd (SBPWD, n.d.; SARWQCB, 2016). Implementation of the Project would utilize approximately 0.7% of the San Bernardino Regional WRP daily excess treatment capacity and approximately 0.5% of the RIX Facility's daily excess treatment capacity. Accordingly, the SBMWD has sufficient capacity to treat wastewater generated by the Project in addition to existing commitments. The Project would not create the need for any new or expanded wastewater facility (such as conveyance lines, treatment facilities, or lift stations). Because there is adequate capacity at existing treatment facilities to serve the Project's projected sewer demand, impacts would be less than significant.

**XVIII-f) Less-than-Significant Impact.** Implementation of the proposed Project would generate an incremental increase in solid waste volumes requiring off-site disposal during short-term construction and long-term operational activities. The Project would be required to comply with mandatory waste reduction requirements as described below in Threshold XVIII-g. Solid waste generated by the Project would be disposed at the Mid-Valley Landfill and/or the San Timoteo Landfill. Existing capacities at each of these landfills is discussed below.

The Mid-Valley Landfill is permitted to accept a maximum of 7,500 tons of solid waste per day. In November 2017, the most recent time period for which disposal data was publicly available, the Mid-Valley Landfill was receiving an average of 3,500 tons of waste per day, which is approximately 46.7% of the facility's maximum permitted daily intake. The Mid-Valley Landfill has available capacity until at least the year 2033; however, future landfill expansion opportunities exist at this site. (CalRecycle, 2017a)

The San Timoteo Landfill is permitted to accept a maximum of 2,000 tons of solid waste per day. In January 2018, the most recent time period for which disposal data was publicly available, the San Timoteo Landfill was receiving an average of 977 tons of waste per day, which is approximately 48.9% of the facility's maximum permitted daily intake. The San Timoteo Landfill has available capacity until at least the year 2043; however, future landfill expansion opportunities may exist at this site. (CalRecycle, 2017b)

#### Construction Impact Analysis

Solid waste requiring disposal would be generated by the construction process, primarily consisting of discarded materials and packaging. Based on the size of the Project (i.e., 321,496 s.f. building) and the United States Environmental Protection Agency's (U.S. EPA) construction waste generation factor of 4.34 pounds per s.f. for non-residential uses, approximately 698 tons of waste is expected to be generated during the Project's construction phase ([321,496 s.f. x 4.34 pounds per s.f.] / 2,000 pounds per ton = ~698 tons) (EPA, 2009, p. 10). California Assembly Bill 939 (AB939) requires that a minimum of 50% of all solid waste be diverted from landfills (by recycling, reusing, and other waste reduction strategies);



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therefore, the Project is estimated to generate approximately 349 tons during its construction phase. The Project's construction phase is estimated to last for approximately 265 days; therefore, the Project is estimated to generate approximately 1.32 tons of solid waste per day requiring landfill during construction.

Non-recyclable construction waste generated by the Project would be disposed at the Mid-Valley Landfill and/or the San Timoteo Landfill. As described above, these landfills receive well below their maximum permitted daily disposal volume; thus, the relatively minimal construction waste generated by the Project is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Furthermore, Mid-Valley Landfill and the San Timoteo Landfill are not expected to reach its total maximum permitted disposal capacities during the Project's construction period. The Mid-Valley Landfill and the San Timoteo Landfill have sufficient daily capacity to accept solid waste generated by the Project's construction phase; therefore, impacts to landfill capacity associated with the Project's near-term construction activities would be less than significant.

#### Operational Impact Analysis

Based on a daily waste generation factor of 1.42 pounds of waste per 100 square feet of industrial building area obtained from CalRecycle, long-term, on-going operation of the Project would generate approximately 2.28 tons of solid waste per day ( $[(1.42 \text{ pounds} / 100 \text{ s.f.}) \times 321,496 \text{ s.f.}] / 2,000 \text{ pounds} = 2.28 \text{ tons per day}$ ). Pursuant to AB 939, at least 50 percent of the Project's solid waste is required to be diverted from landfills; therefore, the Project would generate a maximum of 1.14 tons of solid waste per day requiring landfilling ( $2.28 \text{ tons per day} \times 50\% = 1.14 \text{ tons per day}$ ). (CA Legislative Information, 2015)

Non-recyclable solid waste generated during long-term operation of the Project would be disposed at the Mid-Valley Landfill and/or the San Timoteo Landfill. As described above, these landfills receive well below their maximum permitted daily disposal volume; thus, waste generated by the Project's operation is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume. Because the Project would generate a relatively small amount of solid waste per day as compared to the permitted daily capacities at receiving landfills, impacts to regional landfill facilities during the Project's long-term operational activities would be less than significant.

**XVIII-g) Less-than-Significant Impact.** The California Integrated Waste Management Act (AB 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50 percent waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the County of Riverside Countywide Integrated Waste Management Plan (CIWMP), which outlines the goals, policies, and programs the County and its cities implement to create an integrated and cost effective waste management system that complies with the provisions of AB 939 and its diversion mandates. (CA Legislative Information, 2015)

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In order to assist the County of San Bernardino in achieving the mandated goals of the Integrated Waste Management Act, the Project's building tenant(s) would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the Project is required to provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. (CA Legislative Information, 2005) Additionally, in compliance with AB 341 (Mandatory Commercial Recycling Program), the future occupant(s) of the proposed Project would be required to arrange for recycling services, if the occupant generates four (4) or more cubic yards of solid waste per week (CA Legislative Information, 2011). The implementation of these mandatory requirements would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less than significant.

**No significant adverse impacts are identified and no mitigation measures are required.**

<b>ENVIRONMENTAL ISSUE AREAS EXAMINED</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
<b>Would the Project:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>				

**XIX-a) Less-than-Significant with Mitigation Incorporated.** All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this Initial Study. Throughout this Initial Study, where impacts were determined to be potentially significant, mitigation measures have been imposed to reduce those impacts to less-than-significant levels. Accordingly, with incorporation of the mitigation measures imposed throughout this Initial Study, the Project would not substantially degrade the quality of the environment and impacts would be less than significant.

**XIX-b) Less-than-Significant with Mitigation Incorporated.** As discussed throughout this Initial Study, implementation of the proposed Project has the potential to result in effects to the environment that are individually limited, but cumulatively considerable. In all instances where the Project has the potential to contribute to a cumulatively considerable impact to the environment, mitigation measures have been imposed to reduce potential effects to less-than-significant levels.

#### Aesthetics

New development on the Project site and in the surrounding area would change the existing character of the Project's viewshed; however, all development in the immediate vicinity of the

Project would be required to comply with the development regulations and design standards contained in the Glen Helen Specific Plan and the County's Development Code, which would ensure that minimum standards related to visual character and quality are met to preclude adverse aesthetic effects (e.g., size, scale, building materials, lighting). Accordingly, the Project's aesthetic impacts would not be cumulatively considerable.

#### Agriculture and Forestry Resources

The Project would have no impact on agricultural and forestry resources. Therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under this topic.

#### Air Quality

Based on SCAQMD guidance, any direct exceedance of a regional or localized threshold also is considered to be a cumulatively considerable effect, while air pollutant emissions below applicable regional and/or localized thresholds are not considered cumulatively considerable. As discussed in the analysis in Threshold III-a through III-e, all Project-related construction and operation emissions would not exceed the applicable SCAQMD thresholds and, therefore, are not considered cumulatively considerable.

#### Biological Resources

The Project site does not support any riparian, or sensitive natural habitat, federally-protected wetlands, or serve as a wildlife corridor; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under these resources. There is, however, the potential that the burrowing owl and/or nesting birds could be present on the Project site prior to construction and there also is the potential that other development projects in the San Bernardino area could support the burrowing owl and/or bird nests. The Project's potential impact to the burrowing owl and nesting birds would be cumulatively considerable. MM BR-1 and MM BR-2 would reduce the Project's cumulative effects to less-than-significant levels by ensuring that no direct take of burrowing owls or nesting birds occurs during construction.

#### Cultural Resources

The Project site does contain one historic resource that has been adversely impacted by development throughout the San Bernardino County region and abuts another similarly affected historical resource: Historic Route 66 and an electrical transmission line corridor associated with the development of the Boulder Dam (later re-named Hoover Dam). In the absence of mitigation, the Project's direct and indirect effects to these resources would further exacerbate the deleterious effects to these resources that have occurred in the region. Implementation of MM CR-1 through MM CR-11 would ensure the Project's cumulative effects to important historical resources are less than significant. The Project does not contain known prehistoric archaeological resources or paleontological and mandatory compliance with State law would preclude impacts to human remains; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact to these resources. Although development activities on the Project site would not impact any known paleontological, there is the remote potential that such resources are buried beneath the surface of the Project site and could be impacted during construction. Other projects within region would similarly have the potential to impact unknown, subsurface paleontological resources during ground-disturbing activities. Therefore, the potential for development on the Project site to impact subsurface

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paleontological is a cumulatively considerable impact. Application of MMs CR-12 and MM CR-13 would reduce the Project's cumulative impacts to less-than-significant levels.

Energy

The Project's construction and operation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and would not obstruct a state or local plan for renewable energy or energy efficiency. In addition all cumulative projects would also be required to comply with the California Building Standards Code (CALGreen). Therefore, there is no potential for the Project to contribute to a cumulatively considerable impact to these resources.

Geology and Soils

Potential effects related to geology and soils are inherently site-specific; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under this topic. Furthermore, all development proposals would be required to comply with applicable federal, State, and local regulations that are in place to preclude adverse geology and soils effects, including effects related to strong seismic ground shaking, fault rupture, soil erosion, and hazardous soil conditions (e.g., liquefaction, expansive soils, landslides).

Greenhouse Gas Emissions

As described in the preceding analysis, global climate change (GCC) occurs as the result of global emissions of GHGs. An individual development project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines also emphasize that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (See CEQA Guidelines § 15130[f]). Accordingly, the preceding analysis reflects a cumulative impact analysis of the GHG emissions related to the Project. As concluded under Thresholds VII-a and VII-b, the Project would not result in a cumulatively considerable impact related to GHG emissions.

Hazards and Hazardous Materials

Potential effects related to hazards and hazardous materials are inherently site-specific and the Project would not result in any substantial adverse impacts related to hazards or hazardous materials; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under this topic.

Hydrology and Water Quality

Construction and operation of the Project and other projects in the Santa Ana River watershed would have the potential to result in a cumulative water quality impact, including erosion and sedimentation. However, in accordance with applicable federal, State, and local regulations, all development projects would be required to implement plans during construction and operation (e.g., SWPPP and WQMP) to minimize adverse effects to water quality, which would avoid a cumulatively considerable impact.

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The Project and other projects in the Santa Ana River Basin would be required to comply with federal, State, and local regulations in order to preclude flood hazards both on- and off-site. Compliance with federal, State, and local regulations would require on-site areas to be protected, at a minimum, from flooding during peak storm events (i.e., 100-year storm) and that proposed development would not expose downstream properties to increased flooding risks during peak storm events. Accordingly, a cumulatively considerable effect related to flooding would not occur.

#### Land Use and Planning

The Project would not physically divide an established community, or conflict with applicable land use/planning documents; therefore, there is no potential for the Project to contribute to a cumulatively considerable impact related to land use and planning.

#### Mineral Resources

Although the site is designated to contain mineral resources, due to the existing marketability constraints, land use compatibility, and physical constraints of the Project site, the Project would not result in a loss to known resource. In addition, no component of the Project would result in the loss of mineral resources elsewhere in the region. Therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under this topic.

#### Noise

Noise levels diminish rapidly with distance; therefore, for a development project to contribute to a noise-related cumulative impact it must be located in close proximity to another development project or source of substantial noise. There are no construction projects in the immediate vicinity of the Project site that would overlap with Project-related construction activities. Accordingly, cumulatively considerable impacts related to periodic noise and construction-related vibration would not occur. Under long-term operating conditions, and with implementation of MM N-1, the Project would comply with the County of San Bernardino noise ordinance and would not produce noticeable levels of vibration; therefore, cumulatively considerable impacts related to these issue areas would not occur. The analysis provided under Threshold XII-a demonstrates that the Project would not result in a cumulatively considerable impact related to transportation noise under long-term conditions.

#### Population and Housing

The Project would implement the land uses planned for the Project site by the Glen Helen Specific Plan, San Bernardino County General Plan, and zoning ordinance and would not require the construction of replacement housing. Accordingly, the County has anticipated – and planned for – the growth that would occur on the Project site and there is no potential for the Project to result in an adverse, cumulatively considerable environmental effect related to population and housing.

#### Public Services

All development projects in the County of San Bernardino, including the Project, would be required to pay development impact fees, a portion of which would be used by the County for the provision of public services, to offset the incremental increase in demand for fire protection

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and police protection services. Furthermore, future development would generate an on-going stream of property tax revenue and sales tax revenue, which would provide funds that could be used by the County of San Bernardino for the provision of fire and police protection services. The Project would not directly result in the introduction of new residents to the County and, therefore, would have no potential to result in cumulatively considerable impacts to resident-serving public facilities such as schools, parks, libraries, and other public facilities or services.

**Recreation**

The Project would have no impact to recreation facilities. Therefore, there is no potential for the Project to contribute to a cumulatively considerable impact under this topic.

**Transportation/Traffic**

The Project's potential to result in cumulatively considerable effects to the circulation network were evaluated in the preceding analysis under Thresholds XVII-a and XVII-b – see the analysis under the Opening Year (2019) and Horizon Year (2040) traffic conditions. The Project would contribute cumulatively considerable traffic to projected LOS deficiencies at Intersections #5 and #6 under Opening Year (2019) traffic conditions and Intersections #4, #5, #6, and #7 under Horizon Year (2040) traffic conditions. As demonstrated in the analysis, the Project implementation of MMs T-1 and T-2 would reduce the Project's cumulatively considerable adverse effects to the circulation network to less-than-significant levels.

**Tribal Cultural Resources**

Development activities on the Project site would not impact any known tribal cultural resources. However, there is the remote potential that such resources are buried beneath the surface of the Project site and could be impacted during construction. Other projects within region would similarly have the potential to impact unknown, subsurface tribal cultural resources during ground-disturbing activities. Therefore, the potential for development on the Project site to impact subsurface tribal cultural resource deposits is a cumulatively considerable impact. Application of MMs TCR-1 through TCR-3 would reduce the Project's cumulative impacts to less-than-significant levels.

**Utilities and Service Systems**

The Project would require water and wastewater infrastructure, as well as solid waste disposal for building operation. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with discretionary review authority. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with the utility providers would allow for the provision of utility services to the Project and other developments. The Project and other planned projects are subject to connection and service fees to offset increased demand and assist in facility expansion and service improvements (at the time of need). Because of the utility planning and coordination activities described above, cumulatively considerable impacts to utilities and service systems would not occur.

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**XIX-c) Less-than-Significant with Mitigation Incorporated.** The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study. In instances where the Project has potential to result in direct or indirect adverse effects to human beings (air quality and associated effects on human health from air pollutants, and construction-related noise and potential effects on hearing impairment), project design feature best practices and mitigation measures have been applied to ensure impacts to not rise above a level of significance. With required implementation of project design features and the mitigation measures identified in this Initial Study, construction and operation of the proposed Project would not involve any activities that would result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

**SIGNIFICANCE:** Possible significant adverse impacts have been identified or are anticipated and the mitigation measures have been identified throughout this Initial Study that shall be required as conditions of project approval to reduce these impacts to a level considered less than significant:



**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.

**MM BR-1:** Within 30 days prior to grading, a qualified biologist shall conduct a survey of suitable habitat on site and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the County of San Bernardino prior to the issuance of a grading permit and subject to the following provisions:

a) In the event that the pre-construction survey identifies no burrowing owls on the property a grading permit may be issued without restriction.

b) In the event that the pre-construction survey identifies the presence of the burrowing owl on the Project site, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow CDFW relocation protocol and shall only occur between September 15 and February 1. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow CDFW relocation protocol. The biologist shall confirm in writing that the species has fledged the site or been relocated prior to the issuance of a grading permit.

**MM BR-2:** Vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (January 1 through September 1), unless a migratory bird nesting survey is completed in accordance with the following requirements:

a) A migratory bird nesting survey of the Project site, including suitable habitat within a 500-foot radius, shall be conducted by a qualified biologist within three (3) days prior to initiating vegetation clearing or ground disturbance.

b) A copy of the migratory nesting bird survey results report shall be provided to the County of San Bernardino. If the survey identifies the presence of active nests, then the qualified biologist shall provide the County with a copy of maps showing the location of all nests and a species-appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the County and shall be no less than a 100-foot radius around the nest for non-raptors and no more than a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist with County concurrence verify that the nests are no longer occupied and juvenile birds can survive independently from the nests.

**MM BR-3:** Prior to the initiation of construction activities, the perimeter of the Project's work area shall be fenced with highly visible fencing (e.g., orange construction fencing) to ensure impacts do not occur outside of the Project footprint.

**MM BR-4:** All off-road equipment shall be washed, particularly the wheels and under carriage, prior to transport to the Project site to prevent the spread of weedy plant species.

**MM BR-5:** Staging areas shall be placed in areas that have been previously disturbed and do not show an infestation of non-native plant species. Staging areas shall be maintained in a weed/noxious weed-free condition.

**MM BR-6:** All refuse created or brought on-site must be placed in covered containers, removed from the site at regular intervals, and properly disposed.

**MM CR-1:** The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the importance of Historic Route 66. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy Issuance.

**MM CR-2:** The Project Applicant/Developer shall install Historic Route 66 pavers on the sidewalk on Cajon Boulevard along the Project site frontage. The paver intervals shall not exceed 100 feet in length to commemorate the roadway. The location of the pavers shall be shown on the Project's roadway improvement plans for Cajon Boulevard that are submitted to the County of San Bernardino for approval. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for paver installation prior to the Certificate of Occupancy Issuance.

**MM CR-3:** The Project shall include landscaping along the Project site's frontage with Cajon Boulevard that complies with the applicable design standards/guidelines from the Glen Helen Specific Plan. The landscaping shall beautify the segment of Cajon Boulevard that abuts the Project site and create an enjoyable viewing experience for motorists. The County of San Bernardino shall verify the landscaping has been installed prior to the issuance of a Certificate of Occupancy.

**MM CR-4:** For the duration of construction activities, protective fencing and/or appropriate cautionary markers shall be placed around the base of the transmission line towers to protect the towers from inadvertent impacts. During construction, cranes or other construction equipment with the potential to reach the height of the transmission lines shall maintain the minimum separation from the transmission line towers required by Southern California Edison.

**MM CR-5:** The Project Applicant/Developer shall coordinate with the County of San Bernardino to prepare signage that will educate visitors to the Project site about the importance of the historic transmission line that traverses the Project site. The sign shall be installed within the front yard landscape setback, fronting Cajon Boulevard, accessible for public viewing. The Project Applicant/Developer shall obtain sign off from County of San Bernardino Planning for the sign installation prior to the Certificate of Occupancy Issuance.

**MM CR-6:** Vehicle parking shall be prohibited within the transmission line easement that traverses the Project site until and unless the Project has completed Southern California Edison's consent review process and written approval is provided by Southern California Edison. If Southern California permits within the on-site transmission line easement, such parking shall be restricted to passenger vehicles. No truck or trailer parking, long-term parking of any vehicle, or vehicle storage shall be permitted within the easement and signage that describes the parking restrictions within the easement shall be placed in a conspicuous location.

**MM CR-7:** No trees shall be installed along Cajon Boulevard where the transmission line easement intersects with Cajon Boulevard to maintain visibility of the transmission line towers. Additionally, no aboveground improvements with the potential to detract from the visual character of the overhead transmission lines, including but not limited to light poles and trees, shall be placed in the easement without written approval from Southern California Edison.

**MM CR-8:** Prior to the issuance of a grading permit, the Project Applicant/Developer shall provide evidence to the County of San Bernardino that a qualified archaeologist (herein, "Project Archaeologist") with at least 3 years of regional experience in archaeology has been retained to conduct prehistoric and historic archaeological monitoring during earthmoving activities on-site and excavation activities within Cajon Boulevard. The Project Archaeologist shall be present on-site to monitor all ground-disturbing activities until the Project Archaeologist determines that the archaeological sensitivity of the Project's disturbance area has been reduced to low (i.e. older soil deposition, high alluvial activity and therefore highly disturbed deposit). Should the Project Archaeologist determine that there are no archaeological resources within the Project's disturbance area or should the archaeological sensitivity be reduced to low during construction activities, archaeological monitoring activities shall cease.

**MM CR-9:** Prior to the issuance of a grading permit, the Project Applicant/Developer or Project Archaeologist shall provide evidence to the County of San Bernardino that a Cultural Resources Monitoring Plan (CRMP) has been developed to guide the procedures and protocols of an archaeological monitoring program to be implemented during Project construction.

**MM CR-10:** Prior to the issuance of a Certificate of Occupancy, the Project Archaeologist shall submit a report to the County of San Bernardino and the South Central Coast Information Center that summarizes the results of the prehistoric and historic archaeological monitoring conducted during Project construction. The final report shall itemize any archaeological resources recovered, with maps to accurately record the original location of recovered resources, and provide evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other accredited repository.

**MM CR-11:** If a significant archaeological resource is discovered on the Project site as defined by CEQA §21083.2, the Project Archaeologist shall temporarily halt all grading within a 100-foot radius of the discovered resource and make recommendations to the County of San Bernardino on the measures from the CRMP and measures from the Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP) that shall be implemented to protect/recover the discovered resource(s). No further grading shall occur within a 100-foot radius of the discovery until the County of San Bernardino approves the protection/recovery measures and the measures have been implemented by the Project Archaeologist. Any archaeological artifacts recovered as a result of mitigation, excluding items covered by the provisions of applicable CRMP and MDTDP, shall be donated to the San Bernardino County Museum as directed by the County's General Plan policies.

**MM CR-12:** Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence to the County of San Bernardino that the construction site supervisors and crew members involved with grading and trenching operations are trained to recognize paleontological resources (fossils) should such resources be unearthed during ground-disturbing construction activities. If a suspected paleontological resource is identified, the construction supervisor shall be required by his contract to immediately halt and redirect grading operations in a 100-foot radius around the find and seek

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identification and evaluation of the suspected resource by a qualified paleontologist meeting the definition of a qualified vertebrate paleontologist. This requirement shall be noted on all grading plans and the construction contractor shall be obligated to comply with the note. The significance of the discovered resources shall be determined by the qualified paleontologist. If the resource is determined to be significant, Mitigation Measure CR-4 shall apply.

**MM CR-13:** If a significant paleontological resource is discovered on the property, discovered fossils or samples of such fossils shall be collected and identified by a qualified vertebrate paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontologic storage. A final report shall be prepared and submitted to the County of San Bernardino that itemizes any fossils recovered, with maps to accurately record the original location of recovered resources, and contains evidence that the resources were donated to and accepted for curation by the San Bernardino County Museum or other repository.

**MM GHG-1:** Prior to issuance of building permits, the Project Applicant shall provide documentation to the County of San Bernardino Building Department demonstrating that the improvements and/or buildings subject to the building permit application include features identified in the County of San Bernardino Development Review Processes (March 2015) Greenhouse Gas Emissions Screening Tables, as needed to achieve the required 100 points.

**MM N-1:** Prior to issuance of a certificate of occupancy, the County of San Bernardino Building Division shall verify that a minimum 8-foot high noise barrier is constructed along the perimeter of the truck loading/loading dock area, as shown on Exhibit 9-A of the Project's Noise Study (*Technical Appendix L*). The noise barrier shall provide a weight of at least four (4) pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways. The barrier shall provide a minimum transmission loss of 20 dBA and must present a solid face from top to bottom. All gaps (except weep holes) shall be filled with grout or caulking. The noise barrier shall be constructed using the following materials: masonry block; earthen berm; or any combination of construction materials capable of the minimum weight of 4 pounds per square foot and a minimum transmission loss of 20 dBA.

**MM T-1:** Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

a) Intersection #6 – Palm Avenue & I-215 SB Ramp: Re-stripe to provide a second southbound left turn lane.

**MM T-2:** Prior to the issuance of an occupancy permit for the Project, the Project Applicant/Developer shall make a fair share fee payment for the intersection improvements listed below. The fair share fees attributable to the Project shall be calculated according to the percentages specified in Table 1-3 of the "Cajon Boulevard Warehouse Traffic Impact Analysis," prepared by Urban Crossroads (dated September 6, 2018). Specifically, the fair share fee payment required by this Mitigation Measure shall be used to make the following improvements:

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a) Intersection #4 – Palm Avenue & Institution Road: Implement overlap phasing on the westbound right turn lane.

b) Intersection #5 – Palm Avenue & Industrial Parkway: Install a traffic signal.

c) Intersection #7 – Palm Avenue & I-215 NB Ramp: Install a second northbound left turn lane, install a westbound left turn lane, and re-stripe the existing shared left-through lane as a shared through-right turn lane.

**MM TCR-1:** Due to the heightened cultural sensitivity of the proposed Project area, a Tribal monitor representing the Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians, and San Manuel Band of Mission Indians (Consulting Tribes) shall be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Project developer/applicant shall provide compensation (hourly wages, per diem, mileage, lodging, etc.) for all Tribal monitors and the services these individuals provide as part of the monitoring effort for the Project.

**MM TCR-2:** Prior to the issuance of any ground disturbance-related permits (such as grading permits), the Lead Agency shall contact the Consulting Tribes to coordinate the development of a mutually-acceptable Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP). The MDTDP will provide details regarding the process for monitoring and in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin. The MDTDP shall be approved and adopted by the Lead Agency prior to the issuance of any ground disturbance-related permits.

**MM TCR-3:** A pre-construction meeting shall be held with the contractors, archaeologists, and American tribal monitors/representatives(s) prior to the start of construction. This meeting shall outline all processes for monitoring on the project and information regarding how the Project Archaeologist and the Tribes will provide a weekly construction schedule identifying all ground disturbing activities within the monitoring area, and the specific cultural concerns associated with the Project area.

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## **Draft Resolution #3305**

**Attachment 5**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO SC#450**

**HEARING DATE: APRIL 15, 2020**

## **RESOLUTION NO. 3305**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#450 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT NO. 2020-002 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBERS 0262-041-09, 0262-041-13, 0262-041-18 AND 0262-041-20)**

**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 et seq.), 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 April 15, 2020 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;

## RESOLUTION NO. 3305

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

### **DETERMINATIONS:**

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

1. The project area, which is comprised of four (4) adjacent parcels identified as Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18, and 0262-041-20, 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. The application requests authorization to receive sewer service from the City of San Bernardino.

The requirement for sewer connection to the City is a condition 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 condition of approval for the project.

2. The Irrevocable Agreement to Annex No. 2020-002 being considered is for the provision of sewer service by the City of San Bernardino to the project site comprised of four (4) adjacent parcels, Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18, and 0262-041-20, which are generally located on the north side of Cajon Boulevard, approximately 2,500 feet south of the intersection of Kendall Drive and Cajon Boulevard, in the community of Verdemon 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 by the City of San Bernardino for sewer service are identified as totaling \$61,634.26 (a breakdown of charges is on file in the LAFCO office). Payment of these fees 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 development.
4. During the period from November 2018 to March 2019, acting as the CEQA lead agency, the County prepared an environmental assessment for a Minor Use Permit (MUP) to construct a 321,496 sq. ft. industrial warehouse facility with a 10,000 sq. ft. of office space on the approximate 20-acre project site. 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. 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

**RESOLUTION NO. 3305**

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. CONDITION.** 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 (4) adjacent parcels, Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18, and 0262-041-20.

**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#450 – City of San Bernardino Irrevocable Agreement No. 2020-002 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, SAMUEL MARTINEZ, 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 April 15, 2020.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** APRIL 8, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #8 – REVIEW AND ADOPTION OF AMENDMENTS TO  
LAFCO POLICY AND PROCEDURE MANUAL**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Certify that the proposed amendments to the Policy and Procedure Manual are exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
3. Adopt the amendments to the Policy and Procedure Manual as follows:
  - a. Section I – Mission Statement and Commission Operations:
    - Chapter 3: Commission Rules of Order
      - Election of Chair and Vice Chair
  - b. Section II – Accounting and Financial:
    - Chapter 1: Financial Policies for Internal Operations
      - Expense Reimbursement (various)
    - Chapter 2: Financial Policies for Application Processing
      - LAFCO Filing Fee Refund
  - c. Section III – Human Resources
    - Chapter 1: Working Environment
      - Work-at-Home/Telecommute (new policy)
  - d. Section V – Environmental Review
    - various

4. Adopt Resolution No. 3306 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **BACKGROUND:**

At this hearing, LAFCO staff is presenting the Commission with several amendments to the Policy and Procedure Manual for its consideration. The Ad Hoc Policy Committee and the Executive Officer have reviewed and discussed these policy changes.

The proposed amendments are generally minor non-substantive changes and/or deletion of obsolete language. The two substantive changes being proposed include the addition of a Work-at-Home Telecommute policy and the extensive amendments to the Environmental Review Section. To implement the proposed amendments, staff recommends that the Commission amend Section I (Mission Statement and Commission Operations), Section II (Accounting and Financial), Section III (Human Resources), and Section V (Environmental Review) of its Policy and Procedure Manual, as follows:

## **SECTION I – MISSION STATEMENT AND COMMISSION OPERATIONS**

### **CHAPTER 3: COMMISSION RULES OF ORDER**

- Amend "Election of Chair and Vice Chair" policy:

In order to allow for rotation among the membership to either the Chair or Vice-Chair roles, staff is recommending that the Commission reinstitute the prior policy that limits one's role as Chair or Vice Chair to two consecutive one-year terms but adding the ability of a member to be elected to their former role as Chair or Vice-Chair after a minimum of a two year separation. Staff recommends the following amendment to the policy:

*"The Chair and Vice-Chair shall be elected each year, during the first meeting in the month of May, by a majority of the Commission. The Chair and Vice-Chair positions shall be limited to two consecutive one-year terms. Should a member serve two consecutive one-year terms as Chair or Vice-Chair, the member is not eligible for election to their former Chair or Vice-Chair position for at least two years."*

Note: LAFCO staff is recommending that the Commission's practice of its Ad Hoc Administrative Committee composition—Chair, Vice Chair, and the most recent Past Chair—be changed to be the Chair, Vice Chair, and a new member from the regular membership (to be selected by the Chair) in order to allow for other members of the Commission the ability to gain leadership experience.

## **SECTION II – ACCOUNTING AND FINANCIAL**

### **CHAPTER 1: FINANCIAL POLICIES FOR INTERNAL OPERATIONS**

- Amend “Expense Reimbursement” policy related to travel via private automobile:

Commissioners are currently reimbursed for travel that is more than 20 miles (round trip) from a Commissioner’s home to attend Commission meetings and other LAFCO related business per its policy on Commission Stipend/Per Diem Payment (Policy 4). However, there has been confusion on how reimbursement for mileage is calculated due to another conflicting policy outlined in Expense Reimbursement (part of Policy 3) since Commissioners do not have an assigned work location. Therefore, to clarify this conflict, staff recommends the following amendment to the “Expense Reimbursement” policy:

“ ...

#### ***F. TRANSPORTATION MODES***

...

##### ***(1) Travel via private automobile***

...

- a. When employees ~~or Commissioners~~, traveling on official San Bernardino LAFCO business, leave directly from their principal place of residence rather than from their assigned work location, mileage allowed to the first work contact point shall be the difference between the distance from the residence to the assigned work location and the distance from the residence to the first work contact point. If the first work contact point is closer than the assigned work location, no mileage shall be allowed. If the employee ~~or Commissioner~~ departs from the last work contact point directly to the residence, the same principle governs.*

*Employees ~~or Commissioners~~ may have multiple assigned work locations. Mileage allowed is based on the assigned work location for that day. When employees ~~or Commissioners~~ have more than one assigned work location in a standard tour of duty, mileage shall be allowed between assigned work locations. In no case will mileage be allowed between the employee’s residence and the assigned work location.*

...”



- Further amend the “Expense Reimbursement” policy to match the County’s approved policy changes effective January 28, 2020:

The County adopted policies related to compensation and working conditions of its Exempt Group on January 28, 2020. Said policies included changes that update and clarifies the current expense reimbursement policies; therefore, staff recommends the Commission also adopt the said changes related to the “Expense Reimbursement” policy:

“ ...

#### *E. RECORDS AND REIMBURSEMENTS*

...

- (2) Requests for expense reimbursements for employees should be submitted once each month and within one year of the date that the expense was incurred, ~~except if the amount claimable for any month does not exceed twenty-five dollars (\$25.00), the submission may be deferred until the amount exceeds twenty-five dollars (\$25.00) quarterly, or until June 30<sup>th</sup> during the current fiscal year, whichever occurs first. At the end of the fiscal year, expense reimbursement claims for July 1<sup>st</sup> and beyond, must be on a separate claim from those expenses claimed for June 30<sup>th</sup> or earlier.~~
- (3) ~~Original~~ Receipts or vouchers which verify the claimed expenditures will be required for all items of expense, except:
  - a. Subsistence, except as otherwise provided in this section.
  - b. Private mileage (paid at the standard IRS rate).
  - ~~c. Taxi, bus and ferryboat fares; bridge and road tolls; and parking fees.~~
  - cd. Telephone, fax or other communication-related charges including Wi-Fi and internet connection charges access fees if needed to conduct San Bernardino LAFCO business.
  - de. Other authorized expenses of less than one dollar (\$1.00).
- (4) Claims for expense reimbursement totaling less than one dollar (\$1.00) in any fiscal year shall not be paid.

- (5) Reimbursement shall not be made for any personal expenses such as, but not limited to: entertainment, barbering, personal grooming, alcoholic beverages, etc.
- (6) Except as otherwise provided in this section, expense reimbursements shall be made on an actual cost basis.
- (7) If ~~original~~ the receipt is unavailable, the employee may submit a ~~photocopy and a~~ signed statement with an explanation of expenses (i.e., itemized list of expenses with location, date, dollar amount, and reason for expenses) ~~as to the location of the original receipt or~~ and an explanation as to why the receipt is unavailable ~~its absence~~.

...

#### F. TRANSPORTATION MODES

...

- (1) Travel via private automobile

...

c. Travel via Ride-Share Service, Taxi, or Public/Mass Transit. Reimbursement will be provided for the cost of using a ride-share service, (e.g., Uber or Lyft), taxi, or public/mass transit (e.g., bus, streetcar, and ferry) if such expenses are incurred for County business and approved by the appointing authority.

d. Incidental Travel Expenses. Reimbursement will be provided for the cost of incidental travel expenses such as bridge tolls, road tolls and parking fees if such expenses are incurred as part of County business and approved by the appointing authority. Valet parking will not be reimbursed unless self-parking is not available or security is a concern.

...

#### G. SUBSISTENCE

- (1) Subsistence allowances for lodging and meals shall not be allowed without prior approval of the appointing authority or designee as necessary for the purpose of conducting San Bernardino LAFCO business. Meal and lodging selections should represent a reasonable cost to San Bernardino LAFCO and be generally consistent with the rates established by the General Services Administration (GSA). Excess charges greater than the

allowances listed below in paragraph (2) and (3) may be authorized under special conditions, such as a convention or conference requirement (e.g., lodging at the hotel where the conference is held) or if San Bernardino LAFCO business requires lodging and meals in an area of unusually high cost (~~such as, but not limited to, San Francisco Bay area, Sacramento, Fresno, Los Angeles and San Diego~~ i.e., Non-Standard Areas as established by the GSA). Employees may be reimbursed for expenses in high cost areas for the actual cost incurred, but generally not to exceed the per diem amounts established by the GSA for that area and month. ~~Claims for lodging and meals which do not exceed the allowances listed below do not require receipts~~ Receipts are mandatory to obtain reimbursement for all lodging expenses, and except as provided below, for all meal expenses claimed.

- (2) An employee may be reimbursed for lodging expenses at actual cost, generally not to exceed the standard lodging per diem rate as established by the GSA, except as otherwise provided in paragraph (1) above ~~The allowance for lodging is seventy-five dollars (\$75.00) plus tax, per night, single.~~
- (3) Except as otherwise provided in paragraph (1) above, reimbursement for meal expenses for up to three separate meals per day may be provided as follows: ~~The allowance for meals is fifty dollars (\$50.00 plus tax and gratuity per day, for three (3) meals, or when separate meals are claimed;~~
  - a. With receipts: actual cost not to exceed eleven dollars (\$11.00) for breakfast; fifteen dollars (\$15.00) for lunch; and twenty-four dollars (\$24.00) for dinner, all plus tax and up to 15 percent gratuity.
  - b. Without receipts: at per diem rates not to exceed six dollars (\$6.00) for breakfast; nine dollars (\$9.00) for lunch; and nineteen dollars (\$19.00) for dinner, all plus tax and up to 15 percent gratuity.
- ~~(3)~~(4) ~~Meal allowances for a business meeting/conference including meals are the actual cost~~ Where the cost of a meal is included as part of a registration charge for an event (e.g., continental breakfast at a conference or training seminar) or in the cost of lodging, an employee may not claim reimbursement for that meal.
- ~~(4)~~(5) Expense Advances. Advancement of funds for business expenses can be obtained from the County through submission of the

appropriate form. Advancements shall not exceed the per diem allowance set forth herein. The minimum amount to be advanced is fifty dollars (\$50.00).

H. COUNTY CREDIT/~~DEBIT~~ CARDS

- (1) The County may issue a County credit ~~or debit card~~ to the San Bernardino LAFCO Executive Officer and require business expenses be paid for with said card.

...”

## CHAPTER 2: FINANCIAL POLICIES FOR APPLICATION PROCESSING

- Amend the “LAFCO Filing Fee Refund” policy:

The policy regarding refunding the LAFCO fees is based on three milestones. Staff recommends modification to two milestones. Historically, when proposals are requested for withdrawal by the applicant, it is either after the application is circulated for review or after the property tax negotiations. There is no recent record of a proposal being requested for withdrawal after the staff report is written. In order to implement this change, staff recommends the following amendment to the policy:

*“If withdrawal of an application is requested, the LAFCO Filing Fee paid for processing will be refunded in the following manner:*

- A. Following issuance of the Notice of Filing ~~but prior to the commencement of the property tax negotiations for changes of organization or Department Review Committee consideration for sphere of influence amendment:~~ 2/3 50% refund.
- B. Following ~~commencement~~ issuance of the ~~property tax negotiations~~ Certificate of Filing (change of organization/reorganization) or Department Review Committee process (sphere of influence amendment) ~~but prior to the advertisement of the Commission’s consideration:~~ 1/3 no refund.
- C. ~~Following advertisement of the Commission’s consideration but prior to the Commission’s consideration: no refund.~~

...”

## **SECTION III – HUMAN RESOURCES**

### **CHAPTER 1: WORKING ENVIRONMENT**

- Add work-at-home/telecommute policy

The social distancing and Safer-at-Home orders related to the pandemic have changed, at least temporarily, the work environment of the LAFCO office. Staff recommends that the Commission adopt a new policy related to working from home. This action would add Policy 9 (Work-at-Home/Telecommute) to Chapter 1 of Section III. The Policy is shown below. See Attachment 1 (Work-at-Home/Telecommute Policy) for the procedures related to the policy:

#### **“9. WORK-AT-HOME/TELECOMMUTE (Adopted April 15, 2020)**

- A. This Work-at-Home Policy applies to employee work-at-home arrangements, whether on a continuous basis or for a specific, limited period of time. This policy and its procedures applies to LAFCO staff, and will be administered by the Executive Officer.***
- B. Working at home is not an employee right or benefit and may be discontinued by the Commission or Executive Officer for any reason that is not arbitrary or capricious, at any time. Employees will be permitted to work at home at the discretion of the Executive Officer. Employees may be removed from the Telecommuting Program if they do not comply with the terms of this policy and its procedures.***
- C. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Whether or not specifically articulated in the policy and procedures, work-at-home employees are subject to the same federal and State of California laws and LAFCO policies and procedures applicable to employees at the regular LAFCO worksite.***
- D. A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. Any exceptions to deviating from the normal work hours must receive Executive Officer authorization beforehand. Additionally, orders from a health authority, safety authority, governor, etc... regarding shelter-in-place, safer-at-home, school closures, etc... may necessitate alternate working hours and must receive Executive Officer authorization before work begins.***

**PROCEDURE:**

...”

**CHAPTER 2: EMPLOYMENT**

- Amend the “Compensation” policy by deleting the policy item related to one-time incentive pay:

This policy was established as a one-time incentive pay back in 2015. This is now obsolete language; therefore, staff recommends deleting this entire item from the “Compensation” policy:

“...

~~E. ONE-TIME INCENTIVE PAY (Adopted April 15, 2015)~~

~~(1) Incentive. SB LAFCO agrees to pay eligible employees a one-time incentive up to \$1,750, to be paid in one payment.~~

~~(2) Eligibility. In order to be eligible for the one-time incentive:~~

~~a. An employee must be employed on April 18, 2015; and,~~

~~b. Be in paid status in pay period 10 of 2015. Employees not in paid status in pay period 10 of 2015 shall receive the one-time incentive upon return to paid status. Employees who do not return to paid status shall not be eligible for the one-time incentive.~~

~~c. An eligible employee who is part-time or job-sharing shall be eligible for a prorated one-time incentive based on regularly scheduled hours.~~

~~d. An employee who has separated from SB LAFCO employment for any reason prior to pay period 10 or 2015 shall not be eligible to receive the one-time incentive.~~

~~(3) Payment. SB LAFCO agrees to pay eligible employees a one-time incentive up to \$1,750, to be paid in one payment, subject to withholdings. The one-time incentive shall be payable in pay period 10 of 2015.~~

~~(4) Special Provisions. Prior to the payment of the one-time incentive,~~

~~eligible employees may make an election, in writing, to opt-out of receiving the incentive and defer the payment until a later date provided, however, such payment shall not be eligible to be paid later than one year from pay period 10 of 2015. Employees who opt-out and do not make a designation to receive the payment by March 19, 2016 shall have the one-time incentive automatically paid out in pay period 8 of 2016. Employees who have opted-out and separate from SB LAFCO employment, and have not yet received the one-time incentive, shall have the incentive automatically paid out upon separation.~~

...”

## **SECTION V – ENVIRONMENTAL**

The State of California recently released a comprehensive update to the California Environmental Quality Act (CEQA) Guidelines including some changes to the Appendix G checklist that became effective on December 28, 2018. LAFCO staff, in coordination with Tom Dodson, the Commission’s Environmental Consultant, have prepared an extensive update to the Commission’s Environmental Policies. Through the Commission’s Legal Counsel, the proposed changes have been reviewed (and additional suggestions have been provided) by BB&K’s CEQA attorney(s).

To view the changes to the Environmental Section, see Attachment #2 (Section V – Environmental Review).

## **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendments to the Policy and Procedure Manual for staff to include in the document. Staff recommends that the Commission take the actions outlined on pages 1 and 2 of this report to approve the changes.

### **Attachments:**

1. [Work-at-Home/Telecommute Policy including Procedures](#)
2. [Section V – Environmental Review \(In-line Track Changes\)](#)
3. [Resolution Exhibit A – Proposed LAFCO Policy Amendments in Track Change Format \(Section I: Mission Statement and Commission Operations, Section II: Accounting and Financial, Section III: Human Resources, and Section V:Environmental Review\)](#)
4. [Environmental Response from Tom Dodson and Associates](#)
5. [Draft LAFCO Resolution No. 3306](#)

# **Work-at-Home/Telecommute Policy including Procedures**

**Attachment 1**



## **9. WORK-AT-HOME/TELECOMMUTE** *(Adopted April 15, 2020)*

- A. This Work-at-Home Policy applies to employee work-at-home arrangements, whether on a continuous basis or for a specific, limited period of time. This policy and its procedures applies to LAFCO staff, and will be administered by the Executive Officer.
- B. Working at home is not an employee right or benefit and may be discontinued by the Commission or Executive Officer for any reason that is not arbitrary or capricious, at any time. Employees will be permitted to work at home at the discretion of the Executive Officer. Employees may be removed from the Telecommuting Program if they do not comply with the terms of this policy and its procedures.
- C. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Whether or not specifically articulated in the policy and procedures, work-at-home employees are subject to the same federal and State of California laws and LAFCO policies and procedures applicable to employees at the regular LAFCO worksite.
- D. A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. Any exceptions to deviating from the normal work hours must receive Executive Officer authorization beforehand. Additionally, orders from a health authority, safety authority, governor, etc... regarding shelter-in-place, safer-at-home, school closures, etc... may necessitate alternate working hours and must receive Executive Officer authorization before work begins.

### **PROCEDURE:**

#### **Work-at-Home Criteria**

To be eligible to work at home, employees must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, Internet, supplies, etc.) suitable for working at home; and (3) be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others and may be appropriate to maintain continuity in the event of an emergency, or as part of a flexible work arrangement. Also, responsibilities that do not require face-to-face interaction, require minimal supervision, involve the extensive use of computers and/or telephones, and have clearly defined and

easily measurable tasks are more appropriate for a work-at-home arrangement. The Executive Officer must examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

### **Work Schedule**

In addition to Section D, as is required for the LAFCO worksite, the Executive Officer will establish the employee's home work schedule. The employee will document all time worked and account for hours not worked with the appropriate leave designation (vacation, administrative, sick, holiday, leave without pay, etc.) and, if eligible for overtime, must receive Executive Officer authorization before working overtime.

### **Documentation**

The Executive Officer must complete the Work-At-Home Approval Form. Work-at-home documentation must include the following components:

- a description of the work to be accomplished as well as clearly defined performance requirements that are measurable and results oriented—especially when the work differs from the employee's regular job description and performance plan;
- the work schedule;
- a telephone number where the employee can be reached during the agreed-upon work schedule, and
- if LAFCO equipment is used at home, a record of such equipment

In the event of an emergency closure or situation for which the Work-at-Home Approval Form cannot be formalized ahead of time, the work-at-home approval must be documented in an email between the employee and the Executive Officer.

### **Equipment, Supplies, and Telephone/Data Connection**

The employee will use his/her own equipment, supplies, and telephone/Internet connection to perform his/her job duties. In special cases where the Executive Officer determines it is in the best interest of the organization, the Executive Officer may provide equipment necessary for the employee to perform the desired work at home. LAFCO equipment, software, data and supplies may be used only for official LAFCO business, and must be returned to LAFCO at the termination of the work-at-home arrangement, or upon request by LAFCO. The employee is responsible for operating costs, home maintenance and any other cost associated with the use of the home as an alternate work location. In the event of equipment failure or malfunction, the employee will immediately notify the Executive Officer. In the event of delay in repair or replacement, or any other circumstance which makes work from the home location impracticable, the

employee understands that the Executive Officer may require the employee to report to the regular work site. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting.

### **Security**

All LAFCO information security, and records management and retention policies that apply at the regular LAFCO worksite apply when the employee works from home.

All LAFCO rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

### **Liability**

LAFCO is not liable for injuries to third persons, including family members, at the home work site. LAFCO is not liable for damages to the employee's personal or real property.

### **Workers' Compensation**

The employee is covered by Workers' Compensation during the performance of official LAFCO business at the home worksite during work hours. The employee must report work-related injuries immediately to the Executive Officer and will comply with all LAFCO reporting requirements established for the purpose of reporting such claims.

## **Section V – Environmental Review (In-line Track Changes)**

**Attachment 2**

## **SECTION V**

### **ENVIRONMENTAL REVIEW**

#### **ADMINISTRATIVE GUIDELINES, POLICIES, AND PROCEDURES**

#### **CHAPTER 1: INTRODUCTION**

On June 20, 1990, the Local Agency Formation Commission for San Bernardino County (LAFCO) adopted, by Resolution #2267, the California Environmental Quality Act's (CEQA) State [CEQA](#) Guidelines and any amendments, as its environmental guidelines. The following information outlines the specific procedures used by LAFCO to tailor the general provisions of the State Guidelines to LAFCO's specific functions as both a "Responsible" and a "Lead" agency [under CEQA](#). [This version of LAFCO's Environmental Review guidelines incorporates changes in the State CEQA Guidelines through 2019.](#)

These provisions and procedures incorporate by reference (and are to be utilized [in conjunction](#) with) the State [CEQA](#) Guidelines, a copy of which is on file with the LAFCO Clerk. These procedures will be revised as necessary to conform to amendments to the State Guidelines, within 120 days after the effective date of such amendments. However, LAFCO will implement any such statutory changes [that the California Legislature makes to the CEQA Statutes](#) as soon as ~~they~~[those statutory changes](#) become effective, [even if not expressly stated herein](#).

The Commission ~~has hired~~[s](#) an environmental consultant ~~under contract~~ to assist [the Commission in carrying out its duties under CEQA](#)~~in the application of the California Environmental Quality Act. Tom Dodson, of the firm Tom Dodson and Associates, is~~ [The Commission's environmental consultant's](#) ~~the~~ [CEQA compliance](#). ~~Mr. Dodson's~~ [The Commission's environmental consultant's](#) recommendation is advisory to the Commission and its staff. The Commission makes the final determination and takes the final action [based on its independent review of the recommendation, the project and the environmental analysis](#).

#### **LAFCO's Environmental Responsibilities**

LAFCO's role as a regulatory agency involves "the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies." A few of its duties require minimal environmental review, especially those involving the commissioning of studies, the hearing of protests, and consolidations, reorganizations and mergers of cities or districts. Most of these duties only constitute jurisdictional changes with no potential for land use changes or for significant effects on the physical environment.

~~Its~~ LAFCO's more prominent roles include, but are not limited to, creation of spheres of influence, formation of new districts, incorporation of new cities, and annexations/reorganizations to cities or special districts. These types of LAFCO actions generally require more in-depth analysis, especially if they result in the direct or indirect physical change in the environment, like facilitation of growth and/or land-use alterations. Factors that must be assessed in these cases involve land area and use, all aspects of the physical and human environment, geographical features, population growth and density, social and economic changes, availability of infrastructure and government services, conformity with city or county land use plans, and creation of unincorporated "islands," etc.

~~In providing the context in which the Commission shall implement the provisions of CEQA, the following~~ general information from ~~within~~ the State CEQA Guidelines ~~is presented here~~ provides context for the Commission's CEQA actions:

## 1. GENERAL CEQA CONCEPTS

The following General Concepts outlined in the State CEQA Guidelines, s ~~(Section 15002)~~ apply to LAFCO's consideration of projects presented to it:

- (a) *Basic Purposes of CEQA. The basic purposes of CEQA are to:*
  - (1) *Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.*
  - (2) *Identify the ways that environmental damage can be avoided or significantly reduced.*
  - (3) *Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.*
  - (4) *Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.*
- (b) *Governmental Action. CEQA applies to governmental action. This action may involve:*
  - (1) *Activities directly undertaken by a governmental agency,*
  - (2) *Activities financed in whole or in part by a governmental agency, or*
  - (3) *Private activities which require approval from a governmental agency.*
- (e) *Time for Compliance. A governmental agency is required to comply with CEQA procedures when the agency proposes to carry out or approve the activity.*
- (f) *Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the*

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significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

- (1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. (See: [State CEQA Guidelines sSection 15064\(a\)\(1\)-](#))
- (2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR. (See: [State CEQA Guidelines sSection 15070.](#))
- (g) *Significant Effect on the Environment.* A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See: [State CEQA Guidelines sSection 15382.](#)) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: [State CEQA Guidelines sSection 15091.](#))
- (h) *Methods for Protecting the Environment.* CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:
  - (1) Changing a proposed project
  - (2) Imposing conditions on the approval of the project;
  - (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
  - (4) Choosing an alternative way of meeting the same need;
  - (5) Disapproving the project;
  - (6) Finding that changing or altering the project is not feasible;
  - (7) Finding that the unavoidable significant environmental damage is acceptable as provided in [State CEQA Guidelines sSection 15093.](#)
- (i) *Discretionary Action.* CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a "discretionary project." (See: [State CEQA Guidelines sSection 15357.](#))
  - (1) Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called "ministerial," and CEQA does not apply. (See: [State CEQA Guidelines sSection 15369.](#))
  - (2) Whether an agency has discretionary or ministerial controls over a project depends on the authority granted by the law providing the controls over the activity. Similar projects may be subject to discretionary controls in one city or



county and only ministerial controls in another. (See: [State CEQA Guidelines sSection 15268.](#))

- (j) *Public Involvement.* Under CEQA, an agency must solicit and respond to comments from the public and other agencies concerned with the project. (See: [State CEQA Guidelines sSections 15073, 15086, 15087, and 15088.](#))
- (k) *Three Step Process.* An agency will normally take up to three separate steps in deciding which document to prepare for a project subject to CEQA.
  - (1) *In the first step the Lead Agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. The agency may prepare a Notice of Exemption. (See: [State CEQA Guidelines sSections 15061 and 15062.](#))*
  - (2) *If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study ([State CEQA Guidelines sSection 15063](#)) to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the Lead Agency prepares a Negative Declaration. (See: [State CEQA Guidelines sSections 15070 et seq.](#))*
  - (3) *If the Initial Study shows that the project may have a significant effect, the Lead Agency takes the third step and prepares an EIR. (See: [State CEQA Guidelines sSections 15080 et seq.](#))*

## 2. **CEQA POLICIES**

The following Policies outlined in the State CEQA Guidelines, (~~sSection 15003~~) provide ~~direction to the Commission in its considerations~~[further information about the policies that underlie the Commission's CEQA decisions](#):

- (c) *The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68.)*
- (f) *CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247.)*
- (g) *The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975) 13 Cal.3d 263)*
- (h) *The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151)*
- (i) *CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is*



sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692)

- (j) *CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)*

### 3. **GENERAL RESPONSIBILITIES**

A public agency must meet its own responsibilities under CEQA and shall not rely on comments from other public agencies or private citizens as a substitute for work that CEQA requires the Lead Agency to accomplish. For example, a Lead Agency is responsible for the adequacy of its environmental documents. The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document. When making decisions that trigger some type of CEQA review, LAFCO's ~~The~~ duty is to minimize the environmental damage that may result from those decisions and to balance the competing public objectives as outlined in the State CEQA Guidelines, ~~(S~~section 15021, which are as follows~~)~~:

- (a) *CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.*
  - (1) *In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.*
  - (2) *A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.*
- (b) *In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.*
- (c) *The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.*
- (d) *CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.*

### 4. **AUTHORITY PROVIDED BY CEQA** (State CEQA Guidelines, ~~s~~SSection 15040)

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- (a) *CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.*
- (b) *CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.*
- (c) *Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.*
- (d) *The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.*
- (e) *The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.*

**5. AUTHORITY TO MITIGATE** (State CEQA Guidelines, [s](#)~~S~~ection 15041)

*Within the limitations described in [State CEQA Guidelines](#) [s](#)~~S~~ection 15040:*

- (a) *A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (Nollan v. California Coastal Commission (1987) 483 U.S. 825, Dolan v. City of Tigard, (1994) 512 U.S. 374, Ehrlich v. City of Culver City, (1996) 12 Cal. 4th 854.).*
- (b) *When a public agency acts as a Responsible Agency for a project, the agency shall have more limited authority than a Lead Agency. The Responsible Agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.*

## **CHAPTER 2: LAFCO ENVIRONMENTAL PROCESS AND PROCEDURES**

### **1. LAFCO's Role as an "Interested" Agency**

In situations where LAFCO is not a "Responsible Agency" but has an interest in reviewing a project to ensure that LAFCO related information are correctly identified, LAFCO play a more limited role in the CEQA process. In those instances, ~~t~~The Executive Officer will review, and, if necessary, comment on all environmental documents submitted by a Lead Agency involving projects/decisions relating to and/or affecting LAFCO projects or policies.

### **2. LAFCO's Role as a Responsible Agency**

"Responsible" Agency status occurs when LAFCO is not the "Lead" Agency, but nevertheless has discretionary approval authority over a project or some aspect of a project, in tandem with, or separate from that of the Lead Agency in accordance with Section 15096 of the State CEQA Guidelines.

Examples of situations where ~~lead agencies involving~~ LAFCO may be ~~as~~ a Responsible Agency include, but are not limited to:

- A city approving an annexation request to LAFCO, only after pre-zoning the area in question. When a city has pre-zoned an area, the city serves as the Lead Agency for any subsequent annexation of the area and should prepare the environmental documents at the time of pre-zoning or other land use ~~approval~~ decision.
- The County approving a development related project that requires services from an Agency (City or Special District) through an Out-of-Agency service contract/agreement.
- When a special district has conducted an environmental review and prepared an environmental determination for a plan to serve an area proposed for annexation to the district.

LAFCO shall use the environmental document prepared by the Lead Agency for LAFCO's environmental determinations if the Executive Officer deems it adequate for such use pursuant to State CEQA Guidelines, section 15096. Procedures for determining the adequacy of the lead agency's CEQA document are summarized as follows:

A. Consultation

- (1) Regardless of whether LAFCO is a responsible agency, e~~Each~~ Lead Agency carrying out any project within LAFCO's jurisdiction and function shall inform LAFCO in writing of its intent and ~~schedule process for that project~~ at the beginning of ~~its the~~ Lead Agency's CEQA review process, and the Lead Agency shall provide LAFCO with~~including but not limited to~~ copies of any project applications. ~~Under Section 15052 of the State CEQA Guidelines LAFCO may assume Lead Agency status if the original Lead Agency does not consult with LAFCO.~~
- (2) The Lead Agency shall consult with LAFCO regarding preparation of its environmental documents/determinations (Statutory Exemptions, Categorical Exemptions, Initial Studies/Negative Declarations, Environmental Impact Reports (EIRs), etc.) which must also be used by LAFCO in its role as a Responsible Agency; consultation can be written or verbal and LAFCO's input shall be incorporated/addressed in the Lead Agency's analysis, documentation and determinations.
- (3) The Executive Officer shall, as soon as practical but within 30 days of notification, comment as to the appropriate environmental determination from LAFCO's perspective as well as issues of concern to be addressed in any environmental document. The requirement for written notification from the Lead Agency can be waived at the Executive Officer's discretion.
- (4) Where LAFCO disagrees with the Lead Agency's proposed environmental determination (such as a Negative Declaration), LAFCO will identify the specific environmental effects which it believes could result from the project and recommend the project be mitigated with measures to reduce the potential impacts to less than "significant" (when feasible) or that an EIR be prepared to properly characterize potentially significant impacts.
- (5) When it intends to prepare an EIR, the Lead Agency shall send a Notice of Preparation by certified mail to LAFCO to solicit input in accordance with Section 15082 of the State CEQA Guidelines.
- (6) LAFCO shall respond to ~~this notice~~any Notice of Preparation submitted to LAFCO in accordance with subsection (A)(5) above in writing within 30 days, specifying the scope and

content of the environmental data and analysis germane to LAFCO's statutory responsibilities for the proposed project. LAFCO shall also provide the Lead Agency with input regarding environmental issues and the minimum content of the analysis needed to meet a standard of adequacy for use of the environmental document/determination by LAFCO as a CEQA Responsible Agency.

(7) Where LAFCO is called upon to grant an approval for a project subject to CEQA for which another public agency was the appropriate lead agency, LAFCO shall assume the role of the lead agency when any of the following conditions occur:

- a. The lead agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.
- b. The lead agency prepared environmental documents for the project, but the following conditions occur:
  - i. A subsequent EIR is required pursuant to State CEQA Guidelines, section 15162,
  - ii. The lead agency has granted a final approval for the project, and
  - iii. The statute of limitations for challenging the lead agency's action under CEQA has expired.
- c. The lead agency prepared inadequate environmental documents without consulting with the responsible agency as required by State CEQA Guidelines, section 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.

**B. Preparation of Environmental Documents by a Lead Agency**

- (1) The Lead Agency shall include information in the Statutory Exemption, Categorical Exemption, Initial Study/Negative Declaration/EIR to allow its subsequent use by LAFCO for its considerations; referencing on the title page and in the project description any boundary changes, changes of organization or reorganization, or other proposed actions requiring subsequent discretionary action by LAFCO to fully implement the project.

- (2) The Lead Agency shall send the draft document to LAFCO as part of the public review process required by the CEQA and applicable guidelines (~~S~~sections 15072 and 15082 of the State CEQA Guidelines). The Executive Officer will, within the ~~allotted~~ established review period, send comments to the Lead Agency in writing (which can be transmitted either via U.S. mail or overnight delivery, or electronically by email or other messaging system), all of which LAFCO expects to be incorporated and assessed in the final document. ~~These~~ LAFCO's comments on a draft CEQA document submitted to LAFCO by a lead agency should focus on the appropriateness of ~~an Initial Study/Negative Declaration~~ the CEQA document chosen, the adequacy of the ~~EIR~~ environmental document's content, in the case of an EIR -- additional alternatives or mitigation measures, etc., ~~but must be confined to project aspects or environmental effects~~ that are germane to environmental impacts that could result from LAFCO's subsequent discretionary action or to the adequacy of the document for use by LAFCO as a CEQA Responsible Agency.
- (3) A final EIR prepared by a Lead Agency or a Negative Declaration adopted by a Lead Agency shall be conclusively presumed to comply with CEQA for purposes of use by Responsible Agencies which were consulted pursuant to sections 15072 or 15082 unless one of the following conditions occurs:
- a. The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or
  - b. A subsequent EIR is made necessary by Section 15162 of the State CEQA ~~se~~ Guidelines.

C. Filing with LAFCO

Applications filed by Lead Agencies with LAFCO shall include copies of one of the following environmental documents as specified in LAFCO's filing requirements and all applicable findings for an EIR per Sections 15091, 15092 and 15093 of the State CEQA Guidelines.

- Certification of Categorical Exemption;
- Certification of Statutory Exemption;
- Notice of Intent to Adopt a Negative Declaration;

- Final Negative Declaration (including copy of Initial Study);
- Final Negative Declaration with mitigation measures (including copy of Initial Study, all technical appendices, and Mitigation Monitoring/Reporting Plan);
- Notice of Subsequent Use of an Existing EIR (which was previously available or has been made available to LAFCO);
- Notice of Preparation of Draft EIR;
- Notice of Availability/Notice of Completion of Draft EIR (including copy of Draft EIR);
- Final EIR; ~~and/or~~
- Statements of Findings/Overriding Considerations, and Mitigation Monitoring Plan; ~~and~~
- Notice of Determination; and/or
- Copy of the California Department of Fish and Wildlife's environmental filing fee receipt including, if applicable, a CEQA Filing Fee No Effect Determination Form.

D. LAFCO's Use of Lead Agency's Environmental Documents

- (1) In making its determinations on boundary change proposals, changes of organization or reorganization, or other proposed actions requiring discretionary action by LAFCO, it will generally use the environmental document prepared by the Lead Agency if the procedures regarding consultation and preparation of environmental documents by a Lead Agency outlined above have been followed.
- (2) Prior to project approval, the Commission will certify that it has reviewed and considered the information contained in the Lead Agency's document. LAFCO may request the Lead Agency furnish additional information or findings as required to support a legally adequate Responsible Agency environmental determination in accordance with Section 15096 of the State CEQA Guidelines.
- (3) When a Lead Agency's EIR identifies significant environmental effects, LAFCO will incorporate the Lead Agency's findings or



formulate its own, for each significant effect, ~~per~~ or otherwise make findings in accordance with State CEQA Guidelines, section 15091 for each significant environmental effect that is identified in a Lead Agency's EIR.

- (4) LAFCO may take any of the following actions to conform to CEQA requirements when rendering a decision on an application:
- LAFCO shall not approve a proposed project with significant impacts if it can adopt feasible alternatives or mitigation measures within its powers that would substantially lessen the magnitude of such effects, unless it adopts a Statement of Overriding Considerations (State CEQA Guidelines, section 15093);
  - If LAFCO mitigates impacts listed in the EIR to a ~~level below the "significant threshold"~~ less than significant level via the adoption of boundary alternatives or conditions of approval (negotiated with the local agency), such findings shall be reinforced by adequate rationale and inserted in the record; or
  - If the environmental impacts of the LAFCO decision ~~does not include mitigation of significant impacts listed in the EIR below the "threshold of significance,"~~ cannot be mitigated to a less than significant level, LAFCO shall adopt ~~the Lead Agency's~~ a Statement of Overriding Considerations ~~or formulate its own,~~ per State CEQA Guidelines, sSections 15093 and 15096 ~~of the State CEQA Guidelines.~~
- (5) Upon project approval, LAFCO shall file a Notice of Determination in a like manner as a ~~Lead~~ Responsible Agency in accordance with Section 15096(i) of the State CEQA Guidelines. The Notice of Determination shall be filed with the San Bernardino County Clerk of the Board of Supervisors.

### 3. LAFCO's Role as a Lead Agency

#### A. GENERAL INFORMATION

- (1) LAFCO will be the Lead Agency responsible for performing CEQA mandated environmental review when its discretion for approval or denying a project involves general governmental powers. This is in contrast with a Responsible Agency role



which only has single, limited powers over the project, normally subsequent and secondary to LAFCO's function, such as pre-zoning for the property of interest.

Examples of projects requiring LAFCO to act as a Lead Agency include but are not limited to the following:

- Changes of organization or reorganization that include, but are not limited to, incorporation of cities, formation of districts, annexation to and detachment from cities and special districts, establishment of a subsidiary district, and merger of cities and districts.
- Establishment of spheres of influence for cities and special districts.
- Special District activation or divestiture of a function or class of service
- Studies of local government agencies [requiring a discretionary decision by LAFCO](#).

(2) Where another public agency is initially the appropriate Lead Agency for a project requiring subsequent LAFCO approval, LAFCO will assume the role of Lead Agency in those instances where:

- a. The Lead Agency failed to prepare an environmental document and the statute of limitations to a challenge of the action of the Lead Agency has expired.
- b. [Based on LAFCO review](#), ~~A~~[n](#) inadequate environmental document was prepared without consultation with San Bernardino LAFCO per State CEQA Guideline procedures and the statute of limitations for a challenge has expired.
- c. A subsequent EIR is required pursuant to Section 15162 of the State CEQA Guidelines and the original Lead Agency chooses not to prepare a subsequent EIR.

LAFCO ~~shall~~[may](#) assume Lead Agency responsibility under situations (a) and (b) only when it has been unsuccessful in effecting necessary changes in environmental documentation by the Lead Agency through the normal administrative review process.

B. Delegation of Responsibilities by the Commission to the Executive Officer

The following quotations from [Section 15025](#) of the State Guidelines indicate those functions that can and cannot be delegated to the Executive Officer by the Commission:

*A public agency (the Commission) MAY assign specific functions to its staff (Executive Officer) to assist in administering CEQA. Functions which may be delegated include but are not limited to:*

- (1) *Determining whether a project is exempt.*
- (2) *Conducting an Initial Study and deciding whether to prepare a draft EIR or Negative Declaration (refer to Section IV, F. 2. of these guidelines for a discussion of the appeal process when an EIR is required.)*
- (3) *Preparing a Negative Declaration or EIR.*
- (4) *Determining that a Negative Declaration has been completed within a period of 180 days (see Section 21100.2 of CEQA).*
- (5) *Preparing responses to comments on environmental documents.*
- (6) *Filing of notices.*

*The decision-making body of a public agency (the Commission) shall NOT delegate the following functions:*

- (1) *Reviewing and considering ~~ing~~ation of a final EIR or approval of ~~ing~~ a Negative Declaration prior to ~~making a decision on~~ [approving](#) a project before the Commission.*
- (2) *The making of findings as required by Sections 15091 and 15093.*

## **CHAPTER 3: LAFCO LEAD AGENCY PROCEDURES**

The following process and procedures, specific to LAFCO's function, summarize or supplement the State CEQA Guidelines and are to be used to process all accepted applications:

### **1. PROJECTS EXEMPT FROM CEQA**

#### **A. ~~Statutory~~ "Common Sense" Exemptions ([State CEQA Guidelines, Section 15061\(b\)\(3\) and 15260](#))**

Projects qualifying for this status are those determined by the Executive Officer to have no possibility of causing a physical change in the environment or of creating a significant adverse environmental effect (15061(b)(3)) ~~or those actions defined by the Legislature in Section 15260 to be statutorily exempt. Specific examples of Statutory Exemptions that would apply to LAFCO project included the following:~~

*15060 (c) Once an application is deemed complete, ~~a~~ LAFCO must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if:*

- (1) The activity does not involve the exercise of discretionary powers by a public agency;*
- (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or*
- (3) The activity is not a project as defined in Section 15378 of the State CEQA Guidelines.*

*15061 (b) A project is exempt from CEQA if:*

- (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).*
- (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.*
- (3) The activity is covered by the ~~general rule~~ [common sense exemption](#) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*
- (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).*

- (5) *The project is exempt pursuant to the provisions of Article 12.5 of this Chapter, which define exemptions for agricultural housing, affordable housing, and residential infill projects.*

Most LAFCO projects qualify for a ~~statutory~~ “common sense” exemption because the project being considered for approval by the Commission has no potential to modify the physical environment.

B. Statutory Exemptions (State CEQA Guidelines, sections 15260-15285)

Statutorily exempt projects defined by the Legislature that could apply to a LAFCO project include the following:

(1) Disapproved Projects

CEQA does not apply to projects that LAFCO rejects or disapproves. This ~~statutory~~ statutory exemption is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where LAFCO can determine that the ~~project~~ project cannot be approved. This statutory exemption shall not relieve an applicant from paying the costs for an EIR or negative declaration prepared for the project prior to the lead agency’s disapproval of the project after normal evaluation and processing.

~~(1)~~(2) Feasibility and Planning Studies

A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

~~(2)~~(3) Ministerial Projects

Actions or Ministerial Projects involve the application of fixed standards without the option of exercising personal or subjective judgment (discretion) by the Executive Officer or the Commission.

Examples include:

- a. Issuance of Certificates of Filing and Completion.

- b. Consolidation/reorganization of special districts where the ~~consolidation is approved by both~~ district boards ~~adopt similar~~by resolutions of applications for said consolidation/reorganization into a single agency (pursuant to Government Code Section 56853).
- c. Certain island annexations (~~under~~pursuant to Government Code Section 56375 [a][4] or Section 56375.3) where approval is mandated if the annexation meets certain ~~discretionary~~specific findings.

~~(3)~~(4) Rates, Tolls, Fares and Charges (State CEQA Guidelines, s~~S~~Section 15273)

- (a) *CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of:*
  - (1) *Meeting operating expenses, including employee wage rates and fringe benefits,*
  - (2) *Purchasing or leasing supplies, equipment, or materials,*
  - (3) *Meeting financial reserve needs and requirements,*

~~B~~C. Categorical Exemptions (State CEQA Guidelines, s~~S~~Section 15300)

The following classes of projects, specifically pertaining to LAFCO's activities, have been identified in the State CEQA Guidelines as not having the potential ~~for to cause~~ significant environmental effects, and ~~are may be~~ categorically exempt from the requirements of CEQA if certain specified criteria are satisfied (Note: A categorical exemption shall not be used for these activities where there is ~~a reasonable possibility that the activity will have a significant effect due to unusual and/or cumulative circumstances~~substantial evidence to support that one of the exceptions to the categorical exemptions in State CEQA Guidelines, section 15300.2 is present.):

(1) Class 3: Construction or Conversion of New, Small Structures

Included within this category are out-of-agency service contracts/agreements involving the extension of water, sewer, and/or other utility services by a city or district outside its boundaries but lying within its respective sphere of influence.

(2) Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities

Included within this category are:

- a. Annexations to special districts where the district's services would be provided even without annexation and construction has been initiated prior to the issuance of a Certificate of Filing;
- b. Annexations of areas containing existing public or private structures developed to the density allowed by current zoning or pre-zoning, whichever is more restrictive, (provided, however, that the extension of utility services within the annexed area would have a capacity to serve only those existing facilities);
- c. Detachments from cities where the land being detached is committed, by virtue of an adopted land-use plan, to remain in agricultural use or open space; or where the land is presently developed and no change in land-use can be reasonably anticipated; and
- d. Detachments from special districts which will not result in any change in zoning or land use.

(3) Class 20: Changes in Organization of Local Agencies

Included within this category are changes in the organization or reorganization of local agencies where the changes do not modify the geographic area in which previously existing powers are exercised.

Examples include but are not limited to:

- a. Establishment of a subsidiary district;
- b. Consolidation of two or more districts having identical boundaries;
- c. Merger with a city of a district lying entirely within the boundaries of the city; or
- d. Reorganization of agencies consisting of annexations or detachments providing similar services.

When a LAFCO project qualifies for an exemption, staff will either (1) draft a memorandum to file explaining the rationale for the exemption or (2) document the exemption determination and the rationale supporting it in a staff report to the Commission. After the Commission takes action on the CEQA exemption and the project, the Executive Officer shall file and post with the San Bernardino County Clerk of the Board of Supervisors a LAFCO "Notice of Exemption" form, to include:

- (1) A brief project description;
- (2) The project location;
- (3) The specific exemption (common sense/statutory/categorical), including the finding and citation to the State CEQA Guidelines section or statute under which it is found to be exempt;
- (4) The rationale for its selection, including a brief statement of reasons to support the finding.

~~D. Notice Requirements~~

~~The Notice should accompany the project application through the process and be filed upon project approval with the San Bernardino County Clerk of the County Board of Supervisors. Copies shall be made available to the public and sent to all Responsible and affected agencies a minimum of 21 days prior to a LAFCO action on the project. A list of such notices shall be posted on a monthly basis in the Clerk's and/or LAFCO offices for a 30-day period. The filing and posting start a 35-day statute of limitations period on legal challenges to LAFCO's decision of 'exemption.' If a Notice is not filed, a 180-day statute of limitations will apply.~~

## 2. ASSEMBLY BILL (AB) 52 – NATIVE AMERICANS

Beginning July 2015, a new process was added to the standard CEQA review for a Negative Declaration (ND, Notice of Intent to Adopt a Negative Declaration) or for an Environmental Impact Report (EIR, Notice of Preparation). LAFCO rarely prepares Negative Declarations and/or EIRs, but when this type of documentation is required, LAFCO will have to implement AB 52.

AB 52 establishes a consultation process between Native American tribes and government agencies only upon request of a Tribe. Once a written ~~report~~ request for consultation is submitted to any agency, the agency must consult with the Native American Tribe(s) regarding the potential for a project to



adversely impact "tribal cultural resources." Section 21074 of the Public Resources Code outlines what tribal cultural resources consist of:

*21074. (a) "Tribal cultural resources" are either of the following:*  
*(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*  
*(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.*  
*(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*  
*(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*  
*(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*  
*(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

LAFCO will comply with the consultation requirements and if a ND or EIR is being prepared, LAFCO will complete the notification and consultation process prior to release of the environmental document being published for public review.

### **3. INITIAL STUDIES**

A project for which LAFCO is the Lead Agency and which is not exempt will require the preparation of an Initial Study to determine if the project has the potential for causing a significant environmental effect. The Initial Study assessment shall consider all phases of the project; the purposes, policies, rules, regulations and standards set forth in CEQA and its State [CEQA Guidelines](#); these procedures and the adopted plans and policies of cities, the County, and LAFCO. An Initial Study need not be prepared if the Executive Officer determines at the beginning stages of review that a full-scope EIR will be required, but will be used to document the significance of specific impacts requiring a focused EIR, i.e. the Initial Study shall document the rationale for narrowing the scope of issues to be addressed in an EIR.

#### **A. Process**

The Initial Study will be prepared on a ~~LAFCO~~ [State CEQA Guidelines Standard Initial Study Environmental Checklist Form \(Appendix G\)](#) using the project application, environmental description forms, appropriate literature, etc. A site visit may be necessary. Individual findings for environmental issues will be documented with sufficient



technical data to substantiate conclusions regarding the potential for significant adverse impact. Insufficiency of available information will be noted on the form if it affects the ability to reach a conclusion.

The preparer shall consult with all Responsible Agencies and other public agencies/persons/organizations affected by or knowledgeable of the project and its issues. Under appropriate circumstances such review could also involve use of the County's or a city's Environmental Review Committee and its public forum to more fully assess the physical, social and infrastructural implications of complex projects. The Initial Study will be the supporting document for findings of 'significance' and 'non-significance' (whether to prepare an ~~NDEIR~~ or ~~EIR-Negative Declaration~~). It is a tool for modifying projects and/or ~~stipulating~~ identifying mitigation measures to allow a finding of 'non-significance.' It can also be used to focus the EIR on effects determined to be potentially 'significant' or to determine whether a previously prepared EIR could be used/modified for the project, etc.

The Initial Study shall contain:

- (1) A project description and location;
- (2) Environmental setting;
- (3) Identification of all environmental impacts using the most recent version of the State CEQA Guidelines environmental checklist form (Appendix G) and ~~adequate-substantiation~~ substantial evidence to support environmental impact findings, including ways to mitigate (avoid, minimize, compensate or otherwise reduce a significant impact to a less than significant level; and
- (4) Examination of project consistency with zoning and land-use plans, etc.

Section 15063 of the State CEQA Guidelines contains a detailed description of the content of and uses for the Initial Study and it is hereby incorporated by reference. Funding for the preparation of an Initial Study shall be borne by the applicant for the LAFCO action pursuant to Commission policy.

B. Executive Officer's Determinations/Findings

After review of the Initial Study and all supporting information, the Executive Officer shall determine the appropriate environmental determination based on one of the following findings:

~~(1)~~ The project is exempt (statutory or categorical exemption), assuming this was not determined prior to the preparation of an Initial Study. Recommend adoption of a Notice of Exemption.

~~(2)~~(1) The project will not have a significant environmental effect. Prepare a Negative Declaration and a Notice of Determination and publish a ~~n~~Notice of ~~i~~ntent to ~~a~~Adopt a Negative Declaration. After an appropriate public review period consistent with the applicable State CEQA Guideline's requirements, the documentation will be finalized and forwarded to the Commission with a recommendation for adoption.

~~(3)~~(2) The project, as proposed, would have a significant environmental effect, but with alterations, stipulations, or mitigation measures, all adverse impacts can be mitigated to a ~~threshold less than 'significant'~~less than significant level. Prepare a Mitigated Negative Declaration and a Notice of Determination and publish a ~~n~~Notice of ~~i~~ntent to ~~a~~Adopt a Negative Declaration. After appropriate public review period consistent with State CEQA Guideline's requirements, the documentation will be forwarded to the Commission with a recommendation for adoption.

~~(4)~~(3) The project will have a significant environmental effect, but all such impacts have been adequately assessed in a final EIR previously reviewed by LAFCO and mitigated to the extent ~~possible~~feasible. Submit to the Commission with appropriate findings for certification.

~~(5)~~(4) The project will have a significant environmental effect. An EIR will be prepared and submitted to the Commission with appropriate findings.

~~(6)~~(5) The project will have a significant environmental effect and an EIR has been prepared. However, new information or changed conditions affecting the project or the site warrant additional analysis. Prepare a 'subsequent' EIR or addendum to the original EIR focusing on these changes. Submit to the Commission with appropriate findings for certification.

#### 4. **NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

A Negative Declaration (finding of non-significant effect) or a Mitigated Negative Declaration (finding of non-significant effect with project changes/mitigation measures/conditions of approval) will be prepared on the State CEQA Guidelines Initial Study Environmental Checklist Form~~a~~LAFCO

~~form~~ by staff per the findings of the Initial Study based on substantiating evidence. ~~Its~~ The Negative Declaration or Mitigated Negative Declaration's contents will include a brief project description, location (i.e., vicinity map), name of applicant, the 'finding of non-significance,' attached Initial Study with any applicable technical reports, data or other information constituting the substantial evidence supporting the environmental analysis, and a list of mitigation measures (if any, in the context of a Mitigated Negative Declaration). A determination of the Initial Study's adequacy and the preparation of the accompanying Negative Declaration or Mitigated Negative Declaration initially rests with the Executive Officer. The formal adoption of the Negative Declaration or Mitigated Negative Declaration rests ultimately with the Commission.

A. Notice Requirements

The document will be available at the LAFCO office for public review and comment for a minimum of 21 days prior to LAFCO action on the project. Recommended Negative Declarations and Mitigated Negative Declaration (in the form of a ~~h~~Notice of ~~i~~Intent to ~~A~~adopt a Negative Declaration or Mitigated Negative Declaration) will be noticed at least once in a newspaper of general circulation (~~The Sun~~) in the project area; noticed in the "local" newspaper of the affected area (if any); mailed to all Responsible Agencies and public agencies with jurisdiction within the project area; mailed to those individuals and organizations who have requested such notices. Where one or more state agencies will be a Responsible or Trustee Agency or will exercise jurisdiction over natural resources affected by the project, LAFCO shall send copies of the Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse for distribution to these state agencies. Review by state agency(~~s~~ies) will require a 30-day period unless reduced by prior approval of the State Clearinghouse. Pursuant to adopted Commission policy, costs associated with the Notice and distribution requirements shall be funded by the applicant for the LAFCO action.

B. LAFCO Consideration

The Commission will consider the proposed Negative Declaration or Mitigated Negative Declaration and any public and agency comments prior to approving a project, and will approve the Negative Declaration or Mitigated Negative Declaration if it finds there is no substantial evidence in the whole of the administrative record that the project will have a 'significant environmental effect.' Where mitigation is included as a condition of the Mitigated Negative Declaration, the mitigation monitoring and reporting program (MMRP) shall assign responsibility

for implementing the mitigation measure(s) when the [Mitigated Negative Declaration](#) is approved by the Commission.

C. Notice of Determination

After the Commission's approval of a project for which a Negative Declaration [or Mitigated Negative Declaration](#) has been adopted, the Executive Officer shall file a Notice of Determination.

The Notice of Determination's content shall include:

- (1) Project description, identification and location;
- (2) Date project approved by LAFCO;
- (3) Determination of "non-significant" effect, [or determination that mitigation measures were imposed and made conditions of approval for the project to reduce impacts to less than significant levels](#);
- (4) Statement that a Negative Declaration [or Mitigated Negative Declaration](#) has been prepared [and approved](#); and
- (5) Address of LAFCO office where a copy of Negative Declaration [or Mitigated Negative Declaration](#) is filed.

The Notice shall be filed with the San Bernardino County Clerk of the Board of Supervisors. If the project requires a discretionary approval from any state agency, the Notice shall also be filed with the State Office of Planning and Research, State Clearinghouse. Fees for filing a Notice of Determination for a Negative Declaration [or Mitigated Negative Declaration](#) shall be funded by the applicant for the LAFCO action.

~~The filing of the Notice and the posting on a list of such notices starts a 30-day statute of limitations on legal challenges to the adequacy of the environmental determination.~~

## 5. ENVIRONMENTAL IMPACT REPORT

If the Executive Officer or the Commission finds, based on substantial evidence in the record or contained in the Initial Study and public comments, that a project may have a significant environmental effect, the Executive Officer will initiate the preparation of an Environmental Impact Report (EIR).

A. Purpose

An EIR is an informational document; a major tool in the decision-making process, informing Commissioners and all parties involved of the environmental consequences of project ~~approval/denial/alteration, etc~~ decisions before they are made. ~~Its~~ An EIR's primary functions are to identify and mitigate significant adverse impacts and to provide alternative project and boundary options that may reduce potentially significant impacts of the proposed project. An EIR is not an instrument to rationalize approval or denial of a project; nor do indications of adverse impacts require automatic denial. LAFCO has the authority to balance environmental, economic, social or other objectives as part of its mandate to develop orderly governmental boundaries (Sections 15091, 15092 and 15093, State CEQA Guidelines).

An EIR should be prepared early in the application process to facilitate the integration of environmental considerations in project or boundary design.

The applicant is responsible for submitting all necessary project data for the EIR per the Executive Officer's request or funding the preparation of required project data for the EIR.

B. Appeals

The Executive Officer's determination to require an EIR is appealable to the Commission within 10 working days of the issuance of the decision to prepare an EIR. Such appeal must be filed, on LAFCO forms, with the Executive Officer and must include specific substantiation for the appeal, directly related to environmental issues. The appeal shall be heard on the next regularly scheduled Commission agenda that permits adequate public notification. There is no appeal from a Commission requirement for an applicant to prepare an EIR.

C. Notice of Preparation

At the earliest feasible date ~~Within one week~~ following the Executive Officer's/Commission's formal decision to prepare an EIR (based on the administrative record or an Initial Study), a Notice of Preparation (NOP) will be mailed to all responsible and affected agencies (including the State Clearinghouse and affected state agencies, if any) and any parties requesting notification.

State review of an EIR will result in the issuance of an identification number (State Clearinghouse Number, SCH#) which shall be used on all subsequent documentation and correspondence.

The NOP shall include sufficient information on the project and its anticipated impacts to facilitate meaningful responses on the environmental issues that may cause significant adverse impacts. Such content to include:

- (1) Project description;
- (2) Mapped location;
- (3) Probable environmental effects; and
- (4) A copy of the Initial Study or substantial evidence in the record justifying the preparation of an EIR, etc.

~~It~~ The Notice of Preparation shall be sent to all responsible/trustee agencies or interested parties via certified mail or other method to document its receipt.

Within 30 days after ~~receipt~~ LAFCO's release of the NOP, each Responsible Agency/interested party shall submit to LAFCO specific information directly related to that agency's/party's statutory responsibility for the project; the environmental issues, alternatives, and mitigation measures to be explored; and the agency's/party's role in the project's review, etc.

If LAFCO does not receive a response or request ~~for additional time to~~ extend the public comment period on the NOP by the end of the 30-day NOP review period, LAFCO may presume that no response will be made from an agency or party that received the NOP.

D. Scope of EIR

LAFCO may also convene meetings involving all parties (especially at the request of a Responsible Agency) to further assist in the determination of the EIR's scope and content, no later than 30 days after such request. Early and complete scoping, consultation and negotiation are critical to the preparation of an adequate EIR. LAFCO could request use of the County's or a local agency's Environmental Review Committee in a public meeting forum to aid in the identification and resolution of any technical issues. LAFCO will compile all comments and identify in writing the focus for the EIR.

An EIR can be prepared by staff or consultants under contract to LAFCO, coordinated by the Executive Officer or designee. LAFCO may accept data for an EIR from any source subject to independent validation by LAFCO staff. Also, LAFCO may charge an applicant appropriate fees to cover all costs for preparing and processing an EIR.

E. EIR Content

Article 9 of the State CEQA Guidelines describes the complete content of all required sections of an EIR, as modified from time to time. ~~The scoping process can only determine which potential impacts should be assessed. All other sections are mandatory and will be included in EIRs prepared for LAFCO~~ However, LAFCO has discretion to narrow the scope of an EIR's content during the scoping process (State CEQA Guidelines, section 15063).

F. Consultant EIRs

The Executive Officer shall use a RFP (Request for Proposal) process to select a consultant to write the EIR. The ~~office~~ Executive Officer shall maintain and update as necessary a list of consultants, a minimum of three from which proposals shall be solicited for each consultant prepared EIR. The Executive Officer and the applicant will screen the proposals in an attempt to gain a consensus on choosing the consultant. However, tThe Executive Officer is ultimately responsible for final selection of the consultant. The Commission will review the scope of work, consultant qualifications, contract cost, and all other aspects before authorizing a contract.

The applicant will be charged a fee to cover all contract and staff costs, to be deposited into a LAFCO trust fund. (Note: The contract will be between LAFCO and the consultant which will work solely at the Executive Officer's, not the applicant's, direction.) The Executive Officer will disburse the funds to the consultant at stages specified in the contract based on completion and performance.

In addition to the contract costs, the fees charged will be based on actual staff time involved in, but not limited to:

- (1) Consultant selection including bid solicitation and review, submission of information to consultants, etc.;
- (2) Review of Draft EIR, corrections, additions, legal review by the Commission's legal counsel, etc.;



- (3) Compiling comments [and reviewing responses to comments](#) for preparation of Final EIR; and
- (4) Meetings with applicant, consultant and public regarding EIR preparation.

G. Public Participation ([State CEQA Guidelines](#), section 15201)

Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

Interacting with the public is an important CEQA process that allows the public to voice its concerns about environmental issues and the potential effect of a project on the physical environment. Therefore, in order to ensure public involvement in the LAFCO CEQA process, the Commission—in addition to the requirements for public notification on the NOP and/or the Notice of Completion—will provide the public with the opportunity to participate in any meetings related to the EIR, whether through a scoping meeting (optional) to provide verbal or written comments on the content of the EIR and/or through the public hearing (required) on the certification of the Final EIR.

H. Completion Notice ([State CEQA Guidelines](#), ~~s~~Section 15085)

[Because most LAFCO EIRs will require circulation through the State Clearinghouse, the default procedure is that a](#)As soon as the draft EIR is completed, a Notice of Completion (NOC) must be filed with OPR, denoting the project's description and location, address where EIR copies are available and the period which comments can be submitted. ~~Where the EIR will be reviewed through the State Clearinghouse, the cover form required by the Clearinghouse will serve as the NOC.~~

I. Agency/Public Review

At the time the NOC is sent, the Executive Officer shall provide public notice of the draft EIR's availability to all organizations, agencies and individuals who previously requested such notice; as well as publication in The [San Bernardino Sun](#) ([newspaper of general circulation](#)) and/or local newspapers. The Executive Officer shall also



distribute copies of the draft EIRs and requests for comments to all public agencies with jurisdiction within the project area; to persons or organizations previously requesting such copies; to public libraries in the affected areas; as well as maintaining copies in the LAFCO and any Responsible Agency's offices (upon request). The Executive Officer may consult with any person who has special expertise in any environmental issue involved.

Review periods are not to be less than 30 days nor longer than 60 days from the date of the NOC except in unusual situations, per the Executive Officer's discretion. The review period for draft EIRs submitted to state agencies via the State Clearinghouse will be a minimum of 45 days. The last date for comment submittal shall be specified in the request for comments. A lack of response by that date constitutes a 'non-objection' or 'no-comment' by that particular party.

The sufficiency of the EIR per State CEQA Guidelines is the only issue to be addressed during this review. Questions/issues regarding the feasibility or desirability of the project itself shall only be considered by the Commission at the appropriate hearing, not integrated into the environmental review process.

In instances where complex technical issues or disagreements among experts arise in the context of an EIR, ~~The Executive Officer can convene a meeting of the County's or a local agency's Environmental Review Committee to provide a more thorough forum for the determination of EIR adequacy in any instances of complex technical issues or disagreements among experts~~ a more thorough review of the EIR's adequacy.

J. Adequacy

The Executive Officer will make preliminary (not appealable) determinations of the EIR's adequacy, utilizing all aspects of the public record; in turn making specific recommendations on adequacy to the Commission, for its findings, at the time the project is heard.

K. Response to Comments on an EIR (State CEQA Guidelines, s~~S~~ection 15088)

The Executive Officer shall prepare a written response to all comments received during the comment period (and MAY respond to those received after the period): describing the disposition of issues, opinions or facts raised, project revisions or mitigation measures resulting from these comments, reasons for not accepting recommendations, all substantiated by factual information.

The response to comments may be in the form of revisions to the EIR text, a separate section in the final EIR or as notes typed in the margins of the comment letters, depending on the event of the resulting revisions.

L. Preparation of Final EIR ([State CEQA Guidelines](#), ~~s~~Sections 15089 and 15132)

The Executive Officer/consultant will prepare a final EIR before the Commission makes a decision on the project. Project denial does not require certification of the Final EIR. [Final EIR c](#)Contents include:

- (1) The draft EIR ~~a~~or and any revisions made to it in response to comments;
- (2) Comments and recommendations received on the draft EIR ~~either verbatim; or in summary~~
- (3) A list of persons, organizations and agencies commenting on the draft EIR;
- (4) LAFCO's responses to significant points raised during review and consultation;
- (5) Plus any other pertinent information.

~~The Executive Officer may provide an opportunity for the public or agencies to review the final EIR, focusing only on the responses to comments as they relate to document adequacy.~~ Final EIRs shall be available a minimum of 10 days prior to the Commission hearing on a project and shall be provided to any commenting parties 10 days prior to a Commission hearing on a project.

The final EIR shall be submitted to the Commission with the project application and a mitigation measure monitoring plan/program (if necessary) for certification prior to the decision.

M. Certification of Final EIR ([State CEQA Guidelines](#), ~~S~~section 15090)

Prior to approving a project for which an EIR has been prepared, the Commission shall certify ~~(via minute record)~~ that:

- (1) The final EIR has been completed in compliance with CEQA;

- (2) The final EIR was presented to the Commission which reviewed and considered it prior to approving the project; and,
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

If the Commission, through testimony or its own review of the data, finds that the environmental review is incomplete or the EIR does not adequately assess the full range of project ~~implications~~impacts, it can refer it back to staff for revisions; deferring approval of the project until it can certify the amended final EIR. Under such circumstances, the Commission shall instruct staff to recirculate/not recirculate the amended EIR in accordance with the extent of requested revisions and as required by State CEQA Guidelines, section 15088.5.

N. Findings (State CEQA Guidelines, sSection 15091)

The Commission cannot approve or carry out a project for which an EIR identifies one or more significant environmental effects unless it makes one or more written findings for each significant effect, each reinforced by substantial evidence in the record. Such findings include:

- (1) Changes have been incorporated into the project which avoid or substantially reduce the significant environmental effect(s) identified in the final EIR.
- (2) Such changes are not within LAFCO's jurisdiction, but are within the responsibility and jurisdiction of another agency which has adopted such changes or which can and should adopt such changes.
- (3) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

O. Approval (State CEQA Guidelines, sSection 15092)

LAFCO shall not approve or carry out a project for which an EIR was prepared unless either:

- (1) The project, as approved, will not have a significant environmental effect; or

- (2) LAFCO has eliminated or substantially reduced all significant effects where feasible per [State CEQA Guidelines, sSection 15091](#), and determined that any remaining significant effects found to be unavoidable per [State CEQA Guidelines, sSection 15091](#) are acceptable due to overriding concerns described in [State CEQA Guidelines, sSection 15093](#).

P. Statement of Overriding Considerations ([State CEQA Guidelines, sSection 15093](#))

When LAFCO approves a project that will have a significant effect on the environment that cannot be avoided or mitigated to a less than significant level, LAFCO shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Commission shall balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The statement of overriding considerations shall be supported by substantial evidence in the record.~~If the benefits of a proposed project outweigh its unavoidable adverse effects, these effects may be considered "acceptable." When the Commission allows the occurrence of environmental effects not mitigated to a level less than 'significant,' it shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.~~ The Commission's statement of overriding considerations should be included in the record of the project approval and so stated in the Notice of Determination.

Q. Notice of Determination ([State CEQA Guidelines, sSection 15094](#))

The Executive Officer shall file a Notice of Determination following each project approval for which an EIR was ~~considered~~[certified](#). The notice shall include:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the Commission which reviewed and considered it prior to approving the project;

- (3) The final EIR reflects the lead agency's independent judgment and analysis;
- (4) Determination of any significant environmental effects;
- (5) Statement that an EIR was prepared and certified pursuant to CEQA;
- (6) Whether mitigation measures were made conditions of the project;
- (7) Whether findings were made per [State CEQA Guidelines, Section 15091](#);
- (8) Whether a statement of overriding considerations was adopted; and
- (9) The address of the location of a copy of the final EIR and the project record.
- (10) [If different from the applicant, the identity of the person undertaking the project which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, licenser, certificate, and other entitlement for use from one or more public agencies.](#)

The notice shall be filed with the Clerk of the County Board of Supervisors. If the project requires discretionary approval from a state agency, the notice shall also be filed with OPR State Clearinghouse. ~~The filing and the posting of such notice starts a 30-day statute of limitations on court challenges to the adequacy of the EIR and environmental determination.~~

R. Disposition of Final EIR ([State CEQA Guidelines, Section 15095](#))

The Executive Officer shall:

- (1) File a copy of the Final EIR with the San Bernardino County Planning Division and the city where significant environmental effects may occur;
- (2) Include the ~~f~~[F](#)inal EIR in all subsequent project administration;
- (3) ~~Retain a~~[A](#) copy of the ~~f~~[F](#)inal EIR [shall be kept](#) as a [permanent](#) public record for ~~a reasonable period of time~~[the project](#); and

- (4) Require the applicant to provide a copy of the certified, final EIR to each Responsible Agency.

Pursuant to adopted Commission policy, funding for the preparation of an EIR, fees for filing a Notice of Determination, and other related fees (i.e. notice and distribution requirements), are the responsibility of the applicant for the LAFCO action.

## **CHAPTER 4: LAFCO POLICIES**

### **1. COMPLETION OF ENVIRONMENTAL LITIGATION PRIOR TO CONSIDERATION OF CHANGE:**

It is the policy of San Bernardino LAFCO that in those instances where ~~it is a responsible agency under CEQA~~ LAFCO is a CEQA Responsible Agency and there has been a legal challenge to the environmental document prepared by the lead agency, LAFCO shall not take~~no~~ action on the proposal (application) shall be taken until resolution of the environmental litigation~~the legal challenge to the lead agency's document has been fully resolved and all appeals have been exhausted, if any.~~

In those instances where the Commission determines to override this policy based upon the unique circumstance of the application and approve the application, it shall include the following condition in its resolution of approval:

*In the event that a court of competent jurisdiction invalidates the action taken by this resolution for any reason, the City of \_\_\_\_\_ or \_\_\_\_\_ District shall enter into an out-of-agency service agreement(s) with the previous service provider(s) for the provision of all services transferred by this action and shall present said contract(s) and/or agreement(s) to the San Bernardino LAFCO pursuant to Government Code Section 56133 within 60 days of such court determination. The affected agency(s) shall provide written consent to this condition within five (5) working days of the adoption of the resolution of approval and the protest process shall not commence until the Executive Officer has received that consent.*

### **2. RECONSIDERATION**

The Cortese-Knox-Hertzberg Act establishes procedures for agencies to request amendments to, or reconsideration of resolutions adopted by the Commission (Government~~Code~~ Section 56895). Whenever the Commission accepts a written request for amendment to, or reconsideration of an adopted resolution, the period for which a CEQA challenge may be filed ~~is~~ shall be tolled while the request for reconsideration is under review by the Commission. Following the Commission's reconsideration, the statute of limitations on the original filing of either the Notice of Determination or Notice of Exemption will continue.

### **3. REVIEW OF ENVIRONMENTAL APPEALS ~~(Adopted August 13, 1980.)~~**

Where the published notice of the LAFCO agenda items includes notice of a hearing on any possible appeal from an environmental review determination, the LAFCO may hear the appeal on the same date it hears the agenda item,

if:

- A. The appeal was timely filed;
- B. The time for filing an appeal has run;
- C. The appellant and/or applicant have received personal notice of the hearing;
- D. Any party who has requested in writing to be notified has received personal notice of the hearing; and
- E. The appeal is heard in advance of the agenda item.



**Resolution Exhibit A – Proposed  
LAFCO Policy Amendments in  
Track Change Format (Section I:  
Mission Statement and  
Commission Operations,  
Section II: Accounting and  
Financial, Section III: Human  
Resources, and Section V:  
Environmental Review)**

**Attachment 3**

## **SECTION I**

### **MISSION STATEMENT AND COMMISSION OPERATIONS**

#### **CHAPTER 1: MISSION AND AUTHORITY**

1. **TITLE:**

This Commission shall be known as the Local Agency Formation Commission for San Bernardino County or San Bernardino LAFCO.

2. **MISSION:**

On June 30, 2011, the County of San Bernardino Board of Supervisors and the Board of Directors of the San Bernardino Associated Governments (SANBAG), made up of members from each of the 24 Cities in the County and each member of the Board of Supervisors, adopted a Countywide Vision Statement. On June 16, 2012 the Commission adopted the Countywide Vision Statement, which is:

*We envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play.*

*We envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county's unique advantages and provide the jobs that create countywide prosperity.*

*We envision a sustainable system of high quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment.*

*We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to each shared goals.*

*From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.*

On June 16, 2012, the Commission adopted the following mission statement to reflect the unique circumstances and conditions which exist within San Bernardino County and to promote the Countywide Vision:

"The broad mission of the Local Agency Formation Commission for San Bernardino County is to implement the legislative direction and policies embodied in the Cortese-Knox-Hertzberg Local Government

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Reorganization Act of 2000 in a manner that provides for an orderly and efficient growth pattern that reconciles the varied needs of San Bernardino County, promotes the Countywide Vision Statement, is in keeping with the provisions of the California Environmental Quality Act, and addresses the parameters of the principle acts for Cities and Special Districts.

One of the fundamental principles of the Local Agency Formation Commission is to ensure the establishment of an appropriate, sustainable, and logical municipal level government structure for the distribution of efficient and effective public services. The Local Agency Formation Commission for San Bernardino County will encourage and promote communication among agencies (public and private), property owners and residents of the County to achieve these goals. The Commission's policies shall be carried out in an efficient and courteous manner."

The implementation of this mission statement requires San Bernardino LAFCO to implement the direction of its enabling statute by coordinating logical and timely changes in local government boundaries (§56001); conducting municipal service reviews and special studies to determine the efficiency, effectiveness and sustainability of government structures (§56430 and §56301), and the preparation of spheres of influence for each city and special district within the county (§56425). In working towards these efforts the Commission encourages the protection of agricultural and open space lands and resources as defined by statute. In promoting the Countywide Vision, it is important to understand that Local Agency Formation Commissions are independent commissions that are not a part of county government. Each commissioner is independent when weighing and reviewing information and when making determinations (Attorney General Opinion 98.802).

**3. AUTHORITY:**

The statutes governing the activities of a Local Agency Formation Commission are found under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The declared state policy for LAFCO is found in Section 56301 of the Government Code:

"Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each

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county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.”

The Cortese-Knox-Hertzberg Act gives LAFCO the authority to approve or disapprove, with or without amendment, wholly, partially, or conditionally a wide variety of proposals. These include, but are not limited to, proposals for:

- Annexation of territory to cities or special districts.
- Exclusion of land from cities or special districts.
- The consolidation of two or more cities, or two or more special districts formed under the same principal act.
- The formation of new special districts and the incorporation of new cities.
- The dissolution of special districts and disincorporation of cities.
- The establishment of a subsidiary district.
- The merger of cities and special districts.
- Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
- Establishment and amendment of a sphere of influence which is defined as a planning tool to determine the “probable physical boundary of an agency.
- The activation or divestiture of functions and/or classes of service for special districts pursuant to their principal act.
- Review and approval, approval with conditions, or denial of city or special district contracts for service outside their boundaries.

In addition to these regulatory review powers, the Commission has the authority to initiate and make studies of existing governmental agencies, which may include inventorying such agencies. As of July 1, 1994, based upon the findings of its special studies, the Commission has the authority to initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization which includes any of these outlined changes.

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The Cortese-Knox-Hertzberg Act also provides the following powers and duties, among others, to LAFCO:

- To determine whether territory proposed for annexation or detachment, or municipal reorganization is inhabited or uninhabited. ("Inhabited" means an area contains twelve [12] or more registered voters.)
- With regard to a proposal for consolidation of two or more cities or special districts, determine which city or district shall be the consolidated successor agency.
- To waive the statutory restrictions against creation of islands (unincorporated areas totally or substantially surrounded by city boundaries) if the Commission finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area would be enclosed as a result of incorporation or annexation and is so located that it cannot reasonably be annexed to another city or incorporated as a new city.
- To approve the annexation of unincorporated, noncontiguous territory not exceeding 300 acres in area, located in the same county as that in which the city is located, and which is owned by a city and used for municipal purposes; and to authorize the annexation such territory without notice or hearing. In addition, the Commission has the authority to approve the annexation of non-contiguous territory that is used as a state correctional facility, with no acreage limitation.
- To establish spheres of influence for all cities and special districts within the county, and to review and update, if necessary, those spheres of influence at least once every five years.
- To conduct "service reviews" on a regional or subregional basis, evaluating infrastructure needs or deficiencies, growth and population projections, financing constraints and opportunities, and other issues. These reviews can occur in conjunction with sphere of influence studies, and must be conducted at least once every five years.

In the approval of change of organization or reorganization proposals, LAFCOs have strong powers to attach conditions. Government Code Section 56885.5 through Section 56890 provides a broad range of conditions that the

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Commission may impose in approving an application. Those conditions range from the authority to impose special assessments to the transfer of employees among districts in a consolidation. The reader is referred to the specific Code Sections for the complete conditions authorized by statute.

The following are a few examples of how authorized conditions may be applied:

- LAFCO can require as a condition of approval, that the territory being annexed shall be responsible for payment of existing fees, charges, or assessments currently in place by the annexing agency.
- LAFCO can require as a condition of its approval that another change of organization for a related or overlapping agency be initiated, conducted, and completed. For example, if a proposal is for annexation of territory to a city, LAFCO can require that the territory also be annexed to or detached from special districts.
- LAFCO can require establishment of special assessment or improvement districts to finance capital facilities or improvements needed in affected territory.
- LAFCO can impose conditions related to the distribution of assets, financial contracts or obligations among affected agencies.
- LAFCO may impose conditions related to a local agency's employee salaries, benefits, and other personnel rights.
- LAFCO can impose a condition designating the method for selection of the Board of Directors and the number of Directors for a consolidated district.
- LAFCO can impose a condition that establishes the effective date for a change of organization.
- LAFCO can impose a condition that designates the agency to succeed to the rights, duties and obligations of an agency that is dissolved.

LAFCO is subject to and under the jurisdiction of the California Environmental Quality Act (CEQA), as are most public agencies.

## **CHAPTER 2: ORGANIZATION**

### **1. COMPOSITION:**

The Commission shall consist of seven regular and four alternate members (§56325 and §56332). By action taken in 1976, the Commission seated representatives from Independent Special Districts on the Commission (see Section V of this Manual for Special District Policies). All Commissioners must be residents of San Bernardino County.

### **2. SELECTION/APPOINTMENT OF MEMBERS:**

- A. County: The County Board of Supervisors shall appoint two regular commissioners and one alternate commissioner from the Board's membership to serve on the Commission.
- B. City: The City Selection Committee shall elect two regular commissioners and one alternate commissioner to serve on the Commission, each of whom shall be a mayor or city council member from one of the County's incorporated communities (§56325). Such selection shall be made in accordance with the procedures established by the City Selection Committee as described in its rules and regulations.
- C. Independent Special Districts: The Independent Special Districts Selection Committee shall select two regular commissioners and one alternate commissioner from the independent special districts within the County (§56332). Such appointment shall be made in accordance with the procedures established by the Special Districts Selection Committee as outlined in Section VI of this Manual.
- D. Public Member: The public member and one alternate public member are appointed by the other six commissioners (§56325(d)).

#### **POLICY (adopted June 14, 1978, amended April 16, 1997, January 1, 2001, August 2010, August 19, 2015):**

Upon announcement of a vacancy for the public member or alternate public member, the Executive Officer shall:

- (1) Publish and post a vacancy notice inviting all interested citizens of San Bernardino County to apply within 30 days. The notice shall be published and posted as follows:
  - a. Posted at the LAFCO staff office, on the LAFCO website, at the regular LAFCO hearing chamber and at the Board

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of Supervisors hearing chamber;

- b. Any other location directed by the Commission;
  - c. Publish a Notice of Vacancy in newspapers of general circulation in the County and provide mailed Notice of Vacancy to all City Clerks, the Secretary to the Board of Directors of all Independent Special Districts and the Clerk of the Board of Supervisors; and,
  - d. Issue a press release for the purpose of further advertising the vacancy.
- (2) The Executive Officer shall accept no application after the expiration of the 30 days, and shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. A review period of not less than 10 days shall follow the 30-day application period.
- (3) The Commission may select a personnel committee from among its membership for the purpose of reviewing applications and bringing its recommendations to the full Commission.
- (4) Pursuant to Government Code Section 56325 the Public and Alternate Public member candidate must receive an affirmative vote from at least one County member, one City member, and one Special District member for appointment to the position. Having met this threshold, the nominee receiving a majority of the votes cast will be appointed to the vacant position for either the unexpired or full term.

**3. TERMS OF OFFICE:**

- A. The term of office of each Commission member shall be four years, expiring on the first Monday of May in the year in which the term of the member expires (§56334).
- B. Any member of the Commission may be removed at any time and without cause by the body appointing that member. If a member who is a City, County, or Special District officer ceases to hold that position during his or her term, that member's seat on the Commission shall become vacant.
- C. Any vacancy in the membership of the Commission shall be filled for the unexpired term by appointment by the body that originally



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appointed the member whose office has become vacant. The alternate member in that category shall serve in his/her place until such time as a new regular member has been appointed.

## **CHAPTER 3: COMMISSION RULES OF ORDER**

The Rules of Order were originally adopted on June 14, 1978 for the conduct of business by the Local Agency Formation Commission for San Bernardino County. The following outlines the rules and related policies for the operation of the Commission:

### **1. FINANCIAL DISCLOSURE:**

LAFCO members are subject to the requirements of the Levine Act and California Fair Political Practices Commission (FPPC), including annual filing of the Statement of Economic Interests (Form 700) with the San Bernardino LAFCO by the date determined by the FPPC. Any member of the Commission not in compliance with this requirement is subject to the fine and penalties established by the FPPC. Please review the San Bernardino LAFCO Conflict of Interest Code for further details (available on the LAFCO website).

### **2. ELECTION OF CHAIR AND VICE CHAIR** *(Amended April 15, 2020)*

The Chair and Vice-Chair shall be elected each year, during the first meeting in the month of May, by a majority of the Commission. The Chair and Vice-Chair positions shall be limited to two consecutive one-year terms. Should a member serve two consecutive one-year terms as Chair or Vice-Chair, the member is not eligible for election to their former Chair or Vice-Chair position for at least two years.

**Deleted:** amended August 19, 2015

### **3. CHAIRMAN'S ROLE**

The Chair of the Commission shall preserve order and decorum and shall decide questions of order subject to appeal by the Commission. In the Chair's absence, the Vice Chair shall act as Chair.

### **4. CHAIR'S VOTING PRIVILEGES**

The Chair of the Commission shall, in voting procedures, have all the rights and obligations of other members.

### **5. APPOINTMENT OF STANDING AND SPECIAL COMMITTEES** *(Amended August 21, 2013)*

The Chair shall appoint such standing, ad hoc, and special committees as may be deemed necessary. Each Fiscal Year the Chair shall determine the need for an ad hoc committee to review Audit and Budgetary matters and identify the membership.

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**6. REGULAR MEETING DATE** *(Amended November 14, 1984.)*

Regular meetings of the Local Agency Formation Commission shall be held on the third Wednesday of each month. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. All regular meetings of the Local Agency Formation Commission shall be called to order at nine o'clock a.m., unless advertised differently.

**7. AGENDAS**

An agenda shall be prepared by the Commission staff for each meeting of the Commission and shall be distributed in accordance with the Government Code.

**8. ORDER OF BUSINESS** *(Amended June 17, 2009, September 28, 2011.)*

The regular order of business of the Local Agency Formation Commission shall be:

- A. Call to Order by the Chair
- B. Salute to the Flag
- C. Presentation of Consent Items; which shall include Approval of Minutes of Previous Meeting and Approval of Resolution for Previous Actions, as necessary
- D. Public Hearing Items
- E. Discussion Items
- F. Information Items or Special Matters including Commissioner Comments and Comments from the Public
- G. Adjournment

**9. SPEAKER'S PRESENTATION** *(Amended August 27, 1986 and April 16, 1997.)*

The Chair may establish a time limit at the beginning of the public hearing. All members of the public should be encouraged to speak and provide new and relevant information into the discussion.

**10. REFERRAL TO COMMITTEES**

Any matter coming before the Commission may, if deemed necessary, be referred to staff or a committee of the Commission for additional information.

**11. ADJOURNMENT OF COMMISSION HEARINGS**

The Commission may adjourn to a time and place specified in the order of adjournment. An insufficient number of Commissioners present to constitute a quorum shall be cause for adjournment. A majority of the members of the Commission (four) constitutes a quorum.

If all members are absent from any regular or adjourned regular meeting, the Clerk to the Commission may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided by law for special meetings.

**12. CLOSED SESSIONS OF COMMISSION (Amended August 27, 1986, August 19, 2015)**

The Commission may hold Closed Sessions during a regular or special meeting to consider pending or potential litigation; the appointment, employment, or dismissal of an employee; or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission may exclude from any such meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Commission. All members of the Commission, both regular and alternate, are encouraged to participate in the closed session; however, only regular members may vote on the closed session item.

**13. PARTICIPATION OF ALTERNATE MEMBERS IN DISCUSSION OF PROPOSALS**

All members of the Commission, both regular and alternate, are encouraged to participate in the discussions of a proposal before the Commission; however, only regular members may vote on the action. Alternates may vote only when sitting in the place of a regular member who is absent or is disqualified for a particular action.

**14. ABSTENTION OF VOTING**

The determination by a Commissioner to abstain from voting on any action before the Commission does not indicate, and shall not be counted as, either an "aye" or "no" vote on that count.

**15. TIE VOTES OF COMMISSION**

Four votes are necessary to approve a proposal or a motion. A proposal which receives a tie vote shall automatically be continued to the next Commission hearing. A subsequent tie vote at the next hearing of the proposal indicates automatic denial without prejudice.

**16. CALLING OF EMERGENCY OR SPECIAL HEARINGS**

An emergency or special meeting may be called at any time by the Chair of the Commission, or by a majority of the members of the Commission. Notice of such meeting must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.

## **SECTION II** **ACCOUNTING AND FINANCIAL**

### **CHAPTER 1: FINANCIAL POLICIES FOR INTERNAL OPERATIONS**

#### **INTRODUCTION:**

The following is intended to provide an overview of the accounting and financial policies and procedures applicable to San Bernardino LAFCO. San Bernardino LAFCO has entered into agreements with the County of San Bernardino to perform Information Technology (IT) support and financial and accounting services as follows:

- Production Support Agreement with the San Bernardino County Information Services Department. San Bernardino LAFCO contracts for the provision of IT services from the County of San Bernardino for its network system, computer operations, and geographic information systems services. The current contract was entered into October 2012 and continues until terminated or amended. San Bernardino LAFCO pre-approves all projects and maintenance prior to any Information Services Department (ISD) time being expended for such purposes. ISD provides San Bernardino LAFCO with an itemized monthly bill for services rendered per the Board of Supervisors' approved fees, and processes payment monthly via an interdepartmental transfer.
- Agreement with Auditor for Services. In October 2014 the County, County Auditor, and San Bernardino LAFCO entered into an agreement to formulate and maintain a cooperative working relationship in which the County and County Auditor will provide accounting and payroll services to LAFCO. The term of this agreement is from January 1, 2015 to June 30, 2017, and shall be automatically renewed for successive one-year periods unless otherwise amended or terminated.
- Agreement with Auditor/Controller for Collection of Past Due Apportionment Contributions. San Bernardino LAFCO entered into an agreement with the County of San Bernardino and its Auditor/Controller to provide for the collection of the apportioned LAFCO costs identified in Government Code Section 56381. This agreement was entered into January 26, 2010. The costs for implementation are charged back to the entity paying the apportionment.

**POLICIES:**

**1. RESOLUTIONS OF APPRECIATION** (Adopted September 12, 1979)

The Commission authorizes expenditure for mounting and framing of resolutions of appreciation for retiring LAFCO Commissioners and LAFCO staff personnel who have rendered outstanding service.

In respect to retiring Commissioners, the public purpose being served by such expenditure is that through publicly adopted resolutions of appreciation, other members of the public will also be encouraged to render public service by becoming members of various public agencies and commissions.

The public purpose of the framed resolutions of appreciation for the LAFCO staff is to give recognition for outstanding services rendered, with the purpose of maintaining high morale while at the same time providing further incentive for efficiency and productivity.

**2. DISCLOSURE OF LAFCO COMPENSATION AND BUDGET** (Adopted June 15, 2011)

In order to provide the residents, landowners and government agencies within San Bernardino County the ability to easily determine the costs for operating San Bernardino LAFCO and other financial disclosure information, the Commission hereby requires its staff to post the following information and/or documents on the Commission's website, accessible directly from its homepage:

- A. Current Fiscal Year Budget.
- B. Most Recent Audit
- C. Annual compensation paid to each Commissioner from the Local Agency Formation Commission for the preceding Calendar Year.
- D. Annual compensation paid by San Bernardino LAFCO for each employee position which shall include salary and total benefit costs in the current budget and those reported as year-to-date on the final pay period of the calendar year, pay period 26 or 27 (when applicable), on the Statement of Leave and Earnings.
- E. Fair Political Practices Commission Form 700 – Statement of Economic Interests for San Bernardino LAFCO Commissioners and Management Staff.

**3. EXPENSE REIMBURSEMENT** *(Added to the Human Resources Policies and Procedures June 16, 2011; transferred and revised June 20, 2012 to general accounting policies; Amended August 19, 2015; [April 15, 2020](#) )*

**A. GENERAL PROVISIONS**

The purpose of this section is to define the policies and procedures by which employees and Commissioners shall report and be reimbursed for necessary expenses incurred on behalf of San Bernardino LAFCO, except as may be otherwise provided in this Manual.

**B. RESPONSIBILITIES**

It shall be the responsibility of the Executive Officer and/or Appointing Authority or designee to investigate and approve each request for expense reimbursement. It shall be the responsibility of each Commissioner to receive prior approval from the Commission prior to incurring a business related expense. It shall be the responsibility of the employee to obtain prior approval from the appropriate Appointing Authority or designee to incur a business expense. Prior approval may be in the form of standing orders issued by the Appointing Authority. Failure to obtain prior approval may result in denial of any expense claim (or excess amount) not pre-approved.

**C. TRAVEL AUTHORIZATION**

- (1) Travel outside the State of California must be approved by the Commission or designee except when the trip outside California is within twenty (20) miles of the California border or travel through a location anywhere in the adjacent state as a means of arriving at a location within California.
- (2) The appointing authority or designee shall initiate Travel Requests. The Commission and Auditor/Controller-Recorder shall be notified in writing of all such designees.
- (3) The Appointing Authority or designee is authorized to approve necessary travel within the State of California and use of transportation mode consistent with this section.

**D. AUTHORIZATION FOR ATTENDANCE AT MEETINGS**

- (1) The Commission or Appointing Authorities may authorize attendance at meetings at San Bernardino LAFCO expense when the program material is directly related to an important phase of



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San Bernardino LAFCO service and holds promise of benefit to the San Bernardino LAFCO as a result of such attendance.

- (2) Authorization for attendance at meetings without expense reimbursement, but on San Bernardino LAFCO time, may be granted when the employee is engaged on the San Bernardino LAFCO's behalf, but from which the gain will inure principally to the benefit of the employee and only incidentally to San Bernardino LAFCO.

E. RECORDS AND REIMBURSEMENTS

- (1) Requests for expense reimbursement for Commissioners shall be submitted to the Executive Officer at the monthly Commission hearing or as soon as possible following completion of travel.
- (2) Requests for expense reimbursements for employees should be submitted once each month and within one year of the date that the expense was incurred.
- (3) Receipts or vouchers which verify the claimed expenditures will be required for all items of expense, except:
  - a. Subsistence, except as otherwise provided in this section.
  - b. Private mileage (paid at the standard IRS rate).
  - c. Telephone, fax or other communication-related charges including Wi-Fi and internet access fees if needed to conduct San Bernardino LAFCO business.
  - d. Other authorized expenses of less than one dollar (\$1.00).
- (4) Claims for expense reimbursement totaling less than one dollar (\$1.00) in any fiscal year shall not be paid.
- (5) Reimbursement shall not be made for any personal expenses such as, but not limited to: entertainment, barbering, personal grooming, alcoholic beverages, etc.
- (6) Except as otherwise provided in this section, expense reimbursements shall be made on an actual cost basis.
- (7) If the receipt is unavailable, the employee may submit a signed statement with an explanation of expenses (i.e., itemized list of

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expenses with location, date, dollar amount, and reason for expenses) and an explanation as to why the receipt is unavailable.

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- (8) Expense reimbursements may be made via electronic fund transfer into the financial institution of the employee's choice or by pay card. Employees who fail to make arrangements for direct deposit shall receive reimbursements via pay card.

F. TRANSPORTATION MODES

The general rule for selection of a mode of transportation is that mode which represents the lowest expense to San Bernardino LAFCO. Where an employee or Commissioner is given the choice between several means of travel (e.g., own personal vehicle, flying vs. driving, etc.) and the employee or Commissioner chooses the option that is more costly, the employee or Commissioner shall only be reimbursed for the lesser cost option. For example, if the cost of flying on an airplane is less than the cost of driving, the employee or Commissioner shall only be reimbursed for the amount the County would have paid for the flight.

(1) Travel via private automobile

Reimbursement for the use of privately owned automobiles to conduct San Bernardino LAFCO business shall be at the current IRS allowable rate. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private automobile, insurance, maintenance and all other transportation-related costs. San Bernardino LAFCO does not provide any insurance for private automobiles used on San Bernardino LAFCO business. The owner of an automobile is responsible for the personal liability and property damage insurance when the vehicle is used on San Bernardino LAFCO business.

- a. When employees, traveling on official San Bernardino LAFCO business, leave directly from their principal place of residence rather than from their assigned work location, mileage allowed to the first work contact point shall be the difference between the distance from the residence to the assigned work location and the distance from the residence to the first work contact point. If the first work contact point is closer than the assigned work location, no mileage shall be allowed. If the employee departs from the last work contact point directly to the residence, the same principle governs.

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Employees may have multiple assigned work locations. Mileage allowed is based on the assigned work location for that day. When employees have more than one assigned work location in a standard tour of duty, mileage shall be allowed between assigned work locations. In no case will mileage be allowed between the employee's residence and the assigned work location.

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- b. Travel via Rental Vehicles. Reimbursement will be provided for the cost of a rental vehicle used for business purposes if such use is approved by the Commission, Executive Officer or Appointing Authority. Reimbursement will not be provided for the additional costs incurred if any employee purchased any additional insurance or signs a Collision Damage Waiver (CDW) when renting a vehicle for San Bernardino LAFCO business. Requests for reimbursement for gasoline for rental vehicles must be accompanied by a copy of the rental agreement or rental receipt and gasoline receipt.

- c. Travel via Ride-Share Service, Taxi, or Public/Mass Transit. Reimbursement will be provided for the cost of using a ride-share service, (e.g., Uber or Lyft), taxi, or public/mass transit (e.g., bus, streetcar, and ferry) if such expenses are incurred for County business and approved by the appointing authority.

- d. Incidental Travel Expenses. Reimbursement will be provided for the cost of incidental travel expenses such as bridge tolls, road tolls and parking fees if such expenses are incurred as part of County business and approved by the appointing authority. Valet parking will not be reimbursed unless self-parking is not available or security is a concern.

(2) Travel via air

- a. Commercial Aircraft. When commercial aircraft transportation is approved, the "cost of public carrier" shall mean the cost of air coach class rate including tax and security surcharges. Travel via charter aircraft shall be limited to emergencies, or when other types of transportation are impractical or more expensive. Specific prior approval for travel via aircraft must be obtained from the Commission or Executive Officer.

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- b. Private Aircraft. When private aircraft transportation is approved by the Appointing Authority, reimbursement will be as follows:
  - i. Reimbursement for use of aircraft owned or rented and flown by San Bernardino LAFCO personnel will be for equivalent road miles at the first mile rate of the current private automobile use reimbursement schedule. Landing or tie-down fees will be reimbursed similar to auto parking charges.
  - ii. Reimbursement for trips to and from the following destinations will be limited to the cost of public carrier except when justified by unusual circumstances as determined by the San Bernardino LAFCO Executive Officer or designee: Oakland, Sacramento, San Francisco and San Jose.
  - iii. Authorized charter flights with a licensed charter service providing the aircraft and pilot will be reimbursed at actual cost. Charter flights must be individually approved by the Commission prior to departure.
  - iv. The employee/Commissioner or owner of the aircraft must maintain on file, with the San Bernardino LAFCO Office, a current policy for aviation comprehensive general liability insurance, which includes San Bernardino LAFCO as an additional insured and covers all operations performed by or on behalf of the employee or owner of the aircraft for bodily injury and property damage with a combined single limit of not less than one million dollars (\$1,000,000), per occurrence and two million dollars (\$2,000,000), general aggregate.

G. SUBSISTENCE

- (1) Subsistence allowances for lodging and meals shall not be allowed without prior approval of the appointing authority or designee as necessary for the purpose of conducting San Bernardino LAFCO business. Meal and lodging selections should represent a reasonable cost to San Bernardino LAFCO and be generally consistent with the rates established by the General Services Administration (GSA). Excess charges greater than the allowances listed below in paragraph (2) and (3) may be authorized under

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special conditions, such as a convention or conference requirement (e.g., lodging at the hotel where the conference is held) or if San Bernardino LAFCO business requires lodging and meals in an area of unusually high cost (i.e., Non-Standard Areas as established by the GSA). Employees may be reimbursed for expenses in high cost areas for the actual cost incurred, but generally not to exceed the per diem amounts established by the GSA for that area and month. Receipts are mandatory to obtain reimbursement for all lodging expenses, and except as provided below, for all meal expenses claimed.

**Deleted:** such as, but not limited to, San Francisco Bay area, Sacramento, Fresno, Los Angeles and San Diego

**Deleted:** Claims for lodging and meals which do not exceed the allowances listed below do not require r

- (2) An employee may be reimbursed for lodging expenses at actual cost, generally not to exceed the standard lodging per diem rate as established by the GSA, except as otherwise provided in paragraph (1) above.

**Deleted:** The allowance for lodging is seventy-five dollars (\$75.00) plus tax, per night, single

- (3) Except as otherwise provided in paragraph (1) above, reimbursement for meal expenses for up to three separate meals per day may be provided as follows:

**Deleted:** The allowance for meals is fifty dollars (\$50.00) plus tax and gratuity per day, for three (3) meals, or when separate meals are claimed;

a. With receipts: actual cost not to exceed eleven dollars (\$11.00) for breakfast; fifteen dollars (\$15.00) for lunch; and twenty-four dollars (\$24.00) for dinner, all plus tax and up to 15 percent gratuity.

b. Without receipts: at per diem rates not to exceed six dollars (\$6.00) for breakfast; nine dollars (\$9.00) for lunch; and nineteen dollars (\$19.00) for dinner, all plus tax and up to 15 percent gratuity.

- (4) Where the cost of a meal is included as part of a registration charge for an event (e.g., continental breakfast at a conference or training seminar) or in the cost of lodging, an employee may not claim reimbursement for that meal.

**Deleted:** Meal allowances for a business meeting/conference including meals are the actual cost

- (5) Expense Advances. Advancement of funds for business expenses can be obtained from the County through submission of the appropriate form. Advancements shall not exceed the per diem allowance set forth herein. The minimum amount to be advanced is fifty dollars (\$50.00).

H. COUNTY CREDIT CARDS

**Deleted:** /DEBIT

- (1) The County may issue a County credit to the San Bernardino LAFCO Executive Officer and require business expenses be paid for with said card.

**Deleted:** or debit card

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- (2) If unauthorized charges are placed on the card, the San Bernardino LAFCO Executive Officer shall be required to reimburse the County. If the employee fails to reimburse the County within fifteen (15) calendar days or prior to separation from San Bernardino LAFCO service, the County may recover any unauthorized charges from the employee's pay.

**4. COMMISSION STIPEND/PER DIEM PAYMENT** *(Adopted February 20, 2002; Amended May 19, 2004, and May 16, 2007)*

- A. Commission members shall receive a stipend payment of \$200 per posted and attended Commission hearing. In addition, Commission members appointed to standing committees and/or the Coalition of California LAFCOs will receive payment of a stipend for attendance. No stipend shall be paid for attendance at a conference, seminar or other meetings.
- B. All travel which is twenty (20) miles or less round trip from a member's home shall not be reimbursed. If the round trip exceeds twenty (20) miles, then all mileage is reimbursable as provided herein. All other mileage payment procedures are outlined in the Expense Reimbursement Policy, Item 3 above.

**5. ANNUAL AUDIT** *(Adopted September 28, 2011)*

**A. ROLE OF THE INDEPENDENT AUDITOR**

It is the policy of San Bernardino LAFCO to arrange for an annual audit of its financial statements to be conducted by an independent accounting firm. The independent accounting firm selected by the Commission will be required to communicate directly with the Commission upon the completion of their audit.

**B. SELECTION OF THE AUDITOR**

LAFCO shall review the selection of its independent auditor in the following circumstances:

- (1) Anytime there is dissatisfaction with the services of the current firm; or,
- (2) The Auditor shall be changed at least every five years to ensure competitive pricing and a high quality of service. San Bernardino LAFCO participates with the members of the Coalition of California LAFCOS (CCL) for a joint Request for Proposal (RFP) for auditing services.

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**6. RESERVE POLICY** *(Adopted April 21, 2011, Amended October 22, 2014)*

The Commission will require the maintenance of three separate reserves which shall be funded as a part of the annual budget adoption process as follows:

- A. The balance of San Bernardino LAFCO employee compensated absences at April 1 of each fiscal year shall be funded and placed in a committed reserve account in the following fiscal year budget;
- B. Annually the Commission shall set aside a minimum of \$200,000 in a committed reserve account for payment of potential litigation or other special need; and,
- C. A committed reserve account shall set aside funds for future payment of the Commission's net pension liability to the San Bernardino County Employees Retirement Association (SBCERA).

**7. RECORDS RETENTION POLICY** *(Adopted October 21, 2009, Amended March 21, 2018)*

It is the policy of this Commission to retain San Bernardino LAFCO's records of proceedings, electronic communications and financial documents and records in accordance with the Records Retention Schedule outlined below.

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<u>TYPE OF RECORD</u>	<u>RETENTION PERIOD</u>
<b>Records of Proceedings</b>	Government Code § 56382
<b>Electronic Communications</b>	Six months following issuance of the Certificate of Completion, Certificate of Termination, or withdrawal notification by the applicant.
<b>Financial:</b>	
Expense Reports	7 years
Budgets	7 years
Billings/Accounting Reports	7 years
Budget Change Proposals	7 years
Budget Change Concepts	7 years
Audits	7 years
Invoices	7 years
Fees/Receipts	7 years
Checks/Ledgers/Registers	7 years
Cal Stars Reports	7 years
Cost Recovery – Federal	7 years
Cost Recovery – State	7 years
Grants	7 years
Resource: California Secretary of State. "Local Government Records Management Guidelines", Feb 2006. Under the authority established by Senate Bill 742 (1999), adding Section 12236 to the Government Code.	

The Commission has adopted the financial portion of the "Local Government Records Management Guidelines", issued by the California Secretary of State pursuant to Government Code Section 12236, as may be amended from time to time by the Secretary of State, as the Commission's official retention schedule for financial documents and records. This policy shall be reviewed, and when necessary updated, at least every five years pursuant to the Secretary of State Guidelines. To implement the retention and destruction of the financial records pursuant to the Schedule, the Commission designates the Executive Officer as the Records Management Coordinator who shall present a Commission agenda item once a year related to records to be destroyed.

**8. APPORTIONMENT** *(Adopted August 17, 2016)*

In apportioning the Commission's net operating costs to the county, cities, and independent special districts pursuant to Government Code Section 56381, the apportionment distribution provided by the Auditor-Controller based upon State Controller data available at the time of the proposed LAFCO budget shall be used for billing purposes - regardless if new State Controller data are issued prior to July 1 of each year.



## **CHAPTER 2: FINANCIAL POLICIES FOR APPLICATION PROCESSING**

### **1. LAFCO FEE WAIVER/REDUCTION PROVISIONS** *(Adopted June 10, 1981 (effective July 1, 1981); Amended March 20, 1996, July 18, 2001, May 17, 2006, May 16, 2007, and November 20, 2013)*

#### **A. AUTOMATIC WAIVERS**

For proposals that correct a boundary alignment problem (i.e., a divided assessor's parcel or inadvertent exclusion), the Annexation, Detachment, or Reorganization filing fee will be automatically waived. All required deposits (anticipated direct costs for legal counsel, environmental review, and registered voter/landowner notification) including any completion fees/deposits applicable will be charged at full cost.

For reorganization proposals that require a concurrent sphere of influence amendment (expansion and/or reduction) and reorganization (annexation and/or detachment) for the same area, the Sphere of Influence Update/Service Review filing fee will be automatically waived - provided the reorganization/sphere proposal does not exceed 100 acres. The Annexation, Detachment, or Reorganization filing fee including all required deposits and any completion fees/deposits applicable will be charged at full cost.

Compliance with any of these automatic waiver conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

#### **B. AUTOMATIC REDUCTIONS**

City annexations of island areas that comply with Government Code Section 56375.3 will be assessed one-half of the LAFCO filing fee for each area of consideration. All required deposits and any completion fees/deposits applicable will be charged at full cost.

The readjustment of agency boundaries as a result of the realignment of a roadway will be reduced to a single Annexation, Detachment, or Reorganization filing fee per entity involved no matter how many changes or separate areas are included in the proposal. All required deposits and any completion fees/deposits applicable will be charged.

Compliance to any of the automatic reduction conditions is to be determined by the LAFCO Executive Officer, who is authorized to notify the applicant(s) involved.

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C. **REQUEST FOR WAIVER OR REDUCTION OF FEES** (to be reviewed and approved by the Commission):

Any applicant may request for a waiver or reduction of the LAFCO filing fee to be charged. The request must be submitted in writing and accompany the submission of the application to the LAFCO Executive Officer. The request shall include a justification for the request and the fee(s) it is requesting to be waived or the dollar amount of fees being reduced. The Executive Officer shall present the waiver/reduction request for Commission review on the consent calendar at the next regular hearing. The Commission may waive/reduce the filing fee if it determines that payment would be detrimental to the public interest pursuant to Government Code Section 56383(d). A waiver/reduction of fees is limited to those costs incurred by the Commission in processing the proposal. The Commission may authorize a waiver or reduction of the LAFCO filing fee based upon the special circumstances of the proposal, if any. Processing of the application shall be held in abeyance until a decision is rendered by the Commission regarding the request for fee waiver/reduction.

2. **LAFCO FILING FEE REFUND** (Originally Adopted May 21, 1991 as part of the Fee Schedule; Added to Policy Manual on May 17, 2006; Amended August 21, 2013; August 17, 2016; [April 15, 2020](#))

If withdrawal of an application is requested, the LAFCO Filing Fee paid for processing will be refunded in the following manner:

- A. Following issuance of the Notice of Filing; 50% refund.
- B. Following issuance of the Certificate of Filing (change of organization/reorganization) or Department Review Committee process (sphere of influence amendment); no refund.

**PROCEDURES:**

Deposits are subject to individual refund procedures outlined on the Schedule of Fees, Deposits, and Charges.

3. **INDEMNIFICATION** (Adopted May 19, 1993; effective June 1, 1993; Amended May 17, 2006; Amended August 19, 2015; August 17, 2016)

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real

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C. Following advertisement of the Commission's consideration but prior to the Commission's consideration: no refund.¶

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party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

**PROCEDURES:**

**A. Acknowledgement of LAFCO Indemnification Requirement:**

1. When a public agency adopts a resolution of application to initiate an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the resolution shall include a provision acknowledging the Commission's requirement for indemnification as outlined in this Manual.
2. When a state agency or a real party of interest initiates an application for a change of organization or reorganization, a sphere of influence amendment, or a fire protection contract, the written request shall include a statement acknowledging the Commission's requirement for indemnification as outlined in this Manual.

B. In signing the certification on the Application form, on any of the supplement forms or on the Application for Extension of Service by Contract form, the person signing acknowledges the Commission's requirement for indemnification as outlined in this Manual.

C. The Commission shall impose a condition within its resolution of approval that requires the applicant and/or the real party of interest to defend, indemnify, and hold harmless the Commission, its agents, officers, attorneys, and its employees from any claims, actions or proceedings against them to attack, set aside, void, or annul such approval.

D. The Executive Officer shall promptly notify the applicant or real party of interest of any legal action brought challenging the Commission's action, and the Commission, its agents, officers, attorneys, and employees shall cooperate fully in the defense of that action.

E. The applicant may provide their own counsel in the defense of the action taken, or the applicant may elect to use the services of San Bernardino LAFCO Counsel in that defense. In the latter case, the Executive Officer may require a deposit of funds sufficient to cover the anticipated expense of the litigation.

**4. RESPONSIBILITY FOR PAYMENT OF SPECIAL LEGAL COUNSEL COSTS**  
*(Adopted May 17, 2006, Amended August 19, 2015)*

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It is the policy of this Commission that the costs for Special Counsel shall be the responsibility of the applicant subject to the following determinations:

- A. If Special Counsel is required due to a representation conflict with the applicant of the proposal, the applicant shall be responsible for all Special Counsel charges.
- B. If Special Counsel is required due a representation conflict outside the control of the applicant, the applicant shall be responsible for paying the regular San Bernardino LAFCO Legal Counsel hourly rate. The balance of Special Counsel costs will be the responsibility of the Commission.

PROCEDURES:

The adopted procedure for the Responsibility for Payment of Special Legal Counsel Costs Policy is as follows:

Once a determination has been made pursuant to Commission Policy for Waiver of LAFCO Legal Counsel Conflicts of Interest that Special Counsel is required, the following procedure shall be followed:

- A. The Executive Officer shall promptly notify the proponents of the proposal that Special Counsel is required.
- B. An item shall be placed on the next available Commission Agenda to approve the contract for Special Counsel and to determine the method for apportioning the cost to the applicant.
- C. Once a determination is made regarding the apportionment of the cost, the Executive Officer may require a deposit of the estimated costs for Special Counsel.
- D. All Special Counsel costs that are the responsibility of the applicant shall be paid prior to issuance of the Certificate of Completion.

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**SECTION III**  
**HUMAN RESOURCES**

Internal Operating Guidelines consolidated into Human Resources Policies and Procedures – June 16, 2011

Human Resources Policies and Procedures and Benefit Plan incorporated into Policy and Procedure Manual as separate sections – September 28, 2011

Benefit Plan section consolidated into Human Resources Policies and Procedures section as Chapter V – August 19, 2015

## **CHAPTER 1: WORKING ENVIRONMENT**

### **1. EMPLOYEE ACKNOWLEDGEMENT FORM (Amended June 16, 2011)**

Consistent with applicable laws, the following policies represent the Human Resources Policies and Procedures established by the San Bernardino Local Agency Formation Commission (hereinafter "SB LAFCO"). These policies and procedures shall in no manner be interpreted as a guaranteed or implied contract between the SB LAFCO and any employee or group of employees.

All employees shall acknowledge receipt of the Human Resources Policies and Procedures by signing the form titled "Employee Receipt of San Bernardino LAFCO Human Resources Policies and Procedures" with placement of the signed form in the employee's personnel file.

### **2. AT- WILL-EMPLOYMENT (Amended June 16, 2011)**

The employment relationship between San Bernardino LAFCO and its employees is for an unspecified term and may be terminated by the employee, or SB LAFCO Executive Officer or the Commission of SB LAFCO at any time, with or without cause or advanced notice. The LAFCO Commission is the appointing authority for the LAFCO Executive Officer. The LAFCO Executive Officer is the appointing authority for all other LAFCO employees. Also, SB LAFCO reserves the right to transfer, demote, suspend and administer discipline with or without cause or advance notice.

None of the policies, procedures or contents of this manual is intended to create any contractual obligations which in any way conflict with the SB LAFCO's policy of At-Will-Employment. The at-will relationship can only be modified by a written agreement signed by the employee and the Executive Officer or the Commission of SB LAFCO.

### **3. EQUAL EMPLOYMENT OPPORTUNITY (Amended June 16, 2011)**

SB LAFCO is strongly committed to providing equal opportunity to all employees and applicants for employment. SB LAFCO does not discriminate on the basis of race, color, religion, national origin, ancestry, citizenship, sex, age, medical condition, sexual orientation, genetic characteristics, gender identity, marital status, pregnancy, physical or mental disability, caregiver responsibilities, veteran or other protected status, or on the basis of any perception that an applicant or employee has any of these characteristics or on the basis that an applicant or employee is associated with someone who has or is perceived to have these characteristics. SB LAFCO strictly prohibits the harassment of any individual on any basis listed above (see the Policy Against Harassment for further clarification).

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This policy applies to all employment practices, including recruitment, advertising, job application procedures, hiring, firing, advancement, compensation, training, benefits, transfers, social and recreational programs, and any other terms, conditions and privileges of employment.

An employee who believes that he or she has been subjected to any form of unlawful discrimination should make a complaint, preferably written, to the Executive Officer. Complaints should be specific and should include the names of individuals involved and the names of any witnesses. SB LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If SB LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken to deter any future discrimination.

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Commitment Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

**4. DISABILITY ACCOMMODATION**

SB LAFCO is committed to complying fully with state and federal disability discrimination laws. As previously stated, no program or activity administered by the employer shall exclude from participation, deny benefits to or subject to discrimination any individual based on an employee's actual or perceived disability or based on an employee's association with someone who has an actual or perceived disability.

SB LAFCO is further committed to providing reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee. If you believe you are a qualified individual with a disability and that you need a reasonable accommodation in order to perform the essential functions of your job, please notify the Executive Officer. The accommodation process is interactive and allows the applicant or employee to identify possible accommodations. However, SB LAFCO has the right to choose among effective accommodations.

**5. POLICY AGAINST HARASSMENT**

- A. SB LAFCO prohibits and will not tolerate unlawful harassment. This policy applies to all persons involved with SB LAFCO including employees, applicants, customers or persons providing services

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pursuant to a contract. This policy prohibits sexual harassment and harassment based on an individual's inclusion in a protected class, such as race, color, religion, national origin, ancestry, sex, age, medical condition, sexual orientation, gender characteristics, gender identity, marital status, caregiver responsibilities, citizenship, pregnancy, physical and mental disabilities, veteran or any other consideration made unlawful by federal, state or local laws, including persons perceived to have any of these characteristics. SB LAFCO will also take all responsible steps to prevent or eliminate unlawful harassment by non-employees, including customers, clients, and suppliers, who have workplace contact with SB LAFCO's employees. (Amended June 16, 2011)

**B. DEFINITION**

Unlawful harassment is generally conduct that: does not relate to the business of SB LAFCO; has the purpose or effect of interfering with an individual's ability to work, or that creates a hostile, intimidating or abusing work environment; and is directed at an individual because of the individual's inclusion in a protected class.

Conduct prohibited by this policy includes, but is not limited to the following:

- (1) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- (2) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawing or gestures;
- (3) Physical conduct such as assault, unwanted touching, blocking, normal movement or interfering with work because of sex, race or any other protected basis;
- (4) Threats, demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.

**C. REPORTING AND COMPLAINT PROCEDURE**

An employee who believes that he or she has been subjected to any form of prohibited harassment should make a complaint, preferably written, to his or her supervisor, the Executive Officer or the Chair of the Commission. If the employee is uncomfortable approaching either his or her supervisor, the Executive Officer or the Chair of the Commission, any other member of management is available to hear



their concerns. Managers must report all harassment complaints. Complaints should be specific and should include the names of individuals involved and the names of any witnesses.

SB LAFCO will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. SB LAFCO will maintain confidentiality to the extent possible during the investigation, however, disclosures of certain information to members of management or as required by law may be necessary. If SB LAFCO determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense up to and including termination. Appropriate action will also be taken to deter any future harassment.

**D. NON-RETALIATION**

Employees will not be retaliated against for bringing a complaint in good faith under the Equal Employment Opportunity Policy or the Policy Against Harassment, or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

**6. WORKPLACE ANTI-VIOLENCE POLICY (Amended June 16, 2011)**

SB LAFCO is committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, SB LAFCO has established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace, while on duty, while on SB LAFCO-related business, or while operating any vehicle or equipment owned or leased by SB LAFCO. This policy applies to all employees.

In order to achieve our goal of providing a workplace that is secure and free from violence, SB LAFCO must enlist each employee's support. Compliance with this policy and SB LAFCO's commitment to a zero-tolerance policy with respect to workplace violence is every employee's responsibility. A violation of the policy's terms, by engaging in or contributing to violent behavior or by threatening others with violence may lead to disciplinary action, up to and including immediate termination.

If an employee becomes aware of an imminent act of violence or threat of violence, the employee is to immediately call 911 and then notify the Executive Officer or any member of management. Employees should also immediately inform the Executive Officer about any workplace security hazards. If the Executive Officer is not readily available, employees should

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immediately inform any member of Management so that appropriate action can be taken.

There will be no retaliation against employees for bringing a complaint in good faith under the Workplace Anti-Violence Policy or for honestly assisting in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. However, disciplinary action may be taken if false or frivolous accusations are made in bad faith.

**7. DRUG AND ALCOHOL POLICY**

Because all employees deserve to work in a safe, efficient and productive environment, all employees must work free from the effects of drugs, alcohol or other controlled substances.

Drugs refer to any drug, including prescribed medication, which is not legally obtained. Using prescribed drugs for other than prescribed purposes is also not acceptable.

SB LAFCO strictly prohibits using, being under the influence of, possessing, distributing, selling or buying drugs or alcohol on SB LAFCO property or time, including break or meal periods. The possession or use of drug paraphernalia is also prohibited on SB LAFCO property or time, including break or meal periods.

Each employee is accountable for the performance of his or her job duties and personal conduct at all times. Employees should be aware that if a problem with their job performance exists, SB LAFCO will address those issues with the employee, regardless of any substance problem that the employee may have.

SB LAFCO considers failure to comply with these guidelines to be a serious matter. It may result in disciplinary action, up to and including immediate termination.

**8. RELOCATION**

The appointing authority may approve reimbursement of moving expenses incurred by new employees upon proof/receipts provided. Such reimbursement is restricted to airfare, auto mileage, meals, overnight stay, and airport transit.

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**Policy:**

- A. The SB LAFCO Executive Officer may approve moving expenses up to but not exceeding five thousand dollars (\$5,000) for any employee new to SB LAFCO employment for moving expenses authorized, incurred and documented as a result of accepting the position and remaining for twelve (12) months subsequent to hire.
- B. The SB LAFCO Executive Officer may approve moving expenses up to but not exceeding five thousand dollars (\$5,000) for any employee new to SB LAFCO employment. The Chairman of the Commission may approve such moving expenses for the SB LAFCO Executive Officer. Reimbursement of moving expenses in excess of five thousand dollars (\$5,000) must be approved by the Commission.
- C. For employees not covered by A and B above, the following provision applies.

To assist with the recruitment and appointment of qualified individuals to hard-to-recruit positions/classifications, upon request of the appointing authority, the Executive Officer or designee may authorize reimbursement of a new employee's relocation-related expenses incurred as a result of accepting employment with SB LAFCO, as follows:

<b>Miles Relocated</b>	<b>Maximum Reimbursement</b>
500-1000 Miles	\$1,000.00
1001-2000 Miles	\$2,000.00
More than 2000 Miles	\$2,500.00

- D. Such reimbursement may be provided to employees upon initial employment with SB LAFCO, provided that the employee (1) is appointed to a regular position; (2) submits original receipts documenting expenses incurred; and (3) agrees to remain employed in the regular position for at least twelve months.

If the employee voluntarily resigns employment prior to completion of 12 months service, the employee shall be required to reimburse SB LAFCO for any payment made under this subsection. If the employee fails to reimburse SB LAFCO, the amount shall be recovered via payroll recovery from the employee's final pay.

**9. WORK-AT-HOME/TELECOMMUTE (Adopted April 15, 2020)**

- A. This Work-at-Home Policy applies to employee work-at-home arrangements, whether on a continuous basis or for a specific, limited period of time. This policy and its procedures applies to LAFCO staff, and will be administered by the Executive Officer.
- B. Working at home is not an employee right or benefit and may be discontinued by the Commission or Executive Officer for any reason that is not arbitrary or capricious, at any time. Employees will be permitted to work at home at the discretion of the Executive Officer. Employees may be removed from the Telecommuting Program if they do not comply with the terms of this policy and its procedures.
- C. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Whether or not specifically articulated in the policy and procedures, work-at-home employees are subject to the same federal and State of California laws and LAFCO policies and procedures applicable to employees at the regular LAFCO worksite.
- D. A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. Any exceptions to deviating from the normal work hours must receive Executive Officer authorization beforehand. Additionally, orders from a health authority, safety authority, governor, etc... regarding shelter-in-place, safer-at-home, school closures, etc... may necessitate alternate working hours and must receive Executive Officer authorization before work begins.

PROCEDURE:

**Work-at-Home Criteria**

To be eligible to work at home, employees must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, Internet, supplies, etc.) suitable for working at home; and (3) be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others and may be appropriate to maintain continuity in the event of an emergency, or as part of a flexible work arrangement. Also, responsibilities that do not require face-to-face interaction, require minimal

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supervision, involve the extensive use of computers and/or telephones, and have clearly defined and easily measurable tasks are more appropriate for a work-at-home arrangement. The Executive Officer must examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

### **Work Schedule**

In addition to Section D, as is required for the LAFCO worksite, the Executive Officer will establish the employee's home work schedule. The employee will document all time worked and account for hours not worked with the appropriate leave designation (vacation, administrative, sick, holiday, leave without pay, etc.) and, if eligible for overtime, must receive Executive Officer authorization before working overtime.

### **Documentation**

The Executive Officer must complete the Work-At-Home Approval Form. Work-at-home documentation must include the following components:

- a description of the work to be accomplished as well as clearly defined performance requirements that are measurable and results oriented—especially when the work differs from the employee's regular job description and performance plan;
- the work schedule;
- a telephone number where the employee can be reached during the agreed-upon work schedule, and
- if LAFCO equipment is used at home, a record of such equipment

In the event of an emergency closure or situation for which the Work-at-Home Approval Form cannot be formalized ahead of time, the work-at-home approval must be documented in an email between the employee and the Executive Officer.

### **Equipment, Supplies, and Telephone/Data Connection**

The employee will use his/her own equipment, supplies, and telephone/Internet connection to perform his/her job duties. In special cases where the Executive Officer determines it is in the best interest of the organization, the Executive Officer may provide equipment necessary for the employee to perform the desired work at home. LAFCO equipment, software, data and supplies may be used only for official LAFCO business, and must be returned to LAFCO at the termination of the work-at-home arrangement, or upon request by LAFCO. The employee is responsible for operating costs, home maintenance and any other cost associated with the use of the home as an alternate work location. In the event of equipment failure or

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malfunction, the employee will immediately notify the Executive Officer. In the event of delay in repair or replacement, or any other circumstance which makes work from the home location impracticable, the employee understands that the Executive Officer may require the employee to report to the regular work site. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting.

**Security**

All LAFCO information security, and records management and retention policies that apply at the regular LAFCO worksite apply when the employee works from home.

All LAFCO rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

**Liability**

LAFCO is not liable for injuries to third persons, including family members, at the home work site. LAFCO is not liable for damages to the employee's personal or real property.

**Workers' Compensation**

The employee is covered by Workers' Compensation during the performance of official LAFCO business at the home worksite during work hours. The employee must report work-related injuries immediately to the Executive Officer and will comply with all LAFCO reporting requirements established for the purpose of reporting such claims.

## **CHAPTER 2: EMPLOYMENT**

### **1. EMPLOYMENT CATEGORIES AND CLASSIFICATIONS**

#### **A. EMPLOYMENT CATEGORIES**

- (1) These categories do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and SB LAFCO.
  - a. Exempt - Exempt employees are classified as being exempt from the provisions of the state and federal wage and hour laws and are compensated for performing defined functions and assignments, not for hours worked. Irregular hours can be expected in these positions.
  - b. Non-Exempt - Non-exempt employees are classified as being non-exempt from the provisions of the state and federal wage and hour laws and are compensated for hours worked and are paid overtime wages in accordance with state and federal regulations.
  - c. An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by SB LAFCO management.
- (2) In addition to the above categories, each employee will belong to one other employment category:
  - a. Regular Full Time - Employees who are not in a temporary status and who are regularly scheduled to work 40 hours per week are Regular Full-Time Employees and are generally eligible for SB LAFCO's benefit package, subject to the terms, conditions, and limitations of each benefit program.
  - b. Part-Time - Employees who are not assigned to a temporary status and who are regularly scheduled to work less than 40 hours per week are Regular Part-Time Employees. While they do receive all legally mandated benefits on an hourly prorated basis (such as Social Security and workers' compensation insurance), they may not be eligible for all of SB LAFCO's additional benefit programs. (Eligibility for additional optional

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benefits such as medical, life, etc., is based on the current agreements with the insurance carriers. These are reviewed annually for hours eligibility.) For additional information please refer to benefit specifics.

- c. Temporary - Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project are considered temporary. The duration of the temporary position will be based on the requirements of the project or assignment and may be full or part-time. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing, signed by the Executive Officer. Temporary employees are ineligible for SB LAFCO's benefit programs except legally mandated benefits.
- d. Dual Appointments - The appointment of two (2) full time employees to the same budgeted regular position may be authorized by the Appointing Authority to facilitate training, to make assignments to a position which is vacant due to extended authorized leave of absence or in an emergency.
- e. Job Share - When appropriate for business conditions, SB LAFCO will make reasonable accommodations for employees who desire to share their position with other qualified employees or eligible person subject to the approval of the Executive Officer. These requests must be in writing. Jobs may be shared on an hourly or daily basis. Benefits provided by SB LAFCO shall be prorated to the extent practicable.

**B. EMPLOYMENT CLASSIFICATIONS**

Classification is a management tool to ensure the accurate reflection of tasks and duties involved in each position.

Whenever positions are subject to any change as a result of classification review and are allocated within the Exempt Group, any action shall be on the recommendation of the Appointing Authority. Any request to review a classification action shall be submitted to the Appointing Authority who shall have the final and binding authority in the review process determination.



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Upgrade -- An upgrade is the reclassification of a position from one classification to another classification having a higher base salary range.

Downgrade -- A downgrade is the reclassification of a position from one classification to another classification having a lower base salary range. When a position is downgraded, the Appointing Authority may authorize continuation of the same salary rate payment to the incumbent employee that the employee received prior to the downgrading of the position by placing the employee on an "X" step, provided that the employee shall receive no future salary rate increases until the salary rate of the position held exceeds the "X" step.

## **2. COMPENSATION**

- A. It is the intention of SB LAFCO to provide compensation to its employees based on identified responsibilities, skill levels, performance of responsibilities, educational accomplishments and current comparable wages for the region.

Annual compensation reviews will be conducted to assess the employees' performance of the responsibilities as outlined in their job description. The percentage and/or dollar amount to be allocated for merit increases will be determined in the annual budget process with the Commission by recommendation of the Executive Officer. Special compensation adjustments may be made if necessary.

Bi-annual review of the compensation structures will be conducted and if appropriate, adjustments made to accommodate any necessary changes to the established salary range.

Issues regarding compensation should be addressed to the immediate supervisor, Executive Officer or appointed Human Resources Representative.

- B. SALARY RANGES (*Adopted June 16, 2011; Amended May 16, 2012; Amended October 22, 2014; Amended April 15, 2015; Amended January 27, 2016; Amended July 20, 2016; April 18, 2018; May 15, 2019*):

The following shall be the salary ranges for LAFCO positions.

Effective July 22, 2017, the following shall be the salary ranges for LAFCO positions (2.0% increase):

<b>Position</b>	<b>Hourly Range</b>
Executive Officer	\$78.10 to \$118.79

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Assistant Executive Officer	\$38.21 to \$52.61
Project Manager	\$29.88 to \$41.45
LAFCO Analyst – GIS/Database Manager	\$25.83 to \$35.49
Clerk to the Commission/Office Manager	\$22.29 to \$30.64
Administrative Assistant	\$18.35 to \$25.20

Effective July 21, 2018, the following shall be the salary ranges for LAFCO positions (3.0% increase):

<b>Position</b>	<b>Hourly Range</b>
Executive Officer	\$81.52 to \$111.20
Assistant Executive Officer	\$41.31 to 56.15
Project Manager	\$32.73 to 44.34
LAFCO Analyst – GIS/Database Manager	\$27.82 to \$37.77
Clerk to the Commission/Office Manager	\$24.92 to \$33.52
Administrative Assistant	\$20.86 to \$27.91

Effective July 20, 2019, the following shall be the salary ranges for LAFCO positions (3.0% increase):

<b>Position</b>	<b>Hourly Range</b>
Executive Officer	\$83.97 to \$114.54
Assistant Executive Officer	\$42.55 to \$57.83
Senior Analyst	\$37.84 to \$51.34
Project Manager	\$33.71 to \$45.67
LAFCO Analyst – GIS/Database Manager	\$28.65 to \$38.90
Clerk to the Commission/Office Manager	\$25.67 to \$34.53
Administrative Assistant	\$21.49 to \$28.75

Effective July 18, 2020, the following shall be the salary ranges for LAFCO positions (3.0% increase)\*:

<b>Position</b>	<b>Hourly Range</b>
Executive Officer	\$86.49 to \$117.98
Assistant Executive Officer	\$43.83 to \$59.56

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Senior Analyst	\$38.98 to \$52.88
Project Manager	\$34.72 to \$47.04
LAFCO Analyst – GIS/Database Manager	\$29.51 to \$40.07
Clerk to the Commission/Office Manager	\$26.44 to \$35.57
Administrative Assistant	\$22.13 to \$29.61

\*If assessed values are less than a two percent increase in the 2018/2019 fiscal year from the 2017/2018 fiscal year, then the County may, upon approval of the Board of Supervisors, defer this three percent increase until no later than January 1, 2021.

Each salary range shall have 14 steps. The spread between steps shall be approximately two and one-half percent (2.5%). The salary schedule shows the hourly rate for each step in the salary range.

C. SPECIAL ASSIGNMENT COMPENSATION *(Amended August 19, 2015)*

Increases in pay may be granted to recognize the temporary assignment of additional responsibilities that are significant in nature and beyond the normal scope of the position. No award shall be made in any situation related to a vacation, short-term illness or other relief which is six (6) weeks or less. The duration of such assignments are not intended to exceed one (1) calendar year except in unusual circumstances approved by both the Executive Officer and the Commission or designee. Employees will normally not be in a probationary status. The employee shall be required to meet standards for satisfactory performance.

Compensation shall be awarded in pay period increments, and shall be in the form of a specified percentage of the employee's base pay. The Appointing Authority will determine the amount in increments of one-half percent (1/2%) from a minimum of two and one-half percent (2-1/2%) up to a maximum of seven and one-half percent (7-1/2%). The additional compensation will be computed at the specified percentage of the current base pay of the employee for each pay period. Such increases in pay shall not affect an employee's step advancement in the base range pursuant to the Salary Rates and Step Advancements section.

Requests for Special Assignment Compensation may be initiated by the Appointing Authority or an employee via the Appointing Authority. The Appointing Authority and the employee bear mutual responsibility for initiating the compensation request in a timely manner and adhering

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to the compensation provisions defined in this provision. It is important to obtain Appointing Authority review of the request in advance of the date the employee begins the assignment, since there is no guarantee the request will be approved. Special Assignment Compensation is to be effective only with the Commission's written approval, assignment of the greater level of duties, and signed acceptance by the employee.

This provision shall not be utilized to circumvent or provide additional compensation over and above that which may be provided in "Classification" and "Assignment to Vacant Higher Position." These aforementioned provisions are mutually exclusive concepts and as such there shall be no dual or multiple requests based on the same facts.

**D. BILINGUAL COMPENSATION**

Upon the approval of the Commission or designee, employees required to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a condition of employment, shall be eligible for bilingual compensation in the amount of forty-five dollars (\$45.00) per pay period. Such compensation shall apply regardless of the total time required per day for such translation. Such employees must be certified as competent in translation skills by the Appointing Authority to be eligible for compensation.

**E. 15-YEAR LONGEVITY PAY (Adopted January 27, 2016)**

Effective December 10, 2016, LAFCO employees shall be eligible for longevity pay above the base rate of pay, as indicated below, based on total hours of completed continuous service with LAFCO. Longevity pay shall be excluded when determining the appropriate rate of pay for a promotion or demotion. For purposes of longevity pay only, a year of completed LAFCO service is defined as 2,080 service hours with LAFCO.

Total Completed Service	Compensation
31,200 Continuous Service Hours (15 years)	2.0%

**3. PAY POLICIES**

**A. PAYMENT OF WAGES**

All employees are paid bi-weekly (every two weeks). There are 26 pay periods each year with paydays being every other Thursday. In the

**Deleted: <#>ONE-TIME INCENTIVE PAY (Adopted April 15, 2015)**

¶ Incentive. SB LAFCO agrees to pay eligible employees a one-time incentive up to \$1,750, to be paid in one payment.¶

¶ Eligibility. In order to be eligible for the one-time incentive:¶

¶ An employee must be employed on April 18, 2015; and,¶

¶ Be in paid status in pay period 10 of 2015. Employees not in paid status in pay period 10 of 2015 shall receive the one-time incentive upon return to paid status. Employees who do not return to paid status shall not be eligible for the one-time incentive.¶

¶ An eligible employee who is part-time or job-sharing shall be eligible for a prorated one-time incentive based on regularly scheduled hours.¶

¶ An employee who has separated from SB LAFCO employment for any reason prior to pay period 10 of 2015 shall not be eligible to receive the one-time incentive.¶

¶ Payment. SB LAFCO agrees to pay eligible employees a one-time incentive up to \$1,750, to be paid in one payment, subject to withholdings. The one-time incentive shall be payable in pay period 10 of 2015.¶

¶ Special Provisions. Prior to the payment of the one-time incentive, eligible employees may make an election, in writing, to opt-out of receiving the incentive and defer the payment until a later date provided, however, such payment shall not be eligible to be paid later than one year from pay period 10 of 2015. Employees who opt-out and do not make a designation to receive the payment by March 19, 2016 shall have the one-time incentive automatically paid out in pay period 8 of 2016.

Employees who have opted-out and separate from SB LAFCO employment, and have not yet received the one-time incentive, shall have the incentive automatically paid out upon separation.¶

¶

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event that the normal payday falls on a SB LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

Employees are required to make arrangements for the direct deposit of all paychecks into the financial institution of their choice via electronic fund transfer.

**B. CORRECTIONS TO PAYROLL**

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. The employee's supervisor will be involved only if that supervisor was involved in the error. Payment due to a correction will be processed in accordance with state law.

**C. OVERTIME PAY (*Amended June 16, 2011*)**

When operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work must receive the Executive Officer's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with current federal and state wage and hour accommodations. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of overtime calculations.

**D. WORK HOURS (*Amended June 16, 2011*)**

Work schedules for employees may vary within the organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Effective July 18, 2011, the LAFCO office shall operate on a nine-day/80-hour work period with the office closed every other Friday. A schedule of days that the office is closed shall be posted on the SB LAFCO website.

**E. TIME-KEEPING**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require SB LAFCO to keep

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an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Employees should record work hours only for themselves. An employee who submits erroneous or tardy timesheets will be subject to discipline, up to and including termination.

Altering, falsifying, or tampering with time records may result in termination.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

**4. PERFORMANCE MANAGEMENT**

**A. PERFORMANCE REVIEW *(Amended June 16, 2011)***

A review and discussion of each employee's performance is conducted annually to enable the employee and the supervisor to discuss the employee's performance relative to his/her goals and objectives in addition to those of SB LAFCO. Supervisors and employees are also strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal performance evaluation is conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to a one-year cycle, on or around the employee's anniversary date. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems but never more than one year apart.

The terms for performance include:

- 1= Needs improvement
- 2= Proficient
- 3= Strong

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4= Exceptional

While merit-based pay adjustments are awarded by SB LAFCO in an effort to recognize truly superior employee performance, positive performance evaluations do not always guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the agency and depend on many factors in addition to performance. Please refer to the Compensation Policy #2 for further information. After receiving their review, employees will be asked to sign the evaluation report acknowledging that it has been presented and discussed between the employee and supervisor. The employee's signature does not represent an agreement with the performance review but rather an acknowledgement of receipt of the report and discussion.

SB LAFCO's provision of performance evaluations does not alter the at-will employment relationship.

B. ELIGIBILITY FOR STEP ADVANCEMENT (*Amended June 16, 2011, January 27, 2016; August 17, 2016; April 18, 2018, May 15, 2019*)

New employees shall be hired at step 1 of the established base salary range, except as otherwise provided in this section. Variable entrance steps may be established if justified by recruitment needs through Step 7 with the approval of the Executive Officer and through the top step with the approval of the Commission or designee.

Within the base salary range, all step advancements will be made at the beginning of the pay period in which the employee completes the required number of service hours. However, when an employee reaches the required number of service hours with 80 hours in each pay period, the step advance will be made at the beginning of the next pay period. Approval for advancement shall be based upon completion of required service hours in the classification, satisfactory work performance, and Appointing Authority recommendation.

Completed service hours shall be defined as regularly scheduled hours in a paid status, up to 80 hours per pay period. Overtime hours, disability payments, medical emergency leave, and time without pay shall not count toward step advancements. Unless otherwise approved by the Commission, step advancements within a base salary range shall be based upon a one step increment, approximately two and one-half percent. The employee shall be eligible for the first step advancement after completion of 1,040 hours and subsequent step advancements after completion of additional increments of 2,080 hours.

C. PROBATIONARY PERIOD *(Amended June 16, 2011)*

Exempt: The probationary period for exempt employees shall be 26 pay periods.

Non-Exempt: The probationary period for non-exempt employees shall be 13 pay periods.

Upon successful completion of the probationary period, regular employees will receive an annual review with their supervisor to discuss their performance relative to the established goals and objectives. The evaluation includes the measurement of both conduct and production standards. Disciplinary actions, in keeping with legal requirements in the form of suspensions, demotions, salary reductions and dismissal from SB LAFCO employment will be administered in accordance with the Human Resources Policies and Procedures. An Exempt employee with regular status may appeal an order of suspension, demotion, salary step reduction or dismissal from SB LAFCO employment to the Commission and request a hearing via a written request within five (5) work days of receipt of the order.

D. DEMOTIONS

A demotion is the appointment of an employee from an incumbent position to a position in a different classification for which the maximum rate of pay is lower. An employee demoted for disciplinary reasons shall be placed on the step within the base salary range of the class to which demoted as provided in the Order of Demotion. The Commission shall designate the classification and salary in the event demotion is authorized.

An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided the salary rate does not exceed step 14 in accordance with the provisions of the Downgrade section, with the approval of the Appointing Authority and the Commission.

E. PROMOTIONS

A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive at least the entrance rate of the new range or a two (2) step salary increase, whichever is greater, provided that no employee is thereby advanced in step nor advanced above step 14 of



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the higher base salary range. At the discretion of the Appointing Authority an employee may be placed at any step within the higher base salary range. Promotions shall be effective only at the beginning of a pay period. All promotions are subject to the review and approval of the Commission.

**5. PERSONNEL RECORDS**

Employees have the right to inspect certain documents in their personnel file, as provided by law, in the presence of a SB LAFCO representative at a mutually convenient time. Only documents previously signed by the employee are allowed to be copied. Employees may add written versions of any disputed item to their file.

SB LAFCO will attempt to restrict disclosure of your personnel file to authorized individuals within the organization. Any request for information from the file must be made to the Executive Officer or specific designee. Only the Executive Officer or specific designee is authorized to release information regarding current or former employees. Disclosure of personnel information to outside sources will be limited. However, SB LAFCO will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations.

**6. PROBLEM RESOLUTION PROCEDURE**

SB LAFCO is committed to encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management.

SB LAFCO strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. All employees are encouraged to offer positive and constructive criticism.

If there is a disagreement concerning established rules of conduct, policies, or practices, employees may express their concern through the problem resolution procedure. No one will be penalized, formally or informally, for voicing a complaint with SB LAFCO in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs where an employee believes that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps:

- A. Employee presents problem to immediate supervisor after incident occurs. If supervisor is unavailable or employee believes it would be

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inappropriate to contact that person, employee may present problem to the Executive Officer or any other member of management.

- B. Supervisor responds to problem during discussion or after consulting with appropriate management, when necessary. Supervisor documents discussion.
- C. Employee presents problem to the Executive Officer in writing if problem is unresolved.
- D. The Executive Officer reviews and considers problem. The Executive Officer informs employee of decision and forwards copy of written response to the employee's file. The Executive Officer has full authority to make any adjustment deemed appropriate to resolve the problem.
- E. If the problem is of a nature that extends beyond or involves the Executive Officer, the employee may consult the Chair of the Commission to follow the resolution procedures.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

## **7. TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization. Because employment with SB LAFCO is based on mutual consent, both the employee and SB LAFCO have the right to terminate employment at-will, with or without cause at any time.

### **A. VOLUNTARY RESIGNATION**

An employee who voluntarily resigns his/her employment is asked to prepare a written letter of resignation informing SB LAFCO of the intended resignation date. An employee is also considered to have voluntarily terminated employment by failing to report to work for three consecutive scheduled workdays without notice, or without prior approval by their supervisor.

### **B. DISCHARGE**

The violation of the policies and guidelines of SB LAFCO may result in disciplinary action up to and including termination. Although SB LAFCO may use progressive discipline including, but not limited to verbal and written warnings, suspension, probationary periods and

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termination of employment, the system is not formalized. SB LAFCO reserves the right to utilize any form of disciplinary action, up to and including immediate termination, at any stage it deems appropriate, depending on the circumstances. Although progressive discipline may be used the at-will relationship is still intact between the employee and SB LAFCO.

C. EXIT INTERVIEW

SB LAFCO will generally schedule exit interviews at the time of employment termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, conversion privileges, and repayment of outstanding debts to SB LAFCO and return of property owned by SB LAFCO in accordance with applicable state laws. Suggestions, complaints and questions are encouraged.

Employees will receive their final pay in accordance with applicable state law. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued, and of the terms, conditions and limitations of such continuance.

8. **REEMPLOYMENT**

- A. A regular employee who has terminated from SB LAFCO employment, and who is subsequently rehired in the same classification in a regular position within one year (i.e., beginning the first day of work by the 365th calendar day), may receive restoration of salary step, vacation accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with the Leave Provisions section and the Retirement Plan contribution rate provided the employee complies with any requirements established by the Retirement Board), subject to the approval and conditions established by SB LAFCO. Such employees begin accruing vacation and sick leave and may utilize the same immediately. The employee shall be required to serve a new probationary period, unless waived by the Executive Officer or designee. The employee shall be provided a new date of hire for purposes of SB LAFCO seniority.
- B. A regular employee who has terminated from SB LAFCO employment and who is subsequently rehired to a regular position in the same job family within one year, (i.e., beginning the first day of work by the 365th calendar day), may receive restoration of vacation accrual rate, sick leave, and retirement contribution rate in the same manner as described above. Such employees begin immediately accruing vacation and sick leave and may utilize the same immediately. The employee shall be required to serve a new probationary period, unless

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waived by the Executive Officer or designee. The employee shall be provided a new date of hire for purposes of SB LAFCO seniority.

- C. A regular employee who has terminated SB LAFCO employment, and who is subsequently rehired to a regular position in another job family within a ninety (90) calendar day period, must begin the first day of work within ninety (90) calendar days, may receive restoration of salary step (in the instance of rehire in the same classification at the same pay range as the position originally held), vacation accrual rate, sick leave and retirement contribution rate in the same manner as described above. The employee shall be required to serve a new probationary period, unless waived by the Executive Officer or designee.
- D. A regular employee who has been laid off from SB LAFCO employment and is subsequently rehired to a regular position within one (1) year shall receive restoration of vacation accrual rate and sick leave in the same manner as described above. Restoration of retirement contribution rate shall be in accordance with applicable state law and in compliance with any requirements established by the San Bernardino Retirement Board. For purposes of this section, a regular employee shall mean an employee in a regular position who held regular status in any classification during the previous period of SB LAFCO employment.

## **CHAPTER 3: TIME OFF**

### **1. SICK LEAVE**

#### **A. GENERAL**

SB LAFCO provides paid sick leave benefits to all regular full-time and regular part-time employees for periods of temporary absence due to illnesses or injuries. Part-time employees accrue paid sick leave on a pro-rated basis.

#### **B. DEFINITIONS (*Amended April 18, 2018*)**

- (1) Sick Leave - Sick Leave with pay is an insurance or protection provided by SB LAFCO to be granted in circumstances of adversity to promote the health of the individual employee. It is not an earned right to time off from work. Sick leave is defined to mean the authorized absence from duty of an employee because of physical or mental illness, injury, pregnancy, confirmed exposure to a serious contagious disease, for a medical, optical, or dental appointment, or other purpose authorized herein.
- (2) Immediate Family - Immediate family is defined as parent, child, or spouse or domestic partner as defined by California Family Code Section 297.
- (3) Extended Family - Extended family is defined as grandchild, grandparent, sibling, parent/sibling-in-law, aunt, uncle, niece, nephew, foster child, ward of the court, or any step relations as defined herein.
- (4) A FAMILY MEMBER, as defined by Labor Code § 245.5, is a parent, child, spouse, registered domestic partner, grandparent, grandchild, or sibling. PARENT means a biological, foster, or adoptive parent, a step parent, legal guardian, or a person who stood in loco parentis when the employee was a minor child of the employee or the employee's spouse or registered domestic partner. CHILD means a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis. DOMESTIC PARTNER is defined by Family Code § 297

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C. PRIOR SERVICE TIME *(Adopted May 20, 2009)*

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior sick leave recognized by SB LAFCO shall do all of the following:

- (1) Provide documentation of the number of sick leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination; and,
- (2) Submit payment of the total amount paid at termination for sick leave to SB LAFCO.

SB LAFCO will then recognize those hours as sick leave subject to the provisions of the Human Resources Policies and Procedures.

D. ACCUMULATION OF SICK LEAVE *(Amended June 16, 2011)*

Regular employees shall accrue sick leave for each payroll period completed, prorated on the basis of 3.69 hours per pay period, except as provided in Leave Accruals While on Disability Leave section. Earned sick leave shall be available for use the first day following the payroll period in which it is earned. Employees in regular positions paid less than 80 hours per pay period shall receive sick leave accumulation on a pro-rated basis. There is no limit on sick leave accumulation.

Temporary employees do not earn sick leave.

E. INVESTIGATION

It shall be the responsibility of each appointing authority (as defined in Section 2 of Chapter 1) to investigate each request for sick leave and to allow sick leave with pay where the application is determined to be proper and fitting.

F. NOTICE OF SICKNESS

Employees are required to notify their appointing authority within one-half hour after the start of the workday on their first day of absence. It is the responsibility of the employee to keep the supervisor informed as to continued absence beyond the first day. In the event that the employee receives a doctor's off-work order and provides notice to the supervisor, the employee is not required to contact the supervisor daily. The employee shall provide a doctor's certificate or other adequate proof in all cases of absence due to illness when requested

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by SB LAFCO. Violation of this policy will result in denial of sick leave with pay and shall be construed as grounds for disciplinary action up to and including termination.

G. USES OF SICK LEAVE *(Amended June 16, 2011)*

(1) Sick leave may be applied to the following circumstances:

- a. An absence necessitated by an employee's personal illness, injury or disability due to pregnancy, childbirth or adoption.
- b. A maximum of three days earned sick leave may be used per occurrence for bereavement due to the death of persons in the immediate or extended family, as defined herein, or any relative who resides with the employee.
- c. A maximum of 40 hours earned sick leave may be used per occurrence for arrival of an adoptive child at the employee's home. An employee (father) may utilize on an annual basis no more than 40 hours of accumulated sick leave per calendar year for the birth of his child.
- d. Medical, dental, or optical appointments when absence during working hours for this purpose is authorized by SB LAFCO.
- e. Absence due to exposure to a contagious disease when quarantine is imposed by health authorities or when it is determined by a physician designated by SB LAFCO that the presence of the employee on duty would endanger the health of others.
- f. Absence from duty because the employee's presence is needed to attend to the serious illness of a member of his or her immediate family. Employees may use up to one-half of their yearly sick leave for the purpose of attending to a family member who is ill. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for care of a child, parent or spouse. Upon approval of the appointing authority, the employee may use part of this annual allowance for attendance upon members of the employee's extended family residing in the employee's household who require the attention of the employee.

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- g. Illnesses while on paid vacation will be charged to sick leave rather than vacation only under the following conditions:
    - i. The illness or injury of the employee was of a nature that would preclude the effective use of vacation and would prevent the employee from performing his or her normal duties.
    - ii. The employee must notify his or her supervisor within 4 calendar days of the beginning of the illness or prior to the end of his or her vacation leave, whichever is sooner, to request that his or her illness on vacation be charged to sick leave.
    - iii. The agency shall be under no obligation to extend the vacation beyond the original scheduled vacation ending date.
  - (2) Absence from duty because of personal emergencies not to exceed 20 working hours during the fiscal year.
  - (3) An absence due to the air pollution alert, which prevents the employee traveling to his or her work location.
  - (4) Sick leave shall not be applied to an absence that occurs on a SB LAFCO holiday.
  - (5) In any use of sick leave, an employee's account shall be charged to the nearest quarter hour for a non-exempt employee, while exempt employees will be charged only for full-day absences.
  - (6) An employee may be required to furnish a certificate issued by a licensed physician or registered nurse or other satisfactory evidence of illness, injury, medical condition or medical or dental office calls when the agency has notified the employee in advance of such a requirement or when the employee has been under the care of a physician.
- H. **PAYOUT OF SICK LEAVE** *(Amended July 18, 2007; Amended June 16, 2011)*

SB LAFCO employees who hold regular positions at SB LAFCO and who have contributed to the San Bernardino County Employees' Retirement Association (SBCERA) retirement system for more than



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five (5) years and have not withdrawn the contributions from the system(s), and who separate from SB LAFCO service for reasons other than death or disability retirement shall receive compensation in accordance with the provisions of the Retirement Medical Trust Fund (see Section 108E of the SB LAFCO Benefits Plan).

Employees with less than 5 (five) years of continuous service from the date of hire in a regular position are not eligible for payment of unused sick leave balances upon death.

For employees with 5 (five) years of continuous service from date of hire in a regular position, upon death, the estate of a deceased employee will be paid for unused sick leave balances according to the following formula:

<b>Sick Leave Balance as of Separation Date</b>	<b>Cash Payment % of Hours of Sick Leave Balance</b>
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 1000 Hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to 100% cash payment of any unused sick leave balances, up to a maximum of 1000 hours, computed at the then current base hourly rate, if they elect early retirement in lieu of exhausting such accrued sick leave balances. In no event, shall any employee, except those receiving a disability retirement, receive compensation under this section in excess of 500 hours of pay computed at the then current base hourly rate of said employee.

While employed by SB LAFCO, employees who have contributed to a public sector retirement for over 5 (five) years and have not withdrawn the contribution from the system may exchange accrued sick leave hours in excess of 200 hours for vacation time on the following basis.

<b>Sick Leave Balance at Time of Conversion</b>	<b>Sick Leave to Vacation Leave Conversion Ratio</b>
201 to 599 Hours	3 sick hours to 1 hour of vacation
600 to 799 Hours	2.5 sick hours to 1 hour of vacation
800 or more Hours	2 sick hours to 1 hour of vacation

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Any such exchange must be made in 10 hour increments of accrued sick leave under the procedures established by the Executive Officer or designee. Employees may elect this exchange once per calendar year.

**2. VACATION**

**A. GENERAL** *(Amended June 16, 2011)*

SB LAFCO provides paid vacation benefits to all regular full-time and regular part-time employees for the recreation and well being of the employees. Part-time employees accrue paid vacation on a pro-rated basis. Employees will accrue vacation according to continuous years of service. If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon a special request of the employee and with the approval of the appointing authority.

**B. PRIOR SERVICE TIME** *(Adopted May 20, 2009)*

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior vacation leave recognized by SB LAFCO shall do the following:

- (1) Provide documentation of the number of vacation leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination.
- (2) Submit payment of the total amount paid at termination for vacation leave to SB LAFCO.

SB LAFCO will then recognize those hours as vacation leave.

**C. ACCUMULATION** *(Amended June 16, 2011)*

Employees in regular positions scheduled to work eighty (80) hours per pay period shall accrue, on pro-rata basis, vacation leave for completed pay periods. The vacation allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has worked six pay-periods from the employee's benefit date. Employees in regular positions paid less than 80 hours per pay period shall receive vacation accumulation on a pro-rated basis.

Length of Service from Service Date	Annual Vacation Allowance
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After 1,600 and through 8320 service hours	80 Hours
Over 8,320 and through 18,720 service hours	120 Hours
Over 18,720 service hours	160 Hours

There shall be no limitation on vacation leave accruals until calendar year 2011. Effective pay period 1 of 2011, the maximum vacation leave accrual balance that may be carried over to a future calendar year shall be 480 hours. However, the maximum vacation leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 480 hours at the end of calendar year 2010 shall be such employee's vacation leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum vacation accrual balance for those employees with a balance greater than 480 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased. Any vacation leave accrual balance in excess of the employee's maximum leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

Vacation should be taken annually with the approval of the appointing authority at such time as it will not impair the work schedule or efficiency of SB LAFCO but with consideration given to the wellbeing of the employee. The minimum charge against accumulated vacation leave shall be 15 minutes. Vacation leave shall be compensated at the employee's base rate of pay, except as otherwise provided. When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.

An employee whose employment terminates will be paid for accrued, unused vacation hours. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.

In cases where an employee terminates employment with SB LAFCO, and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of un-accrued time off taken.

D. CONVERSION OF VACATION LEAVE TO CASH (*Amended June 16, 2011; Amended April 18, 2018*)

- (1) Elective Conversion

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Eligible employees may be approved by the appointing authority to sell back vacation time at the then hourly base rate of the employee. Eligible employees may exercise this option under procedures established by the Executive Officer or designee. In lieu of cash, the employee may designate that part or all of the value of vacation leave be contributed to LAFCO's section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back vacation time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1, Future Accruals - An employee must make an irrevocable election during the month of December specifying the number of hours to be sold back from the next calendar year's vacation time accrual. Such election must be made, in increments of not less than 10 hours and may not exceed 160 hours. All designated hours remaining at the end of pay period 25 will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2, Existing Accruals - Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 10 hours and will be subject to a 10% penalty.

Upon approval of the appointing authority, eligible employees are permitted to sell back vacation time at the then hourly base rate of the employee, in increments of not less than 10 hours and may not exceed 160 hours.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the last pay period of the calendar year, an employee shall automatically have any vacation leave accruals in excess of the employee's maximum vacation leave accrual balance converted to cash. Such automatic vacation leave cash out shall be paid in pay period 1 of the next calendar year. At termination of employment, all existing vacation leave accruals shall be converted to cash and paid to the employee.

E. VACATION PRIOR SERVICE CREDIT *(Adopted October 22, 2014)*

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New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

**3. HOLIDAY**

**A. GENERAL (*Amended June 16, 2011*)**

Holiday time off with pay will be granted to all regular full-time and regular part-time employees, immediately upon their start date, for the days designated by SB LAFCO. Employees in regular positions are also entitled to a total of eight hours of floating holiday time annually provided that the employee is not on unpaid leave for the entire pay period and is actively on the payroll for the pay period where the floating holiday time is to accrue. Eight hours floating holiday time shall be accrued during the first pay period prior to the third Monday in January.

Recognized holidays that fall on a Saturday will be observed on the preceding Friday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. Those that fall on a Sunday will be observed on the following Monday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday. SB LAFCO reserves the right to change or substitute holidays. Employees will be given notice of any such changes.

Regular full-time and regular part-time employees are eligible for holiday pay immediately upon their start date. Holiday pay will be calculated based on an employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

If a recognized holiday falls during an employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the vacation or sick time off benefit that would otherwise have applied.

In the rare circumstances that a non-exempt employee must work on a recognized holiday, he/she will receive holiday pay plus wages at his/her straight time rate for the hours worked on the holiday. If an exempt employee must work on a recognized holiday, they may reschedule their observance of the holiday to a different (normally worked) date that is mutually acceptable to both the appointing

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authority and employee.

All employees in regular positions are entitled to the following holidays:

<b>January 1</b>	<b>November 11</b>
<b>Third Monday in January</b>	<b>Thanksgiving Day</b>
<b>Third Monday in February</b>	<b>Day after Thanksgiving</b>
<b>Last Monday in May</b>	<b>December 24</b>
<b>July 4</b>	<b>December 25</b>
<b>First Monday in September</b>	<b>December 31</b>
<b>Second Monday in October</b>	

Floating holidays accrued shall be available for use on the first day following the pay period in which they are accrued, with the approval of the appointing authority. Appointing authorities have the right to schedule employees' time off for accrued holidays to meet the needs of the service but with consideration given to the well-being of the employee. Employees in regular positions budgeted less than 80 hours per pay period or job-shared positions shall receive floating holiday accruals on a pro-rata basis.

There shall be no limitation on holiday leave accruals until calendar year 2011. Effective pay period 1 of 2011, the maximum holiday leave accrual balance that may be carried over to a future calendar year shall be 112 hours. However, the maximum holiday leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 112 hours at the end of calendar year 2010 shall be such employee's holiday leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum holiday accrual balance for those employees with a balance greater than 112 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased. Any holiday leave accrual balance in excess of the employee's maximum holiday leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

When a fixed holiday falls within a vacation period, the holiday time shall not be charged against all employee's earned vacation benefits.

Whenever an employee is required to work on a fixed holiday or the fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue, on an hour-for-hour basis, up to a total of eight hours floating holiday time.

When a fixed holiday falls on a Saturday, the previous Friday will be observed as the fixed holiday except that when the preceding Friday is

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also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. When a fixed holiday falls on a Sunday, the following Monday will be observed as the fixed holiday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday.

B. CONVERSION OF HOLIDAY LEAVE TO CASH (*Amended April 18, 2018*)

(1) Elective Conversion

An employee may sell back holiday time at the base hourly rate of the employee as hereinafter provided, upon approval of the appointing authority. Eligible employees may exercise this option under procedures established by the Executive Officer. In lieu of cash, the employee may designate that part or all of the value of holiday time to be contributed to LAFCO section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back holiday time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1. Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than eight hours and may not exceed the annual amount to be accrued for the next calendar year. All designated hours remaining at the end of pay period 25 will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2. Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash out of eight hours and will be subject to a ten percent penalty.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the calendar year, an employee shall automatically have any holiday leave accruals in excess of the employee's maximum holiday leave accrual balance converted to cash. Such

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automatic holiday leave cash out shall be paid in Pay Period 1 of the next calendar year.

Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate.

**4. OTHER TIME OFF**

**A. BEREAVEMENT LEAVE (*Amended June 16, 2011*)**

Employees in regular positions may use up to two days paid leave, not charged to the employee's personal leave balances, per occurrence for bereavement due to the death of the employee's parent, child, spouse or domestic partner, as defined by California Family Code Section 297. One additional day shall be granted if the employee travels over 1,000 miles from his/her residence to the bereavement service(s). This additional day shall not be charged to the employee's personal leave balances. The appointing authority may request verification of distance traveled. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, overtime, or shift differentials. Regular part-time employees will receive paid bereavement leave on a prorated basis.

Due to the death of persons in the immediate or extended family as defined in Section 1 of Chapter 3, employees may also, with their appointing authority's approval, use sick leave as set forth in Section 301 or any available vacation for additional time off as necessary.

Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

**B. VOTING**

Generally, employees are able to find time to vote either before or after their regular work schedule. If, however, full-time employees are unable to vote in an election during their non-working hours, SB LAFCO will grant up to 2 hours of paid time off to vote.

Employees requiring time off to vote should make their requests at least two working days prior to the election day. Advance notice is required so that the necessary time off can be scheduled at the



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beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

C. JURY DUTY AND OTHER COURT-RELATED LEAVES (*Amended June 16, 2011*)

SB LAFCO encourages employees to fulfill their civic responsibilities by serving jury duty or appearing in court as a witness when required. SB LAFCO provides paid time off for jury duty service provided that the employee waives fees for service, other than mileage. Paid leave for jury duty is available for all regular full-time and part-time employees for the duration of the jury duty. Part-time employees will be paid on a pro-rated basis.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. SB LAFCO will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

Employees in regular positions shall be entitled to a leave of absence from work when subpoenaed to testify as a witness, such subpoena being properly issued by a court, agency or commission legally empowered to subpoena witnesses. This benefit shall not apply in any case in which the subpoenaed employee is a party to the action, or the subpoena has arisen out of the employee's scope of employment. Witness leave shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate. This benefit will be paid only if the employee has demanded witness fees at the time of service of the subpoena, and such fees are turned over to SB LAFCO.

D. ADMINISTRATIVE LEAVE (*Amended June 16, 2011; April 18, 2018*)

Effective pay period 1 of each year, an employee in a regular position who is in paid status will be provided with 80 hours of Administrative Leave time for the employee's use. An eligible employee in a regular position who is part-time or job sharing shall be eligible for a prorated number of administrative leave hours based on regularly scheduled hours. Employees hired after the beginning of pay period 1 shall receive a prorated number of hours. Such proration shall be based upon the remaining number of pay periods in the calendar year nearest

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the employee's appointment. Employees not in paid status in pay period 1 shall receive, upon return to paid status, a prorated number of Administrative Leave hours based on the number of pay periods remaining in the calendar year.

Effective July 21, 2018, such administrative leave may be cashed out at the employee's then current base rate of pay in increments of one (1) hour, upon the approval of the appointing authority, during the calendar year. Any Administrative Leave accrual balances in effect at the end of the last pay period paid in the calendar year will automatically be paid at the employee's then current base rate of pay. Employees may designate that cash outs of Administrative Leave as permitted herein be allocated to SB LAFCO's 401(k) Plan or Section 457(b) Deferred Compensation Plan. Upon termination of employment, unused Administrative Leave will be paid at the current rate of pay.

E. PERFECT ATTENDANCE LEAVE (*Amended April 18, 2018*)

Employees in regular, full-time positions in SB LAFCO Groups B and C who do not utilize any sick leave, any leave (e.g. vacation) in lieu of sick leave, or benefits in lieu of sick leave (e.g. workers' compensation, Short-Term Disability partial/full integration, etc.) in a payroll calendar year (i.e., pay period 1 through pay period 26 or 27, when applicable, of the same year), and who do not record any sick leave without pay or absent without pay, medical emergency leave, or military leave as provided by law during that year, shall accrue sixteen (16) hours of perfect attendance leave, for use in the next calendar year. Failure to utilize perfect attendance leave within the calendar year shall result in forfeiture of the same. Perfect attendance leave may not be cashed out.

F. EXAMINATION LEAVE

Employees in regular positions at the time of application shall be entitled to a reasonable amount of time off with pay for the purpose of attending all examination processes required for selection to a public sector position within San Bernardino County. Employees are responsible for notifying and obtaining approval from their supervisor prior to taking such leave. Examination time off shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate. Employees on probationary status, including those who have previously held regular status in another classification, are not entitled to examination time off with pay.

G. BLOOD DONATIONS

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Employees in regular positions who donate blood without receiving compensation for such donation may have up to 2 hours off with pay with prior approval from the supervisor for each blood donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work, any time in excess of two hours may be charged to accumulated sick leave or be taken as leave without pay. Employees must provide evidence of the blood donation to the Executive Officer or Appointing Authority to receive this benefit.

Employees in regular positions who are aphaeresis donors may have up to 4 hours off with pay with prior approval of the immediate supervisor for each such donation, provided no compensation is received for such donation. This benefit shall not be charged to any accumulated leave; provided, however, if the employee is unable to work any time in excess of four hours, such time may be charged to accumulated sick leave or be taken as leave without pay. Evidence of each aphaeresis donation must be presented to the Executive Officer or Appointing Authority to receive this benefit.

**H. LEAVE ACCRUALS WHILE ON DISABILITY LEAVE**

Employees receiving the benefits of Workers' Compensation or short-term disability leave receive partial replacement of their income through these benefits. Employees on these types of disability leave may choose to fully integrate, partially integrate, or not integrate personal leave time with these disability payments.

The maximum amount the employee receives from integrating leave time with disability payments shall not exceed 100% of the employee's base salary. Paid personal leave time coded on the employee's time and labor report will be limited to the amount of leave necessary to integrate benefits to the level designated by the employee. When the exact amount is not known, a good faith estimate may be made and the amount will be adjusted later as necessary. If any overpayments are made, the employee will be required to repay that amount. An employee who knowingly receives payment in excess of his or her regular base salary is required to report it to his or her departmental payroll clerk.

Employees who are fully integrating accrued leave time with disability benefits and have at least 41 hours of any type of leave time accrued as of the prior pay period shall be eligible to receive full accruals of vacation and sick leave. Employees who are not fully integrating or employees who have less than 41 hours of any type of leave time

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accrued shall earn pro-rated vacation and sick leave accruals based upon paid leave time coded on the time and labor report only.

Employees who are fully integrating paid leave time with disability benefit(s) will be eligible for fixed holiday pay, provided they are on the payroll for the entire pay period, have no unapproved leave for the pay period and have enough leave accrued to equal at least one-half of the employee's normal scheduled hours. Employees who are partially integrating or not integrating paid leave time with disability benefits will be paid for holidays in accordance with the holiday leave provisions.

I. POLITICAL LEAVE

Any employee who is declared a candidate for public office shall have the right to a leave of absence without pay for a reasonable period to campaign for the election. Such leave is subject to the conditions governing special leaves of absence.

J. DOMESTIC VIOLENCE & SEXUAL ASSAULT VICTIM LEAVE

Employees who are victims of domestic violence or sexual assault may take unpaid time-off to appear in court to attempt to obtain relief or to ensure the health, safety or welfare of the employee or a child. This may include efforts to obtain a temporary restraining order, a restraining order, or other injunctive relief from a court. If desired, employees may use any accrued vacation time for this leave. Reasonable notice must be given to your supervisor before appearing in court. Employees who are victims of domestic violence may also take unpaid time-off to seek medical attention, obtain services from a domestic violence program, obtain psychological counseling, or participate in safety planning. If desired, employees may use any accrued time off for this leave.

K. VOLUNTEER EMERGENCY LEAVE AND TRAINING

If employees volunteer their time as a firefighter, reserve peace officer, or emergency rescue personnel, they may be entitled to take unpaid leave to perform emergency duty. Employees may take unpaid leave of up to 14 days per calendar year for the purpose of engaging in fire or law enforcement training. Time spent on this leave counts for purposes of determining "length of service." However employees will not accrue vacation or receive holiday pay during this leave.

L. ALCOHOL AND DRUG REHAB LEAVE

SB LAFCO will reasonably accommodate employees who wish to

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voluntarily enter and participate in an alcohol or drug rehabilitation program provided that the accommodation does not impose an undue hardship on SB LAFCO. SB LAFCO does not provide paid time off for participation in an alcohol or drug rehabilitation program. Employees may use any accrued vacation time or their time spent for rehabilitation leave will be unpaid.

This policy in no way restricts SB LAFCO's right to impose discipline, including actions up to and including termination of employment, for violation of SB LAFCO's drug and alcohol policy.

**M. COMPULSORY LEAVE**

If, in the opinion of the appointing authority, employees are unable to perform the duties of their position for physical or psychological reasons, they may be removed from duty without pay or may use accrued paid leave for which they are eligible. In addition, such employees may be required to submit to an examination by either a physician or other competent authority designated by the appointing authority or designee or by their own physician or practitioner, as appropriate. If the examination report of the competent authority (e.g., physician, appropriate practitioner) shows the employee to be in an unfit condition to perform the duties required of the position, the appointing authority shall have the right to compel such employee to take sufficient leave of absence with or without pay, to transfer to another position without reduction in compensation, and/or follow a prescribed treatment regimen until medically qualified to return to unrestricted duty. An employee who has been removed from duty for physical or psychological reasons by the appointing authority, and was required to submit to an examination, may not return to duty until such time as medical clearance has been obtained.

**N. SUSPENDED PUPIL/CHILD LEAVE**

California law requires employers to provide time off for parents required to visit a child's school where the child has served a period of suspension from school. To be eligible for time off to attend a child's school, the employee must be the parent of a child in kindergarten or in grades 1 through 12 and must present to his/her supervisor the school's letter, which requests the employee's appearance at the school, at least two days before the requested time off. Employees may use accrued vacation or administrative leave to attend a child's school under these circumstances. If not, suspended pupil/ child leave will be unpaid.

**O. TIME OFF FOR PARENTS**

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Employees, who are parents of one or more children in kindergarten, or in grades 1 through 12, may take time off of up to 40 hours per school year to attend authorized school activities which involve one or more of the employee's school age children. To be eligible for parental time off, the employee must obtain from the school, written verification that he or she attended or participated in the school activity. Parental time off may not exceed 8 hours in any calendar month.

Employees may use any accrued vacation or administrative leave while they attend their child's school activities. If not, employees' parental time off will be unpaid. For scheduling purposes, employees must notify their supervisors at least 1 week before the date of the school activity, so that their work duties may be covered.

**5. MILITARY LEAVE** (Amended June 16, 2011)

**A. DEFINITION**

Military leave is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training (weekend drills), full-time National Guard duty, and a period for which an employee is absent for the purpose of an examination to determine the fitness of the person to perform any such duty.

**B. NOTICE AND ORDERS**

All employees shall provide advance notice of military service unless military necessity prevents the giving of notice or the giving of notice is impossible or unreasonable. Where available, a copy of military orders must accompany the request for leave.

**C. TEMPORARY DUTY**

Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to temporary military leave of absence for the purpose of active military training provided that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty. While on paid status, an employee on temporary military leave shall receive the same vacation, holiday, and sick leave, and step advances that would have been enjoyed had the employee not been absent, providing such employee has been employed by SB LAFCO for at least one year immediately prior to the date such leave begins. In determining the one year employment requirement, all time spent in

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recognized military service, active or temporary, shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one year employment requirement shall be entitled to receive his or her regular salary or compensation, pursuant to Sub-Section E.

**D. ACTIVE DUTY**

Employees who resign from positions to serve in the Armed Forces for more than 180 days, shall have a right to return to former classification upon serving written notice to the appointing authority, no later than 90 days after completion of such service. Returning employees are subject to a physical/psychological examination.

Should such employee's former classification have been abolished, then the employee shall be entitled to a classification of comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to former classification shall include the right to be restored to such civil service status as the employee would have if the employee had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such employee of this right to restoration.

Eligible employees are also entitled to the reemployment and benefit rights as further described in the Uniformed Services and Employment and Reemployment Rights Act, 38 U. S. C. §§ 4301-4333. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, sick leave balance (unless the employee has received payment for unused sick leave in accordance with provisions contained herein), the retirement plan contribution rate, and retirement system contributions (provided the employee complies with any requirements established by the Retirement Board). However, such employee will not have accrued vacation, sick leave, or other benefit while absent from SB LAFCO employment, except as provided in the temporary duty provision.

**E. COMPENSATION**

This provision does not include an employee's attendance at weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee is required to use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine

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physical fitness for military duty must also use vacation leave, leave without pay, or make up the time. Employees cannot be required to use their accrued leave. Any employee meeting the requirements in sections C and D shall be entitled to receive their regular salary or compensation for the first 30 calendar days of any such leave. Pay for such purposes shall not exceed 30 days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays that fall within the 30 calendar days.

Employees who are called to active duty as a result of the activation of military reservists and are eligible to receive the 30 calendar day military leave compensation shall receive the difference between their regular SB LAFCO salary and their military salary starting on the 31st calendar day of military leave. The difference in salary shall continue for any additional period as outlined in the County Exempt Compensation Ordinance. During this period, SB LAFCO will continue to provide the employee all the benefits and leave accruals as were provided prior to such active duty. Retirement system contributions and service credit will be granted if the employee had enough pay to cover the entire retirement system contribution. If the employee does not receive enough pay to cover the retirement system contribution, no contribution or credit will be given. Employees should note that the Accidental Death and Dismemberment (AD&D) plan contains a war exclusion.

Employees who are eligible for military leave compensation will be placed on a leave of absence with right to return to their positions.

F. SPOUSE, CHILD OR PARENT EXIGENCY LEAVE

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which



the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**6. WORKERS' COMPENSATION LEAVE**

If an employee sustains a work-related injury, he or she will be eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational injuries.

Where an employee's work-related injury qualifies as a serious health condition, any Workers' Compensation Leave taken will be considered part of his or her entitlement, if any, to leave under the Family and Medical Rights Act (FMLA) and the California Family Rights Act (CFRA). Employees on Workers' Compensation Leave are required to keep their supervisor updated as to their work status. Employees must provide a doctor's release before returning to work.

**7. FAMILY AND MEDICAL LEAVE**

**A. ELIGIBILITY (*Amended June 16, 2011*)**

An unpaid leave of absence for family or medical care will be granted for up to 12 weeks in a 12-month period. This includes family members of all active-duty military personnel. To be eligible for family care or medical leave, the employee must have at least one year of service with SB LAFCO and at least 1,250 hours of service during the 12-month period prior to the leave. The employee must notify SB LAFCO immediately of any decision not to return to work at the end of the leave.

Part-time employees who meet the requirements will calculate family/medical leave on a prorated basis according to the number of hours they are normally scheduled to work.

You may be eligible for an unpaid family/ medical leave in the event of:

- \* The birth of a child
- \* The placement of a child for adoption or foster care
- \* Caring for veterans undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred in the past five years.
- \* The need to care for a parent, spouse, or child with a serious health condition

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- \* If you are unable to perform your essential job duties due to a serious health condition.

SB LAFCO may require proper medical certification if leave is requested in connection with the employee's own serious health condition, or the serious health condition of a family member; and in certain cases SB LAFCO can require second and third opinions.

If the need for leave is foreseeable, the employee requesting leave must give reasonable advance notice (at least 30 days) of the need for the leave. In cases where the need for leave is not foreseeable, the employee must request the leave as soon as he or she learns of the need for leave. Employees using the family care or medical leave must use accrued vacation or sick time benefits during the period of leave.

If your need for leave is due to your own serious health condition or due to the need to care for a child, spouse or parent who has a serious health condition, you must provide a health care provider's statement verifying the need for such leave and its beginning and expected ending dates. For leave for your own serious health condition, SB LAFCO may require you to obtain a second or third medical opinion. If a second or third medical opinion is requested, the cost of the examination will be paid by SB LAFCO.

If your leave exceeds 30 days, or you ask for an extension of your leave, you may be required to provide additional medical certification of your inability to return to work.

If the leave is for the care of a child after birth, adoption or foster care placement, you must complete the leave within 1 year of birth, adoption or foster care placement.

Family/ Medical leave may be taken intermittently or on a reduced schedule if it is medically necessary to care for a spouse, parent or child with a serious health condition for your own serious health condition. Leave for the birth or adoption of a child or placement of a child in foster care may be taken in amounts approved by SB LAFCO. You may be temporarily transferred to an alternative position with equivalent pay and benefits which better accommodates a reduced or intermittent schedule. Intermittent leave, reduced schedules and leaves which are foreseeable must be scheduled in a manner which will minimize disruption to operations.

**B. LENGTH OF LEAVE**

Leave will be counted as part of entitlement to family and medical leave under the Family and Medical Leave Act (FMLA) and the

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California Family Rights Act (CFRA). The maximum leave available is 12 weeks of FMLA or CFRA leave during any 12-month period (exception for pregnancy disability- see policy). For the purpose of calculating the 12-week maximum, any other qualifying disability leave, occupational disability leave or family leave taken during the 12-month period will be included. Prior pregnancy disability leave will not be included in computing the 12-week maximum under the CFRA. The 12-month period will be tracked as a rolling 12-month period measured backward from the first day of leave.

A leave to care for the child after birth, adoption or foster care placement may be limited to less than 12 weeks if your spouse is employed by SB LAFCO and is also taking family leave. If you are eligible and your leave is approved, you may not be employed with any employer, other than SB LAFCO during your leave of absence. Outside employment during your leave will result in immediate termination.

**C. IMPACT ON BENEFITS**

During any period that the employee takes leave, SB LAFCO will maintain and pay for the employee's medical coverage under a group health plan, on the same terms that apply when the employee is actively employed. The employee taking leave must make arrangements to pay the employee share of dependent premiums while on leave. The use of leave will not result in the loss of any employment benefit that accrued prior to the beginning of the employee's leave. However, accrual of additional benefits, such as vacation and sick time benefits will cease during leave.

Upon return from leave, employees must submit a physician's release. Employees will generally be reinstated to the same or equivalent position unless otherwise permitted by law.

SB LAFCO will comply with the state and federal Family Care and Medical Leave statutes.

**8. PREGNANCY DISABILITY LEAVE**

**A. GENERAL**

Pregnancy disability leaves of absence without pay are available to eligible employees who are temporarily unable to work due to a disability related to pregnancy, childbirth, or related medical conditions. Employees are normally granted unpaid leave for the period of the disability up to a maximum of 4 months within any 12-month period. Employees may substitute any accrued paid leave time for unpaid leave as part of the pregnancy disability leave period.

In addition to the 4 months pregnancy disability leave, an employee may also be eligible for up to 12 additional weeks of unpaid California Family Rights Act (CFRA) Leave within a 12-month period. If an employee qualifies for CFRA Leave in addition to Pregnancy Disability Leave, the total time she may take off is 4 months for Pregnancy Disability Leave and 12 weeks for the CFRA Leave.

**B. TO REQUEST A LEAVE**

A health care provider's statement must be submitted verifying the need for pregnancy disability leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to SB LAFCO.

Employees requesting pregnancy disability leave should contact the local branch of their State Disability office to obtain the appropriate disability forms.

**C. IMPACT ON BENEFITS**

Where an employee's pregnancy disability leave runs concurrently with leave taken pursuant to the Family Medical Leave Act (FMLA), SB LAFCO will continue to provide health insurance benefits for up to 12 weeks of approved pregnancy disability leave.

If an employee chooses to combine pregnancy disability leave with family/medical leave, the maximum amount of time SB LAFCO will pay health insurance premiums is still 12 weeks in a 12-month period. Beyond the 12 weeks, the employee may choose continuation of health insurance coverage through COBRA.

Benefit accruals, vacation and sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

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For pregnancy leaves of 30 calendar days or less, salary and performance reviews will continue as usual. A salary action which would have ordinarily taken place during the time of the leave will become effective upon return to work. For pregnancy disability leaves of over 30 days, salary and performance reviews will be extended equal to the length of the leave.

**D. RETURN FROM LEAVE**

So that an employee's return to work can be properly scheduled, an employee on pregnancy disability leave is requested to provide SB LAFCO with at least two weeks advance notice of the date she intends to return to work. When a pregnancy disability leave ends, the employee will be reinstated to the same position unless either the job ceased to exist because of legitimate business reasons or each means of preserving the job would substantially undermine the ability to operate SB LAFCO safely and efficiently. If the same position is not available, the employee may be offered a comparable position in terms of such issues as pay, location, job content, and promotional opportunities. An offer of a comparable position is contingent on such a position being available, and on SB LAFCO's determination that placing the employee in that position will not undermine SB LAFCO's ability to operate its business safely and efficiently. An employee returning from pregnancy disability leave has no greater right to reinstatement to the same or comparable position or to other benefits or conditions of employment than an employee who has been continuously employed in another position that is being eliminated.

If an employee fails to report to work promptly at the end of the pregnancy disability leave, SB LAFCO will assume that the employee has resigned.

**E. ADDITIONAL ACCOMMODATIONS**

SB LAFCO will provide reasonable accommodation to an employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider.

**CHAPTER 4: ELECTRONIC COMMUNICATION, SAFETY,  
AND EQUIPMENT**

**1. COMPUTER AND E-MAIL USAGE** *(Amended June 16, 2011)*

**A. GENERAL**

Computers, computer files, the e-mail system, and software furnished to employees are SB LAFCO property intended for business use. Employees are not entitled to privacy in regard to computer files or e-mail messages. Employees should not use a password, access a file, or retrieve any stored communication without authorization. SB LAFCO may audit and/or access computer files and e-mail messages as needed. SB LAFCO owned computers, with the exception of laptops/tablets designated for remote use, shall not be removed from the premises.

**B. E-MAIL**

SB LAFCO utilizes the existing e-mail systems of the County of San Bernardino. The County of San Bernardino e-mail systems are valuable resources for communication of information that is necessary to conduct SB LAFCO business. Employees and other authorized users are encouraged to make use of this tool to carry out their responsibilities and duties in a professional and courteous manner, which is in the best interest of SB LAFCO.

Limited, occasional or incidental use of the e-mail systems for personal purposes may be acceptable, if done in a professional and appropriate manner, not used on SB LAFCO work time, not violating prohibited activities contained in this policy and not interfering with the conduct of SB LAFCO business or the performance of the employee's duties. All messages will be treated as business messages, therefore, employees should not use the email system for messages they wish to keep private.

In order to ensure the proper use of SB LAFCO resources, SB LAFCO reserves the right without advance notice to users of the e-mail systems to monitor, access, copy or delete any messages stored on any of its e-mail systems. NO USER OF ANY COUNTY E-MAIL SYSTEM SHOULD HAVE AN EXPECTATION OF PRIVACY IN ITS USE.

Employees are expected to respect the privacy of messages sent to others using the County's e-mail systems. Therefore, no employee, except those authorized to do so, shall access, view, retrieve, listen to,

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record, tamper with, copy, change, print or delete another employee's information or communications without that employee's permission.

Some of the messages sent, received, or stored on the SB LAFCO e-mail system will constitute confidential, privileged communications between SB LAFCO and its inside or outside attorneys. Upon receipt of a message either from or to counsel, do not forward its contents to others without counsel's authorization.

SB LAFCO e-mail shall not be used to announce, advertise, or otherwise promulgate any event, cause, organization, or activity that is not an official SB LAFCO function or program. Any use of the e-mail system to promulgate a legitimate event must be approved by the SB LAFCO Executive Officer.

C. PROHIBITED EMAIL ACTIVITIES

It shall be a violation of this policy to use e-mail to violate any existing law, regulation, SB LAFCO policy, department or personnel rule. Other prohibited uses of the County's e-mail systems include, but are not limited to:

- (1) Activity that could subject SB LAFCO to civil or criminal liability.
- (2) Representing oneself as a spokesperson and/or making commitments on behalf of SB LAFCO without authorization.
- (3) Usage intended for personal or commercial financial gain (e.g., advertising), or participating in any gambling, gaming or wagering activities.
- (4) Any use of e-mail for the purpose of distributing materials, promoting causes or beliefs, or soliciting membership in, support for or donations to any organization, group or entity including, but not limited to, those of a commercial, political, charitable or ideological nature unless officially sanctioned by SB LAFCO.
- (5) Utilization of e-mail to distribute offensive, abusive, threatening, pornographic, and sexually explicit or hate messages or images.
- (6) Use of e-mail to commit illegal, fraudulent or malicious activities.
- (7) Originating or intentionally propagating computer viruses and/or chain letters or petitions.

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- (8) Disclosing confidential and/ or personal information without appropriate authorization or sharing SB LAFCO e-mail accounts or passwords to access those accounts with others.
- (9) Personal usage that results in any charges or other costs to SB LAFCO.
- (10) Subscribing to external mailing lists, notification services, or other e-mail services that are not reasonable related to the performance of assigned job duties.
- (11) Using animation, specialized graphics or colored backgrounds in e-mails.

D. SOFTWARE

SB LAFCO purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, SB LAFCO does not have the right to reproduce such software for use on more than one computer. No software owned by an employee shall be installed on a SB LAFCO owned computer without permission from the licensing authority.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. SB LAFCO prohibits the illegal duplication of software and its related documentation.

E. RESPONSIBILITIES

The SB LAFCO Executive Officer is responsible for ensuring that all policy requirements are fulfilled. County ISD will not respond to requests for e-mail access without written approval from the SB LAFCO Executive Officer or LAFCO Legal Counsel. Employees should notify their appointing authority or the Executive Officer upon learning of violations of this policy.

F. DISCIPLINE

Violations of this policy may be considered as a basis for disciplinary action, up to and including termination.



**2. ELECTRONIC COMMUNICATIONS POLICY (Adopted March 21, 2018)**

**Background and Purpose**

The Commission as the legislative body of the Local Agency Formation Commission for San Bernardino County ("LAFCO") hereby adopts the following policy regarding the conduct of LAFCO business via electronic communications by commissioners and employees. Specifically, this policy is adopted in light of the *City of San Jose* case, which held that a city employee's communications related to the conduct of public business do not cease to be public records under sent or received using a personal account or personal device.

Existing and emerging electronic communications technologies have become an integral part of the ability of Commission officials and staff members to efficiently and effectively conduct Commission business. Such technology has the potential to enhance communications with the public and provide a higher level of service to the citizens of the Commission. However, with such technology in the work environment, the Commission must ensure it continues to meet its legal obligations with respect to transparency in the conduct of the people's business, including in the area of public records disclosure and retention requirements. To that end, the following policy and procedures will be followed.

**Definitions**

For purposes of this policy, the following definitions apply:

"LAFCO" means the Local Agency Formation Commission for San Bernardino County.

"LAFCO official" for this policy shall mean any commissioner, employee of LAFCO, or person assigned an LAFCO electronic messaging account.

"LAFCO business" shall be construed broadly to mean information relating to the conduct of the public's business or communications concerning matters within the subject matter of LAFCO's jurisdiction, including, but not limited to, pending or potential LAFCO projects, past or prospective LAFCO agenda items, or LAFCO budgets or expenditures involving LAFCO funds. Resolution of the question will involve an examination of several factors, including: (a) the content itself; (b) the context in, or purpose for which, it was written; (c) the audience to whom it was directed; (d) the purpose of the communication; and (e) whether the writing was prepared by an LAFCO official acting or purporting to act within the scope of his or her employment.

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"Electronic communications" includes any and all electronic transmission, and every other means of recording upon any tangible thing in any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Without limiting the nature of the foregoing, "electronic communications" include e-mails, texts, voicemails, and also include communications on or within commercial applications (apps) such as Facebook Messenger, Twitter, WhatsApp, etc.

"Electronic messaging account" means any account that creates, sends, receives or stores electronic communications.

**Policy**

1. All LAFCO officials shall be assigned a LAFCO electronic messaging account.
2. LAFCO accounts shall be used to conduct LAFCO business. LAFCO officials shall not use personal accounts for the creation, transmission or storage of electronic communications regarding LAFCO business.
3. All LAFCO officials shall, within 30 days following the adoption of this policy, search all private, nongovernmental electronic messaging accounts to which they have user access and locate any electronic communications that might constitute a "public record", because it involved "LAFCO business", as set forth above. All such communications shall be forwarded to the LAFCO official's LAFCO-provided account. To the extent the LAFCO official believes that any part of such communications contain personal matter not related to the conduct of the public's business, the LAFCO official shall provide a declaration, as set forth in paragraphs 10 and 11, below.
4. The LAFCO account, along with the attendant access to LAFCO's account server, are solely for LAFCO and LAFCO official's use to conduct LAFCO business and shall not be used for personal business or political activities. Incidental use of LAFCO electronic messaging accounts for personal use by LAFCO officials is permissible, though not encouraged.
5. If an LAFCO official receives an electronic message regarding LAFCO business on his/her non-LAFCO electronic messaging account, or circumstances require such person to conduct LAFCO business on a non-LAFCO account, the LAFCO official shall either: (a) copy ("cc") any communication from a LAFCO official's personal electronic messaging account to his/her LAFCO electronic messaging account; or (b) forward the associated electronic communication to his/her LAFCO account no

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later than 10 days after the original creation or transmission of the electronic communication.

6. LAFCO officials shall endeavor to ask persons sending electronic communications regarding LAFCO business to a personal account to instead utilize the LAFCO official's account, and likewise shall endeavor to ask a person sending an electronic communication regarding non-LAFCO business to use the LAFCO official's personal or non-LAFCO electronic messaging account.
7. The LAFCO official shall retain all emails related to a proposal for six months following issuance of the certificate of completion, certificate of termination, or withdrawal notification by the applicant.
8. LAFCO officials understand they have no expectation of privacy in the content of any electronic communication sent or received on an LAFCO account or communication utilizing LAFCO servers. LAFCO provided electronic devices, including devices for which LAFCO pays a stipend or reimburses the LAFCO official, are subject to LAFCO review and disclosure of electronic communications regarding LAFCO business. LAFCO officials understand that electronic communications regarding LAFCO business that are created, sent, received or stored on an electronic messaging account, may be subject to the Public Records Act, even if created, sent, received, or stored on a personal account or personal device.
9. In the event a Public Records Act request is received by LAFCO seeking electronic communications of LAFCO officials, the LAFCO Clerk shall promptly transmit the request to the applicable LAFCO official(s) whose electronic communications are sought. The LAFCO Clerk shall communicate the scope of the information requested to the applicable LAFCO official, and an estimate of the time within which the LAFCO Clerk intends to provide any responsive electronic communications to the requesting party.
10. It shall be the duty of each LAFCO official receiving such a request from the LAFCO Clerk to promptly conduct a good faith and diligent search of his/her personal electronic messaging accounts and devices for responsive electronic communications. The LAFCO official shall then promptly transmit any responsive electronic communications to the LAFCO Clerk. Such transmission shall be provided in sufficient time to enable the LAFCO Clerk to adequately review and provide the disclosable electronic communications to the requesting party.
11. In the event a LAFCO official does not possess, or cannot with reasonable diligence recover, responsive electronic communications from the LAFCO

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official's electronic messaging account, the LAFCO official shall so notify the LAFCO Clerk, by way of a written declaration, signed under penalty of perjury. In addition, an LAFCO official who withholds any electronic communication identified as potentially responsive must submit a declaration under penalty of perjury with facts sufficient to show the information is "personal business" and not "public business" under the Public Records Act. The form of the declaration is attached hereto as Attachment A.

12. It shall be the duty of the LAFCO Clerk, in consultation with LAFCO's Legal Counsel, to determine whether a particular electronic communication, or any portion of that electronic communication, is exempt from disclosure. To that end, the responding LAFCO official shall provide the LAFCO Clerk with all responsive electronic communications, and, if in doubt, shall err on the side of caution and should "over produce". If an electronic communication involved both public business and a personal communication, the responding LAFCO official may redact the personal communication portion of the electronic communication prior to transmitting the electronic communication to the LAFCO Clerk. The responding LAFCO official shall provide facts sufficient to show that the information is "personal business" and not "public business" by declaration. In the event a question arises as to whether or not a particular communication, or any portion of it, is a public record or purely a personal communication, the LAFCO official should consult with the LAFCO Clerk or the Legal Counsel. The responding LAFCO official shall be required to sign a declaration, in a form acceptable to the Legal Counsel, attesting under penalty of perjury, that a good faith and diligent search was conducted and that any electronic communication, or portion thereof, not provided in response to the Public Records Act request is not LAFCO business.
13. AB 1234 (ethics) training should include a discussion of the impacts of the *City of San Jose* case and this policy. Such training should include information on how to distinguish between public records and personal records. LAFCO officials who receive AB 1234 training from other providers should actively solicit training from the alternative provider on the impacts of the *City of San Jose* case.
14. LAFCO officials understand that electronic communications regarding LAFCO business are subject to LAFCO's Records Retention Policy (Section II, Chapter 1, Policy 7), even if those electronic communications are or were created, sent, received or stored on an LAFCO official's personal electronic messaging account. It is a felony offense to destroy, alter or falsify a "public record". As such, unless the LAFCO official has cc'd/transmitted electronic communications in accordance with Paragraph 5 above, that LAFCO official must retain all electronic communications

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regarding LAFCO business, in accordance with LAFCO's adopted records retention policy, regardless of whether such electronic communication is originally sent or received on a personal electronic messaging account.

15. Failure of an LAFCO official to abide by this policy, following its adoption, may result in one or more of the following:

- Disciplinary action, up to and including termination (for employees);
- Removal from office (for commissioners);
- Censure (for commissioners);
- Revocation of electronic device privileges (including revocation of stipend or reimbursement);
- Judicial enforcement against the LAFCO official directly, by the requesting party; and

16. This policy does not waive any exemption to disclosure that may apply under the California Public Records Act.

17. Upon leave of service from LAFCO, the Email administrator will request that County ISD close the LAFCO official's Email account and copy the contents from the Email account onto an electronic medium (CD, DVD, USB flash drive) and to be retained in accordance with the Commission's Record Retention Policy.

**ATTACHMENT A**

**DECLARATION**

(attached on following page)

**2. SAFETY**

Every employee is responsible for safety. To achieve our goal of providing a completely safe workplace, everyone must be safety conscious. Employees should report any unsafe or hazardous condition directly to their supervisor immediately.

In case of an accident involving a personal injury, regardless of how serious, employees should notify a supervisor or the Executive Officer immediately. Failure to report accidents can result in a violation of legal requirements, and can lead to difficulties in processing insurance and benefit claims.

If an employee is injured on the job, he or she will be entitled to benefits under the state workers' compensation law in most cases. SB LAFCO carries workers' compensation insurance and will assist employees to obtain all benefits to which they are legally entitled.

**3. DESK INSPECTION POLICY**

Although desks, lockers, cabinets and shelves are made available for the convenience of employees while at work, employees should remember that all desks, lockers, cabinets and shelves remain the sole property of SB LAFCO. Moreover SB LAFCO reserves the right to open and inspect desks, lockers, cabinets, and shelves, as well as any contents, effects, or articles in desks, cabinets, and shelves. Such an inspection can occur at any time, with or without advance notice or consent. An inspection may be conducted before, during, or after working hours by a supervisor, manager, or security personnel designated by SB LAFCO.

Prohibited materials, including weapons, explosives, alcohol and non-prescribed drugs or medications, may not be placed in a desk, locker, cabinet or shelf. Employees may keep "lawful over-the-counter or legally prescribed drugs" in their desks, lockers or cabinets. Employees, who, if requested, fail to cooperate in any inspection, will be subject to disciplinary action, up to and including termination. SB LAFCO is not responsible for any articles that are placed or left in a desk, locker, cabinet, or shelf that are lost, damaged, stolen or destroyed.

## **CHAPTER 5: BENEFITS PLAN**

*(Benefit Plan Consolidated with Section III - Human Resources Policies and Procedures on August 19, 2015)*

### **1. INTRODUCTION**

#### **A. ADMINISTRATION OF BENEFITS**

San Bernardino LAFCO has contracted with the County of San Bernardino to administer the benefits for SB LAFCO employees equivalent to those provided to County "Exempt" employees. When questions arise, employees will first contact the SB LAFCO payroll person. If additional information is required, employees will contact the Human Resources Employee Benefits and Services Division Chief or designee.

#### **B. BENEFIT PLAN GROUPS**

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Amended October 22, 2014)*

- (1) Group A. Executive Officer
- (2) Group B. All SB LAFCO Employees not in Groups A or C
- (3) Group C. Administrative Assistant  
(hired after September 17, 2014)

### **2. MEDICAL AND DENTAL SUBSIDIES** *(Amended August 17, 2005; August 20, 2008; June 16, 2011; August 19, 2015, January 27, 2016; April 18, 2018)*

- A. SB LAFCO has established a Medical Premium Subsidy (MPS) to offset the cost of medical and dental plan premiums charged to eligible employees. The MPS shall be applied first to medical plan premiums and then to dental plan premiums. The applicable MPS amount shall be paid directly to the providers of the County-sponsored medical and dental plan in which the eligible employee has enrolled. In no case, shall the MPS exceed the total cost of the medical and dental insurance premium for the coverage selected.

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The following are the MPS amounts:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$115.00	\$230.00
Employee +1	\$176.12	\$352.23
Employee +2	\$241.32	\$482.64

Effective 7/21/18 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$117.25	\$234.50
Employee +1	\$180.60	\$361.19
Employee +2	\$247.67	\$495.34

Effective 7/20/19 the following MPS amounts shall apply:

	Scheduled for 40 to 60 hours	Scheduled for 61 to 80 hours
Employee Only	\$121.67	\$243.33
Employee +1	\$189.52	\$379.03
Employee +2	\$264.97	\$529.94

A dental Premium Subsidy (DPS) has been established for all employees who are enrolled in both County-sponsored medical and dental coverage whose premium costs for medical and dental exceeds the Medical Premium Subsidy. The amount of DPS shall be up to nine dollars forty-six cents (\$9.46), but not to exceed the combined total of the employee's out-of-pocket expenses. For example, an employee who selects "employee only" coverage for medical and dental with a combined per pay period premium cost of \$234.00 will receive a DPS in the amount of \$4.00 per pay period.

**B. ELIGIBILITY FOR MPS AND DPS WHILE ON LEAVE** (*Adopted August 19, 2015; Amended April 18, 2018*)

- (1) FMLA/CFRA - Employees who are on approved leave, pursuant to FMLA/CFRA law and whose paid hours in a pay period are less than the required number of hours designated by the applicable benefit provision will continue to be enrolled in a County-sponsored medical plan and receive MPS and DPS in accordance with applicable law.



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- (2) Pregnancy Disability Leave (PDL) – An employee on an approved pregnancy disability leave is eligible for continuation of MPS and DPS in accordance with PDL, Government Code section 12945.
- (3) Workers' Compensation – Employees who are on an approved leave based on an approved workers' compensation claim shall continue to receive the MPS and DPS for up to a total of twenty (20) pay periods while off work due to that work injury as long as the employee pays his/her portion of the premiums on time. If any subsequent workers' compensation claims occur during the initial twenty (20) pay periods, the remaining MPS eligibility from the original claim shall run concurrent with any additional approved workers' compensation claims that occur during the initial claim. For example, if the employee is receiving the MPS and DPS for twenty (20) pay periods for an injury and after ten (10) pay periods another workers' compensation claim is approved and the employee is eligible to receive the MPS and DPS for an additional twenty (20) pay periods, ten (10) pay periods will run concurrent with the initial claim, for a total of 30 pay periods. Employees who are still on workers' compensation after the expiration of the initial twenty (20) pay periods shall continue to receive MPS and DPS provided the employee is fully integrating appropriate paid leave time.
- (4) Short Term Disability – Employees who are fully integrating paid leave time with Short-Term Disability (STD) insurance provided by the County or State Disability Insurance (SDI) shall continue to receive the MPS and DPS.
- (5) Per Episode of Illness or Injury - Employees who are on an approved medical leave of absence and whose paid hours in a pay period are less than the required number of hours will continue to receive the benefits of this subsection for up to six pay periods per episode of illness or injury.

**3. MEDICAL AND DENTAL INSURANCE** (Amended August 17, 2005; June 16, 2011; August 19, 2015)

Except as otherwise provided, all eligible employees scheduled to work 40 hours or more per pay period in a regular position must enroll in a medical and dental plan offered by SB LAFCO through the County. Employees who fail to elect medical and dental plan coverage will be automatically enrolled in the medical and dental plan with the lowest biweekly minimum premium rates available in the geographical location of the employee's primary residence. Medical and dental plan coverage will become effective on the first day of the pay period following the first pay period in which the employee is scheduled to

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work forty (40) hours or more and received pay for at least one-half plus one hour of scheduled hours.

To continue enrollment in County-sponsored medical and dental plan coverage, a SB LAFCO employee must remain in a regular position scheduled to work for a minimum of 40 hours per pay period and have received pay for at least one-half plus one hour of scheduled hours or be on approved leave for which continuation of medical and dental coverage is expressly provided for, or be eligible for and have timely paid the premium for COBRA continuation coverage.

Enrollment elections must remain in effect for the remainder of the Plan Year unless an employee experiences an IRS qualifying event.

Eligible employees may elect to enroll dependents upon initial eligibility for medical and dental insurance. Thereafter, newly eligible dependents may be enrolled within sixty (60) days of obtaining dependent status, such as birth, adoption, marriage, or registration of domestic partnership.

Notification of a mid-year qualifying event must be submitted to the SB County Human Resources Employee Benefits and Services Division Chief or designee in accordance with procedures adopted by the County. Employees are responsible for notifying the County within sixty (60) days of dependent's change in eligibility for the County plans.

Dependent(s) must be removed mid-Plan year when a dependent(s) becomes ineligible for coverage under the insurance plan eligibility rules, for example, divorce, over-aged dependent, or termination of domestic partnership.

Premiums for coverage will be automatically deducted from the employee's pay warrant. Failure to pay premiums will result in loss of coverage for the employee and/or the dependents. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Employee Benefits and Services Division.

Employees eligible for medical plan coverage who are also enrolled in comparable group medical plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in the County-sponsored medical plan (opt-out or waive). Employees scheduled to work 61 to 80 hours per pay period who elect to opt-out or waive the County-sponsored medical plan coverage will be provided bi-weekly amounts as follows:

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- A. Employees who elected to opt-out of County-sponsored health plan coverage prior to July 9, 2005 and continue to opt-out will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$80.77	\$161.54

- B. Employees who elected to waive health plan coverage to a spouse or domestic partner currently employed by the County prior to July 9, 2005 will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$115.00	\$230.00

- C. New opt-outs or waivers (i.e., new employees and current employees who opted-out or waived effective July 9, 2005 and any time thereafter) will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$20.00	\$40.00

To receive these amounts, the employee must be paid for a minimum of one-half plus one of their scheduled hours. For instance, an employee scheduled to work 80 hours must be paid for a minimum of 41 hours during a pay period to receive the opt-out or waive amounts.

Employees eligible for County-sponsored dental plan coverage who are also enrolled in a comparable group dental plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in their County-sponsored dental plan.

The rules and procedures for electing to opt-out or waive the County-sponsored medical and dental plan coverage are established and administered by the SB County Human Resources Employee Benefits Department and Services Division.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage(s) within 60 calendar days of the effective date of gaining other employer group coverage. Proof of initial gain of other group coverage is required at the time that opt-out or waive is elected.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage during an annual open enrollment period. All

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employees who are newly opting-out or waiving during an open enrollment period must provide verification of other employer group coverage.

Except as required at the initial opt-out/waive election, employees are not required to provide verification of continued coverage unless requested by the plan administrator.

Employees who voluntarily or involuntarily lose other employer group health plan coverage must enroll in a County-sponsored medical and/or dental plan within 60 calendar days. Enrollment in the County-sponsored plan will be provided in accordance with the requirements of the applicable plan.

There must be no break in the employee's medical and/or dental plan coverage between the termination date of the other employer group coverage and enrollment in a County-sponsored medical and/or dental plan. Terms and conditions of the applicable plan will determine the required retroactive enrollment period and premiums required to implement coverage. Failure to notify the County of loss of group coverage within 60 calendar days will require the employee to pay insurance premiums retroactively on an after-tax basis.

**4. LIFE INSURANCE**

**A. TERM LIFE INSURANCE** *(Amended June 16, 2011; August 19, 2015)*

SB LAFCO will pay the premium for a term life insurance policy, the amount of which is based on the eligible employee's scheduled hours. Employees scheduled from 40 to 60 hours per pay period shall receive \$25,000 in coverage. An employee scheduled from 61 to 80 hours shall receive \$50,000 in coverage. Life insurance will become effective on the first day of the pay period following the employee's first pay period in which the employee is paid for one half plus one of their scheduled hours. For example, an employee scheduled for 80 hours must be paid for a minimum of 41 hours. For pay periods in which the employee does not meet the paid hours requirement, the employee shall have the option of continuing life insurance coverage at the employee's expense.

**B. VARIABLE UNIVERSAL LIFE INSURANCE** *(Amended May 16, 2007; June 16, 2011; August 19, 2015)*

Eligible SB LAFCO employees may purchase, through payroll deductions, variable group universal life insurance subject to carrier requirements and approval. The benefit levels for such insurance shall be equivalent to no more than three (3) times the employee's annual base earnings. Employees who purchase variable group universal life

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insurance shall be provided a SB LAFCO contribution towards the bi-weekly premium based on the following:

Benefit Group A

(Executive Officer) = 50% of the premium of the one-time annual base salary or 100% of the premium equal to 50 percent of the one time annual base salary.

Benefit Groups B and C

(All other SB LAFCO employees) = 25% of the premium of the one-time annual base salary.

C. VOLUNTARY LIFE INSURANCE *(Amended August 19, 2015)*

In accordance with the procedures established by the County Human Resources Employee Benefits and Services Division, eligible employees may purchase, through payroll deductions, term life insurance subject to carrier requirements.

New employees shall become initially eligible to participate in these programs on the first day of the pay period following the pay period in which the employee works and receives pay for one-half plus one of their regularly scheduled hours. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the Employee Benefits and Services Division.

D. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE  
*(Amended August 19, 2015)*

Eligible employees may purchase amounts of Accidental Death and Dismemberment Insurance coverage for themselves and dependents through payroll deduction. New employees shall become initially eligible to participate in these programs on the first day of the pay period following the first pay period in which the employee works and receives pay for one-half plus one of their regularly scheduled hours. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Human Resources, Employee Benefits and Services Division. The benefits will be provided subject to carrier requirements, and will be administered by the County Employee Benefits and Services Division.

E. LONG-TERM DISABILITY INSURANCE *(Amended August 19, 2015)*

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SB LAFCO will provide employees with long-term disability insurance through the county subject to carrier requirements and approval. The benefit levels or such insurance shall be those approved by the County's Director of Human Resources. Integration of leave balances (e.g., sick, vacation, etc.), either partially or fully, are not allowed in conjunction with long-term disability benefits.

F. **SHORT-TERM DISABILITY INSURANCE** *(Amended June 16, 2011; August 19, 2015; April 18, 2018)*

SB LAFCO will provide an employer paid Short-Term Disability Insurance Plan through the County for employees. This benefit shall apply to employees in regular positions who are regularly scheduled to work 40 or more hours per pay period. The Short-Term Disability Insurance Plan benefit coverage shall be governed by the Plan Document that has been approved and adopted by the Board of Supervisors for Exempt Group employees and is subject to carrier requirements and approval. The short-term disability insurance plan benefit coverage shall include a provision for a seven (7) consecutive calendar day waiting period from the first day of disability before benefits begin. Benefits shall be fifty-five percent (55%) of base salary up to a weekly maximum established a formula that incorporates the State of California for the State Disability Insurance fund maximum. Benefit payments terminate when the employee is no longer disabled or upon termination of employment from SB LAFCO, or after receiving 180 days of benefits at which time the employee would be eligible for long-term disability benefits if still medically disabled.

G. **VISION CARE INSURANCE** *(Amended August 19, 2015)*

SB LAFCO will pay the premiums for vision care insurance for employees who are in paid status and their dependents, subject to carrier requirements the same as provided to County exempt employees.

5. **SECTION 125 PREMIUM CONVERSION PLAN** *(Amended August 19, 2015)*

Eligible employees shall be provided with a Section 125 Premium Conversion Plan. The purpose of the Plan is to provide employees a choice between paying premiums with either pre-tax salary reductions or after-tax payroll deductions for medical insurance, dental insurance, vision insurance, voluntary life (to the IRS specified limit) and accidental death and dismemberment insurance premiums currently maintained for Exempt employees or any other program(s). The amount of the pre-tax salary

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reduction or after-tax payroll deduction must be equal to the required insurance premium.

Medical and dental coverage elections shall not reduce earnable compensation for purposes of calculating benefits or contributions for the San Bernardino County Employees' Retirement Association. To be eligible for this benefit, an employee must be eligible to participate in medical, dental, vision, AD&D, and/or life insurance and have a premium deduction for these benefit plans.

Election of pre-tax and after-tax payroll deductions shall be made within sixty (60) days of the initial eligibility period in a manner and on such forms designated by the San Bernardino County Human Resources Employee Benefits Department and Services Division Chief, or designee. Failure to timely submit appropriate paperwork will result in after-tax deductions for all eligible premiums for the remainder of the Plan Year.

Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal Revenue Service rulings and regulations and consistent with the County's Plan Document. The employee must submit request for a change due to a mid-year qualifying event within sixty (60) days of the qualifying event.

**6. FLEXIBLE SPENDING ACCOUNT** *(Amended August 17, 2005; May 16, 2007; June 16, 2011; May 20, 2015; August 17, 2016)*

The County has established a medical expense reimbursement plan, Flexible Spending Account (FSA), for employees in regular positions. The Exempt FSA is established in accordance with the provisions of Internal Revenue Code (IRC) Section 125. The Human Resources Employee Benefits Department will serve as the Plan's Administrator and will administer the Exempt FSA in accordance with the County's exempt medical expense reimbursement plan document. SB LAFCO contracts with SB County to provide this benefit to its employees.

Eligible employees may contribute to the FSA, on a pre-tax basis, up to the IRC maximum per biweekly pay period. SB LAFCO will contribute up to (\$40.00) per bi-weekly pay period, matching employee contributions dollar for dollar (effective July 23, 2016).

Upon enrolling in the Plan, employees may not change their designated bi-weekly contribution amount or discontinue making contributions for the remainder of the plan year except as permitted by the IRC. Any unused amounts remaining in an employee's account at the end of the plan year shall be forfeited except as permitted by the IRC and the County's exempt medical expense reimbursement plan document.

**7. DEPENDENT CARE ASSISTANCE** *(Amended August 20, 2008; June 16, 2011)*

The purpose of this Section 125 Dependent Care Assistance Plan (DCAP) is to permit eligible employees to make an election to pay for certain dependent care expenses with salary reductions from compensation contributed to the Plan before federal income or social security taxes are paid to the Internal Revenue Service ("Salary Reduction") in accordance with Sections 125 and 129 of the Internal Revenue Code of 1986 (IRC) and regulations issued pursuant thereto. DCAP shall be construed to comply with said Code Sections and to meet the requirements of any other applicable provisions of law.

SB LAFCO participates in the DCAP that is administered by the County's Human Resources Department, Division Chief, Employee Benefits and Services Division in accordance with the dependent care assistance plan document and applicable law.

To be eligible for this benefit, an employee must be in a regular position.

Enrollment in the Plan is required every Plan Year and is limited to the annual open enrollment period or no later than sixty (60) calendar days following the date of becoming eligible due to a mid-year change in status event. Failure to submit participation agreement within the time frame shall result in an election to not participate in the Plan.

An employee must elect to contribute to DCAP through salary reduction on forms approved by the County Human Resources Division Chief, Employee Benefits & Services Division. An employee election to participate shall be irrevocable for the remainder of the plan year. Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal Revenue Service rulings and regulations and with the County's Plan Document.

Pursuant to IRC §125, any amounts remaining in the employee's account at the end of a Plan year must be forfeited except as permitted by the IRC and the Plan Document.

**8. SALARY SAVINGS PLANS**

**A. 401K PLAN** *(Amended August 17, 2005; May 16, 2007; August 20, 2008; June 16, 2011)*

Biweekly contributions of SB LAFCO employees to the County's 401(k) Defined Contribution Plan will be matched by a SB LAFCO contribution



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on the basis of two times the employee's contribution. The biweekly contributions of employees in Groups A and B of up to four percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the employee's contribution, not to exceed eight percent of an employee's biweekly base salary. The biweekly contributions of employees in Group C to the County's 401(k) Defined Contribution Plan of up to three percent of biweekly base salary will be matched by a SB LAFCO contribution of two times the employee's contribution. The SB LAFCO contribution shall not exceed six percent of an employee's biweekly base salary.

**B. 457 DEFERRED COMPENSATION PLAN (*Amended June 16, 2011*)**

- (1) Bi-weekly contributions of SB LAFCO Group A employees to the County's Section 457 Deferred Compensation Plan up to one percent (1%) of an employee's bi-weekly base salary will be matched by a SB LAFCO contribution on the basis of one (1) times the employee's contribution. The SB LAFCO contribution shall not exceed one percent of the employee's biweekly salary. The contribution shall be deposited in the County's 401(a) Plan.
- (2) Bi-weekly contributions of SB LAFCO Group B and C employees to the County's Section 457 Deferred Compensation Plan up to one percent (1%) of an employee's bi-weekly base salary will be matched by a SB LAFCO contribution of one-half (1/2) times the employee's contribution. The SB LAFCO contribution shall not exceed one-half percent (1/2%) of the employee's bi-weekly salary. The contribution shall be deposited in the County's 401(a) Plan.

**9. RETIREMENT**

**A. SB LAFCO CONTRIBUTIONS (*Amended August 17, 2005; May 16, 2007; June 16, 2011, April 17, 2013; April 18, 2018*)**

LAFCO shall pay all required employer contributions to the San Bernardino County Employee's Retirement Association (SBCERA). Effective June 18, 2011, the SB LAFCO seven percent (7%) pick up of a portion of the employee's required contribution to SBCERA shall be discontinued, and the supplemental amounts provided in the paragraph below shall be the only employee contribution pick up. Effective July 21, 2018, the supplemental amounts provided below shall be discontinued, and the amounts shall be included in base salary prior to the three percent across the board salary increase also scheduled for July 21, 2018, as reflected in the salary schedules and tables as set forth in this Section.

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Employees who are Tier 1 members shall receive the following supplemental amounts biweekly to be applied under this section: Group A employee, \$236.41 per bi-weekly pay period; Group B employees, \$152.17 per bi-weekly pay period; Group C employees, \$94.67 per bi-weekly pay period. Effective July 21, 2018, these supplemental amounts shall be discontinued.

If hired prior to January 1, 2013, the employee must choose to have the contributions designated as all employer or all employee contributions for retirement purposes. If the employee designates the pick up as employer contributions, then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of the actuarial value of that dollar to the Retirement Association as determined by the Board of Retirement; and the employee may not withdraw this contribution from the Retirement Association.

If the employee designates the pick up as employee contributions, then for each dollar applied, the employee's retirement obligation shall be satisfied in the amount of one dollar, and upon separation without retirement, an employee may withdraw this contribution from the Retirement Association. Upon retirement or separation, all contributions applied under this Section will be considered for tax purposes as employer-paid contributions.

If the employee does not file a designation, the contribution shall be made as employee contributions. For employees hired on or after January 1, 2013, all contributions will be designated as employee contributions to comply with the California Employees' Pension Reform Act of 2013 (Government Code §§ 7522 et seq.). Upon separation without retirement, the employee may withdraw these contributions from SBCERA.

Any dollars that are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash.

Pursuant to the California Public Employees' Pension Reform Act of 2013 (AB 340), SB LAFCO establishes a two-tier system for retirement contribution as follows:

Tier 1 employees are employees with an SBCERA membership date prior to January 1, 2013.

Tier 2 employees are employees with an SBCERA membership date on or after January 1, 2013.

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SBCERA membership date is determined based on the following:

- Date of hire as a regular or eligible contract (when applicable) employee, or
- Date of transfer from a non-qualifying position (for example: extra-help, temporary, or part-time) to a regular position that requires membership in SBCERA, or
- Date of entry into membership with another public retirement system with which the employee established reciprocity. Therefore, if the employee enters SBCERA membership under Tier 2, but establishes reciprocity with another public retirement system where the employee was a member prior to January 1, 2013, the employee will be reclassified as a Tier 1 employee.

B. REMAINING EMPLOYEE CONTRIBUTIONS (*Amended April 18, 2018*)

All employee retirement system contribution obligations shall be “picked up” for tax purposes only pursuant to this Section. SB LAFCO shall implement the pickup of such retirement system contribution under Internal Revenue Code Section 414(H) (2).

SB LAFCO shall make member contributions under this section on behalf of the employee, which shall be in lieu of the employee's contributions, and such contributions shall be treated as employer contributions for purposes of reporting and wage withholding under the Internal Revenue Code and the Revenue and Taxation Code. The amounts picked up under this section shall be recouped through offsets against the salary of each employee for whom SB LAFCO picks up member contributions. These offsets are akin to a reduction in salary and shall be made solely for purposes of income tax reporting and withholding. The member contributions picked up by SB LAFCO under this section shall be treated as compensation paid to SB LAFCO employees for all other purposes. SB LAFCO paid employer contributions to the SBCERA under this section shall be paid from the same source of funds as used in paying the salaries of the affected employees. No employee shall have the option to receive the Retirement System contribution amounts directly instead of having them paid to SBCERA.

Until retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions.

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Upon retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions. Contributions under this section shall be applied (as all employer or all employee contributions with the same value and restrictions) for Retirement System purposes in the same manner as the contributions under the SB LAFCO Contributions provision above.

C. SPECIAL PROVISIONS *(Amended June 16, 2011; April 18, 2018)*

Except as provided below, employees who have 30 years of service credit shall not be paid in cash seven percent (7%) of earnable compensation. Employees with at least 25 years of service as set forth in Government Code Section 31625.3 as of June 18, 2011, and who either already have or thereafter attain 30 years of service credit as set forth in Government Code Section 31625.3 shall have one opportunity during the employee's employment to receive cash payments of seven percent (7%) of earnable compensation for up to twenty-six (26) consecutive pay periods.

Employees who are over age 60 at time of hire, and who are in a regular position, and who choose not to be a member of the Retirement Association, shall be enrolled in the County's 401(k) Salary Savings Plan. SB LAFCO shall contribute the applicable percent of the employee's biweekly salary as defined in this Section to the Plan, and the employee shall contribute a minimum of three percent of biweekly salary to the plan, not to exceed the annual limits of the Plan as defined in the Internal Revenue Code.

D. SURVIVOR BENEFITS *(Amended April 18, 2018)*

Survivor Benefits are payable to employed general retirement members with at least 18 months continuous retirement membership pursuant to Government Code Section 31855.12. An equal, non-refundable employer and employee bi-weekly contribution will be paid to SBCERA as provided in the annual actuarial study.

E. RETIREMENT MEDICAL TRUST FUND *(Amended July 18, 2007; Amended August 20, 2008; August 19, 2015)*

A Retirement Medical Trust Fund has been established for SB LAFCO employees with five (5) or more years of participation in the San Bernardino County Employees' Retirement Association (SBCERA). The Trust Fund is a Voluntary Employees Benefit Association (VEBA) and will comply with all of the provisions of Section 501(c) (9) of the Internal Revenue Code.

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The Retirement Medical Trust Fund will be administered by the Employee Benefits and Services Division as the plan administrator in accordance with the plan document and applicable law.

**Sick Leave Conversion Eligibility** - SB LAFCO employees with five (5) or more years of participation in SBCERA are eligible to participate in the Trust. The purchase of additional retirement credit or other retirement service credit and/or participation in other public sector retirement systems may be counted towards the service requirement provided that the employee has not withdrawn their contributions from the system(s) and the employee is also a participant in SBCERA. Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn.

**Sick Leave Conversion Formula** - At separation from SB LAFCO service for reasons other than death, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Trust, at the rate of seventy-five percent (75%) of the cash value of the employee's unused sick leave hours, up to a maximum of fourteen hundred (1,400) hours.

**SB LAFCO Contributions** - SB LAFCO will contribute to the Retirement Medical Trust Fund as follows:

Years of Service	Percentage of Base Salary*
5-9 Years	1.00%
10-15 Years	1.75%
16 or more years	2.75%

\*For purposes of the RMT contribution, base salary is as defined in the RMT plan document.

**10. HEALTHY LIFESTYLES PROGRAM** (Amended August 17, 2005; August 20, 2008; August 19, 2015)

SB LAFCO contracts with SB County to provide to its employees the "Healthy Lifestyles" program. Under this program SB LAFCO employees are eligible for reimbursement for health club membership up to \$324 on an annual basis. SB LAFCO employees wishing to participate in this program must submit a Healthy Lifestyles application as approved for use by SB County.

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SB LAFCO employees are also eligible for an annual physical examination through Arrowhead Regional Medical Center.

**11. PORTABLE COMMUNICATION DEVICE ALLOWANCE** *(Adopted April 20, 2005; Amended July 18, 2007; August 19, 2015; May 15, 2019)*

The SB LAFCO Executive Officer, when in paid status, shall receive a bi-weekly portable communication device allowance in the amount of fifty dollars (\$50.00). The Executive Officer shall purchase a portable communication device capable of sending and receiving cellular telephone calls, and if approved by the appointing authority, capable of sending and receiving e-mails to and from the County of San Bernardino (County) e-mail system. SB LAFCO shall pay for any license and set up expense for the device if any, and the employee shall pay for the equipment and monthly voice and data plans.

**12. AUTOMOBILE ALLOWANCE** *(Amended August 20, 2008; August 19, 2015; May 15, 2019)*

The SB LAFCO Executive Officer, when in paid status, shall receive a bi-weekly automobile allowance in the amount of three hundred dollars (\$300.00) with no mileage reimbursement. Should the Executive Officer become eligible or ineligible for this benefit in the middle of a pay period they will receive a prorated sum of automobile allowance. The Executive Officer shall be required to have a vehicle available at all times for use on SB LAFCO business. This allowance shall be considered complete reimbursement for the acquisition, insurance, maintenance, repair, upkeep, fuel, and all other costs for the required vehicle.

**13. TUITION REIMBURSEMENT AND MEMBERSHIP DUES**

SB LAFCO encourages and supports efforts by its employees to improve their skills and educate themselves for advancement. SB LAFCO believes that assisting the employee in the pursuit of an educational agenda or to otherwise expand their work-related knowledge base will benefit both the employee and SB LAFCO.

All regular Full-Time employees of SB LAFCO, who have been employed for at least 90 days prior to enrollment, are eligible to receive educational assistance.

Upon pre-approval by the employee's supervisor and Executive Officer, the following reimbursement policies have been outlined to cover tuition, course/seminar or degree related expenses, and membership dues in professional organizations:

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- Maximum SB LAFCO reimbursement is \$1,000 per fiscal year for membership dues and/or all course expenses plus the cost of books.
- Courses and memberships in professional organizations must be related to the work of the employee's position or occupation and courses must be taken at accredited institutions.
- Pre-approval of classes (or course of study) is required by the appointing authority. Employees must apply for tuition reimbursement, prior to enrolling in the class, by completing the "Educational Assistance Request Form" and submitting it to the appointing authority for approval.
- To be eligible for tuition reimbursement, employees must be employed by SB LAFCO throughout the duration of the course. If the reimbursement is approved and paid to the employee, and the employee leaves SB LAFCO prior to completing two years of LAFCO service after completing the job-related education or coursework, the employee will reimburse SB LAFCO according to the following schedule:

<u>Job-related education/ course completion date</u>	<u>Reimbursement</u>
Within 9 months	100%
After 9 months, but before 18 months	50%
After 18 months, but before 24 months	25%
After 24 months	0%

- The percentage of reimbursement is based on the grade earned for each college seminar, certification, associate, bachelors, masters or doctoral degree course:
  - Grade A 100%
  - Grade B 100%
  - Grade C\* 50%
  - Pass/Credit 50%
- Masters and doctoral degree courses completed with a letter grade of "C" or below are not eligible for any reimbursement.
- Reimbursable expenses include tuition, required textbooks, lab fees, library fees, and required registration and parking fees.

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- Upon completion of the course, official grades and receipts must be submitted to the Executive Officer for reimbursement. Taxes are withheld on educational reimbursements when required by law.



## **SECTION V** **ENVIRONMENTAL REVIEW** **ADMINISTRATIVE GUIDELINES, POLICIES, AND PROCEDURES**

### **CHAPTER 1: INTRODUCTION**

On June 20, 1990, the Local Agency Formation Commission for San Bernardino County (LAFCO) adopted, by Resolution #2267, the California Environmental Quality Act's (CEQA) State [CEQA](#) Guidelines and any amendments, as its environmental guidelines. The following information outlines the specific procedures used by LAFCO to tailor the general provisions of the State Guidelines to LAFCO's specific functions as both a "Responsible" and a "Lead" agency [under CEQA](#). [This version of LAFCO's Environmental Review guidelines incorporates changes in the State CEQA Guidelines through 2019.](#)

These provisions and procedures incorporate by reference (and are to be utilized [in conjunction](#) with) the State [CEQA](#) Guidelines, a copy of which is on file with the LAFCO Clerk. These procedures will be revised as necessary to conform to amendments to the State Guidelines, within 120 days after the effective date of such amendments. However, LAFCO will implement any such statutory changes [that the California Legislature makes to the CEQA Statutes](#) as soon as those statutory changes become effective, [even if not expressly stated herein](#).

The Commission hires an environmental consultant to assist [the Commission in carrying out its duties under CEQA](#). The Commission's environmental consultant reviews proposals that are filed with LAFCO for [CEQA compliance](#). [The Commission's environmental consultant's](#) recommendation is advisory to the Commission and its staff. The Commission makes the final determination and takes the final action [based on its independent review of the recommendation, the project and the environmental analysis](#).

#### **LAFCO's Environmental Responsibilities**

LAFCO's role as a regulatory agency involves "the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies." A few of its duties require minimal environmental review, especially those involving the commissioning of studies, the hearing of protests, and consolidations, reorganizations and mergers of cities or districts. Most of these duties only constitute jurisdictional changes with no potential for land use changes or for significant effects on the physical environment.

[LAFCO's](#) more prominent roles include, but are not limited to, creation of spheres of influence, formation of new districts, incorporation of new cities, and

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annexations/[reorganizations](#) to cities or special districts. [These types of LAFCO actions generally](#) require more in-depth analysis, especially if they result in the direct or indirect [physical change in the environment, like](#) facilitation of growth and/or land-use alterations. Factors that must be assessed in these cases involve land area and use, all aspects of the physical and human environment, geographical features, population growth and density, social and economic changes, availability of infrastructure and government services, conformity with city or county land use plans, [and](#) creation of unincorporated "islands," etc.

The following [general](#) information from the State CEQA Guidelines [provides context for the Commission's CEQA actions](#):

### 1. **GENERAL CEQA CONCEPTS**

The following General Concepts outlined in the State CEQA Guidelines, [section 15002](#), apply to LAFCO's consideration of projects presented to it:

- (a) *Basic Purposes of CEQA. The basic purposes of CEQA are to:*
  - (1) *Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.*
  - (2) *Identify the ways that environmental damage can be avoided or significantly reduced.*
  - (3) *Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.*
  - (4) *Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.*
- (b) *Governmental Action. CEQA applies to governmental action. This action may involve:*
  - (1) *Activities directly undertaken by a governmental agency,*
  - (2) *Activities financed in whole or in part by a governmental agency, or*
  - (3) *Private activities which require approval from a governmental agency.*
- (e) *Time for Compliance. A governmental agency is required to comply with CEQA procedures when the agency proposes to carry out or approve the activity.*
- (f) *Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.*

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- (1) An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. (See: [State CEQA Guidelines section 15064\(a\)\(1\)](#).)
- (2) When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR. (See: [State CEQA Guidelines section 15070](#).)
- (g) **Significant Effect on the Environment.** A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See: [State CEQA Guidelines section 15382](#).) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: [State CEQA Guidelines section 15091](#).)
- (h) **Methods for Protecting the Environment.** CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:
- (1) Changing a proposed project
  - (2) Imposing conditions on the approval of the project;
  - (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
  - (4) Choosing an alternative way of meeting the same need;
  - (5) Disapproving the project;
  - (6) Finding that changing or altering the project is not feasible;
  - (7) Finding that the unavoidable significant environmental damage is acceptable as provided in [State CEQA Guidelines section 15093](#).
- (i) **Discretionary Action.** CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a "discretionary project." (See: [State CEQA Guidelines section 15357](#).)
- (1) Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called "ministerial," and CEQA does not apply. (See: [State CEQA Guidelines section 15369](#).)
  - (2) Whether an agency has discretionary or ministerial controls over a project depends on the authority granted by the law providing the controls over the activity. Similar projects may be subject to discretionary controls in one city or county and only ministerial controls in another. (See: [State CEQA Guidelines section 15268](#).)

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- (j) *Public Involvement.* Under CEQA, an agency must solicit and respond to comments from the public and other agencies concerned with the project. (See: [State CEQA Guidelines sections 15073, 15086, 15087, and 15088.](#))
- (k) *Three Step Process.* An agency will normally take up to three separate steps in deciding which document to prepare for a project subject to CEQA.
- (1) *In the first step the Lead Agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. The agency may prepare a Notice of Exemption. (See: [State CEQA Guidelines sections 15061 and 15062.](#))*
- (2) *If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study ([State CEQA Guidelines section 15063](#)) to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the Lead Agency prepares a Negative Declaration. (See: [State CEQA Guidelines sections 15070 et seq.](#))*
- (3) *If the Initial Study shows that the project may have a significant effect, the Lead Agency takes the third step and prepares an EIR. (See: [State CEQA Guidelines sections 15080 et seq.](#))*

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## 2. **CEQA POLICIES**

The following Policies outlined in the State CEQA Guidelines, [section 15003](#), provide [further information about the policies that underlie the Commission's CEQA decisions](#):

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- (c) *The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68.)*
- (f) *CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (Friends of Mammoth v. Board of Supervisors, 8 Cal. 3d 247.)*
- (g) *The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975) 13 Cal.3d 263)*
- (h) *The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151)*
- (i) *CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692)*
- (j) *CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational*

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*development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)*

### 3. **GENERAL RESPONSIBILITIES**

A public agency must meet its own responsibilities under CEQA and shall not rely on comments from other public agencies or private citizens as a substitute for work that CEQA requires the Lead Agency to accomplish. For example, a Lead Agency is responsible for the adequacy of its environmental documents. The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document. When making decisions that trigger some type of CEQA review, LAFCO's duty is to minimize the environmental damage that may result from those decisions and to balance the competing public objectives as outlined in the State CEQA Guidelines, section 15021, which are as follows:

- (a) *CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.*
  - (1) *In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.*
  - (2) *A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.*
- (b) *In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.*
- (c) *The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.*
- (d) *CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.*

### 4. **AUTHORITY PROVIDED BY CEQA (State CEQA Guidelines, section 15040)**

- (a) *CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.*
- (b) *CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.*
- (c) *Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers*

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*to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.*

- (d) *The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.*
- (e) *The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.*

**5. AUTHORITY TO MITIGATE (State CEQA Guidelines, section 15041)**

*Within the limitations described in State CEQA Guidelines section 15040:*

- (a) *A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law (Nollan v. California Coastal Commission (1987) 483 U.S. 825, Dolan v. City of Tigard, (1994) 512 U.S. 374, Ehrlich v. City of Culver City, (1996) 12 Cal. 4th 854.).*
- (b) *When a public agency acts as a Responsible Agency for a project, the agency shall have more limited authority than a Lead Agency. The Responsible Agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.*

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## **CHAPTER 2: LAFCO ENVIRONMENTAL PROCESS AND PROCEDURES**

### **1. LAFCO's Role as an "Interested" Agency**

In situations where LAFCO is not a "Responsible Agency" but has an interest in reviewing a project to ensure that LAFCO related information are correctly identified, LAFCO play a more limited role in the CEQA process. In those instances, the Executive Officer will review, and, if necessary, comment on all environmental documents submitted by a Lead Agency involving projects/decisions relating to and/or affecting LAFCO projects or policies.

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### **2. LAFCO's Role as a Responsible Agency**

"Responsible" Agency status occurs when LAFCO is not the "Lead" Agency, but nevertheless has discretionary approval authority over a project or some aspect of a project, in tandem with, or separate from that of the Lead Agency in accordance with Section 15096 of the State CEQA Guidelines.

Examples of situations where LAFCO may be a Responsible Agency include, but are not limited to:

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- A city approving an annexation request to LAFCO, only after pre-zoning the area in question. When a city has pre-zoned an area, the city serves as the Lead Agency for any subsequent annexation of the area and should prepare the environmental documents at the time of pre-zoning or other land use decision.
- The County approving a development related project that requires services from an Agency (City or Special District) through an Out-of-Agency service contract/agreement.
- When a special district has conducted an environmental review and prepared an environmental determination for a plan to serve an area proposed for annexation to the district.

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LAFCO shall use the environmental document prepared by the Lead Agency for LAFCO's environmental determinations if the Executive Officer deems it adequate for such use pursuant to State CEQA Guidelines, section 15096. Procedures for determining the adequacy of the lead agency's CEQA document are summarized as follows:

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A. Consultation

- (1) Regardless of whether LAFCO is a responsible agency, each Lead Agency carrying out any project within LAFCO's jurisdiction and function shall inform LAFCO in writing of its intent and process for that project at the beginning of the Lead Agency's CEQA review process, and the Lead Agency shall provide LAFCO with copies of any project applications.
- (2) The Lead Agency shall consult with LAFCO regarding preparation of its environmental documents/determinations (Statutory Exemptions, Categorical Exemptions, Initial Studies/Negative Declarations, Environmental Impact Reports (EIRs), etc.) which must also be used by LAFCO in its role as a Responsible Agency; consultation can be written or verbal and LAFCO's input shall be incorporated/addressed in the Lead Agency's analysis, documentation and determinations.
- (3) The Executive Officer shall, as soon as practical but within 30 days of notification, comment as to the appropriate environmental determination from LAFCO's perspective as well as issues of concern to be addressed in any environmental document. The requirement for written notification from the Lead Agency can be waived at the Executive Officer's discretion.
- (4) Where LAFCO disagrees with the Lead Agency's proposed environmental determination (such as a Negative Declaration), LAFCO will identify the specific environmental effects which it believes could result from the project and recommend the project be mitigated with measures to reduce the potential impacts to less than "significant" (when feasible) or that an EIR be prepared to properly characterize potentially significant impacts.
- (5) When it intends to prepare an EIR, the Lead Agency shall send a Notice of Preparation by certified mail to LAFCO to solicit input in accordance with Section 15082 of the State CEQA Guidelines.
- (6) LAFCO shall respond to any Notice of Preparation submitted to LAFCO in accordance with subsection (A)(5) above in writing within 30 days, specifying the scope and content of the environmental data and analysis germane to LAFCO's statutory responsibilities for the proposed project. LAFCO shall also provide the Lead Agency with input regarding environmental

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issues and the minimum content of the analysis needed to meet a standard of adequacy for use of the environmental document/determination by LAFCO as a CEQA Responsible Agency.

(7) Where LAFCO is called upon to grant an approval for a project subject to CEQA for which another public agency was the appropriate lead agency, LAFCO shall assume the role of the lead agency when any of the following conditions occur:

a. The lead agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.

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b. The lead agency prepared environmental documents for the project, but the following conditions occur:

i. A subsequent EIR is required pursuant to State CEQA Guidelines, section 15162.

ii. The lead agency has granted a final approval for the project, and

iii. The statute of limitations for challenging the lead agency's action under CEQA has expired.

c. The lead agency prepared inadequate environmental documents without consulting with the responsible agency as required by State CEQA Guidelines, section 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.

**B. Preparation of Environmental Documents by a Lead Agency**

(1) The Lead Agency shall include information in the Statutory Exemption, Categorical Exemption, Initial Study/Negative Declaration/EIR to allow its subsequent use by LAFCO for its considerations; referencing on the title page and in the project description any boundary changes, changes of organization or reorganization, or other proposed actions requiring subsequent discretionary action by LAFCO to fully implement the project.

(2) The Lead Agency shall send the draft document to LAFCO as part of the public review process required by the CEQA and applicable guidelines ~~(sections 15072 and 15082 of the State~~

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CEQA Guidelines). The Executive Officer will, within the established review period, send comments to the Lead Agency in writing (which can be transmitted either via U.S. mail or overnight delivery, or electronically by email or other messaging system), all of which LAFCO expects to be incorporated and assessed in the final document. LAFCO's comments on a draft CEQA document submitted to LAFCO by a lead agency should focus on the appropriateness of the CEQA document chosen, the adequacy of the environmental document's content, in the case of an EIR -- additional alternatives or mitigation measures, etc., that are germane to environmental impacts that could result from LAFCO's subsequent discretionary action or to the adequacy of the document for use by LAFCO as a CEQA Responsible Agency.

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- (3) A final EIR prepared by a Lead Agency or a Negative Declaration adopted by a Lead Agency shall be conclusively presumed to comply with CEQA for purposes of use by Responsible Agencies which were consulted pursuant to sections 15072 or 15082 unless one of the following conditions occurs:

- a. The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or
- b. A subsequent EIR is made necessary by Section 15162 of the State CEQA Guidelines.

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C. Filing with LAFCO

Applications filed by Lead Agencies with LAFCO shall include copies of one of the following environmental documents as specified in LAFCO's filing requirements and all applicable findings for an EIR per Sections 15091, 15092 and 15093 of the State CEQA Guidelines.

- Certification of Categorical Exemption;
- Certification of Statutory Exemption;
- Notice of Intent to Adopt a Negative Declaration;
- Final Negative Declaration (including copy of Initial Study);

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- Final Negative Declaration with mitigation measures (including copy of Initial Study, [all technical appendices](#), and Mitigation Monitoring/Reporting Plan);
- Notice of Subsequent Use of an Existing EIR (which was previously available [or has been made available](#) to LAFCO);
- [Notice of Preparation of Draft EIR](#);
- Notice of Availability/Notice of Completion of Draft EIR (including copy of Draft EIR);
- Final EIR; ----- Deleted: and/or
- Statements of Findings/Overriding Considerations, and Mitigation Monitoring Plan; ----- Deleted: and
- Notice of Determination; [and/or](#)
- Copy of the California Department of Fish and Wildlife's environmental filing fee receipt including, if applicable, a CEQA Filing Fee No Effect Determination Form.

D. LAFCO's Use of Lead Agency's Environmental Documents

- (1) In making its determinations on boundary change proposals, changes of organization or reorganization, or other proposed actions requiring discretionary action by LAFCO, it will [generally](#) use the environmental document prepared by the Lead Agency if the procedures regarding consultation and preparation of environmental documents by a Lead Agency outlined above have been followed.
- (2) Prior to project approval, the Commission will certify that it has reviewed and considered the information contained in the Lead Agency's document. LAFCO may request the Lead Agency furnish additional information or findings as required to support a legally adequate Responsible Agency environmental determination in accordance with Section 15096 of the State CEQA Guidelines.
- (3) When a Lead Agency's EIR identifies significant environmental effects, LAFCO will incorporate the Lead Agency's findings or formulate its own, for each significant effect, [or otherwise make findings in accordance with State CEQA Guidelines, section](#) ----- Deleted: per S

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15091 for each significant environmental effect that is identified in a Lead Agency's EIR.

- (4) LAFCO may take any of the following actions to conform to CEQA requirements when rendering a decision on an application:
- LAFCO shall not approve a proposed project with significant impacts if it can adopt feasible alternatives or mitigation measures within its powers that would substantially lessen the magnitude of such effects, unless it adopts a Statement of Overriding Considerations (State CEQA Guidelines, section 15093);
  - If LAFCO mitigates impacts listed in the EIR to a less than significant level via the adoption of boundary alternatives or conditions of approval (negotiated with the local agency), such findings shall be reinforced by adequate rationale and inserted in the record; or
  - If the environmental impacts of the LAFCO decision cannot be mitigated to a less than significant level, LAFCO shall adopt a Statement of Overriding Considerations per State CEQA Guidelines, sections 15093 and 15096.
- (5) Upon project approval, LAFCO shall file a Notice of Determination in a like manner as a Responsible Agency in accordance with Section 15096(i) of the State CEQA Guidelines. The Notice of Determination shall be filed with the San Bernardino County Clerk of the Board of Supervisors.

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### 3. LAFCO's Role as a Lead Agency

#### A. GENERAL INFORMATION

- (1) LAFCO will be the Lead Agency responsible for performing CEQA mandated environmental review when its discretion for approval or denying a project involves general governmental powers. This is in contrast with a Responsible Agency role which only has single, limited powers over the project, normally subsequent and secondary to LAFCO's function, such as pre-zoning for the property of interest.

Examples of projects requiring LAFCO to act as a Lead Agency include but are not limited to the following:

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- Changes of organization or reorganization that include, but are not limited to, incorporation of cities, formation of districts, annexation to and detachment from cities and special districts, establishment of a subsidiary district, and merger of cities and districts.
- Establishment of spheres of influence for cities and special districts.
- Special District activation or divestiture of a function or class of service
- Studies of local government agencies requiring a discretionary decision by LAFCO.

(2) Where another public agency is initially the appropriate Lead Agency for a project requiring subsequent LAFCO approval, LAFCO will assume the role of Lead Agency in those instances where:

- a. The Lead Agency failed to prepare an environmental document and the statute of limitations to a challenge of the action of the Lead Agency has expired.
- b. Based on LAFCO review, an inadequate environmental document was prepared without consultation with San Bernardino LAFCO per State CEQA Guideline procedures and the statute of limitations for a challenge has expired.
- c. A subsequent EIR is required pursuant to Section 15162 of the State CEQA Guidelines and the original Lead Agency chooses not to prepare a subsequent EIR.

LAFCO may assume Lead Agency responsibility under situations (a) and (b) only when it has been unsuccessful in effecting necessary changes in environmental documentation by the Lead Agency through the normal administrative review process.

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B. Delegation of Responsibilities by the Commission to the Executive Officer

The following quotations from [section 15025](#) of the State Guidelines indicate those functions that can and cannot be delegated to the Executive Officer by the Commission:

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*A public agency (the Commission) MAY assign specific functions to its staff (Executive Officer) to assist in administering CEQA. Functions which may be delegated include but are not limited to:*

- (1) *Determining whether a project is exempt.*
- (2) *Conducting an Initial Study and deciding whether to prepare a draft EIR or Negative Declaration (refer to Section IV, F. 2. of these guidelines for a discussion of the appeal process when an EIR is required.)*
- (3) *Preparing a Negative Declaration or EIR.*
- (4) *Determining that a Negative Declaration has been completed within a period of 180 days (see Section 21100.2 of CEQA).*
- (5) *Preparing responses to comments on environmental documents.*
- (6) *Filing of notices.*

*The decision-making body of a public agency (the Commission) shall NOT delegate the following functions:*

- (1) *Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project before the Commission.*
- (2) *The making of findings as required by Sections 15091 and 15093.*

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## CHAPTER 3: LAFCO LEAD AGENCY PROCEDURES

The following process and procedures, specific to LAFCO's function, summarize or supplement the State CEQA Guidelines and are to be used to process all accepted applications:

### 1. PROJECTS EXEMPT FROM CEQA

#### A. "Common Sense" Exemptions (State CEQA Guidelines, section 15061)

Projects qualifying for this status are those determined by the Executive Officer to have no possibility of causing a physical change in the environment or of creating a significant adverse environmental effect (15061(b)(3)).

*15060 (c) Once an application is deemed complete, LAFCO must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if:*

- (1) *The activity does not involve the exercise of discretionary powers by a public agency;*
- (2) *The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or*
- (3) *The activity is not a project as defined in Section 15378 of the State CEQA Guidelines.*

*15061 (b) A project is exempt from CEQA if:*

- (1) *The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).*
- (2) *The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.*
- (3) *The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*
- (4) *The project will be rejected or disapproved by a public agency. (See Section 15270(b)).*
- (5) *The project is exempt pursuant to the provisions of Article 12.5 of this Chapter, which define exemptions for agricultural housing, affordable housing, and residential infill projects.*

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Most LAFCO projects qualify for a "common sense" exemption because the project being considered for approval by the Commission has no potential to modify the physical environment.

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B. Statutory Exemptions (State CEQA Guidelines, sections 15260-15285)

Statutorily exempt projects defined by the Legislature that could apply to a LAFCO project include the following:

(1) Disapproved Projects

CEQA does not apply to projects that LAFCO rejects or disapproves. This statutory exemption is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where LAFCO can determine that the project cannot be approved. This statutory exemption shall not relieve an applicant from paying the costs for an EIR or negative declaration prepared for the project prior to the lead agency's disapproval of the project after normal evaluation and processing.

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(2) Feasibility and Planning Studies

A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

(3) Ministerial Projects

Actions or Ministerial Projects involve the application of fixed standards without the option of exercising personal or subjective judgment (discretion) by the Executive Officer or the Commission.

Examples include:

a. Issuance of Certificates of Filing and Completion.

b. Consolidation/reorganization of special districts where the district boards adopt similar resolutions of applications for said consolidation/reorganization into a

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single agency (pursuant to Government Code Section 56853).

- c. Certain island annexations (pursuant to Government Code Section 56375 [a][4] or Section 56375.3) where approval is mandated if the annexation meets certain specific findings.

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- (4) Rates, Tolls, Fares and Charges (State CEQA Guidelines, section 15273)

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- (a) CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of:

- (1) Meeting operating expenses, including employee wage rates and fringe benefits,
- (2) Purchasing or leasing supplies, equipment, or materials,
- (3) Meeting financial reserve needs and requirements,

C. Categorical Exemptions (State CEQA Guidelines, section 15300)

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The following classes of projects, specifically pertaining to LAFCO's activities, have been identified in the State CEQA Guidelines as not having the potential to cause significant environmental effects, and may be categorically exempt from the requirements of CEQA if certain specified criteria are satisfied (Note: A categorical exemption shall not be used for these activities where there is substantial evidence to support that one of the exceptions to the categorical exemptions in State CEQA Guidelines, section 15300.2 is present.):

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- (1) Class 3: Construction or Conversion of New, Small Structures

Included within this category are out-of-agency service contracts/agreements involving the extension of water, sewer, and/or other utility services by a city or district outside its boundaries but lying within its respective sphere of influence.

- (2) Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities

Included within this category are:

- a. Annexations to special districts where the district's services would be provided even without annexation and

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construction has been initiated prior to the issuance of a Certificate of Filing;

- b. Annexations of areas containing existing public or private structures developed to the density allowed by current zoning or pre-zoning, whichever is more restrictive, (provided, however, that the extension of utility services within the annexed area would have a capacity to serve only those existing facilities);
- c. Detachments from cities where the land being detached is committed, by virtue of an adopted land-use plan, to remain in agricultural use or open space; or where the land is presently developed and no change in land-use can be reasonably anticipated; and
- d. Detachments from special districts which will not result in any change in zoning or land use.

(3) Class 20: Changes in Organization of Local Agencies

Included within this category are changes in the organization or reorganization of local agencies where the changes do not modify the geographic area in which previously existing powers are exercised.

Examples include but are not limited to:

- a. Establishment of a subsidiary district;
- b. Consolidation of two or more districts having identical boundaries;
- c. Merger with a city of a district lying entirely within the boundaries of the city; or
- d. Reorganization of agencies consisting of annexations or detachments providing similar services.

D. Process

When a LAFCO project qualifies for an exemption, staff will either (1) draft a memorandum to file explaining the rationale for the exemption or (2) document the exemption determination and the rationale supporting it in a staff report to the Commission. After the Commission takes action on the CEQA exemption and the project, the Executive

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Officer shall file and post with the San Bernardino County Clerk of the Board of Supervisors a LAFCO "Notice of Exemption" form, to include:

- (1) A brief project description;
- (2) The project location;
- (3) The specific exemption (common sense/statutory/categorical), including the finding and citation to the State CEQA Guidelines section or statute under which it is found to be exempt;
- (4) The rationale for its selection, including a brief statement of reasons to support the finding.

**2. ASSEMBLY BILL (AB) 52 – NATIVE AMERICANS**

Beginning July 2015, a new process was added to the standard CEQA review for a Negative Declaration (ND, Notice of Intent to Adopt a Negative Declaration) or for an Environmental Impact Report (EIR, Notice of Preparation). LAFCO rarely prepares Negative Declarations or EIRs, but when this type of documentation is required, LAFCO will have to implement AB 52.

AB 52 establishes a consultation process between Native American tribes and government agencies only upon request of a Tribe. Once a written request for consultation is submitted to any agency, the agency must consult with the Native American Tribe(s) regarding the potential for a project to adversely impact "tribal cultural resources." Section 21074 of the Public Resources Code outlines what tribal cultural resources consist of:

21074. (a) "Tribal cultural resources" are either of the following:  
(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:  
(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.  
(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.  
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.  
(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.  
(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

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The Notice should accompany the project application through the process and be filed upon project approval with the San Bernardino County Clerk of the County Board of Supervisors. Copies shall be made available to the public and sent to all Responsible and affected agencies a minimum of 21 days prior to a LAFCO action on the project. A list of such notices shall be posted on a monthly basis in the Clerk's and/or LAFCO offices for a 30-day period. The filing and posting start a 35-day statute of limitations period on legal challenges to LAFCO's decision of 'exemption.' If a Notice is not filed, a 180-day statute of limitations will apply.¶

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LAFCO will comply with the consultation requirements and if a ND or EIR is being prepared, LAFCO will complete the notification and consultation process prior to release of the environmental document being published for public review.

### 3. INITIAL STUDIES

A project for which LAFCO is the Lead Agency and which is not exempt will require the preparation of an Initial Study to determine if the project has the potential for causing a significant environmental effect. The Initial Study assessment shall consider all phases of the project; the purposes, policies, rules, regulations and standards set forth in CEQA and its State [CEQA Guidelines](#); these procedures and the adopted plans and policies of cities, the County, and LAFCO. An Initial Study need not be prepared if the Executive Officer determines at the beginning stages of review that a full-scope EIR will be required, but will be used to document the significance of specific impacts requiring a focused EIR, i.e. the Initial Study shall document the rationale for narrowing the scope of issues to be addressed in an EIR.

#### A. Process

The Initial Study will be prepared on a [State CEQA Guidelines](#) Standard Initial Study [Environmental Checklist Form \(Appendix G\)](#) using the project application, environmental description forms, appropriate literature, etc. A site visit may be necessary. Individual findings for environmental issues will be documented with sufficient technical data to substantiate conclusions regarding the potential for significant adverse impact. Insufficiency of available information will be noted on the form if it affects the ability to reach a conclusion.

The preparer shall consult with all Responsible Agencies and other public agencies/persons/organizations affected by or knowledgeable of the project and its issues. Under appropriate circumstances such review could also involve use of the County's or a city's Environmental Review Committee and its public forum to more fully assess the physical, social and infrastructural implications of complex projects. The Initial Study will be the supporting document for findings of 'significance' and 'non-significance' (whether to prepare an [ND](#) or [EIR](#)). It is a tool for modifying projects and/or [identifying](#) mitigation measures to allow a finding of 'non-significance.' It can also be used to focus the EIR on effects determined to be [potentially](#) 'significant' or to determine whether a previously prepared EIR could be used/modified for the project, etc.

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The Initial Study shall contain:

- (1) A project description and location;
- (2) Environmental setting;
- (3) Identification of all environmental impacts using the [most recent version of the State CEQA Guidelines](#) environmental checklist form ([Appendix G](#)) and [substantial evidence](#) to support environmental impact findings, including ways to mitigate (avoid, minimize, compensate or otherwise reduce a significant impact to a less than significant level; and
- (4) Examination of project consistency with zoning and land-use plans, etc.

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Section 15063 of the State CEQA Guidelines contains a detailed description of the content of and uses for the Initial Study and it is hereby incorporated by reference. Funding for the preparation of an Initial Study shall be borne by the applicant for the LAFCO action pursuant to Commission policy.

B. Executive Officer's Determinations/Findings

After review of the Initial Study and all supporting information, the Executive Officer shall determine the appropriate environmental determination based on one of the following findings:

- (1) The project will not have a significant environmental effect. Prepare a Negative Declaration and a Notice of Determination and publish a [Notice of Intent to Adopt a Negative Declaration](#). After [an](#) appropriate public review [period consistent with the applicable State CEQA Guideline's requirements](#), the documentation will be [finalized and](#) forwarded to the Commission with a recommendation for adoption.
- (2) The project, as proposed, would have a significant environmental effect, but with alterations, stipulations, or mitigation measures, all adverse impacts can be mitigated to a [less than significant level](#). Prepare a Mitigated Negative Declaration and a Notice of Determination and publish a [Notice of Intent to Adopt a Negative Declaration](#). After appropriate public review [period consistent with State CEQA Guideline's requirements](#), the documentation will be forwarded to the Commission with a recommendation for adoption.

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- (3) The project will have a significant environmental effect, but all such impacts have been adequately assessed in a final EIR previously reviewed by LAFCO and mitigated to the extent feasible. Submit to the Commission with appropriate findings for certification.
- (4) The project will have a significant environmental effect. An EIR will be prepared and submitted to the Commission with appropriate findings.
- (5) The project will have a significant environmental effect and an EIR has been prepared. However, new information or changed conditions affecting the project or the site warrant additional analysis. Prepare a 'subsequent' EIR or addendum to the original EIR focusing on these changes. Submit to the Commission with appropriate findings for certification.

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#### 4. **NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

A Negative Declaration (finding of non-significant effect) or a Mitigated Negative Declaration (finding of non-significant effect with project changes/mitigation measures/conditions of approval) will be prepared on the State CEQA Guidelines Initial Study Environmental Checklist Form by staff per the findings of the Initial Study based on substantiating evidence. The Negative Declaration or Mitigated Negative Declaration's contents will include a brief project description, location (i.e., vicinity map), name of applicant, the 'finding of non-significance,' attached Initial Study with any applicable technical reports, data or other information constituting the substantial evidence supporting the environmental analysis, and a list of mitigation measures (if any, in the context of a Mitigated Negative Declaration). A determination of the Initial Study's adequacy and the preparation of the accompanying Negative Declaration or Mitigated Negative Declaration initially rests with the Executive Officer. The formal adoption of the Negative Declaration or Mitigated Negative Declaration rests ultimately with the Commission.

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##### A. Notice Requirements

The document will be available at the LAFCO office for public review and comment for a minimum of 21 days prior to LAFCO action on the project. Recommended Negative Declarations and Mitigated Negative Declaration (in the form of a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration) will be noticed at least once in a newspaper of general circulation in the project area; noticed in the "local" newspaper of the affected area (if any); mailed to all

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Responsible Agencies and public agencies with jurisdiction within the project area; mailed to those individuals and organizations who have requested such notices. Where one or more state agencies will be a Responsible or Trustee Agency or will exercise jurisdiction over natural resources affected by the project, LAFCO shall send copies of the Negative Declaration [or Mitigated Negative Declaration](#) to the State Clearinghouse for distribution to these state agencies. Review by state agency(ies) will require a 30-day period unless reduced by prior approval of the State Clearinghouse. Pursuant to adopted Commission policy, costs associated with the Notice and distribution requirements shall be funded by the applicant for the LAFCO action.

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B. LAFCO Consideration

The Commission will consider the proposed Negative Declaration [or Mitigated Negative Declaration](#) and any public and agency comments prior to approving a project, and will approve the Negative Declaration [or Mitigated Negative Declaration](#) if it finds there is no substantial evidence in the whole of the administrative record that the project will have a 'significant environmental effect.' Where mitigation is included as a condition of the [Mitigated](#) Negative Declaration, the mitigation monitoring and reporting program (MMRP) shall assign responsibility for implementing the mitigation measure(s) when the [Mitigated](#) Negative Declaration is approved by the Commission.

C. Notice of Determination

After the Commission's approval of a project for which a Negative Declaration [or Mitigated Negative Declaration](#) has been adopted, the Executive Officer shall file a Notice of Determination.

The Notice of Determination's content shall include:

- (1) Project description, identification and location;
- (2) Date project approved by LAFCO;
- (3) Determination of "non-significant" effect, [or determination that mitigation measures were imposed and made conditions of approval for the project to reduce impacts to less than significant levels](#);
- (4) Statement that a Negative Declaration [or Mitigated Negative Declaration](#) has been prepared [and approved](#); and

- (5) Address of LAFCO office where a copy of Negative Declaration or Mitigated Negative Declaration is filed.

The Notice shall be filed with the San Bernardino County Clerk of the Board of Supervisors. If the project requires a discretionary approval from any state agency, the Notice shall also be filed with the State Office of Planning and Research, State Clearinghouse. Fees for filing a Notice of Determination for a Negative Declaration or Mitigated Negative Declaration shall be funded by the applicant for the LAFCO action.

## **5. ENVIRONMENTAL IMPACT REPORT**

If the Executive Officer or the Commission finds, based on substantial evidence in the record or contained in the Initial Study and public comments, that a project may have a significant environmental effect, the Executive Officer will initiate the preparation of an Environmental Impact Report (EIR).

### **A. Purpose**

An EIR is an informational document; a major tool in the decision-making process, informing Commissioners and all parties involved of the environmental consequences of project decisions before they are made. An EIR's primary functions are to identify and mitigate significant adverse impacts and to provide alternative project and boundary options that may reduce potentially significant impacts of the proposed project. An EIR is not an instrument to rationalize approval or denial of a project; nor do indications of adverse impacts require automatic denial. LAFCO has the authority to balance environmental, economic, social or other objectives as part of its mandate to develop orderly governmental boundaries (Sections 15091, 15092 and 15093, State CEQA Guidelines).

An EIR should be prepared early in the application process to facilitate the integration of environmental considerations in project or boundary design.

The applicant is responsible for submitting all necessary project data for the EIR per the Executive Officer's request, or funding the preparation of required project data for the EIR.

### **B. Appeals**

The Executive Officer's determination to require an EIR is appealable to the Commission within 10 working days of the issuance of the decision to prepare an EIR. Such appeal must be filed, on LAFCO

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forms, with the Executive Officer and must include specific substantiation for the appeal, directly related to environmental issues. The appeal shall be heard on the next regularly scheduled Commission agenda that permits adequate public notification. There is no appeal from a Commission requirement for an applicant to prepare an EIR.

C. Notice of Preparation

At the earliest feasible date, following the Executive Officer's/Commission's formal decision to prepare an EIR (based on the administrative record or an Initial Study), a Notice of Preparation (NOP) will be mailed to all responsible and affected agencies (including the State Clearinghouse and affected state agencies, if any) and any parties requesting notification.

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State review of an EIR will result in the issuance of an identification number (State Clearinghouse Number, SCH#) which shall be used on all subsequent documentation and correspondence.

The NOP shall include sufficient information on the project and its anticipated impacts to facilitate meaningful responses on the environmental issues that may cause significant adverse impacts. Such content to include:

- (1) Project description;
- (2) Mapped location;
- (3) Probable environmental effects; and
- (4) A copy of the Initial Study or substantial evidence in the record justifying the preparation of an EIR, etc.

The Notice of Preparation shall be sent to all responsible/trustee agencies or interested parties via certified mail or other method to document its receipt.

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Within 30 days after LAFCO's release of the NOP, each Responsible Agency/interested party shall submit to LAFCO specific information directly related to that agency's/party's statutory responsibility for the project; the environmental issues, alternatives, and mitigation measures to be explored; and the agency's/party's role in the project's review, etc.

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If LAFCO does not receive a response or request to extend the public

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[comment period on the NOP](#) by the end of the 30-day NOP review period, LAFCO may presume that no response will be made from an agency or party that received the NOP.

D. Scope of EIR

LAFCO may also convene meetings involving all parties (especially at the request of a Responsible Agency) to further assist in the determination of the EIR's scope and content, no later than 30 days after such request. Early and complete scoping, consultation and negotiation are critical to the preparation of an adequate EIR. LAFCO could request use of the County's or a local agency's Environmental Review Committee in a public meeting forum to aid in the identification and resolution of any technical issues. LAFCO will compile all comments and identify in writing the focus for the EIR.

An EIR can be prepared by staff or consultants under contract to LAFCO, coordinated by the Executive Officer or designee. LAFCO may accept data for an EIR from any source subject to independent validation by LAFCO staff. Also, LAFCO may charge an applicant appropriate fees to cover all costs for preparing and processing an EIR.

E. EIR Content

Article 9 of the State CEQA Guidelines describes the complete content of all required sections of an EIR, [as modified from time to time](#). ~~However, LAFCO has discretion to narrow the scope of an EIR's content during the scoping process (State CEQA Guidelines, section 15063).~~

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F. Consultant EIRs

The Executive Officer shall use a RFP (Request for Proposal) process to select a consultant to write the EIR. The ~~Executive Officer~~ shall maintain and update as necessary a list of consultants, a minimum of three from which proposals shall be solicited for each consultant prepared EIR. The Executive Officer and the applicant will screen the proposals in an attempt to gain a consensus on choosing the consultant. ~~However, the Executive Officer is ultimately~~ responsible for final selection of the consultant. The Commission will review the scope of work, consultant qualifications, contract cost, and all other aspects before authorizing a contract.

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The applicant will be charged a fee to cover all contract and staff costs, to be deposited into a LAFCO trust fund. (Note: The contract will be

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between LAFCO and the consultant which will work solely at the Executive Officer's, not the applicant's, direction.) The Executive Officer will disburse the funds to the consultant at stages specified in the contract based on completion and performance.

In addition to the contract costs, the fees charged will be based on actual staff time involved in, but not limited to:

- (1) Consultant selection including bid solicitation and review, submission of information to consultants, etc.;
- (2) Review of Draft EIR, corrections, additions, [legal review by the Commission's legal counsel](#), etc.;
- (3) Compiling comments [and reviewing responses to comments](#) for preparation of Final EIR; and
- (4) Meetings with applicant, consultant and public regarding EIR preparation.

G. Public Participation ([State CEQA Guidelines](#), section 15201)

Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

Interacting with the public is an important CEQA process that allows the public to voice its concerns about environmental issues and the potential effect of a project on the physical environment. Therefore, in order to ensure public involvement in the LAFCO CEQA process, the Commission—in addition to the requirements for public notification on the NOP and/or the Notice of Completion—will provide the public with the opportunity to participate in any meetings related to the EIR, whether through a scoping meeting (optional) to provide verbal or written comments on the content of the EIR and/or through the public hearing (required) on the certification of the Final EIR.

H. Completion Notice ([State CEQA Guidelines](#), section 15085)

[Because most LAFCO EIRs will require circulation through the State Clearinghouse, the default procedure is that as soon as the draft EIR is](#)

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completed, a Notice of Completion (NOC) must be filed with OPR, denoting the project's description and location, address where EIR copies are available and the period which comments can be submitted.

**Deleted:** Where the EIR will be reviewed through the State Clearinghouse, the cover form required by the Clearinghouse will serve as the NOC.

I. Agency/Public Review

At the time the NOC is sent, the Executive Officer shall provide public notice of the draft EIR's availability to all organizations, agencies and individuals who previously requested such notice; as well as publication in The San Bernardino Sun (newspaper of general circulation) and/or local newspapers. The Executive Officer shall also distribute copies of the draft EIRs and requests for comments to all public agencies with jurisdiction within the project area; to persons or organizations previously requesting such copies; to public libraries in the affected areas; as well as maintaining copies in the LAFCO and any Responsible Agency's offices (upon request). The Executive Officer may consult with any person who has special expertise in any environmental issue involved.

Review periods are not to be less than 30 days nor longer than 60 days from the date of the NOC except in unusual situations, per the Executive Officer's discretion. The review period for draft EIRs submitted to state agencies via the State Clearinghouse will be a minimum of 45 days. The last date for comment submittal shall be specified in the request for comments. A lack of response by that date constitutes a 'non-objection' or 'no-comment' by that particular party.

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The sufficiency of the EIR per State CEQA Guidelines is the only issue to be addressed during this review. Questions/issues regarding the feasibility or desirability of the project itself shall only be considered by the Commission at the appropriate hearing, not integrated into the environmental review process.

In instances where complex technical issues or disagreements among experts arise in the context of an EIR, the Executive Officer can convene a meeting of the County's or a local agency's Environmental Review Committee to provide a forum for a more thorough review of the EIR's adequacy.

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J. Adequacy

The Executive Officer will make preliminary (not appealable) determinations of the EIR's adequacy, utilizing all aspects of the public record; in turn making specific recommendations on adequacy to the Commission, for its findings, at the time the project is heard.

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K. Response to Comments on an EIR (State CEQA Guidelines, section 15088)

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The Executive Officer shall prepare a written response to all comments received during the comment period (and MAY respond to those received after the period): describing the disposition of issues, opinions or facts raised, project revisions or mitigation measures resulting from these comments, reasons for not accepting recommendations, all substantiated by factual information.

The response to comments may be in the form of revisions to the EIR text, a separate section in the final EIR or as notes typed in the margins of the comment letters, depending on the event of the resulting revisions.

L. Preparation of Final EIR (State CEQA Guidelines, sections 15089 and 15132)

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The Executive Officer/consultant will prepare a final EIR before the Commission makes a decision on the project. Project denial does not require certification of the Final EIR. Final EIR contents include:

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(1) The draft EIR and any revisions made to it in response to comments;

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(2) Comments and recommendations received on the draft EIR verbatim;

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(3) A list of persons, organizations and agencies commenting on the draft EIR;

(4) LAFCO's responses to significant points raised during review and consultation;

(5) Plus any other pertinent information.

Final EIRs shall be available a minimum of 10 days prior to the Commission hearing on a project and shall be provided to any commenting parties 10 days prior to a Commission hearing on a project.

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The final EIR shall be submitted to the Commission with the project application and a mitigation measure monitoring plan/program (if necessary) for certification prior to the decision.

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M. Certification of Final EIR ([State CEQA Guidelines, section 15090](#))

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Prior to approving a project for which an EIR has been prepared, the Commission shall certify that:

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- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the Commission which reviewed and considered it prior to approving the project; and,
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

If the Commission, through testimony or its own review of the data, finds that the environmental review is incomplete or the EIR does not adequately assess the full range of project [impacts](#), it can refer it back to staff for revisions; deferring approval of the project until it can certify the amended final EIR. Under such circumstances, the Commission shall instruct staff to recirculate/not recirculate the amended EIR in accordance with the extent of requested revisions [and as required by State CEQA Guidelines, section 15088.5](#).

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N. Findings ([State CEQA Guidelines, section 15091](#))

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The Commission cannot approve or carry out a project for which an EIR identifies one or more significant environmental effects unless it makes one or more written findings for each significant effect, each reinforced by substantial evidence in the record. Such findings include:

- (1) Changes have been incorporated into the project which avoid or substantially reduce the significant environmental effect(s) identified in the final EIR.
- (2) Such changes are not within LAFCO's jurisdiction, but are within the responsibility and jurisdiction of another agency which has adopted such changes or which can and should adopt such changes.
- (3) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

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O. Approval (State CEQA Guidelines, section 15092)

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LAFCO shall not approve or carry out a project for which an EIR was prepared unless either:

(1) The project, as approved, will not have a significant environmental effect; or

(2) LAFCO has eliminated or substantially reduced all significant effects where feasible per State CEQA Guidelines, section 15091, and determined that any remaining significant effects found to be unavoidable per State CEQA Guidelines, section 15091 are acceptable due to overriding concerns described in State CEQA Guidelines, section 15093.

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P. Statement of Overriding Considerations (State CEQA Guidelines, section 15093)

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When LAFCO approves a project that will have a significant effect on the environment that cannot be avoided or mitigated to a less than significant level, LAFCO shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Commission shall balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The statement of overriding considerations shall be supported by substantial evidence in the record. The Commission's statement of overriding considerations should be included in the record of the project approval and so stated in the Notice of Determination.

**Deleted:** If the benefits of a proposed project outweigh its unavoidable adverse effects, these effects may be considered "acceptable." When the Commission allows the occurrence of environmental effects not mitigated to a level less than 'significant,' it shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record

Q. Notice of Determination (State CEQA Guidelines, section 15094)

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The Executive Officer shall file a Notice of Determination following each project approval for which an EIR was certified. The notice shall include:

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(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the Commission which reviewed and considered it prior to approving the project;

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- (3) The final EIR reflects the lead agency's independent judgment and analysis;
- (4) Determination of any significant environmental effects;
- (5) Statement that an EIR was prepared and certified pursuant to CEQA;
- (6) Whether mitigation measures were made conditions of the project;
- (7) Whether findings were made per [State CEQA Guidelines, section 15091](#);
- (8) Whether a statement of overriding considerations was adopted; and
- (9) The address of the location of a copy of the final EIR and the project record.

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- (10) [If different from the applicant, the identity of the person undertaking the project which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, licenser, certificate, and other entitlement for use from one or more public agencies.](#)

The notice shall be filed with the Clerk of the County Board of Supervisors. If the project requires discretionary approval from a state agency, the notice shall also be filed with OPR State Clearinghouse.

Deleted: The filing and the posting of such notice starts a 30-day statute of limitations on court challenges to the adequacy of the EIR and environmental determination.

R. Disposition of Final EIR ([State CEQA Guidelines, section 15095](#))

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The Executive Officer shall:

- (1) File a copy of the Final EIR with the San Bernardino County Planning Division and the city where significant environmental effects may occur;
- (2) Include the [Final EIR](#) in all subsequent project administration;
- (3) [A copy of the Final EIR shall be kept as a permanent public record for the project](#); and

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*San Bernardino LAFCO Policy and Procedure Manual*  
*Section V - Environmental Review*

- (4) Require the applicant to provide a copy of the certified, final EIR to each Responsible Agency.

Pursuant to adopted Commission policy, funding for the preparation of an EIR, fees for filing a Notice of Determination, and other related fees (i.e. notice and distribution requirements), are the responsibility of the applicant for the LAFCO action.

## **CHAPTER 4: LAFCO POLICIES**

### **1. COMPLETION OF ENVIRONMENTAL LITIGATION PRIOR TO CONSIDERATION OF CHANGE:**

It is the policy of San Bernardino LAFCO that in those instances where LAFCO is a CEQA Responsible Agency and there has been a legal challenge to the environmental document prepared by the lead agency, LAFCO shall not take action on the proposal (application) until the legal challenge to the lead agency's document has been fully resolved and all appeals have been exhausted, if any.

**Deleted:** it is a responsible agency under CEQA

**Deleted:** no

**Deleted:** shall be taken

**Deleted:** resolution of the environmental litigation

In those instances where the Commission determines to override this policy based upon the unique circumstance of the application and approve the application, it shall include the following condition in its resolution of approval:

*In the event that a court of competent jurisdiction invalidates the action taken by this resolution for any reason, the City of \_\_\_\_\_ or \_\_\_\_\_ District shall enter into an out-of-agency service agreement(s) with the previous service provider(s) for the provision of all services transferred by this action and shall present said contract(s) and/or agreement(s) to the San Bernardino LAFCO pursuant to Government Code Section 56133 within 60 days of such court determination. The affected agency(s) shall provide written consent to this condition within five (5) working days of the adoption of the resolution of approval and the protest process shall not commence until the Executive Officer has received that consent.*

### **2. RECONSIDERATION**

The Cortese-Knox-Hertzberg Act establishes procedures for agencies to request amendments to, or reconsideration of resolutions adopted by the Commission (Government Code Section 56895). Whenever the Commission accepts a written request for amendment to, or reconsideration of an adopted resolution, the period for which a CEQA challenge may be filed shall be tolled while the request for reconsideration is under review by the Commission. Following the Commission's reconsideration, the statute of limitations on the original filing of either the Notice of Determination or Notice of Exemption will continue.

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### **3. REVIEW OF ENVIRONMENTAL APPEALS**

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Where the published notice of the LAFCO agenda items includes notice of a hearing on any possible appeal from an environmental review determination, the LAFCO may hear the appeal on the same date it hears the agenda item, if:

*San Bernardino LAFCO Policy and Procedure Manual*  
*Section V - Environmental Review*

- A. The appeal was timely filed;
- B. The time for filing an appeal has run;
- C. The appellant and/or applicant have received personal notice of the hearing;
- D. Any party who has requested in writing to be notified has received personal notice of the hearing; and
- E. The appeal is heard in advance of the agenda item.

# **Environmental Response from Tom Dodson and Associates**

**Attachment 4**

## TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406-2307

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ Fax: (909) 882-7015 ♦ Email: [tda@tdaenv.com](mailto:tda@tdaenv.com)



## MEMORANDUM

April 8, 2020

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0490

Dear Sam:

The San Bernardino County Local Agency Formation Commission (LAFCO) is proposing to adopt amendments to its Policy and Procedure Manual. The Policy and Procedure Manual identifies operating procedures that are implemented by the Commission. It provides guidance to assist the operation of LAFCO and to provide Commissioners in making decisions on actions brought before LAFCO, but it does not dictate specific decisions. The proposed amendments include policies related to Section I (Mission Statement and Commission Operations), Section II (Accounting and Financial), Section III (Human Resources), and Section V (Environmental Review). Because the Policy and Procedures Manual amendments are not directly related to any specific decision by the Commission, these amendments do not have any potential to cause potential physical impacts to the environment. Thus, a finding that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under the “common sense” exemption appears to be the appropriate CEQA environmental determination for this action before the Commission.

Based on the preceding information, approval of the amendments can be authorized without causing any physical changes to the environment or any adverse environmental impacts. Therefore, I recommend that the Commission find that a “common sense” exemption (as defined in the California Environmental Quality Act, CEQA) under Section 15061 (b) (3) of the State CEQA Guidelines, which states: *“A project is exempt from CEQA if: The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”* It is my opinion, and recommendation to the Commission, that this circumstance applies to the Policy and Procedure Manual amendments.

Based on this review of amendment of the Policy and Procedures Manual and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that it does not constitute a project

under CEQA and adoption of the common sense exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice it as exempt under Section 15061 (b) (3) from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of the conformed Notice of Exemption and this recommendation letter should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson

**Draft LAFCO Resolution  
No. 3306**

**Attachment 5**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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## RESOLUTION NO. 3306

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING SECTION I (MISSION STATEMENT AND COMMISSION OPERATIONS), SECTION II (ACCOUNTING AND FINANCIAL), SECTION III (HUMAN RESOURCES), AND SECTION V (ENVIRONMENTAL REVIEW) OF ITS POLICY AND PROCEDURE MANUAL

On Wednesday, April 15, 2020, on motion of \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to amend Section I (Mission Statement and Commission Operations), Section II (Accounting and Financial), Section III (Human Resources), and Section V (Environmental Review) of its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. Section I (Mission Statement and Commission Operations), Section II (Accounting and Financial), Section III (Human Resources), and Section V (Environmental Review) of the Policy and Procedure Manual is hereby amended.
2. The amended policies of Section I (Mission Statement and Commission Operations), Section II (Accounting and Financial), Section III (Human Resources), and Section V (Environmental Review) of the Policy and Procedure Manual attached to this resolution as Exhibit "A" and incorporated herein by reference, is adopted and approved.

**SECTION 3.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Administrative Office, County Auditor-Controller/Treasurer/Tax Collector, and County Human Resources Department for implementation.



RESOLUTION NO. 3306

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, SAMUEL MARTINEZ, 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  
meeting of April 15, 2020.


DATED:

\_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** APRIL 8, 2020   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: Third Quarter Financial Review for FY 2019-20

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## **RECOMMENDATION:**

Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Provide direction to staff on items of concern for the remainder of the year.

## **BACKGROUND:**

The year started on a normal note, a bit of a development slowdown ensued, then the pandemic hit. To be blunt – at this time staff estimates that the Commission would need to transfer from reserves to fill a deficit of roughly \$91,000. Staff is not recommending any action at this time; rather, at the year-end staff will present the exact figure for Commission action.

Policy discussions to include compensation and reserves are presented in Item 10b on this agenda, the FY 2020-21 Proposed Budget.

The first three quarters of Fiscal Year 2019-20 have concluded and staff is presenting the Commission with its third financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (Attachment showing the line item expenditures and receipts through March 31.

## **THIRD QUARTER REVIEW:**

The following narrative provides a discussion of expenditures and reserves, revenues received, an update on special project activities, and a breakdown of the fund balance.

### **Expenditures and Reserves**

Expenditures are comprised of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the third quarter, total expenditures are at 75% of Approved Budget authority. A more detailed analysis of the categories is as follows:

#### **1. Salaries and Benefits (1000 series)**

##### **A. Third Quarter Activity**

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$617,779 through the third quarter, representing 75% of Approved Budget authority.

##### **B. Anticipated Activity**

The remainder of the year is anticipated to maintain the adopted budget.

#### **2. Services and Supplies (2000 and 5000 series)**

##### **A. Activity through Third-Quarter**

For the first three quarters, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$327,279, or 75% of Approved Budget authority.

##### **B. Year-end Anticipated**

Anticipated activities for the final quarter include significant expenditures, identified as:

- Office lease and related costs totaling \$25,029.
- Subscription to the County Street Network (\$10,500) for maintenance of digital mapping.
- Payment to SBCERA of \$42,500 as a credit towards paying down LAFCO's share of the Net Pension Liability.

### C. Status of Ongoing Commission-approved Projects

The following provides an update on expenditures and progress on projects approved by the Commission.

#### *Governance Training Program:*

The Commission is continuing its efforts to provide governance training for special districts, as well as other levels of government, within the County. *Peeling Back the Layers: Understanding Pension and OPEB Obligations*, was a course presented to a packed house at the Frontier Project in Rancho Cucamonga.

Due to social distancing measures, there are no courses scheduled for the remainder of the fiscal year.

#### *Fiscal Indicators:*

The annual update to the Fiscal Indicators Program was released on the LAFCO website for January 15. Work on the next update will begin in May.

### **3. Reserves (6000 series)**

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts. At this time, staff is not recommending any budget adjustments; rather, as a part of the year-end financial review staff will recommend the exact budget adjustments.

## **Revenues**

### **1. Revenues through Third Quarter**

The Commission has received 91% of Adopted Budget revenues through the third quarter. The items below outline the revenue activity:

- Interest (Account 8500) – Interest rates have steadily increased over the past two years, albeit still providing a minimal cash amount. \$12,323 in interest revenue was earned from the Commission's cash in the County Treasury. The bulk of LAFCO's revenues are received during the first quarter of the fiscal year through receipt of its annual apportionment. However, it is anticipated that the annual interest rate will remain low for the balance of the year providing limited resources (\$3,500).
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the County, cities, and independent special districts have been received.

- Fees and Deposits (Accounts 9545 – 9800) – Through the third quarter, the Fees and Deposits series of accounts have received 39% of its budgeted revenue (\$69,135). This amount is made up of a combination of proposal/service contract filing fees and legal cost recovery.
- Carryover from Prior Year (Account 9970)

Prior Year Contingency and Reserve funds have been carried forward, (\$296,704).

## 2. Proposal Activity

The figure below identifies the number of proposals and service contracts received through the third-quarter. The figure identifies that three proposals and ten service contracts were received.

Activity	Budget	Through March	
		No.	% of Budget
Proposals - Agency/LO/RV initiated	11	3	27%
Proposals - Commission initiated	0	0	--
Service Contracts - Commission approval	2	5	250%
Service Contracts - Commission approval for exemption	0	0	--
Service Contracts - Admin (E.O.) approval	4	5	125%
Protest Hearing Deposits	9	0	0%

As for state-mandated service reviews, the Commission has completed the following:

- Wrightwood Community Services District (in conjunction with its sphere of influence establishment)
- Countywide Service Review for Fire/Emergency Medical Services/Dispatch (25 agencies)

## 3. Projected Remaining Activity

Due to Safer-at-Home orders, staff is not including any proposals in its year-end projections.

## **Fund Balance**

As of March 31, the Commission's cash in the County Treasury was \$524,218. A breakdown of this amount is shown below. The projections result in a deficit of roughly \$91,000. Staff is not recommending any action at this time; rather, at the year-end staff will present the exact figure for Commission action.

However, in July 2018, the Commission approved increases to the Contingency account of \$34,852 and General Reserve of \$64,392. These funds are available to fill the deficit.

<b>March 31, 2020 Balance</b>		<b>\$524,218</b>
<b>Cash Balance is composed of the following:</b>		
<b><i>Committed (constrained to specific purposes)</i></b>		
	Net Pension Liability Reserve (Account 6010) <i>scheduled June payment to SBCERA</i>	42,500
	Compensated Absences Reserve (Account 6030)	110,146
<b><i>Assigned (intended for specific purposes)</i></b>		
	Contingency (Account 6000) <i>\$673 used to balance 18-19 budget</i>	49,327
	General Reserve (Account 6025)	150,000
<b><i>Projected Expenditures</i></b>		286,488
<b><i>Projected Revenues (shown as negative)</i></b>		(23,500)
<b>Carryover or (Deficit)</b>		<b>(\$90,743)</b>

### **CONCLUSION:**

Through the third quarter, expenditures are under budget but revenues are not meeting targets. Due to Safer-at-Home orders, staff is not including any proposals in its year-end projections.

Also, as noted earlier, staff is not recommending any budget adjustments at this time; rather, as part of the year-end financial review, staff will recommend the appropriate budget adjustments.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

4/7/2020

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	FINAL BUDGET FY 19-20	THRU MID YEAR	AMOUNT THRU Q3	PERCENT THRU Q3	Remaining Costs	Year-end Estimate
			26 Pay Periods					
	<b>SALARIES AND BENEFITS</b>							
1010	Earnable Compensation	\$ 503,704	\$ 492,781	\$ 243,042	\$ 372,163	75.5%	\$ 113,385	\$ 485,548
1030	Auto and Cell Phone Allowances	19,269	9,135	5,185	7,635	83.6%	2,100	9,735
1035	Overtime				-			
1045	Termination Payment				-			
1110	General Member Retirement	173,050	189,146	92,491	142,062	75.1%	43,513	185,575
1130	Survivors Benefits	179	176	88	135	76.7%	41	176
1135	Retirement Subsidy (no longer active)	1,995			-			
1200	Medical Premium Subsidy	53,970	53,799	28,179	43,538	80.9%	12,368	55,906
1205	Long-Term Disability	1,068	1,141	549	851	74.5%	259	1,110
1207	Vision Care Insurance	782	782	389	599	76.6%	180	779
1215	Dental Insurance Subsidy	1,230	1,235	620	954	77.2%	284	1,237
1222	Short-Term Disability	4,990	5,316	2,756	4,307	81.0%	1,329	5,636
1225	Social Security Medicare	6,277	5,917	2,937	4,486	75.8%	1,341	5,827
1235	Workers' Compensation	3,019	5,074		-	0.0%	1,152	1,152
1240	Life Insurance & Medical Trust Fund	9,251	10,735	4,809	7,452	69.4%	2,454	9,906
1305	Medical Reimbursement Plan	3,900	6,516	1,950	3,000	46.0%	2,496	5,496
1310	Annuitant Employee Medical (no longer active)	3,774			-			
1314	457/401a Contribution	2,695	3,275	1,411	2,188	66.8%	742	2,929
1315	401k Contribution	35,173	38,040	18,293	28,411	74.7%	8,640	37,051
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 824,325</b>	<b>\$ 823,068</b>	<b>\$ 402,698</b>	<b>\$ 617,779</b>	<b>75.1%</b>	<b>\$ 190,283</b>	<b>\$ 808,062</b>
	Staffing (Full time equivalent units)	5.25	5.0					
	<b>SERVICES AND SUPPLIES</b>							
	<b>General Services &amp; Supplies</b>							
2031	Payroll System Services		\$ 826	349	\$ 539.75	65.4%	\$ 114	654
2035	Communications			-	-			
2037	COMNET Charge (ISF)	\$ 3,593	3,434	1,431	2,290	66.7%	859	3,148
2040	Relocation Charges - Phone Service	-		-	-			-
2041	Phone Service/Outside Company	8,644	8,400	4,154	5,498	65.5%	2,100	7,598
2043	Electronic Equipment Maintenance	92	-	-	-		-	-
2075	Membership Dues	10,303	11,753	11,822	11,822	100.6%	-	11,822
2076	Tuition Reimbursement	-	1,000	999	999	99.9%	-	999
2080	Publications	2,723	3,163	2,058	2,292	72.5%	1,156	3,448

4/7/2020

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	FINAL BUDGET FY 19-20	THRU MID YEAR	AMOUNT THRU Q3	PERCENT THRU Q3	Remaining Costs	Year-end Estimate
			26 Pay Periods					
2085	Legal Notices	21,188	18,750	3,865	8,430	45.0%	3,750	12,180
2090	Building Expense	6,466	7,000	4,081	5,877	84.0%	1,750	7,627
2115	Computer Software	3,054	3,054	-	-	0.0%	2,259	2,259
2125	Inventoriable Equipment		-	-	-		-	-
2130	Moving Expenses			-	-			-
2135	Utilities			50	2,557			2,557
2180	Electricity	3,576	6,000	2,795	4,317	71.9%	1,500	5,817
2182	Electricity	-		-	-			-
2195	Reimbursement Services and Supplies			-	-			-
2245	Other Insurance	14,285	14,238	12,683	12,683	89.1%	-	12,683
2305	General Office Expense	4,918	4,850	2,646	2,954	60.9%	1,400	4,354
2308	Credit Card Clearing Account	(1,276)	-	(624)	311		-	311
2309	Visa Temp Card			-	-			-
2310	Postage - Direct Charge	7,121	6,116	2,586	4,836	79.1%	4,365	9,201
2315	Records Storage	808	900	812	1,005	111.7%	300	1,305
2316	Surplus Handling			-	-			-
2323	Reproduction Services	162	-	89	89		-	89
2335	Temporary Services	699	-	-	-		-	-
				-	-			-
	<b>Consultant &amp; Special Services:</b>			-	-			-
2400	Legal Counsel	94,182	46,300	19,813	28,584	61.7%	11,000	39,584
2405	Auditing	8,000	11,268	12,328	14,528	128.9%	-	14,528
2410	Data Processing		11,252	5,628	8,442	75.0%	2,813	11,255
2414	Application Development Maint.	12,851	2,000	-	-	0.0%	-	-
2415	COWCAP	10,109	13,328	6,664	9,996	75.0%	3,332	13,328
2416	Enterprise Printing		31	18	27	87.1%	9	36
2418	Enterprise Data Storage		8,457	4,230	6,345	75.0%	2,114	8,459
2420	Wireless Device Access	300	286	119	191	66.7%	71	262
2421	Desktop Support Services	17,417	16,762	6,984	10,990	65.6%	3,771	14,761
2424	Environmental Consultant	10,605	14,200	13,650	20,326	143.1%	5,200	25,526
2444	Security Services	480	468	445	568	121.4%	123	691
2445	Other Professional Services	96,029	80,826	43,088	54,922	68.0%	9,623	64,545
2449	Outside Legal (Litigation & Special Counsel)	3,216	-	4,115	4,115		-	4,115
2450	Application Development Support		-	-	-		-	-
2460	GIMS Charges	13,518	16,500	3,000	3,000	18.2%	10,500	13,500



4/7/2020

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	FINAL BUDGET FY 19-20	THRU MID YEAR	AMOUNT THRU Q3	PERCENT THRU Q3	Remaining Costs	Year-end Estimate
			26 Pay Periods					
				-	-			-
	<b>Lease/Purchases:</b>			-	-			-
2895	Rent/Lease Equipment (copier)	5,289	4,800	3,033	4,404	91.8%	1,600	6,004
2905	Office/Hearing Chamber Rental	99,052	100,928	49,442	74,445	73.8%	25,030	99,474
				-	-			-
	<b>Travel Related Expenses:</b>			-	-			-
2940	Private Mileage	4,952	3,436	2,713	3,359	97.8%	666	4,025
2941	Conference/Training	5,231	4,740	4,410	5,205	109.8%	-	5,205
2942	Hotel	5,886	7,990	5,926	5,926	74.2%	225	6,151
2943	Meals	456	1,200	516	574	47.8%	150	724
2944	Car Rental	-	-	-	-		-	-
2945	Air Travel	1,011	2,200	1,592	1,592	72.4%	200	1,792
2946	Other Travel	122	825	773	773	93.6%	75	848
				-	-			-
	<b>Other:</b>			-	-			-
5012	Services Out (Staples)	283	600	1,761	2,469	411.6%	150	2,619
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 475,345</b>	<b>\$ 437,882</b>	<b>\$ 240,045</b>	<b>\$ 327,279</b>	<b>74.7%</b>	<b>\$ 96,205</b>	<b>\$ 423,483</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,299,670</b>	<b>\$ 1,260,950</b>	<b>\$ 642,743</b>	<b>\$ 945,058</b>	<b>74.9%</b>	<b>\$ 286,488</b>	<b>\$ 1,231,546</b>
	<b>RESERVES</b>							
6000	Contingency (Assigned)		\$ 49,327					
6010	Net Pension Liability Reserve (Committed)		42,500					
6025	General Reserve (Assigned)		150,000					
6030	Compensated Absences Reserve (Committed)		110,146					
<b>TOTAL CONTINGENCIES &amp; RESERVES</b>		<b>\$ -</b>	<b>\$ 351,973</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,299,670</b>	<b>\$ 1,612,923</b>	<b>\$ 642,743</b>	<b>\$ 945,058</b>	<b>58.6%</b>	<b>\$ 286,488</b>	<b>\$ 1,231,546</b>


ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 18-19	FINAL BUDGET FY 19-20	THRU MID YEAR	AMOUNT THRU Q3	PERCENT THRU Q3		Remaining Costs	Year-end
	CONTRIBUTION REVENUES								
	Use of Money:								
8500	Interest	\$ 16,191	\$ 16,000	\$ 7,167	\$ 12,323	77.0%		\$ 3,500	\$ 15,823
	Mandatory Contribution from Governments:								
8842	Local Government -- For FY 2019-20 apportionment to County, Cities, and Independent Special Districts (\$363,499 total for each category)	1,105,497	1,090,497	1,090,497	1,090,497	100.0%			1,090,497
	Fees and Deposits (Current Services):								
9545	Individual Notice	8,916	14,300	3,429	5,429	38.0%			5,429
9555	Legal Services	70,067	28,000	10,335	14,050	50.2%			14,050
9595	Protest Hearing	3,000	10,800			0%			
9655	GIMS Fees	825	10,945		1,055	9.6%			1,055
9660	Environmental	10,619	14,900	4,005	5,705	38.3%			5,705
9800	LAFCO Fees	69,389	98,795	23,916	42,895	43.4%		20,000	62,895
	Total Fees and Deposits	162,816	177,740	41,685	69,135	38.9%		20,000	89,135
	TOTAL CONTRIBUTION REVENUES	1,284,504	1,284,237	1,139,349	1,171,954	91.3%		23,500	1,195,454
	OTHER REVENUES								
9910	Prior Year Activity (refunds, collections)	\$ (373)							
9930	Miscellaneous Revenues	265		580	580				580
9970	Carryover of Open Proposals/Projects	(50)	31,982			0.0%			
9970	Carryover from Prior Year, Assigned	50							
9973	Stale-dated Checks	1,000		38	38				38
9990	SBCERA contributions	(184,963)							
	TOTAL OTHER REVENUES	(184,071)	31,982	618	618	1.9%		-	618
	TOTAL REVENUES	\$ 1,100,433	\$ 1,316,219	\$ 1,139,967	\$ 1,172,572	89.1%		\$ 23,500	\$ 1,196,072
	RESERVES FROM PRIOR YEAR								
9970	Contingency (Assigned)	\$ 57,783	\$ 49,327	\$ 49,327	\$ 49,327	100.0%			49,327
9970	Net Pension Liability Reserve (Committed)	148,450			-				-
9970	General Reserve (Assigned)	200,000	150,000	150,000	150,000	100.0%			150,000
9970	Compensated Absences Reserve (Committed)	89,708	97,377	97,377	97,377	100.0%			97,377
	TOTAL RESERVES FROM PRIOR YEAR	\$ 495,941	\$ 296,704	\$ 296,704	\$ 296,704	100.0%		\$ -	\$ 296,704
	TOTAL REVENUE AND RESERVES	\$ 1,596,374	\$ 1,612,923	\$ 1,436,671	\$ 1,469,276	91.1%		\$ 23,500	\$ 1,492,776

Note: Spreadsheet utilizes the cash basis of accounting and does not include accrual/reversal data.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** APRIL 8, 2020  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10(a) – Proposed Schedule of Fees, Deposits, and Charges for FY 2020-21

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2020-21:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2020-21 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 20, 2020 hearing.

## **BACKGROUND:**

The Commission has established a schedule of fees, deposits, and charges for the processing of proposals and the conduct of proceedings under its purview as allowed by law. This staff report presents the Commission with recommendations for amendments to its current Schedule of Fees, Deposits, and Charges ("Schedule"). The revised schedule is included as an attachment to this report. Based upon the requirements of Government Code Section 56383 (which references Section 66016), any change to the Schedule requires that a review and comment period be provided and that a public hearing be held with the opportunity for comment by the public. Today's review opens this process.

In line with the Commission's direction, the Fees identified on page 2 (Jurisdictional Change) and page 6 (Service Contract) increase with the 2019 inflation rate of 2.9%<sup>1</sup>.

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<sup>1</sup> 2.886% for Riverside-San Bernardino-Ontario, CA

Additionally, staff reviewed the costs associated with processing proposals and service contracts. Staff recommends a reduction from \$772 to \$550 for Non-development-related Out-of-Agency Service Contracts/Exemptions from Government Code Section 56133.

**CONCLUSION:**

At this hearing the Commission is requested to provide staff with any changes, corrections, or additions to be included in the revisions proposed for the Schedule of Fees, Deposits, and Charges. Should the Commission have any changes/modifications, staff would then have to modify the FY 2020-21 Proposed Budget accordingly.

Staff will forward the proposed Schedule to the County, the Cities and Towns, and the Independent Special Districts for their review and comment as required by Govt. Code §56383. Any comments received will be reviewed with the Commission at the final budget hearing scheduled for May 20, 2020 when the adoption of the Schedule will be considered.

SM/MT

Attachment:

Draft Schedule of Fees, Deposits, and Charges for FY 2020-21 (track format)

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

## SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, ~~2019~~2020

The submission of an application to the Local Agency Formation Commission ("LAFCO") is not officially accepted for processing until the filing fees and deposits have been received (Gov't. Code §56383). Filing Fees are for the Commission's and staff's costs. Deposits are for the recovery of outside costs for such items as LAFCO Legal Counsel, environmental review, individual notification, and protest proceedings, etc. In addition, certain fees and charges are required at the conclusion of the application process and must be received prior to its official completion.

### Financial Policies for Application Processing

Refer to Attachment A for the Commission's policies related to waivers and reductions of processing fees, filing fee refund if an application is withdrawn, indemnification, and responsibility for payment of special legal counsel costs. The Indemnification Policy is identified below.

#### Indemnification Policy

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

### Annual Review and Adjustment

The Fees are adjusted annually to increase with the Consumer Price Index, not to exceed five percent. Deposits and Charges relate to outside professional services and supplies and are evaluated annually.

### Table of Contents

<u>Section 1.</u>	Proposals – Application Submission and Processing
<u>Section 2.</u>	Proposals – Completion Fees and Charges
<u>Section 3.</u>	Out-of-Agency Service Contracts
<u>Section 4.</u>	Reproduction Charges
<u>Attachment A.</u>	Financial Policies for Application Processing

## Section 1. Proposals - Application Submission and Processing

FEE AND DEPOSITS SUMMARY			
Type of Proposal	Fee	Deposits*	Total
Annexation, Detachment, Reorganization involving solely annexations and/or detachments	See Annexation/ Detachment Chart	\$4,000	
<p><i>The fees identified in Chart 1 shall be assessed for each area of consideration within the proposal. A single area means any separate geographical area requiring a legal description. A "single area" does not include two areas that are contiguous only at a point, or two or more areas that are contiguous to an existing boundary of a city or district but not to each other.</i></p> <p><i>See Attachment A for automatic waivers or reductions in the Fee regarding: correcting boundary alignment problem; annexation/detachment with concurrent sphere of influence amendment; city island annexations under §56375.3; readjustments of agency boundaries due to roadway realignment.</i></p>			

### Annexation/Detachment Chart

Valley and Mountain Region				
	<b>Under 20 acres</b>	<b>20 – 150 acres</b>	<b>151 – 300 acres</b>	<b>Over 300 acres</b>
City	<del>\$6,180</del> <u>6,359</u>	<del>\$8,240</del> <u>8,479</u>	<del>\$10,300</del> <u>10,599</u>	<del>\$10,300</del> <u>10,599</u> plus \$1 per acre over 300 acres
District	<del>\$5,150</del> <u>5,299</u>	<del>\$6,695</del> <u>6,889</u>	<del>\$8,240</del> <u>8,479</u>	<del>\$8,240</del> <u>8,479</u> plus \$1 per acre over 300 acres
Desert Region (North and South Desert)				
	<b>Under 100 acres</b>	<b>100-640 acres</b>	<b>641-1,920 acres</b>	<b>Over 1,920 acres</b>
City	<del>\$6,180</del> <u>6,359</u>	<del>\$8,240</del> <u>8,479</u>	<del>\$10,300</del> <u>10,599</u>	<del>\$10,300</del> <u>10,599</u> plus \$1 per acre over 1,920 acres
District	<del>\$5,150</del> <u>5,299</u>	<del>\$6,695</del> <u>6,889</u>	<del>\$8,240</del> <u>8,479</u>	<del>\$8,240</del> <u>8,479</u> plus \$1 per acre over 1,920 acres

Sphere of Influence Amendment	<del>\$5,150</del> <u>5,299</u>	\$4,000	<del>\$9,150</del> <u>9,299</u>
District: Dissolution, Merger, or Establishment of Subsidiary District(s)	<del>\$5,150</del> <u>5,299</u>	\$4,000	<del>\$9,150</del> <u>9,299</u>
District: Formation or Consolidation	<del>\$15,450</del> <u>15,898</u>	\$4,000	<del>\$19,450</del> <u>19,898</u>
District: Activation/Divestiture of Functions and/or Services	<del>\$7,725</del> <u>7,949</u> each function/service	\$4,000	<del>\$11,725</del> <u>11,949</u>
City: Consolidation	<del>\$20,600</del> <u>21,197</u>	\$4,000	<del>\$24,600</del> <u>25,197</u>
City: Incorporation or Disincorporation	<del>\$20,600</del> <u>21,197</u>	\$54,000	<del>\$74,600</del> <u>75,197</u>

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, ~~2019~~2020

Reorganization <i>For a reorganization that involves changes other than annexations and detachments, the fee will be based upon the components of the reorganization.</i>	Sum of Components	\$4,000	
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**\*DEPOSITS BREAKDOWN**

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel (\$250 non-refundable, \$1,750 deposit)</b>	<b>\$2,000</b>
<i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i>	
<b>Individual Notice (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice  <i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i>  <i>By policy, individual notice to landowners and registered voters shall not be waived for city island annexations filed pursuant to Government Code Section 56375.3, even if it includes more than 1,000 notices.</i>	
Proposals Extending an Existing Special Tax  <i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i>	Actual Cost
<b>Environmental Review (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i>	
Preparation of Negative Declaration/Mitigated Negative Declaration	Additional \$15,000
Preparation of an Environmental Impact Report (EIR)	Additional \$25,000
If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, ~~2019~~2020

notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.	
<b>Protest Proceeding, if applicable (\$250 non-refundable, \$1,250 deposit)</b>	<b>\$1,500</b>
<i>Deposit required within 30 days of Commission approval of action. The Protest Hearing will not be set until deposit has been paid. Applicants shall be required to reimburse the Commission for any protest proceeding costs in excess of the deposit. Reimbursement to LAFCO shall be required prior to issuance of the Certificate of Completion. If charges billed to LAFCO are less than the amount of the deposit, the balance of the fee will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>Proposals Extending an Existing Special Tax</b> <i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i>	<b>Actual Cost</b>

#### ADDITIONAL FEES AND DEPOSITS

<b>Comprehensive Fiscal Analysis for Incorporation or Disincorporation, Deposit</b>	<b>\$50,000</b>
<i>A \$50,000 deposit is required at the time the application is submitted. Applicants shall be required to reimburse the Commission for all costs associated with the preparation of the Comprehensive Fiscal Analysis in excess of the deposit prior to the scheduling of the Commission hearing. If the charges billed to LAFCO for the preparation of the required document are less than the amount of the deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>State Controller's Fiscal Review for Incorporations, Deposit</b>	<b>\$25,000</b>
<i>A \$25,000 deposit is required at the time a Request for State Controller Review is submitted. All costs in excess of this amount will be the responsibility of the Requestor for payment. Any balance remaining after payments are made to the State will be refunded to the Requestor of Review.</i>	
<b>Verification of Petition Signatures by Registrar of Voters Office, Deposit</b>	<b>\$200</b>
<i>A \$200 deposit from the applicants is required at the time of petition submission. This amount will be refunded upon certification of the petition and determination of billable charges. The charges assessed by the Registrar of Voters Office to verify petition signatures shall be payable by the affected entity in the same manner as the verification of initiative petition signatures is billed.</i>	
<b>Request for Reconsideration of LAFCO Decision or Environmental Determination, Fee</b>	<b>\$2,500</b>
<i>Should a reconsideration request require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>	
<b>Workshop Request, Deposit</b>	<b>\$1,000</b>
<i>Proponents of actions pending Commission review may request that a Commission workshop be held in their area. If the Commission agrees to conduct such a workshop session, the Commission may require reimbursement of all costs associated with that session by the proponents, subject to a deposit.</i>	
<b>Request for Extension of Time to Complete Change of Organization Proceedings (Gov't. Code Section 57001)</b>	<b>\$1,100</b>



## **Section 2.**

### **Proposals - Completion Fees and Charges**

Following Commission approval of an action, the following fees or charges may be required. LAFCO staff will notify the applicant at the time the Commission's resolution is forwarded which of the following fees or charges is applicable to the proposal:

- A. County Geographic Information Management System (GIMS) Processing, required prior to issuance of the Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates:

1. Changes requiring an update to current sphere or boundaries of participating agencies  
(Fees identified below will be assessed for each area of consideration. The definition of area is provided under Processing Fees on Page 2.)

<u>Acreage</u>	<u>Primary Charge</u>	<u>Additional Agency</u>
0 to 100 acres	\$400	\$ 85
101 to 640 acres	\$550	\$110
641 to 2,560 acres	\$825	\$150
over 2,560 acres	\$1,100	\$175

2. Incorporation, Formation, or placement of a new agency boundary or sphere into the LAFCO-maintained GIMS system \$3,000

(The fees for incorporations or formations can be deferred until the new City/Town or District receives its first revenues. A request for deferral shall be made to the Executive Officer.)

- B. At the time the Certificate of Completion is forwarded to the State Board of Equalization (SBE), application types listed under Item A - Processing Fees Subsections 1 through 7 (except for Spheres of Influence), are charged a processing fee pursuant to SBE's adopted Fee Schedule (Government Code Section 54902.5). The fees listed below, as identified by SBE, are current as of January 1, 2011. LAFCO staff will notify the applicant of the appropriate fees:

Single Area Charges:

Less than 1 acre	\$300
1-5 acres	\$350
6-10 acres	\$500
11-20 acres	\$800
21-50 acres	\$1,200
51-100 acres	\$1,500
101-500 acres	\$2,000
501-1,000 acres	\$2,500
1,001-2,000 acres	\$3,000
2,001 acres and above	\$3,500

(Additional types of charges are outlined in the State Board of Equalization Fee Schedule. LAFCO staff will notify the applicant of the appropriate fees.)

### Section 3. Out-of-Agency Service Contract

#### FEE AND DEPOSITS SUMMARY

Type of Service Contract	Fee	Deposits*	Total
Contracts involving developments such as: subdivisions/tracts as defined by the Subdivision Map Act (five or more units), Specific Plans	<del>\$5,150</del> <u>5,299</u>	\$2,400	<del>\$7,550</del> <u>7,699</u>
Contracts involving the development of units requiring only a parcel map as defined by the Subdivision Map Act (up to four units)	<del>\$1,030</del> <u>1,060</u> per connection	\$2,400	<del>\$3,430</del> to <del>\$6,520</del> <u>6,640</u>
Any contract for fire protection services outside a public agency's jurisdictional boundaries pursuant to Govt. Code Section 56134	<del>\$5,150</del> <u>5,299</u>	\$2,400	<del>\$7,550</del> <u>7,699</u>
Contracts to provide services outside a sphere of influence pursuant to Govt. Code Section 56133.5	<del>\$1,030</del> <u>1,060</u>	\$2,400	<del>\$3,430</del> <u>3,460</u>
Contract Requiring Approval pursuant to Govt. Code Section 56133 (c)	<del>\$1,030</del> <u>1,060</u>	\$2,400	<del>\$3,430</del> <u>3,460</u>
Development-Related Request for Exemption from Govt. Code Section 56133, requires noticed Commission hearing	<del>\$2,317</del> <u>2,384</u>	\$0	<del>\$2,317</del> <u>2,384</u>
Non-development-related (Administrative Review from Executive Officer): (1) Out-of-Agency Service Contract (City or District) or (2) Exemption from Govt. Code Section 56133 as Authorized by Commission Policy	<del>\$772</del> <u>550</u>	\$0	<del>\$772</del> <u>550</u>

#### \*DEPOSITS BREAKDOWN

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's resolution for service contracts. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>
<i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i>	
<b>Individual Notice</b> (\$250 non-refundable, \$750 deposit)	<b>\$1,000</b>
(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice <i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i>	

<b>Environmental Review (\$250 non-refundable, \$450 deposit)</b>		<b>\$700</b>
<i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i>		
Preparation of Negative Declaration/Mitigated Negative Declaration		Additional \$15,000
Preparation of an Environmental Impact Report (EIR)		Additional \$25,000
If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.		

## Section 4. Reproduction Charges

- |    |  |              |
|----|--|--------------|
| A. | Charges for Purchase of Paper Copies, per page   |              |
|    | (1) from paper materials (requests in excess of 10 pages)                                      | 10 cents     |
|    | (2) from existing digital data (requests in excess of 20 pages)                                | 5 cents      |
| B. | Charges for Purchase of Digital Data   |              |
|    | (1) placement of materials on digital medium   | \$10         |
|    | (2) scan copies of paper materials (if applicable), per page                                   | 5 cents      |
| C. | DVD Copy of Commission Hearing<br>(available if production services are utilized for hearings) | \$25 per DVD |
| D. | Preparation of Transcript of Hearing   | Actual Cost  |


(Those requesting a transcript of a Commission hearing will be notified of the estimated cost for preparation. The Requestor will be required to provide a deposit in the amount of the estimated cost. All costs in excess of the deposit amount will be the responsibility of the Requestor for payment. Any balance remaining after final charges are determined will be refunded to the Requestor.)

Attachment A:  
Policy and Procedure Manual, Section II, Chapter 2: Financial Policies for  
Application Processing

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** APRIL 8, 2020  
**FROM:**  SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10(b) – Proposed Budget for Fiscal Year 2020-21

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Adopt the Proposed Budget for Fiscal Year 2020-21 as presented by staff.
2. Direct the Executive Officer to sign the contract amendment with the Inland Valley Development Agency for the Commission's use of the Norton Regional Event Center.
3. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
4. Schedule a public hearing for May 20, 2020 for formal:
  - a. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits; and,
  - b. Adoption of the Final Budget for Fiscal Year 2020-21.

## **SUMMARY:**

Staff's goals for this budget are to: (1) not increase the apportionment burden on the small districts, (2) fund statutory regulations, and (3) maintain Commission operations. To meet these goals, staff's position is that a reduction in costs should be sought wherever possible.

As with prior years, the Executive Officer and the Administrative Committee discussed the budget process, staff's goals and position, and the Committee's goals and position. The Proposed Budget includes no across-the-board changes to Salaries and Benefits, scheduling of six hearings instead of 10, defers migration to a new website platform to FY

2021-22, reduces our allocated capacity in the County server, limits the number of participants at CALAFCO Conference and Workshop, and does not increase the apportionment burden on the small districts.

There is no way to sugarcoat the circumstance, no question the economy is taking a major hit, with no blueprint for this current shock. However, there is hope that the country's economic rebound will occur in the third quarter. Nonetheless, the statutory mandates placed upon municipal service delivery have not been waived. Therefore, the Commission's work must continue. There are three new circumstance for the coming year.

First, with a reduction in sales taxes, cities will be seeking ways to provide more efficient and more effective delivery means. Second, the housing crises remains which most likely will result in annexations to cities. Third, the pension systems incurred significant losses since March, which will most likely result in additional employer contributions to the retirement systems; thereby causing agencies to seek more efficient and effective delivery means. LAFCO has a role to play in all of these scenarios. All the while, we need to remain cognizant of the local agencies that contribute to LAFCO's net operating costs—specifically the small special districts—whose apportionment does not increase in this budget.

The first three pages of this report include staff's recommendations, a basic summary, and the attachment listing. Beginning on page 4 are policy discussions and narratives for the budget categories: (1) Salaries and Benefits, (2) Services and Supplies, (3) Reserves, and (4) Revenues.

Attachments #2 (Salaries and Benefits), #3 (Services and Supplies), and #4 (Revenues) include a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost.

Below is a bulleted summary of the budget categories followed by a basic summary of the FY 2020-21 budget, with notation on where to access the summary and detail information:

#### Salaries and Benefits

- This fiscal year has an additional Pay period (once every 10 years).
- Recommend to amend the Policy Manual by rescinding the adoption of a 3.0% COLA effective July 2020.
- Will not adopt the compensation changes adopted by the County Board to take effect July 2020, at this time, and will return this matter for consideration at a later date.

#### Services and Supplies

- Defer migration to a new website platform to FY 2021-22.
- Reduce the size of our allocated capacity in the County server to reduce costs.
- Reduce hearings from 10 to 6 to reduce costs.
- Limit the number of participants at CALAFCO Conference and Workshop.

#### Reserves

- Fund Net Pension Liability Reserve with payment to SBCERA in June 2021.

- Fund Compensated Absences Reserve by the annual liability increase.
- Amend Policy Manual to add a Salary Reserve for Extra Pay Period (Committed Reserve). The first contribution would be in FY 2021-22.

#### Revenues

- Overall apportionment increases by \$30,000. However, the amount that the small districts contribute would not change due to two agencies moving up a level.
- 11 proposals. Staff reviewed each agency and determined that 11 proposals would likely arrive between March 2020 and June 2021.

FY 2020-21			Narrative Summary	Account Detail
<b>OPERATIONS</b>				
<b>EXPENDITURES</b>				
Salaries and Benefits	(838,641)		Page 4	Attachment 2
Services and Supplies	(350,981)		Page 6	Attachment 3
	<b>\$ (1,189,622)</b>			
<b>REVENUES</b>			Page 11	Attachment 4
Apportionment	1,120,497			
Fees and Deposits	116,454			
Interest	19,000			
Carryover of Open Proposals	10,000			
	<b>\$ 1,265,951</b>			
<b>RESERVES (Increases)</b>			Page 9	
Contingency (Assigned)	0			
Net Pension Liability Reserve (Committed)	(43,852)			
General Reserve (Assigned)	0			
Compensated Absences Reserve (Committed)	(32,477)			
	<b>\$ (76,329)</b>			

#### Attachments:

1. [Proposed Budget Spreadsheet with Prior Year Actuals](#)
2. [Salaries and Benefits Detail](#)
3. [Services and Supplies Detail](#)
4. [Revenue Detail](#)
5. [Auditor's Apportionment Distribution for the County, Cities and Towns, and Independent Special Districts](#)
6. [Contract Amendment with Inland Valley Development Agency for Hearing Lease](#)

## **SALARIES AND BENEFITS**

The current fiscal year includes the following staffing structure: Executive Officer, Senior Analyst, LAFCO Analyst-GIS/Database, Clerk to the Commission/Office Manager, and Administrative Assistant. Additionally, the Commission contracted with Robert Aldrich for supplemental staffing services (said services are paid from Services and Supplies). This budget includes retention of the current staffing model, with supplemental staffing used during peak proposal work and funded by proposal fees.

### **Compensation and Benefit Changes**

LAFCO mirrors the salary schedule and benefits provided in the County's Exempt Compensation Plan as identified in the LAFCO Policy and Procedure Manual and contracts with the County to administer the benefits for its employees.

After reviewing current staffing and compensation, the FY 2020-21 budget proposes policy amendments to (1) Rescind the previously approved COLA for FY 2020-21, (b) Forgo adopting the changes adopted by the County Board for its Exempt employees to take effect July 2020, at this time, and direct staff to return this matter for Commission consideration at a later date.

Given the current circumstances, staff recommends no across-the-board increases take place. This includes rescinding previously approved increases and forgoing any additional increases. These include:

- In April 2018, the Commission approved a 3.0% across-the-board COLA, effective July 2020.
- In January 2020 the County Board approved increases to take effect July 2020. The increases are to Medical Premium Subsidy, Medical Reimbursement Plan, Retirement Medical Trust and a 3.0% COLA for three consecutive years. At this time, staff recommends forgoing these increases and direct staff to return this matter for Commission consideration at a later date.

Should the Commission support these proposed changes, then staff would present the related amendments to the Policy and Procedure Manual to the Commission at the May 20 hearing, when it reviews and adopts the final budget.

The financial effect would be savings of roughly \$30,000.

### **FY 2020-21 Highlights**

Attachment #2 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The remainder of this page contains highlights for FY 2020-21 and forecasts for three additional years.

Earnable Compensation (Account 1010) totals \$507,972 and includes:

- No COLA for all employees;
- One-step increase for three eligible employees;
- 2% longevity pay for those employees with 15 years of service - three employees;
- Leave cashouts as permitted by policy (Note: leave cashouts reduce the compensated absences liability);
- Additionally, FY 2020-21 has an additional pay period. Since the County pay schedule is every two weeks, rather than twice a month, the result is an additional pay period every ten years. As discussed in the Reserves portion of this report, staff recommends creation of a Salary Reserve to fund the next occurrence, which would take place in another ten years. The annual budget would include a 1/10<sup>th</sup> contribution, beginning in FY 2021-22.

On a positive note, LAFCO is the only SBCERA member whose contribution rates will decrease for the fiscal year. This is a result of the Commission making an additional payment to SBCERA of roughly \$185,000 in June 2019. The rates, with decreases, approved by the retirement board for FY 2020-21 are:

- Tier 1. Decreases by 5.9% to 35.76%
- Tier 2. Decreases by 6.7% to 33.24%

#### **FY 2021-22, 2022-23, 2023-24 Forecasts**

The forecast for FY 2021-22 (Year 2 of this budget) includes retention of the staffing model recommended in this budget, with no COLA to salaries but adopting the benefit increases of the County Exempt Compensation Plan.

The forecast for FY 2022-23 (Year 3) calculates a COLA for salaries, in line with the County Exempt Compensation Plan.

For FY 2023-24 (Year 4), a LAFCO employee is scheduled to have retired in Year 3. For budget purposes, the position is funded for Year 4. However, it is the position of the Executive Officer that when an employee separates, the office staffing model, duties, and compensation would be evaluated.



## **SERVICES AND SUPPLIES**

Generally, services and supplies include payments for: proposal processing, Commission-approved programs and projects, and costs associated with running a government agency. Attachment #3 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The remainder of this section contains highlights for FY 2020-21.

### **Proposal Processing**

The current year has seen a precipitous drop in application submission, reducing funded activity level. However, staff has been coordinating with agencies regarding many likely and potential applications for the next fiscal year.

The Commission continues to outsource its environmental processing through its contract with Tom Dodson and Associates.

### **Programs and Projects**

#### Service Reviews

LAFCOs are required by Govt. Code 56430 to conduct reviews of municipal services. This LAFCO chose to conduct its first round by community and its second round by service, countywide. The second round service reviews have been Water (2017), Wastewater (2018), and Fire/Emergency Medical Services/Dispatch (2020).

At the January 2019 workshop, the Commission determined that subsequent service reviews occur in the following order: healthcare districts, solid waste, street lighting, parks & recreation, roads, and any other review as determined by the Commission. In light of the COVID-19 outbreak, staff recommends that healthcare districts be deferred and instead proceed with solid waste followed by street lighting.

#### Fiscal Indicators

In 2014 LAFCO advanced the use of audits and implemented an online Financial Indicators program. The purpose of the program is to provide more robust information on the financial condition of local agencies within San Bernardino County which will allow for better understanding of where an agency has been. Additionally, LAFCO uses the information in conducting state-mandated service reviews as a means to make the required determination of the financial ability of an agency to provide services.

Staff is working towards completion of 2019 data by August. Although there are nominal costs related to services and supplies, costs for this program mainly relate to LAFCO staff time.

## Governance Training

The Commission's Governance Training program is budgeted to continue for the special districts and other governments within the County. Should social distancing orders or measures continue, rather than an in-person session LAFCO could sponsor a webinar. Staff will apprise the Commission the course and forum at the First Quarter update. Either way, the costs should be the same – roughly \$2,500 per session.

## **Agency Costs**

In addition to processing proposals and conducting programs and projects, there are costs associated with running a government agency. The Commission continues to outsource its conduct of the annual audit with an independent auditor, Davis Farr LLP, processing of its accounting operations through the County Auditor's office, and the maintenance of computer systems through the County's ISD.

Highlights for the year include:

- Account 2125 Inventoriable Equipment. No inventoriable equipment is budgeted for purchase this or next fiscal year.
- Account 2245 Other Insurance. Liability insurance is purchased through the Special District Risk Management Authority (SDRMA). The insurance quote for the year is \$14,238.
- Account 2405 Auditing. We will be entering the fifth and final year of a contract with Davis Farr LLP for independent auditing services. A joint RFP was issued in 2016 with the other Southern California LAFCOs. This matter will be addressed with the Southern California LAFCO group during the year.
- Account 2415 COWCAP. COWCAP charges decrease by 45% to \$7,345, broken down as follows: \$2,645 Auditor; \$2,144 Human Resources; \$1,660 County Administrative Office; \$99 Purchasing; and \$797 Information Services Department (County ISD).
- Account 2418 Enterprise Storage Data. Instead of housing and maintaining a server at the LAFCO office, when staff moved to the new office we transitioned from storing and maintaining an in-house server to the County's virtual server. For the past two years, the County has not charged LAFCO for use of its server, with the expectation that the County would adopt charges beginning FY 2019-20. LAFCO uses the County's off-site virtual server to store its digital information. The County's fee schedule is based on allocated space not used space, and LAFCO's allocation is far more than its used space. LAFCO staff worked with County ISD to reduce our allocated space, which reduces costs by at least one-third.
- Account 2905 Rent. The lease for use of the Norton Regional Event Center expires June 2020. Management of the facility has provided a contract renewal for the

Commission's review (see Attachment #6). Should the Commission support the contract renewal, staff recommends that the Commission authorize the Executive Officer to sign the contract amendment.

- Ongoing costs associated with being at the Train Depot are as follows:

<u>Account 2905 Rent.</u> Office Lease	\$ 37,813
<u>Account 2905 Rent.</u> Common Area Maintenance	\$ 27,164
<u>Account 2905 Rent.</u> Amortization (matures June 2022)	\$ 33,793
<u>Account 2090 Building Expense.</u> HVAC & janitorial	\$ 7,150
<u>Account 2180 Electricity.</u>	\$ 5,200
<b>Total</b>	<b>\$111,120</b>

As a part of the budget process, the Executive Officer discussed with the Administrative Committee the high costs being located at the Train Depot. In addition to rent, the Commission has to pay for the other items outlined above. The Executive Officer reached out to SBCTA (landlord) regarding charges outside of the standard office lease payment. The Administrative Committee has also reached out to SBCTA. Staff will inform the Commission should any savings occur.

In FY 2022-23, the Commission will no longer have to make amortization payments to SBCTA of roughly \$34,000 related to the office retrofit.

## RESERVES

At this time, the Commission has two Committed Reserves and two Assigned Reserves.

### Committed Reserves

Compensated Absences – The budget adds \$32,477 to this account to fund the increase in compensated absences. The increase is due to natural increases and the rate assigned Mr. Martinez’s leave balance of his new position as Executive Officer.

Net Pension Liability – The Net Pension Liability is two-years in the rears and is a moving figure. LAFCO’s FY 2018-19 audit identifies the liability as \$885,247 with a measurement date of June 30, 2018. Since the 2018 measurement date LAFCO:

- Contributed \$184,963 in June 2019  
*As a part of last year’s Third Quarter Financial Review the Commission approved the contribution of the entirety of its Net Pension Liability Reserve to SBCERA to credit the unfunded liability. This contribution resulted in LAFCO being the only SBCERA member to experience a reduction in the contribution rate for FY 2020-21.*
- Is scheduled to contribute \$42,500 this June  
*The FY 2019-20 Third Quarter Financial Review (see Item 9 of this month’s agenda) requests that the Commission approve this payment as a credit to the liability.*
- Is scheduled to contribute \$43,852 in June 2021  
*For FY 2020-21, the budget adds \$43,852 to this reserve to keep with the amortization schedule.*

NET PENSION LIABILITY				
RESERVE SCHEDULE				
	(A)	(B)	(C)	(A)+(B)+(C)
			LAFCO	
FISCAL	NPL	Actuary	Contribution	NPL
YEAR	Begin	Increase	to SBCERA	End
2015	581,103	-		581,103
2016	581,103	-		581,103
2017	581,103	3,628		584,731
2018	584,731	96,716		681,447
2019	681,447	87,726	(184,963)	584,210
2020	584,210	95,787	(42,500)	637,497
2021	637,497	20,287	(43,852)	613,932
2035			(43,852)	
TOTAL			(885,247)	

## **Assigned Reserves**

A combination of low proposal receipts and the pandemic are the cause of low revenue receipts for FY 2019-20. As a result, the current year will end in a deficit which will require a transfer from reserves to balance the budget. As of this time, the deficit is estimated to be roughly \$91,000. Staff will wait until the year-end financial review to request an exact figure for transfer from the Commission – most likely all of the Contingency (roughly \$50,000) and the remainder from General.

Contingency – The Contingency Reserve is not defined in the Policy and Procedure Manual. Instead, it has been the Commission's practice to fund a Contingency Reserve for unanticipated expenses. Due to the FY 2019-20 deficit, it is probable that there will be no funds in this reserve for FY 2020-21. The FY 2020-21 budget does not include additional funds for this reserve. The hope is that the Commission would be able to rebuild this reserve beginning FY 2021-22.

General – Due to the FY 2019-20 deficit, it is probable that there will be roughly \$100,000 in this reserve for FY 2020-21. The FY 2020-21 budget does not include additional funds for this reserve. The hope is that the Commission would be able to rebuild this reserve beginning FY 2021-22.

### Salary Reserve

FY 2020-21 has an additional pay period. Since the County pay schedule is every two weeks, rather than twice a month, the result is an additional pay period every ten years. Staff recommends creation of a Salary Reserve to fund the next occurrence, which would take place in another ten years. The annual budget would include a 1/10<sup>th</sup> contribution, beginning in FY 2021-22.

Should the Commission support the new reserve category, then staff would present the related amendment to the Policy and Procedure Manual to the Commission at the May 20 hearing, when it reviews and adopts the final budget.

## **REVENUES**

Attachment #4 to this report includes a detail of each account to include: account description, charge measurement, identification of increase or decrease, and total cost. The remainder of this section contains highlights for FY 2019-20.

### **Proposal Activity (Accounts 8545-9800)**

Fees, charges, and deposits ordinarily involve the appropriate LAFCO filing fee and deposits for the recovery of the outside costs, for such items as LAFCO Legal Counsel, environmental review, Registrar of Voters, individual notification, etc.

The current year has seen a precipitous drop in application submission, reducing funded activity level. However, staff has been coordinating with agencies regarding many likely and potential applications. The budget includes these revenue receipts.

### **Apportionment (Account 8842)**

Government Code Section 56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the county. The proposed apportionment to each group is \$373,499. This results in an increase of \$10,000 for each group; however, the small districts as a group will pay the same amount as two districts moved up a contribution level. The County Auditor will be required to apportion this amount on July 1, 2020 pursuant to the requirements of law and Commission policies (see Attachment #5).

### **Interest and Other Revenues**

LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly. Interest rates have been steadily increasing but do not result in significant revenue.

Cost recovery for proposals and service contracts is not addressed in the budget due to its speculative nature.

# **Proposed Budget Spreadsheet with Prior Year Actuals**

**Attachment 1**

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 17-18	ACTUAL YEAR-END FY 18-19	PROJECTED YEAR-END FY 19-20	PROPOSED FY 20-21 Year 1	FORECAST FY 21-22 Year 2	FORECAST FY 22-23 Year 3	FORECAST FY 23-24 Year 4
					Extra Pay Period	--	No Amortization	Retirement
	<b>SALARIES AND BENEFITS</b>							
1010	Earnable Compensation	\$ 477,488	\$ 503,704	\$ 485,548	\$ 507,972	\$ 495,324	\$ 515,205	\$ 511,784
1030	Auto and Cell Phone Allowances	17,000	19,269	9,735	9,485	9,135	9,100	9,100
1035	Overtime							
1045	Termination Payment							
1110	General Member Retirement	124,459	173,050	185,575	183,251	178,626	185,635	184,309
1130	Survivors Benefits	224	179	176	183	176	176	176
1135	Retirement Subsidy (no longer active)	16,980	1,995					
1200	Medical Premium Subsidy	52,779	53,970	55,906	55,860	58,370	58,147	58,147
1205	Long-Term Disability	955	1,068	1,110	1,184	1,154	1,195	1,200
1207	Vision Care Insurance	822	782	779	812	782	779	779
1215	Dental Insurance Subsidy	1,235	1,230	1,237	1,282	1,235	1,230	1,230
1222	Short-Term Disability	3,756	4,990	5,636	6,072	5,915	6,111	6,137
1225	Social Security Medicare	6,170	6,277	5,827	6,170	6,871	6,261	7,164
1235	Workers' Compensation	2,160	3,019	1,152	5,266	5,132	5,311	5,334
1240	Life Insurance & Medical Trust Fund	6,986	9,251	9,906	11,853	15,109	17,904	17,893
1305	Medical Reimbursement Plan	3,840	3,900	5,496	6,392	5,085	6,432	6,432
1310	Annuitant Employee Medical (no longer active)	12,264	3,774					
1314	457/401a Contribution	1,498	2,695	2,929	3,378	3,282	3,388	3,426
1315	401k Contribution	28,405	35,173	37,051	39,482	33,677	39,818	39,991
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 757,022</b>	<b>\$ 824,325</b>	<b>\$ 808,062</b>	<b>\$ 838,641</b>	<b>\$ 819,872</b>	<b>\$ 856,689</b>	<b>\$ 853,100</b>
	Staffing (Full time equivalent units)	5.5	5.25	5.0	5.0	5.0	5.0	5.0
	<b>SERVICES AND SUPPLIES</b>							
	<b>General Services &amp; Supplies</b>							
2031	Payroll System Services			\$ 654	\$ 826	\$ 842	\$ 859	\$ 876
2035	Communications							
2037	COMNET Charge (ISF)	\$ 3,777	\$ 3,593	3,148	3,434	3,503	3,573	3,645
2040	Relocation Charges - Phone Service	3,151		0				
2041	Phone Service/Outside Company	4,295	8,644	7,598	8,400	8,568	8,739	8,914
2043	Electronic Equipment Maintenance	6,159	92	-	-	-	-	-
2075	Membership Dues	9,973	10,303	11,822	12,039	12,280	12,525	12,776
2076	Tuition Reimbursement	950	-	999	1,000	1,020	1,040	1,061
2080	Publications	4,218	2,723	3,448	3,343	3,410	3,478	3,547



## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 17-18	ACTUAL YEAR-END FY 18-19	PROJECTED YEAR-END FY 19-20		PROPOSED FY 20-21 Year 1	FORECAST FY 21-22 Year 2	FORECAST FY 22-23 Year 3	FORECAST FY 23-24 Year 4
						Extra Pay Period	--	No Amortization	Retirement
2085	Legal Notices	20,698	21,188	12,180		11,250	11,475	11,705	11,939
2090	Building Expense	103,019	6,466	7,627		7,000	7,140	7,283	7,428
2115	Computer Software	1,707	3,054	2,259		3,054	3,115	3,178	3,241
2125	Inventoriable Equipment					-	-	-	-
2130	Moving Expenses								
2135	Utilities			2,557					
2180	Electricity	2,778	3,576	5,817		7,200	7,344	7,491	7,641
2182	Electricity	2,372		-					
2195	Reimbursement Services and Supplies								
2245	Other Insurance	10,013	14,285	12,683		14,238	14,523	14,813	15,109
2305	General Office Expense	8,629	4,918	4,354		1,250	1,275	1,301	1,327
2308	Credit Card Clearing Account	2,046	(1,276)	311		-	-	-	-
2309	Visa Temp Card			-					
2310	Postage - Direct Charge	14,683	7,121	9,201		5,316	5,422	5,531	5,641
2315	Records Storage	606	808	1,305		900	918	936	955
2316	Surplus Handling			-					
2323	Reproduction Services	2,000	162			-	-	-	-
2335	Temporary Services	132	699	89		-	-	-	-
	<b>Consultant &amp; Special Services:</b>								
2400	Legal Counsel	130,898	94,182	39,584		30,870	31,487	35,496	39,787
2405	Auditing	10,819	8,000	14,528		11,668	11,901	12,139	12,382
2410	Data Processing		12,851	11,255		8,439	8,608	8,780	8,956
2414	Application Development Maint.			-		-	-	-	-
2415	COWCAP	8,458	10,109	13,328		7,345	7,492	7,642	7,795
2416	Enterprise Printing			36		31	32	32	33
2418	Enterprise Data Storage			8,459		7,200	7,344	7,491	7,641
2420	Wireless Device Access	199	300	262		286	292	298	303
2421	Desktop Support Services	15,568	17,417	14,761		15,085	15,387	15,695	16,009
2424	Environmental Consultant	8,590	10,605	25,526		10,600	10,812	11,028	11,249
2444	Security Services	1,267	480	691		492	502	512	522
2445	Other Professional Services	137,937	96,029	64,545		34,161	46,071	44,072	45,093
2449	Outside Legal (Litigation & Special Counsel)		3,216	4,115		-	-	-	-
2450	Application Development Support		-	-		-	15,000	10,000	10,000
2460	GIMS Charges	13,500	13,518	13,500		16,500	16,830	17,167	17,510

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 17-18	ACTUAL YEAR-END FY 18-19	PROJECTED YEAR-END FY 19-20	PROPOSED FY 20-21 Year 1	FORECAST FY 21-22 Year 2	FORECAST FY 22-23 Year 3	FORECAST FY 23-24 Year 4
					Extra Pay Period	--	No Amortization	Retirement
				-				
	<b>Lease/Purchases:</b>			-				
2895	Rent/Lease Equipment (copier)	6,034	5,289	6,004	5,100	5,202	5,306	5,412
2905	Office/Hearing Chamber Rental	100,455	99,052	99,474	101,201	103,225	<b>71,629</b>	73,062
				-				
	<b>Travel Related Expenses:</b>			-				
2940	Private Mileage	4,374	4,952	4,025	4,632	4,725	4,819	4,916
2941	Conference/Training	5,422	5,231	5,205	4,710	4,804	4,900	4,998
2942	Hotel	6,739	5,886	6,151	7,610	7,762	7,917	8,076
2943	Meals	780	456	724	1,100	1,122	1,144	1,167
2944	Car Rental	260	-	-	-	-	-	-
2945	Air Travel	3,291	1,011	1,792	800	816	832	849
2946	Other Travel	665	122	848	300	306	312	318
				-				
	<b>Other:</b>			0				
5012	Services Out (Staples)	185	283	2619.44	3,600	3,672	3,745	3,820
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 656,644</b>	<b>\$ 475,345</b>	<b>\$ 423,483</b>	<b>\$ 350,981</b>	<b>\$ 384,226</b>	<b>\$ 353,410</b>	<b>\$ 363,999</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,413,665</b>	<b>\$ 1,299,670</b>	<b>\$ 1,231,546</b>	<b>\$ 1,189,622</b>	<b>\$ 1,204,099</b>	<b>\$ 1,210,099</b>	<b>\$ 1,217,099</b>
	<b>RESERVES (Increases)</b>							
6000	Contingency (Assigned)							
6010	Net Pension Liability Reserve (Committed)				43,852	43,852	43,852	43,852
6025	General Reserve (Assigned)					25,000	25,000	25,000
6030	Compensated Absences Reserve (Committed)				32,477	23,000	20,000	13,000
6035	Salary Reserve for Extra Pay Period (Committed)					3,000	3,000	3,000
<b>TOTAL CONTINGENCIES &amp; RESERVES</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 76,329</b>	<b>\$ 91,852</b>	<b>\$ 88,852</b>	<b>\$ 81,852</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,413,665</b>	<b>\$ 1,299,670</b>	<b>\$ 1,231,546</b>	<b>\$ 1,265,951</b>	<b>\$ 1,295,951</b>	<b>\$ 1,298,951</b>	<b>\$ 1,298,951</b>

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 16-17	ACTUAL YEAR-END FY 17-18	ACTUAL YEAR-END FY 18-19	PROJECTED YEAR-END FY 19-20	PROPOSED FY 20-21 Year 1	FORECAST FY 21-22 Year 2	FORECAST FY 22-23 Year 3	FORECAST FY 23-24 Year 4
						Extra Pay Period	--	No Amortization	Retirement
	CONTRIBUTION REVENUES								
	Use of Money:								
8500	Interest	\$ 9,318	\$ 12,561	\$ 16,191	\$ 15,823	\$ 19,000	\$ 19,000	\$ 22,000	\$ 22,000
	Mandatory Contribution from Governments:								
8842	Apportionment	926,223	1,009,583	1,105,497	1,090,497	1,120,497	1,150,497	1,150,497	1,150,497
	Fees and Deposits (Current Services):								
9545	Individual Notice	27,507	6,351	8,916	5,429	11,000	11,000	11,000	11,000
9555	Legal Services	10,311	42,206	70,067	14,050	19,400	19,400	19,400	19,400
9595	Protest Hearing	34,000	3,000	3,000		6,000	6,000	6,000	6,000
9655	GIMS Fees	5,015	8,430	825	1,055	765	765	765	765
9660	Environmental	7,145	4,546	10,619	5,705	10,400	10,400	10,400	10,400
9800	LAFCO Fees	117,531	52,821	69,389	62,895	68,889	68,889	68,889	68,889
	Total Fees and Deposits	201,509	117,354	162,816	89,135	116,454	116,454	116,454	116,454
	TOTAL CONTRIBUTION REVENUES	1,137,049	1,139,498	1,284,504	1,195,454	1,255,951	1,285,951	1,288,951	1,288,951
	OTHER REVENUES								
9910	Prior Year Activity (refunds, collections)	\$ (20,757)	\$ 2,438	\$ (373)					
9930	Miscellaneous Revenues	345	2,140	265	580				
9970	Carryover of Open Proposals/Projects	42,219	5,058	(50)		10,000	10,000	10,000	10,000
9970	Carryover from Prior Year, Assigned	296,065	101,741	50					
9973	State-dated Checks			1,000	38				
9970	SBCERA Contributions			(184,963)					
	TOTAL OTHER REVENUES	317,873	111,377	(184,071)	618	10,000	10,000	10,000	10,000
	TOTAL REVENUES	\$ 1,454,922	\$ 1,250,875	\$ 1,100,434	\$ 1,196,072	\$ 1,265,951	\$ 1,295,951	\$ 1,298,951	\$ 1,298,951
	Note: Spreadsheet utilizes the cash basis of accounting and does not include accrual/reversal data.								

# **Salaries and Benefits Detail**

**Attachment 2**

## Attachment #2

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1010	<b>Earnable Compensation</b>	Per Salary Schedule	Increasing 5.1%	\$ 507,971.67
	<i>Includes step increases (3 employees), 2% longevity pay for those with 15 yrs (3 employees), &amp; leave cashouts. No COLA.</i>			
1030	<b>Auto &amp; Phone Allowances</b>	Auto Allowance (\$300 per pay period)	--	\$ 9,485.00
		Mobile Phone Allowance (\$50 per pay period)	--	
	<i>Executive Officer auto and phone allowances, per Benefit Plan.</i>			
1110	<b>General Member Retirement</b>	Tier 1 (35.76%)	Decreasing 5.9%	\$ 183,250.84
		Tier 2 (33.24%)	Decreasing 6.7%	
	<i>Contributions to retirement plan. Per SBCERA and Retirement Board adopted rates.</i>			
1130	<b>Survivors Benefits</b>	\$1.35 per pay period per employee	--	\$ 182.93
	<i>The survivor benefit is provided by SBCERA in lieu of Social Security's death benefits since members do not participate in Social Security. General members pay a contribution each pay period to fund this benefit.</i>			
1200	<b>Medical Premium Subsidy</b>	\$529.94 per period (employee +2): 2 employees	--	\$ 55,860.42
		\$379.03 per period (employee +1): 2 employees	--	
		\$243.33 per period (employee +0): 1 employee	--	
	<i>A subsidy is provided to offset employee medical premiums.</i>			
1205	<b>Long-Term Disability</b>	0.24% of Base Pay	--	\$ 1,184.46
	<i>Long-term disability insurance.</i>			
1207	<b>Vision Insurance</b>	\$5.99 per employee per period	--	\$ 811.65
	<i>Vision insurance.</i>			
1215	<b>Dental Insurance Subsidy</b>	\$9.46 per employee per period	--	\$ 1,281.83
	<i>A subsidy is provided to offset employee dental premiums.</i>			
1222	<b>Short-Term Disability</b>	Short-term disability insurance (1.18% of Base Pay)	--	\$ 6,071.54
		FMLA program charge (\$1.83 per employee per period)	--	
	<i>Short-term disability insurance &amp; admin cost for family medical leave.</i>			
1225	<b>Social Security Medicare</b>	1.412% of Earnable Compensation	--	\$ 6,169.86
	<i>Contribution to Social Security Medicare for those entering after 1985 (4 employees).</i>			
1235	<b>Workers' Compensation</b>	1.07% of Base Pay	--	\$ 5,265.90
	<i>Purchased thorough Special Districts Management Authority (SDRMA), a joint powers authority.</i>			
1240	<b>Life Insurance &amp; Med Trust Fund</b>	Life Insurance (\$1.75 per employee per period)	Decreasing 4.0%	\$ 11,853.32
		Variable Life Insurance (\$1,059 for 3 employees)	--	
		Retirement Medical Trust Fund (\$10,556 for 5 employees)	Increasing 15.1%	
	<i>(1) Life Insurance is a benefit for all employees. (2) Employees may purchase Variable Life Insurance, which has an employer contribution. (3) LAFCO contributes to a Retirement Medical Trust Fund for employees with over 5 years of service (5 employees). One employee becomes eligible this year.</i>			
1305	<b>Medical Reimbursement Plan</b>	Medical Reimbursement (up to \$40 per employee/period)	--	\$ 6,392.00

## Attachment #2

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
		Healthy Lifestyles (gym, \$324 per employee - 3)	--	
1314	457/401a Contribution	1% match for Executive Officer, 0.5% for all others	--	\$ 3,377.85
	<i>LAFCO matches employee contributions to the 457 savings plan of the County up to 0.5% for Groups B and C, and 1% for Group A (Executive Officer).</i>			
1315	401k Contribution	8% match for Group A & B, 6% match for Group C	--	\$ 39,481.88
	<i>LAFCO matches employee contributions to the 401(k) savings plan of the County up to 8% for Groups A and B, and up to 6% for Group C (Analyst-GIS).</i>			
<b>TOTAL SALARIES AND BENEFITS</b>				<b>\$ 838,641.14</b>

# **Services and Supplies Detail**

**Attachment 3**

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2031	<b>Payroll System Services</b>	\$6.35 per payroll warrant (26), 5 employees	Decreasing 17%	\$ 825.50
	<i>Maintenance, support, and enhancements for County's payroll system and infrastructure.</i>			
2037	<b>COMNET Charge</b>	\$31.80 per line (9) per month	Decreasing 2%	\$ 3,434.40
	<i>Phone line. Includes support services.</i>			
2041	<b>Outside Phone - Verizon</b>	\$700 per month	--	\$ 8,400.00
	<i>Fiber optic data line from Verizon.</i>			
2043	<b>Electronic Equip. Maint.</b>	No activity		\$ -
	<i>County ISD services for data line installation.</i>			
2075	<b>Membership Dues</b>	CSDA: \$1,377	--	\$ 12,039.00
		CALAFCO: \$10,662	Increasing 3%	
	<i>Membership in Professional Associations.</i>			
2076	<b>Tuition Reimbursement</b>	One employee at max reimbursement	No change	\$ 1,000.00
	<i>Pursuant to the LAFCO Benefits Plan, employees can be reimbursed for up to \$1,000 for approved tuition, course/seminar or degree related expenses, and membership dues in professional organizations.</i>			
2080	<b>Publications</b>	CA Land Use & Planning Law: \$101.00	--	\$ 3,342.82
		CA Annotated Code Books: \$218.08/month	Increasing 7%	
		CA Planning & Development: \$222	--	
		County calendars: \$8.90 each (5)	--	
		Longtin's CA Land Use: \$78.60	--	
		CEQA desktop book: \$100.00	--	
	<i>Purchase or subscription to professional publications related to LAFCO study areas.</i>			
2085	<b>Legal Notices</b>	General paper: \$750 per hearing (6)	--	\$ 11,250.00
		Local Paper: \$750 for 6 hearings	--	
		Protest hearing: \$750 per protest hearing (3)	--	
	<i>Legal and policy requirement for notices: hearing, protest hearing, public member vacancy, etc... An eighth-page display ad in general newspapers is required for the countywide service reviews and when advertisement is authorized in-lieu of individual landowner and/or registered voter notice.</i>			
2090	<b>Building Expense</b>	HVAC: \$325 per quarter	--	\$ 7,000.00
		Janitorial: \$475 per month	--	
	<i>Ongoing maintenance of the staff office.</i>			
2115	<b>Software</b>	Laserfische archiving: \$1,313.00 annual	--	\$ 3,054.32
		Microsoft licenses: \$1,741.32 annual	--	
	<i>Purchases, subscriptions, and updates of software and online programs, to include digital archiving software for LAFCO to maintain its records in perpetuity per Government Code Section 56382.</i>			
2125	<b>Inventoriable Equipment</b>	No activity		
	<i>Purchase of equipment with a value over \$5,000.</i>			
2180	<b>Electricity</b>	\$600 per month	Increasing 20%	\$ 7,200.00



## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
	<i>LAFCO is responsible for electricity payments while located at the train depot.</i>			
2245	<b>Other Insurance</b>	\$14,328 annual	--	\$ 14,238.00
	<i>Liability insurance (property, general, personal, employment, benefits, auto) errors and omissions, and employee dishonesty coverage. Purchased through the Special District Risk Management Authority (SDRMA).</i>			
2305	<b>Office Expense</b>	Petty Cash Reimbursement: \$250 per quarter	--	\$ 1,250.00
		Paper shredding: \$50	--	
		HP Printer cartridges: \$200	--	
	<i>Expenses to run the office such as office supplies and non-inventoriable items.</i>			
2308	<b>Credit Card Clearing</b>			\$ -
	<i>Clearing account for credit card issued to the Executive Officer. All charges post to this account temporarily with charges then transferred to the appropriate accounts.</i>			
2310	<b>Postage</b>	Months with hearings (6): \$400 per month	Decreasing 20%	\$ 5,316.00
		Months with no hearings (6): \$200 per month	--	
		Mail delivery: \$6.50 per stop (22 per month)	Decreasing 31%	
	<i>On avg. USPS rates increasing 10%. County mail handling increasing 18%. LAFCO implementing more digital circulation as cost savings, which reduce costs overall.</i>			
2315	<b>Record Storage</b>	\$70 per month	Decreasing 7%	\$ 900.00
	<i>Off-site retention of records. Gov Code 56382 mandates LAFCO to maintain its records in perpetuity.</i>			
2323	<b>Reproduction</b>	No activity		\$ -
	<i>Printing activity outside of the LAFCO office (County Printing Services, Kinkos, etc.).</i>			
2335	<b>Temp Services</b>	No activity		\$ -
	<i>Use of temporary services for clerical support.</i>			
2400	<b>Legal</b>			\$ 30,870.00
		Months with hearings (6): \$3,600 per month	Increasing 3.0%	
		Months with no hearings (6): \$1,500 per month	Increasing 3.0%	
	<i>Contract with Best, Best, and Krieger for general and special counsel. Costs related to a proposal are recoverable pursuant to Commission policy. Payments received for cost recovery are deposited into Revenue Account 9555.</i>			
2405	<b>Auditing</b>	SBCERA costs for GASB 67 & 68: \$3,018	--	\$ 11,668.00
		BB&K response: \$250	--	
		Independent auditor: \$8,000	Increasing 5%	
	<i>Contract with Davis Farr LLP for independent auditing services. SBCERA is required to determine the unfunded liability for its participants and by legislative action can charge for that requirement.</i>			
2410	<b>IT Infrastructure</b>	\$117.21 per email address (6) per month	Decreasing 4%	\$ 8,439.12
	<i>Support of computer/server systems, email, wide area network, internet access, IT security, virus protection, help desk, and data center.</i>			

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2414	<b>Application Development Maint.</b>	Year 2: \$11,000 for migration of website to new architecture	--	\$ -
	<i>County ISD services for upgrades to applications such as website.</i>			
2415	<b>COWCAP</b>	\$7,345 per County COWCAP publication	Decreasing 45%	\$ 7,345.00
	<i>The County Auditor charges for county-related costs incurred in the prior year.</i>			
2416	<b>Enterprise Printing</b>	Per print impression, annual estimate	--	\$ 31.00
	<i>Printing from County's enterprise server related to payroll.</i>			
2418	<b>Enterprise Data Storage</b>	\$704.72 per month, based on storage allocation	Anticipated to dec.	\$ 7,200.00
	<i>High-speed enterprise data storage services, including data backup and recovery.</i>			
2420	<b>Wireless Device Access</b>	\$23.83 per user per month	--	\$ 285.96
	<i>Phone sync to County email.</i>			
2421	<b>Desktop Support Services</b>	\$139.68 per computer (9) per month	Increasing 4%	\$ 15,085.44
	<i>County tech support &amp; monitoring for computers and applications.</i>			
2424	<b>Environmental</b>	Consultant work, per contracted rate, 11 proposals	--	\$ 10,600.00
		File with County Clerk, 14 actions, \$50 each	--	
	<i>The Commission contracts with an independent consultant, Tom Dodson and Associates, for the environmental assessment associated with its proposals. Most environmental consultant costs are billable under the Commission's existing fee schedule. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2444	<b>Security</b>	\$123 per quarter	Increasing 5%	\$ 492.00
	<i>Maintain and monitor the security system.</i>			
2445	<b>Other Professional Services</b>	Surveyor proposal review: \$450 each proposal (14)	--	\$ 34,161.40
		Commissioner stipend: \$200 per hearing (6)	--	
		ROV: \$100.60 per hour (14)	--	
		Bob Aldrich for staffing: \$75/hr for 0 hours	--	
		County processing of quarterly taxes: \$1,000/quarter	--	
		County work on apportionment: \$5,6866	--	
		Video recording of hearings: \$360 per hearing (6)	--	
		Commissioner stipend for SoCal LAFCO: \$200 per mtg. (4)	--	
		Governance Training: LAFCO 101 (incidentals of \$427)	Charge eliminated	
	<i>This account is for outside services to assist in processing applications and service reviews as well as conducting Commission hearings. Staffing support from Bob Aldrich will correspond with proposal activity levels. Governance training will include one course: LAFCO 101.</i>			
2449	<b>Outside Legal</b>	Per special counsel rate		\$ -
	<i>Legal services conducted through special contract for either litigation or when a conflict of interest waiver is not granted. For proposals not initiated by the Commission, the applicant agrees to indemnify the Commission against legal costs. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2450	<b>System Development</b>	per County rate schedule		\$ -
	<i>County support to develop new software programs or systems. None anticipated.</i>			
2460	<b>GIMS</b>	Aerial Imagery \$1,000 per user (3)	--	\$ 16,500.00
		Street Network Subscription: \$10,500 flat fee	--	
		ArcMap Desktop - GIMS license: \$1,000 per user	--	
	<i>Generation &amp; maintenance of digitized maps &amp; aerial images, access to County's parcel &amp; street layers.</i>			
2895	<b>Copier</b>	\$425 per month	Increasing 6%	\$ 5,100.00
	<i>LAFCO implementing more digital circulation as cost savings.</i>			
2905	<b>Rent</b>	Hearing Chambers: \$405 per hearing (6)	--	\$ 101,200.69
		Amortization Payment: \$8,448.33 quarterly	--	
		Office Lease & Common Area Expense: \$16,244 quarterly	Increasing 3%	
	<i>Use of Norton Conference Center for hearings, amortizing the renovations of the staff office for 60 monthly payments, and office lease with associated costs for common area expenses such as security, landscaping, lighting, etc.</i>			
2940	<b>Private Mileage</b>	ESRI Conference San Diego, 1 staff: \$132	--	\$ 4,632.10
		Employee travel, misc.: \$55	--	
		CALAFCO Conf. Monterey, 6 cars	--	
		CALAFCO Staff Workshop Orange, 1 auto: \$440	--	
		Commissioner So Cal participation, 4 trips: \$220	--	
		Commissioner Hearings (6): \$2,502.50	--	
	<i>Commissioners and staff private auto mileage at the IRS rate, excluding the Executive Officer.</i>			
2941	<b>Conference/Training</b>	CALAFCO Staff Workshop Orange: \$360 each (2)	--	\$ 4,710.00
		CALAFCO Conference Monterey \$570 each (7)	--	
	<i>The CALAFCO Staff Workshop will be held in Orange, with 2 staff budgeted.</i>			
	<i>The CALAFCO Conference will be held in Sacramento, with 5 Commissioners and 2 staff budgeted.</i>			
2942	<b>Hotel</b>	CALAFCO/So Cal participation: \$200 per night (1)	--	\$ 7,610.00
		ESRI Conference San Diego: \$300/night, 1 staff, 3 nights	--	
		CALAFCO Conf. Mont., \$250/night, 7 people, 3 nights	--	
		CALAFCO Staff Work. Orange: \$210/night, 2 staff, 3 nights	--	
	<i>Hotel charges for Commissioners and staff on LAFCO business.</i>			
2943	<b>Meals</b>	Staff travel: \$50	--	\$ 1,100.00
		ESRI Conference San Diego: \$50/day, 1 staff, 3 days	--	
		CALAFCO Conference Monterey \$350 for 7 people	--	
		CALAFCO Staff Workshop Orange: \$50 for 2 staff	--	
		So Cal participation - Staff: \$50/trip (4)	--	
		So Cal participation - Commissioner: \$50/trip (2)	--	
	<i>Meal charges for Commissioners and staff on LAFCO business. Per diem max \$50/day.</i>			

## Attachment #3

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2944	Car Rental	No activity		\$ -
	<i>Car rental by Commissioners or staff.</i>			
2945	Air Travel	CALAFCO participation: \$200/trip (4)		\$ 800.00
	<i>Airfare on Southwest Airlines for approved travel to Sacramento.</i>			
2946	Other Travel	CALAFCO participation: \$75/trip (4)		\$ 300.00
	<i>Miscellaneous travel charges such as parking and taxi charges.</i>			
5012	Staples Office Supply	\$300 per month utilizing County's contract.	--	\$ 3,600.00
TOTAL SERVICES AND SUPPLIES				\$ 350,980.75

# **Revenue Detail**

**Attachment 4**

## Attachment #4

## Revenues Detail

Account		Charge Measurement	Rate Inc/Dec	Total
8500	Interest	County Interest Pool returns	Variable	\$ 19,000
	<i>LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.</i>			
8842	Apportionment		Increasing 2.8%	\$ 1,120,497
	<i>Govt Code §56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the County of San Bernardino. The proposed apportionment to the County, Cities, and Independent Special Districts is \$373,499 each. The County Auditor will be required to apportion this amount on July 1, 2020 pursuant to the requirements of law and Commission policies.</i>			
8545	Individual Notice	\$1,000 deposit	--	\$ 11,000
	<i>This account is for landowner and registered voter notification requirements. This \$1,000 deposit is applied to proposals and development-related service contract less refunds. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9555	Legal Services	\$2,000 for proposals; \$700 for applicable service contracts	--	\$ 19,400
	<i>This account is for deposits for legal services which are calculated at \$2,000 for proposals and \$700 for service contracts requiring a hearing.</i>			
9595	Protest Hearing	\$1,500	--	\$ 6,000
	<i>The account is for deposits related to the processing of the protest hearing which are calculated at \$1,500 each. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9655	GIMS Fees	LAFCO Fee Schedule, based on acreage	--	\$ 765
	<i>This account is for receipt of revenue to recover the costs associated with the County's digital maps for sphere or boundary changes, maintenance and updates. The charge is based upon the acreage of each consideration area.</i>			
9660	Environmental	\$1,000 for proposals; \$750 for applicable service contracts	--	\$ 10,400
	<i>Deposits for environmental review processing are calculated at \$1,000 for proposals and \$750 for service contracts requiring a hearing.</i>			
9800	LAFCO Fee	LAFCO Fee Schedule, based on region and acreage	Increasing w/ CPI	\$ 68,889
	<i>Revenues in this account are based on anticipated activity and conservatively calculated at the median annexation filing fee for the activity identified above.</i>			
9910	Prior Year Activity		--	\$ -
	<i>This account refunds deposits submitted by applicants less costs incurred for activity which carry over from one year to another and includes prior year payment of indemnification of legal costs.</i>			
9930	Miscellaneous Revenues		--	\$ -
	<i>This account is for revenues received for duplication of CDs, DVDs, paper copies, and other miscellaneous receipts.</i>			
9970	Carryover of Open Proposals		--	\$ 10,000
	<i>Proposals received in FY 2019-20 but still being processed will carryover unearned funds.</i>			
TOTAL SALARIES AND BENEFITS				\$ 1,265,951

**Auditor's Apportionment  
Distribution for the County,  
Cities and Towns, and  
Independent Special Districts**

**Attachment 5**

**LAFCO Cost Allocation  
County of San Bernardino Allocation  
PY 2019-2020**

	<b>Amount</b>	<b>Percentage of Total Cost</b>
<b>County of San Bernardino</b>		
Total LAFCO Cost	\$ 1,120,497.00	100.00%
County of San Bernardino Allocation (1/3)*	\$ 373,499.00	33.33%
<b>Total San Bernardino County Allocation</b>	<b>\$ 373,499.00</b>	<b>33.33%</b>

**Note:**

\* Per LAFCO Funding Election, County of San Bernardino pays third of total LAFCO cost.

\* Total LAFCO Apportionment for FY 2020-21 is \$1,120,497 (by letter dated March 12, 2020)



**LAFCO Cost Allocation  
Cities Allocation  
PY 2019-2020**

<b>City</b>	<b>Total Revenues FY 17-18</b>	<b>LAFCO Allocation</b>	<b>Allocation Percentage</b>
Adelanto	\$ 18,224,861.00	\$ 3,433.83	0.92%
Apple Valley	\$ 39,320,260.00	\$ 7,408.50	1.98%
Barstow	\$ 34,899,475.00 *	\$ 6,575.56	1.76%
Big Bear Lake	\$ 40,765,425.00 *	\$ 7,680.79	2.06%
Chino	\$ 112,252,783.00	\$ 21,150.03	5.66%
Chino Hills	\$ 76,674,435.00	\$ 14,446.56	3.87%
Colton	\$ 42,945,339.00	\$ 8,091.52	2.17%
Fontana	\$ 253,559,320.00 *	\$ 47,774.21	12.79%
Grand Terrace	\$ 9,297,284.00	\$ 1,751.74	0.47%
Hesperia	\$ 98,015,392.00 *	\$ 18,467.51	4.94%
Highland	\$ 36,200,679.00	\$ 6,820.73	1.83%
Loma Linda	\$ 25,934,943.00	\$ 4,886.52	1.31%
Montclair	\$ 40,479,899.00	\$ 7,626.99	2.04%
Needles	\$ 7,459,338.00	\$ 1,405.45	0.38%
Ontario	\$ 329,187,019.00	\$ 62,023.57	16.61%
Rancho Cucamonga	\$ 220,198,334.00 *	\$ 41,488.52	11.11%
Redlands	\$ 79,040,066.00	\$ 14,892.28	3.99%
Rialto	\$ 124,647,331.00	\$ 23,485.34	6.29%
San Bernardino	\$ 158,894,758.00	\$ 29,938.05	8.02%
Twentynine Palms	\$ 12,805,908.00	\$ 2,412.82	0.65%
Upland	\$ 52,607,537.00	\$ 9,912.01	2.65%
Victorville	\$ 117,252,883.00 *	\$ 22,092.12	5.91%
Yucaipa	\$ 31,093,672.00	\$ 5,858.49	1.57%
Yucca Valley	\$ 20,570,953.00	\$ 3,875.86	1.04%
	<b>\$ 1,982,327,894.00</b>	<b>\$ 373,499.00</b>	<b>100.00%</b>

Allocation is based on Cities revenues extracted from Fiscal Year 2017-18 tables published on the State Controller's website ([www.sco.ca.gov](http://www.sco.ca.gov)). Fiscal Year 2018-19 was not available as of April 2, 2020.

\* Cities with subsidiary districts. Subsidiary districts are excluded from the special district distribution and revenue added to the City (confirmed for FY 2020-21 by email dated April 1, 2020.)

Barstow Fire Protection District (City of Barstow)

Big Bear Lake Fire Protection District (City of Big Bear Lake)

Fontana Fire Protection District (City of Fontana)

Hesperia County Water District (City of Hesperia)

Hesperia Fire Protection District (City of Hesperia)

Rancho Cucamonga Fire Protection District (City of Rancho Cucamonga)

Victorville Water District (City of Victorville)

**LAFCO Cost Allocation**  
**Special Districts Allocation**  
**PY 2019-2020**

<b>District Name</b>	<b>Total Revenues*</b> <b>FY 17-18</b>	<b>LAFCO Cost</b> <b>Allocation</b>	<b>Allocation</b> <b>Percentage</b>
Apple Valley Fire Protection	\$ 11,681,598.00	\$ 10,000.00	2.68%
Apple Valley Foothill County Water	\$ 158,816.00	\$ 274.52	0.07%
Apple Valley Heights County Water	\$ 442,299.00	\$ 764.55	0.20%
Arrowbear Park County Water	\$ 1,404,795.00	\$ 2,428.29	0.65%
Baker Community Services	\$ 740,273.00	\$ 1,279.62	0.34%
Barstow Cemetery	\$ 315,509.00	\$ 545.38	0.15%
Barstow Heights Community Services	\$ 67,872.00	\$ 117.32	0.03%
Bear Valley Community Healthcare	\$ 5,383,161.00	\$ 1,500.00	0.40%
Big Bear Airport	\$ 2,202,040.00	\$ 3,806.39	1.02%
Big Bear City Community Services	\$ 19,832,380.00	\$ 10,000.00	2.68%
Big Bear Municipal Water	\$ 5,582,250.00	\$ 10,000.00	2.68%
Big River Community Services	\$ 100,792.00	\$ 174.23	0.05%
Bighorn-Desert View Water Agency	\$ 2,176,278.00	\$ 3,761.85	1.01%
Chino Basin Water Conservation	\$ 2,976,880.00	\$ 5,000.00	1.34%
Chino Valley Independent Fire	\$ 40,873,126.00	\$ 20,000.00	5.35%
Crestline Lake Arrowhead Water Agency	\$ 7,082,877.00	\$ 10,000.00	2.68%
Crestline Sanitation District	\$ 4,384,198.00	\$ 5,000.00	1.34%
Crestline Village Water	\$ 3,152,500.00	\$ 5,000.00	1.34%
Cucamonga Valley Water District	\$ 95,058,935.00	\$ 30,000.00	8.03%
Daggett Community Services	\$ 343,704.00	\$ 594.12	0.16%
East Valley Water	\$ 40,771,044.00	\$ 20,000.00	5.35%
Helendale Community Services District	\$ 5,445,750.00	\$ 10,000.00	2.68%
Hesperia Recreation and Park	\$ 6,371,483.00	\$ 10,000.00	2.68%
Hi-Desert Memorial Healthcare District	\$ 8,672,881.00	\$ 1,500.00	0.40%
Hi-Desert Water District	\$ 13,159,465.00	\$ 10,000.00	2.68%
Inland Empire Resource Conservation	\$ 1,795,312.00	\$ 3,103.33	0.83%
Inland Empire Utilities Agency	\$ 204,696,082.00	\$ 30,000.00	8.03%
Joshua Basin Water	\$ 6,359,768.00	\$ 10,000.00	2.68%
Juniper-Riviera County Water	\$ 303,271.00	\$ 524.23	0.14%
Lake Arrowhead Community Services	\$ 18,357,050.00	\$ 10,000.00	2.68%
Mariana Ranchos County Water	\$ 557,391.00	\$ 963.49	0.26%
Mojave Desert Resource Conservation	\$ 131,231.00	\$ 226.84	0.06%
Mojave Water Agency	\$ 46,110,936.00	\$ 20,000.00	5.35%
Monte Vista Water	\$ 19,811,911.00	\$ 10,000.00	2.68%
Morongo Valley Community Services	\$ 961,862.00	\$ 1,662.65	0.45%
Newberry Community Services	\$ 211,715.00	\$ 365.96	0.10%
Phelan Pinon Hills Community Services District	\$ 8,477,853.00	\$ 10,000.00	2.68%
Rim of the World Recreation and Park	\$ 1,157,515.00	\$ 2,000.85	0.54%
Running Springs Water	\$ 7,341,785.00	\$ 10,000.00	2.68%
San Bernardino Mountains Community Hospital	\$ 886,275.00	\$ 1,500.00	0.40%
San Bernardino Valley Municipal Water	\$ 120,268,322.00	\$ 30,000.00	8.03%
San Bernardino Valley Water Conservation	\$ 2,477,154.00	\$ 4,281.93	1.15%
Thunderbird County Water	\$ 234,363.00	\$ 405.11	0.11%
Twentynine Palms Cemetery	\$ 256,395.00	\$ 443.20	0.12%
Twentynine Palms Water District	\$ 5,249,079.00	\$ 10,000.00	2.68%
West Valley Mosquito and Vector Control	\$ 3,465,907.00	\$ 5,000.00	1.34%
West Valley Water District	\$ 30,989,425.00	\$ 20,000.00	5.35%
Wrightwood Community Services District	\$ 457,119.00	\$ 790.16	0.21%
Yermo Community Services	\$ 215,382.00	\$ 372.30	0.10%
Yucaipa Valley Water	\$ 25,705,289.00	\$ 20,000.00	5.35%
Yucca Valley Airport	\$ 65,185.00	\$ 112.68	0.03%
<b>Totals</b>	<b>\$ 784,924,483.00</b>	<b>\$ 373,499.00</b>	<b>100.00%</b>

All data in this worksheet are extracted from Fiscal Year 2017-18 Special Districts revenues published on the State Controller's website. Fiscal Year 2018-19 was not available as of April 2, 2020.

Exception: Data used for Bear Valley Community Healthcare and San Bernardino Mountains Community Hospital is 'Net from Operations' from FY 2018-19, published by the Office of Statewide Health Planning and Development

- On March 28, 1995, Hi-Desert Memorial Hospital's name was changed to Hi-Desert Memorial Healthcare District.
- By the Resolution No. 2003-10-8, Cucamonga County Water District name changed to Cucamonga Valley Water District.
- Effective July 15, 2015, Hi-Desert Memorial Healthcare District, DBA Morongo Basin Healthcare District, has no longer operates a hospital as it leased operations to Tenet Healthcare Corporation.

**Contract Amendment with  
Inland Valley Development  
Agency for Hearing Lease**

**Attachment 6**

**FIRST AMENDMENT TO LICENSE AGREEMENT  
BY AND BETWEEN THE IVDA AND  
LOCAL AGENCY FORMATION COMMISSION FOR THE SAN BERNARDINO  
COUNTY**

This **FIRST AMENDMENT TO LICENSE AGREEMENT** (this “**First Amendment**”) is dated February 24, 2020, by and between the **Inland Valley Development Agency**, a joint powers authority, (**IVDA**) and **Local Agency Formation Commission for the San Bernardino County**, (**LICENSEE**).

**BACKGROUND:**

- A. On July 1, 2017, IVDA and LICENSEE entered into a License Agreement for the use of the Norton Regional Events Center Auditorium located at 1601 East Third Street, San Bernardino, CA described in Exhibit “A” of the License Agreement (the Premises).

IVDA and LICENSEE desire to amend the License Agreement as set forth below:

**AGREEMENT:**

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree to amend the License Agreement as follows:

1. Paragraphs 1. GENERAL INFORMATION FOR LICENSE and 4. TERM, to provide the term to be extended through June 30, 2021.
2. Miscellaneous.
  - a. Full Force and Effect. Except as expressly amended hereby, all other items and terms of the Lease remain unchanged and continue to be in full force and effect.
  - b. Ratification. The Lease as amended and modified hereby, is ratified and confirmed by the parties as being in full force and effect.
  - c. Conflicts. The terms of this Amendment will control over any conflicts between it and the terms of the Lease.

EXECUTED as of the date first above written.

Local Agency Formation Commission for  
San Bernardino County, (**LICENSEE**)

Inland Valley Development Agency, (**IVDA**)

By: \_\_\_\_\_

By: \_\_\_\_\_  
Michael Burrows, Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE :** APRIL 8, 2020  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #11 – Legislative Report**

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## **RECOMMENDATION:**

Staff recommends that the Commission send a Letter of Support for Senate Bill 799 (Dodd)

## **BACKGROUND:**

At the January 15 LAFCO meeting, the Commission took a position of Support If Amended to Senate Bill (SB) 799. Included as Attachment #1 is a copy of the January 29 letter that was forwarded to Senator Dodd outlining the Commission's concerns regarding removal of the sunset clause if it continues to be a pilot program. As the Commission may recall, the Commission recommended that the sunset clause be removed only if it is afforded to all other LAFCOs; otherwise, it was this Commission's request that the sunset clause simply be extended based on its need to process a few more requests under the pilot program (Government Code Section 56133.5).

The Senator heard the Commission's concerns and the bill was amended on March 11, 2020. A copy of the amended bill is included as Attachment #2. The bill now extends the sunset to January 1, 2026, and also extends the required reporting to the Legislature to January 1, 2025.

Staff is recommending that the Commission adopt a support position for SB 799.

## Attachments:

1. [Commission's Letter of Support If Amended Dated January 29, 2020](#)
2. [Senate Bill 799 \(Amended\)](#)

**Commission's Letter of  
Support If Amended Dated  
January 29, 2020**

**Attachment 1**



# LAFCO

**Local Agency  
Formation Commission  
for San Bernardino County**

1170 West 3rd Street, Unit 150  
San Bernardino, CA 92415-0490  
909 388 0480 ; Fax 909 388 0481  
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**COMMISSIONERS**

JIM BAGLEY  
Public Member

DR. KIMBERLY COX  
Special District

JAMES V. CURATALO, Vice Chair  
Special District

ROBERT A. LOVINGOOD  
Board of Supervisors

LARRY McCALLON, Chair  
City Member

DAWN ROWE  
Board of Supervisors

ACQUANETTA WARREN  
City Member

**ALTERNATES**

LOUISA HOLSTEAD AMIS  
Public Member

RICK DENISON  
City Member

STEVEN FARRELL  
Special District

JANICE RUTHERFORD  
Board of Supervisors

**EXECUTIVE OFFICER**

SAMUEL MARTINEZ

**LEGAL COUNSEL**

PAULA DE SOUSA

January 29, 2020

The Honorable Bill Dodd  
California State Senate  
State Capitol, Room 4032  
Sacramento, CA 95814

RE: SB 799 – Position of Support, if Amended

Dear Senator Dodd:

The Local Agency Formation Commission for San Bernardino County (San Bernardino LAFCO), would be pleased to support your bill, Senate Bill (SB) 799, if amended.

SB 799 removes the sunset provisions of Assembly Bill 402, which became effective on January 1, 2016—authored by you—adding Government Code Section 56133.5 that established a five-year pilot program for Napa and San Bernardino LAFCOs to authorize a city or district to extend service(s) outside an agency's boundary and sphere of influence.

On November 21, 2019, San Bernardino LAFCO submitted its required report to the State Legislature that not only outlined its participation in the pilot program but also included a statement that San Bernardino LAFCO would like the State Legislature to consider repealing the January 1, 2021 sunset date and supported making the pilot program available for all LAFCOs.

The bill you introduced, SB 799, removes the sunset provision of the pilot program, but remains a special statute for Napa and San Bernardino LAFCOs. Unfortunately, San Bernardino LAFCO cannot support having a unique statute without a sunset clause unless it is afforded to all LAFCOs. We believe other LAFCOs could benefit from the provisions afforded in Section 56133.5.

On the other hand, if it remains a pilot program, we would rather have special legislation with a sunset clause. As San Bernardino LAFCO outlined in its report, there are at least two more requests for approval (authorization) of service(s) pursuant to Government Code Section 56133.5 that will be coming before us. Therefore, based on our need to continue to process a few more requests

under this pilot program, San Bernardino LAFCO respectfully requests that you simply extend the sunset clause for an additional five (5) years.

Thank you for your consideration of our concern related to your bill. Please contact Samuel Martinez, Executive Officer, at the address listed above, by email at [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov), or at (909) 388-0480 should you or your staff wish to further discuss the Commission's position on this issue.

Sincerely,



LARRY McCALLON  
Chair

c: Pamela Miller, Executive Director, CALAFCO  
Josh Candelaria, Director, Governmental and Legislative Affairs, County of San Bernardino  
Brendon Freeman, Executive Officer, LAFCO of Napa County



# **Senate Bill 799 (Amended)**

**Attachment 2**

AMENDED IN SENATE MARCH 11, 2020

**SENATE BILL**

**No. 799**

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**Introduced by Senator Dodd**

January 7, 2020

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An act to amend Section 56133.5 of the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Dodd. Local agency services: contracts: Counties of Napa and San Bernardino.

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. The act establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law *requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals this the pilot program as of January 1, 2021.*

This bill would ~~delete~~ extend the January 1, 2021, repeal date with regard to the pilot program, ~~thereby continuing its operation indefinitely.~~ *program until January 1, 2026. The bill would also extend the January 1, 2020, deadline for the Napa and San Bernardino commissions to*

*report to the Legislature to January 1, 2025, and revise the required contents of that report to include how many requests for extension of services were received on or after January 1, 2020, under these provisions.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Napa and San Bernardino.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56133.5 of the Government Code is  
2 amended to read:

3 56133.5. (a) A pilot program is hereby established for the  
4 Napa and San Bernardino commissions. If consistent with adopted  
5 policy, the Napa and San Bernardino commissions may authorize  
6 a city or district to provide new or extended services outside its  
7 jurisdictional boundary and outside its sphere of influence to  
8 support existing or planned uses involving public or private  
9 properties, subject to approval at a noticed public hearing in which  
10 the commission makes all of the following determinations:

11 (1) The extension of service or services deficiency was identified  
12 and evaluated in a review of municipal services prepared pursuant  
13 to Section 56430.

14 (2) The extension of service will not result in either (1) adverse  
15 impacts on open space or agricultural lands or (2) growth inducing  
16 impacts.

17 (3) A sphere of influence change involving the affected territory  
18 and its affected agency is not feasible under this division or  
19 desirable based on the adopted policies of the commission.

20 (b) Subdivision (d) of Section 56133 shall apply to any request  
21 for new or extended services pursuant to this section.

22 (c) For purposes of this section, “planned use” means any project  
23 that is included in an approved specific plan as of July 1, 2015.

24 (d) The Napa and San Bernardino commissions shall submit a  
25 report before January 1, ~~2020~~, 2025, to the Legislature on their  
26 participation in the pilot program, including how many requests  
27 for extension of services were received *on or after January 1,*  
28 *2020*, pursuant to this section and the action by the commission

1 to approve, disapprove, or approve with conditions. The report  
2 required to be submitted pursuant to this subdivision shall be  
3 submitted in compliance with Section 9795 of the Government  
4 Code.

5 (e) The pilot program established pursuant to this section shall  
6 be consistent with Chapter 8.5 (commencing with Section 1501)  
7 of the Public Utilities Code.

8 (f) *This section shall remain in effect only until January 1, 2026,*  
9 *and as of that date is repealed.*

10 SEC. 2. The Legislature finds and declares that a special statute  
11 is necessary and that a general statute cannot be made applicable  
12 within the meaning of Section 16 of Article IV of the California  
13 Constitution because of the unique circumstances relating to the  
14 continuing implementation of the pilot program described in  
15 Section 56133.5 of the Government Code in the Counties of Napa  
16 and San Bernardino.