

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

**NORTON REGIONAL EVENT CENTER
1601 EAST THIRD STREET, SAN BERNARDINO**

REGULAR MEETING OF JANUARY 19, 2022

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.

1. Presentation of Resolutions of Appreciation to Robert Lovingood and Janice Rutherford for their LAFCO Service as County Members, and Louisa Amis for her LAFCO Service as Alternate Public Member

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.

2. [Approval of Minutes for Regular Meeting of November 2021](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for Months of October and November 2021](#)
5. [Review and Approve Contract with Event Design Lab for Video Production of Commission Meetings at the Norton Regional Event Center](#)
6. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

7. [Consideration of: \(1\) CEQA Categorical Exemption filed by the County of San Bernardino for a Minor Use Permit to establish a carwash to include a 5,850 sq. ft. structure to include the carwash tunnel, offices, storage and related improvements on approximately 1.04 acres as CEQA Responsible Agency for LAFCO SC#475; and \(2\) LAFCO SC#475 – City of Montclair Irrevocable Agreement to Annex No. 21-58-I-100 \(APN 1011-341-51\)](#)
8. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a Conditional Use Permit prepared by the County of San Bernardino to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 acres, as CEQA Responsible Agency for LAFCO SC#476; and \(2\) LAFCO SC#476 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service \(APN 0293-111-15\)](#)

9. [Consideration of: \(1\) Review of Environmental Impact Report \(EIR No. 534\) for a General Plan Amendment \(GPA No. 1079\), Change of Zone \(CZO No. 7799\), Plot Plan \(PP No. 25337\), and Parcel Map No. 36564 prepared by the County of Riverside to construct a distribution facility consisting of two industrial buildings totaling 1,823,760 square feet on approximately 246 acres as CEQA Responsible Agency for LAFCO 3251; \(2\) Adoption of Facts, Findings and Statement of Overriding Considerations; and \(3\) LAFCO 3251 – Annexation to the Yucaipa Valley Water District \(I-10 Logistics Owner, LLC\)](#)

DISCUSSION ITEMS:

10. [Review and Accept Audit Report for Fiscal Year Ended June 30, 2021](#)
11. [Review and Accept the Special Study for the Morongo Valley Community Services District \(LAFCO 3253\)](#)
12. [Mid-Year Budget Review for Fiscal Year 2021-22 and Consideration of Increasing Appropriation to Legal Counsel Account](#)
13. Review and Consider Methods on Additional Payments towards LAFCO's Net Pension Liability **(MOVED TO THE FEBRUARY 16, 2022 MEETING)**
14. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County **(MOVED TO THE FEBRUARY 16, 2022 MEETING)**

INFORMATION ITEMS:

15. [Legislative Update Report](#)
16. [Executive Officer's Report](#)
17. 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.)
18. Comments from the Public
(By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

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

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, and on the LAFCO website at www.sbclafco.org.

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

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

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

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

1/12/21:as

DRAFT
ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY

REGULAR MEETING

9:00 A.M.

NOVEMBER 17, 2021

The Commission conducts the meeting virtually by videoconference (via Zoom) and teleconference (via Zoom phone) and broadcast live via YouTube live stream in compliance with Assembly Bill 361 in response to the COVID-19 pandemic.

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley, Chair	Dieter Dammeier
Joe Baca Jr.	Rick Denison
Kimberly Cox	Steven Farrell
James Curatalo	
Curt Hagman	
Larry McCallon	
Acquanetta Warren, Vice Chair	

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Senior Analyst
Hannah Larsen, Analyst
Angela Schell, Commission Clerk

ABSENT:

Dawn Rowe

CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL

Chair Bagley makes an announcement regarding the meeting/hearing being conducted via videoconference and teleconference as well as broadcast live via YouTube in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders due to the COVID-19 Coronavirus pandemic.

ANNOUNCEMENT OF CONTRIBUTIONS

1. Presentation of Resolution of Appreciation to Pamela Miller for her Service as CALAFCO Executive Director

Chair Bagley presents Pamela Miller with a Resolution of Appreciation for her service as the Executive Director for CALAFCO. Commissioners Cox, Warren, and Curatalo thank Ms. Miller for her service. Ms. Miller acknowledges and thanks the Commission for the recognition.

CONSENT ITEMS:

Executive Officer Martinez notes a correction to Recommendation #3 for Item 7, switching out the city name from City of Chino to City of San Bernardino.

2. Approval of Minutes for Regular Meeting of November 2021

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from August 24, 2021 to September 22, 2021 and September 23, 2021 to October 22, 2021.

4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of August 2021 and September 2021 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the months of August 2021 and September 2021 and note revenue receipts for the same period.

5. First Quarter Financial Review for Period July 1 through September 30, 2021

Recommendation: Staff recommends that the Commission note receipt of this report and file.

6. LAFCO SC#470 – City of Chino Irrevocable Agreement to Annex for Water and Sewer Service (APN 1019-071-32)

Recommendation: Staff recommends that the Commission approve LAFCO SC#470 by taking the following actions:

1. Certify that LAFCO SC#470 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#470 authorizing the City of Chino to extend water and sewer service outside its boundaries to Assessor Parcel Number 1019-071-32.
3. Adopt LAFCO Resolution #3338 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

7. LAFCO SC#474 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-366 for Sewer Service (APN 0265-191-19)

[As updated per Executive Officer Martinez]

Recommendation: Staff recommends that the Commission approve LAFCO SC#474 by taking the following actions:

1. Certify that LAFCO SC#474 is statutorily exempt from environmental review and direct the Executive to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#474 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0265-191-19.

3. Adopt LAFCO Resolution #3341 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

8. Consent Items Deferred for Discussion (None)

Commissioner Hagman moves the approval of the Consent Items as amended (switching out the city name from City of Chino to City of San Bernardino, Recommendation #3 for Item 7). Second by Commissioner McCallon. The motion passes with the following roll call vote:

Ayes: Baca Jr., Bagley, Cox, Curatalo, Hagman, McCallon and Warren.
Noes: None.
Abstain: None.
Absent: None.

DISCUSSION ITEMS:

9. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (CONTINUED TO JANUARY 19, 2022 MEETING)

Recommendation: Staff recommends that the Commission continue the update for the Barstow Fire Protection District/City of Barstow for the January 19, 2022 meeting.

Commissioner Warren moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:

Ayes: Baca Jr., Bagley, Cox, Curatalo, Hagman, McCallon and Warren.
Noes: None.
Abstain: None.
Absent: None.

10. Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 – Countywide Service Review for Public Cemetery Districts

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Barstow Cemetery District for the March 16, 2022 meeting unless otherwise directed by the Commission.

Commissioner Cox moves approval of staff recommendations. Second by Commissioner Curatalo. The motion passes with the following roll call vote:

Ayes: Baca Jr., Bagley, Cox, Curatalo, Hagman, McCallon and Warren.
Noes: None.
Abstain: None.
Absent: None.

11. Initiation of Service Review for the Twentynine Palms Community Per Request of the City of Twentynine Palms and Retaining Special Counsel for the Service Review

Recommendation: Staff recommends that the Commission take the following actions:

1. Initiate the Service Review for the Twentynine Palms Community;
2. Note Ms. de Sousa's disqualification from representation on the Service Review for the Twentynine Palms Community;
3. Grant a waiver of conflict to Twentynine Palms Water District for the Service Review for the Twentynine Palms Community to use BB&K;
4. Direct staff to retain the firm of CH&W as Special counsel to represent the Commission in the matter of the Service Review for the Twentynine Palms Community and,
5. Authorize the Executive Officer to sign the agreement retaining Colantuono, Highsmith & Whatley, PC to provide legal services.

Commissioner Warren moves to approve staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:

Ayes: Baca Jr., Bagley, Cox, Curatalo, Hagman, McCallon and Warren.
Noes: None.
Abstain: None.
Absent: None.

12. Discussion on Conducting Future LAFCO Meetings via Teleconference or In-Person

Recommendation: Staff recommends that the Commission:

1. Receive and file the report and the information related to AB 361; and,
2. Provide direction to staff on the following:
 - a) Whether to resume meeting in-person – if the Commission determines to resume meetings in-person, direct staff to schedule the next meeting (January 19, 2022) and all other subsequent meetings, unless otherwise thereafter determined by the Commission, at the Commission's usual meeting venue – the Norton Regional Event Center; or,
 - b) Whether to continue to have the flexibility to meet virtually (via video/teleconference) in light of the continued COVID-19 pandemic—if the Commission determines it best to continue to meet virtually (via video/teleconference), direct staff to call a special Commission meeting within 30 days prior to the January 19, 2022 Commission meeting—scheduled virtually—to consider adoption of required findings outlined in Government Code Section 54953(e).

Commissioner McCallon moves to approve Staff Recommendations 1 and 2a. Second by Commissioner Cox. The motion passes with the following roll call vote:

Ayes: Baca Jr., Bagley, Cox, Curatalo, Hagman, McCallon and Warren.
Noes: None.
Abstain: None.
Absent: None.

INFORMATION ITEMS:

13. Legislative Update Oral Report

Executive Officer Martinez summarizes the Legislative Update staff report noting that the Commission's pilot program bill, SB13, was signed by the Governor.

14. Executive Officer's Oral Report

Mr. Martinez reminds the Commission that December will be dark and the next meeting will be January 19, 2022, in-person, at the Norton Regional Event Center. He also states that the staff report includes the Commission's calendar for 2022. Mr. Martinez informs the Commission that Commissioner Warren was selected by the CALAFCO Board of Directors to be one of its officers. Mr. Martinez offers his congratulations to Commissioner Warren, and concludes his report by wishing the Commission a Happy Thanksgiving.

15. Commissioner Comments

Commissioner Hagman comments on the passage of the infrastructure bill in Congress. and states that there may be a tremendous opportunity for agencies to apply for infrastructure grants. He encourages member agencies who may be on the edge of completing projects that now is the time to put the plans together, so that the agencies are ready when the grants come out. Commissioner Bagley wishes everyone a Happy Thanksgiving.

16. Comments from the Public

There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:53 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JIM BAGLEY, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : JANUARY 12, 2021 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICER'S
EXPENSE REPORT

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from October 23, 2021 to November 22, 2021 and November 23, 2021 to December 22, 2021.

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 periods of:

- October 23, 2021 to November 22, 2021; and,
- November 23, 2021 to December 22, 2021.

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

SM/AS

Attachment



PROCUREMENT CARD PROGRAM


ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[illegible]


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

Cardholder (Print & Sign)	Date
Samuel Martinez 	01/12/22

Approving Official (Print & Sign)	Date
Jim Bagley	01/19/22

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTHS OF OCTOBER 2021 AND NOVEMBER 2021 AND
NOTE REVENUE RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the months of October 2021 and November 2021 and note revenue receipts for the same period.

BACKGROUND INFORMATION:

Staff 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 periods of:



- October 1 through October 31, 2021
- November 1 through November 30, 2021

Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.



SM/MT

Attachment

OCTOBER 2021 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901092510	5200 2090	10/05/21	City Comm	UNIT:150	Reimb-HVAC	\$ 345.00	
1901092519	5200 2090	10/05/21	City Comm	79283	Jan-Pro Cleaning Services for Oct 2021	\$ 490.00	
1901101438	5200 2180	10/19/21	So Cal Edison	700099666433	Edison Bill 10/11/2021	\$ 394.73	
1901093764	5200 2315	10/06/21	Storetrieve	0164495	SvcPeriods9/01 to 9/30 StoragePeriod 10/1 to 10/31	\$ 64.37	
1901092516	5200 2335	10/05/21	Kelly Services	01-6054882	Temporary Services Inv 01-6054882	\$ 140.14	
1901102990	5200 2424	10/21/21	Tom Dodson	LAFCO 21-9	Tom Dodson Inv LAFCO 21-9	\$ 765.00	
1901106931	5200 2445	10/27/21	Inland Empire RCD	SALC INVOICE # 1	Oct. 14, 2021 Invoice #1	\$ 700.00	
1901106932	5200 2445	10/27/21	Inland Empire RCD	SALC INVOICE # 2	Oct. 19, 2021 Inv. # 2	\$ 1,495.00	
1901092514	5200 2895	10/05/21	Konica Minolta	38573078	Inv 38573078	\$ 365.38	
1901092514	5200 2895	10/05/21	Konica Minolta	38573078	Inv 38573078	\$ 73.34	
1901092509	5200 2905	10/05/21	City Comm	# TEN AM 18	Amortization Payment 18	\$ 8,448.33	
1901092510	5200 2905	10/05/21	City Comm	UNIT:150	Rent	\$ 8,464.50	
1901092510	5200 2905	10/05/21	City Comm	UNIT:150	Reimb-CAM Charge	\$ 6,593.40	
TOTAL						\$ 28,339.19	
OCTOBER 2021 COUNTY TRANSFERS PROCESSED							
4102064684	5200 2031	10/01/21	Payroll		SEP 2021 Payroll System Services (EMACS)	\$ 54.40	
4102064686	5200 2032	10/01/21	IT		SEP 2021 Virtual Private Network (VPN)	\$ 13.20	
4102064688	5200 2037	10/01/21	IT		SEP 2021 Dial Tone	\$ 255.06	
4102067976	5200 2076	10/20/21	Human Resources		Tuition Reimbursement (Tuerpe)	\$ 999.00	
4102074051	5200 2305	10/26/21	Purchasing		Staples Surcharge	\$ 18.27	
4102064690	5200 2322	10/01/21	IT		SEP 2021 Enterprise Printing (EMACS)	\$ 7.14	
4102064696	5200 2420	10/01/21	IT		SEP 2021 Wireless Device (Exchange Active Sync)	\$ 17.59	
4102064697	5200 2421	10/01/21	IT		SEP 2021 Desktop Support Services	\$ 1,069.20	
4102064720	5200 2450	10/01/21	IT		SEP 2021 Application Development and Enhancemen	\$ 3,364.40	
4102064691	5241 2410	10/01/21	IT		IT Infrastructure - Period 4	\$ 556.00	
4102064694	5241 2417	10/01/21	IT		Enterprise Content Management - Period 4	\$ 154.00	
4102064695	5241 2418	10/01/21	IT		Storage Tier 1 - Period 4	\$ 151.00	
4102064695	5241 2418	10/01/21	IT		Storage Tier 3 - Period 4	\$ 192.00	
4102074051	5540 5012	10/26/21	Purchasing		Staples Purchase	\$ 152.24	
4200085563	5200 2310	10/04/21	Mail		Mail Services - DEL	\$ 136.50	
4200085564	5200 2310	10/04/21	Mail		Mail Services - FLAT	\$ 28.50	
4200085565	5200 2310	10/04/21	Mail		Mail Services - HAN	\$ 101.16	
TOTAL						\$ 7,269.66	
OCTOBER 2021 CASH RECEIPTS							
1901094684	5294 2941	10/07/21	CALAFCO	2021 ANN. CONF.	2021 Ann. Conf. Registration for Staff & Comners	\$ 3,275.00	
TOTAL						\$ 3,275.00	

OCTOBER 2021 COUNTY TRANSFERRED RECEIVED							
100660001	4030	8500	10/27/2021	County Treasury		QE 9/30/2021 INTEREST APPORTIONMENT	\$ 1,232.10
TOTAL							\$ 1,232.10
							
COMPLETED BY: MICHAEL TUERPE Senior Analyst						APPROVED BY: SAMUEL MARTINEZ Executive Officer	
Date: 1/12/2022							
						1/12/2022	

NOVEMBER 2021 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901119291	5200 2085	11/16/2021	SB County Sun	B3522800	Notice of Hearing SB County Sun	862.40	
1901124255	5200 2090	11/22/2021	Jan Pro	79713	Jan-Pro Cleaning Services Inv 79713	490.00	
1901119288	5200 2180	11/16/2021	So Cal Edison	700099666433	Edison bill 11/09/2021	278.56	
1901103776	5200 2305	11/10/2021	Shred-It	8000149313	Shred-it Inv 8000149313	19.25	
1901119289	5200 2305	11/16/2021	Shred-It	8000378090	Inv. Current Charges 19.25 Inv. 8000378090	19.25	
1901119290	5200 2315	11/16/2021	Storetrieve	0166017	Svc Period 10/01/2021 - 10/31/2021	64.37	
1901110418	5200 2400	11/2/2021	Best, Best, & Krieger	918144	General Matter #14141	494.76	
1901110422	5200 2400	11/2/2021	Best, Best, & Krieger	918145	Litigation Matter 14141.00030	2,146.45	
1901110429	5200 2400	11/2/2021	Best, Best, & Krieger	918146	Montecito Equities	837.50	
1901110432	5200 2400	11/2/2021	Best, Best, & Krieger	918147	MVWD Sewer Power Activation Request	2,299.50	
1901124258	5200 2400	11/22/2021	Best, Best, & Krieger	919741	General Matter #14141	679.60	
1901124273	5200 2400	11/22/2021	Best, Best, & Krieger	919742	Litigation Matter 14141.00030	6,094.50	
1901124279	5200 2400	11/22/2021	Best, Best, & Krieger	919743	MVWD Sewer Power Activation Request 14141.00034	126.00	
1901124246	5200 2424	11/22/2021	Tom Dodson	LAFCO 21-10	Tom Dodson Inv LAFCO 21-10	645.00	
1901110416	5200 2444	11/2/2021	Mijac Alarm	479740	Comm Monitoring 11/01/22 to 01/31/2022	123.00	
1901122035	5200 2445	11/18/2021	Baca	BACA11-17-21	Baca Commnr Stipend 11/17/21	200.00	
1901122036	5200 2445	11/18/2021	Bagley	BAGLEY11-17-21	Bagley Stipend 11/17/2021	200.00	
1901122038	5200 2445	11/18/2021	Cox	COX11-17-21	Cox Commissioner Stipend 11/17/2021	200.00	
1901122039	5200 2445	11/18/2021	Curatalo	CURA11-17-21	Curatalo Commissioner Stipend 11/17/21	200.00	
1901122040	5200 2445	11/18/2021	Dammeier	DIETER11-17-21	Dammeier Commissioner Stipend 11/17/21	200.00	
1901122042	5200 2445	11/18/2021	Denison	DENISON11-17-21	Denison Commissioner Stipend 11/17/21	200.00	
1901122043	5200 2445	11/18/2021	Farrell	FARR11-17-21	Farrell Commissioner Stipend 11/17/21	200.00	
1901122044	5200 2445	11/18/2021	Hagman	HAGMAN11-17-21	Hagman Commissioner Stipend 11/17/21	200.00	
1901122046	5200 2445	11/18/2021	McCallon	MCCALL11-17-21	McCallon Commissioner Stipend 11/17/21	200.00	
1901122048	5200 2445	11/18/2021	Warren	WARREN11-17-21	Warren Commissioner Stipend 11/17/21	200.00	
1901124176	5200 2895	11/22/2021	Konica Minolta	38756254	Inv 38756254	365.38	
1901124176	5200 2895	11/22/2021	Konica Minolta	38756254	Inv 38756254	43.28	
TOTAL						\$ 17,588.80	
NOVEMBER 2021 COUNTY TRANSFERS PROCESSED							
4102098845	5200 2031	11/01/21	IT		OCT 2021 Payroll System Services (EMACS)	\$ 54.40	
4102098848	5200 2032	11/01/21	IT		OCT 2021 Virtual Private Network (VPN)	\$ 13.20	
4102098850	5200 2037	11/01/21	IT		OCT 2021 Dial Tone	\$ 255.06	
4102098853	5200 2322	11/01/21	IT		OCT 2021 Enterprise Printing (EMACS)	\$ 10.71	
4102098859	5200 2420	11/01/21	IT		OCT 2021 Wireless Device (Exchange Active Sync)	\$ 17.59	
4102098860	5200 2421	11/01/21	IT		OCT 2021 Desktop Support Services	\$ 1,069.20	
4102098861	5200 2450	11/01/21	IT		OCT 2021 Application Development and Enhancements	\$ 1,294.00	
4102098854	5241 2410	11/01/21	IT		IT Infrastructure - Period 5	\$ 556.00	
4102098857	5241 2417	11/01/21	IT		Enterprise Content Management - Period 5	\$ 154.00	
4102098858	5241 2418	11/01/21	IT		Storage Tier 1 - Period 5	\$ 151.00	
4200087735	5200 2424	11/19/21	Clerk to the Board		NOE - LAFCO SC#470	\$ 50.00	
4200087737	5200 2424	11/19/21	Clerk to the Board		NOE - LAFCO SC#474	\$ 50.00	
4200087803	5200 2445	11/23/21	Administrative Office		Payment to County Auditor for Q3 Taxes	\$ 897.60	

4200087039	5200	2310	11/03/21	Mail	Mail Services - DEL	\$	130.00
4200087040	5200	2310	11/03/21	Mail	Mail Services - FLAT	\$	8.98
4200087041	5200	2310	11/03/21	Mail	Mail Services - HAN	\$	420.94
4200087310	5200	2415	11/10/21	Administrative Office	2021/2022 COWCAP-QTR2 (Local Agency Formation Co	\$	863.50
TOTAL						\$	5,996.18
NOVEMBER 2021 CASH RECEIPTS							
4102094024	various		11/02/21	City of San Bernardino	Service Contract #474	\$	3,480.00
4102107304	various		11/22/21	City of Montclair	Service Contract #475	\$	3,480.00
TOTAL						\$	3,480.00
NOVEMBER 2021 COUNTY TRANSFERRED RECEIVED							
				NONE			
TOTAL						\$	-
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Senior Analyst				Executive Officer			
	Date: 1/12/2022			1/12/2022			

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

DATE: JANUARY 12, 2022

FROM: MICHAEL TUERPE, Senior Analyst



TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #5 – Review and Approve Agreement with Event Design Lab for Video Production of Commission Meetings at the Norton Regional Event Center

RECOMMENDATIONS:

Staff recommends that the Commission

1. Approve the agreement with Event Design Lab for Video Production of LAFCO Meetings, and
2. Authorize the Executive Officer to sign the agreement.

BACKGROUND:

The City of San Bernardino, through its Inland Empire Media Group, provided video production of the LAFCO meetings up through our last in-person meeting. However, the Media Group is no longer able to provide said service.

In its place, staff contacted the video company (Event Design Lab) that produces the other meetings which are held at this same facility as LAFCO's meetings. Event Design Lab is able and willing to provide said services for \$750 per meeting. This agreement is a one-year agreement with a term from January 19, 2022 to December 31, 2022. Following December 31, 2022, the terms of the agreement shall continue on a month-to-month basis. Attached to this staff report is the agreement.

Legal counsel reviewed this item.

CONCLUSION:

Staff recommends that the Commission take the actions outlined above. Staff will be happy to answer any questions of the Commission prior to or at the hearing.

SM/MT

Attachment

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY
AND EVENT DESIGN LAB**

This Agreement is made and entered into as of [REDACTED], 2022 by and between the Local Agency Formation Commission for San Bernardino County, a California public agency with its principal place of business at 1170 West Third Street, Unit 150, San Bernardino, CA 92415 ("LAFCO"), and Event Design Lab, a Sole Proprietorship, with its principal place of business at 123 Cajon Street, Redlands, CA 92373 (hereinafter referred to as "Consultant"). LAFCO and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

- A. LAFCO is a California public agency and is in need of professional services for the following project: Video Production Services (hereinafter referred to as "the Project").
- B. Consultant has the necessary qualifications to provide such services.
- C. The Parties desire by this Agreement to establish the terms for LAFCO to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide staff to record LAFCO meetings. The following specifies the job functions for Event Design Lab: system setup and shutdown, camera operations, audio operations, and switcher operations. Event Design Lab will provide LAFCO with a link to a dropbox containing a video file and audio file of the meeting in MP4 format or a format acceptable for upload to Vimeo.

2. Compensation.

a. This is a time-and-materials contract. The charge per meeting for said services is \$750.00 payable to Event Design Lab. Subject to paragraph 2(b) below, Consultant will inform LAFCO regarding any out-of-scope work being performed by Consultant.

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of seven hundred and fifty Dollars (\$750) per meeting. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed.

3. Maintenance of Records.

Documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract

period and for four (4) years from the date of final payment under the contract for inspection by LAFCO.

4. Term.

The term of this Agreement shall be from January 19, 2022 to December 31, 2022, unless earlier terminated as provided herein. Effective January 1, 2023, the terms of this agreement shall continue on a month-to-month basis.

5. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

6. Insurance. Consultant shall not commence work for LAFCO until it has provided evidence satisfactory to LAFCO it has secured all insurance required under this section.

a. General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, General Liability Insurance.

(ii) Coverage for General Liability insurance shall be at least as broad as the following: Insurance Services Office General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, and non-owned and hired vehicles.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

c. Evidence Required

The Consultant shall file with LAFCO evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

d. Policy Provisions Required

Consultant shall provide LAFCO at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this

Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to LAFCO at least ten (10) days prior to the effective date of cancellation or expiration.

7. Indemnification.

To the fullest extent permitted by law, Consultant shall indemnify and hold LAFCO, its officials, officers, employees, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant.

8. Notice

Any notice or instrument may be given or addressed to:

LAFCO:

Local Agency Formation Commission for San Bernardino County

1170 West Third Street, Unit 150

San Bernardino, CA 92415

CONSULTANT:

Event Design Lab

David Strausberger

123 Cajon Street

Redlands, CA 92373

and shall be effective upon receipt thereof.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN LAFCO
AND EVENT DESIGN LAB**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

LOCAL AGENCY FORMATION
COMMISSION FOR SAN BERNARDINO
COUNTY


EVENT DESIGN LAB

By: _____
Samuel Martinez
Executive Officer

By: _____
David Strausberger
Event Design Lab

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

DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: LAFCO SC#475 – City of Montclair Irrevocable Agreement to Annex No. 21-58-I-100 for Sewer Service (APN 1011-341-51)

INITIATED BY:

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

RECOMMENDATION:

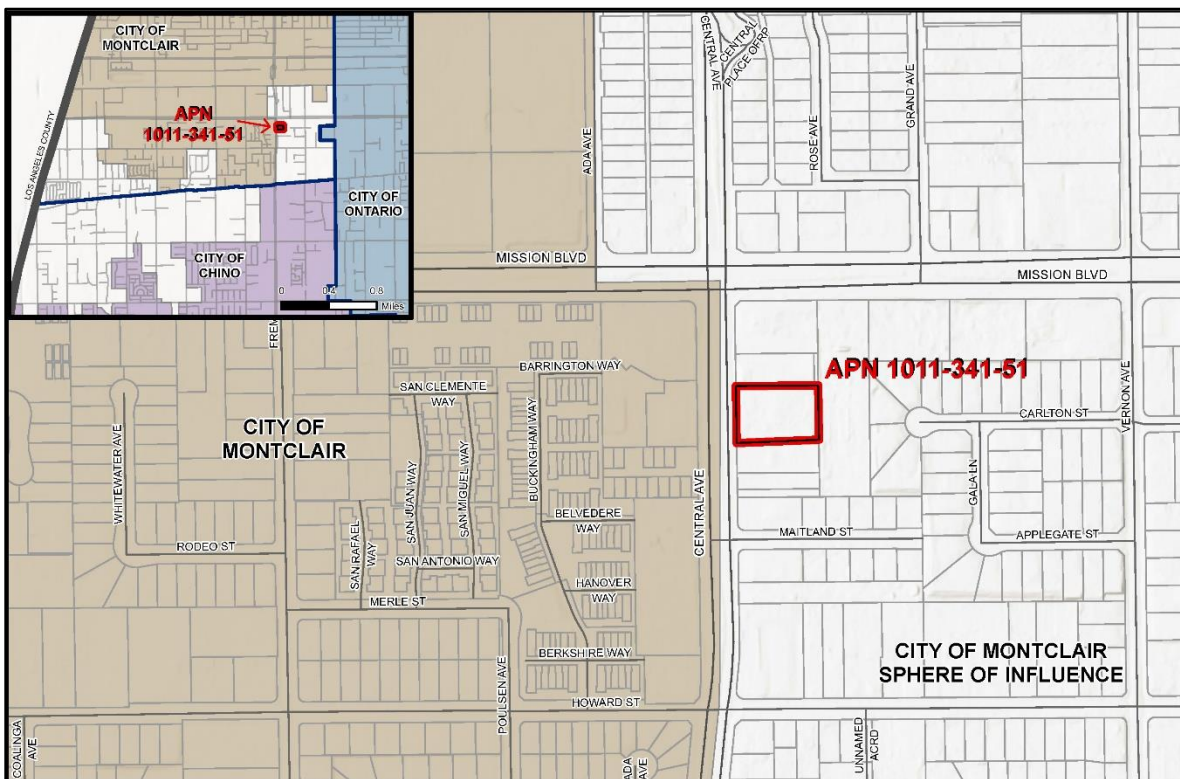
Staff recommends that the Commission approve LAFCO SC#475 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff and its Environmental Consultant, have reviewed and considered the Notice of Exemption filed by the County of San Bernardino for Minor Use Permit to establish a carwash on approximately 1.04 acres;
 - b. Determine that the Commission has considered the less than significant environmental effects caused by approval of the service extension request and finds the information adequate for the Commission's use;
 - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, the Conditions of Approval adopted for the project will remain the responsibility of the County to implement; and,
 - d. Direct the Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days of this action.

2. Approve LAFCO SC #475 authorizing the City of Montclair to extend sewer service outside its boundaries to a proposed car wash on Assessor Parcel Number 1011-341-51.
3. Adopt LAFCO Resolution #3342 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Montclair's boundaries.

BACKGROUND:

The City of Montclair (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service. The agreement relates to Assessor Parcel Number (APN) 1011-341-51, generally located on the east side of Central Avenue between Mission Boulevard and Howard Street, within the City of Montclair's southeastern sphere of influence. The map below, which is also included as part of Attachment #1, provides a location and vicinity map of the site. In addition, Attachment #2 outlines the City's application and contract, including a map that provides the location of the infrastructure to be extended.



The County Land Use Services Department has processed and approved a Minor Use Permit to establish a car wash to include the wash tunnel and other related improvements on approximately 1.04 acres. The Conditions of Approval placed upon this project include the requirement to connect to the City of Montclair's sewer facilities (see Conditions 62 and 64 of the approved Conditions of Approval). A copy of the County's Conditions of Approval 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 parcel 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 indicates that sewer service will be provided through a 6-inch lateral connection to the existing 8-inch sewer main in Central Avenue.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City has submitted an estimated cost of \$7,579.40 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost
City Connection Fee	\$7,178.00
City Permit fee	209.00
City Annexation Fee	192.40
Total	\$7,579.40

The total fee noted above does not include the Inland Empire Utilities Agency (IEUA) Sewer Capacity Fee and an additional City fee based on Equivalent Dwelling Unit (EDU), calculated at 10% of IEUA Capacity Fee, which are to be determined at a later date. In addition, the property owner/developer will bear all costs for the sewer improvements extending from the existing sewer main to the car wash facility.

ENVIRONMENTAL DETERMINATION:

The County approved a Minor Use Permit to establish a car wash to include 5,850 sq. feet of improvements to include the wash tunnel, vacuum stations, office, storage, and other related improvements on the 1.04-acre vacant parcel. In approving the proposed car wash facility, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines, which is an exemption for construction of commercial facilities not exceeding 10,000 square feet in floor area.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Notice of Exemption filed for the proposed project. Mr. Dodson's analysis indicates that the County's Notice of Exemption (Categorical Exemption) is 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 Notice of Exemption filed for

Minor Use Permit to establish a car wash and other related improvements on approximately 1.04 acres;

- b) Determine that the Commission has considered the minimal environmental effects caused by approval of the out-of-agency service agreement extension and finds the information adequate for the Commission's use for its authorization of said service agreement;
- c) Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project. No mitigation measures were required for this project but Conditions of Approval were adopted, which are the responsibility of the County to implement; and,
- c) Direct the Executive Officer to file the Notice of Exemption with the County Clerk of the Board of Supervisors, as CEQA Responsible Agency.

CONCLUSION:

The Conditions of Approval for the car wash being proposed on the parcel requires that it connect to the City of Montclair's sewer facilities. In order for the property owner/developer to build the proposed car wash on the parcel, they must show proof of their ability to connect to the City of Montclair's sewer facilities—which is the Commission's authorization for this agreement.

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 area to be served is within the sphere of influence assigned 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 to the proposed car wash since its facilities are adjacent to the project area, and there is no other existing entity available to provide this service within the area at this time.

DETERMINATIONS:

1. The project area, APN 1011-341-51, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future. Water service will be provided by the Monte Vista Water District, whose boundary already overlays the project area.

The application requests authorization to receive City of Montclair sewer service. This requirement is a condition of approval placed upon the project by the County Land Use Services Department. 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. 21-58-I-100 is being considered for the provision of sewer service by the City of Montclair to APN 1011-341-51. This contract will remain in force in perpetuity 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 contract for the extension of sewer service.

3. The fees charged by the City of Montclair for the extension of sewer service to the parcel are estimated at \$7,579.40 (*Note: Estimated total fee does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City EDU Fee – to be determined at a later date*). In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. Acting as the CEQA lead agency, the County filed a Notice of Exemption for the proposed project. In approving Minor Use Permit, which does not exceed 10,000 square feet of commercial facilities, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's Notice of Exemption (Categorical Exemption) filed for the proposed project and indicates that the County's Notice of Exemption is adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures. No mitigation measures were required for this project; however, Conditions of Approval were included that will be the responsibility of the County to implement. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

Attachments:

1. [Vicinity Map](#)
2. [City of Montclair's Application and Contract](#)
3. [County's Conditions of Approval for the Minor Use Permit](#)
4. [Response from Tom Dodson and Associates](#)
5. [Draft Resolution #3342](#)

**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:

Steve Stanton, Engineering Division Manager

ADDRESS:

5111 Benito Street

PHONE:

Montclair, CA 91763

EMAIL:

sstanton@cityofmontclair.org

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER:

J2 Express, Inc.

CONTACT PERSON:

Hyung Jun Yi

MAILING ADDRESS:

2130 Root Street

Fontana, CA 92833

PHONE:

(213) 422-2987

EMAIL:

J2Best@hotmail.com

ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT:

10955-10973 S. Central Ave

Montclair, CA 91762

CONTRACT NUMBER/IDENTIFICATION:

IAA No. 21-58-I-100

PARCEL NUMBER(S):

1011-341-51-0000

ACREAGE:

1.04 acres

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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.

N/A

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.

Permit the owner to connect to the existing sewer main in Central Avenue to allow the operation a new car wash business approved by the

County of San Bernardino under Project No. P201700365. The sewer main is owned by the City of Montclair who would allow connection.

With this agreement, the property owner will be required to annex to the City when feasible at a future date.

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 is unknown at this time.

**Extension of Service by Contract
Application Form**

(FOR LAFCO USE ONLY)

- (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 of properties within the City's Sphere of Influence has not been a key
area of focus of the City in recent years due to economic and other pressing priorities.

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 pending construction of a car wash business
approved by the County of San Bernardino on September 12, 2019.

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

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

County of San Bernardino Minor Use Permit P201700365 to establish a car wash to include 5,850-sf
of improvements to include a wash tunnel, vacuum stations, offices and storage on 1.04 acres;
including a minor variance to allow 17% landscaping in lieu of the minimum required 20%.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

<input type="checkbox"/>
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<input type="checkbox"/>
<input checked="" type="checkbox"/>

County of San Bernardino Building Permit No. P201700365 for a new car wash and storage.

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.

The Owner desires to connect the property once the car wash and storage are completed

to the existing sanitary sewer line in Central Ave. The sewer line in Central Avenue is owned

and maintained by the City of Montclair. The City is allowing the connection to said sanitary sewer

system subject to the agreement that the property be annexed to the City at the earliest possible time.

If approved, the owner will construct a 6-inch sewer lateral line(s) from the site to connect with the

existing 8-inch sewer line in the public street. The new lateral line from the existing development to the

City sewer line will be approx. 93 feet in length.

Cost for construction and payment for building permits and sewer fees would be borne

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

entirely by the property owner and is unknown at this time.

- (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)	TBD	TBD*
City of Montclair EDU Fee (10% of IEUA Connection Fee)	TBD	TBD
City of Montclair Connection Fee	\$7,178	\$7,178
City Engineering/Construction Permit	\$209.00	\$209.00
County Permit and Inspection Fee	Unknown	Unknown
Construction Cost	Unknown	Unknown
City Annexation Fee	192.40	192.40
* per IEUA calculation		
Total Costs	\$7,579.40	\$7,579.40

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

None

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

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

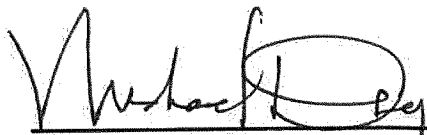
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

*Extension of Service by Contract
Application Form*

(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



Michael Diaz

NAME:

POSITION TITLE:

Director of Community Development

DATE:

November 8, 2021

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 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 388-0481

Recording Requested by:

Michael Diaz
City of Montclair

When Recorded Mail To:

Michael Diaz
Community Development Director
City of Montclair
5111 Benito Street, P.O. Box 2308
Montclair, CA 91763

This Space for Recorder's Use Only

FREE RECORDING PURSUANT TO GOVERNMENT CODE §27383

**AGREEMENT NO. 21-58-I-100
AN IRREVOCABLE AGREEMENT TO ANNEX
TO THE CITY OF MONTCLAIR**

**J2 Express, LLC
10955-10973 South Central Avenue
Montclair, CA 91762**

APNs: 1011-341-51-0-000

AGREEMENT NO. 21-58-I-100

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

J2 Express, LLC, a California Limited Liability Company
10955-10973 South Central Avenue, Montclair, CA 91762

Parcel Map 5152
APN: 1011-341-51-0-000

This agreement is entered into this ____ day of _____, 2021, between J2 Express, 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 19055-10973 South Central Avenue, Montclair, CA 91762-4505, the land referred to herein below as referenced by the San Bernardino County Tax Assessor Parcel Number (APN) 1011-341-51-0-000, shown as Exhibit "A" attached, and is further described as follows:

Parcel 1 and 2 of Parcel Map No. 5152, in the County of San Bernardino, State of California, except therefrom that portion of said Parcel 2 described as follows: Beginning at the southwest corner of said Parcel 2; thence north 89 Deg 38' 37" east 225.07 feet along the south line of said Parcel 2 to the southeast corner thereof; thence north 0 Deg° 41' 52" west 11.88 feet along the east line of said Parcel 2 thence south 87 Deg 41' 31" west 255.17 feet to a point in the west line of said Parcel 2, said point being north 0 Deg 45' 23" west 3.19 feet along the west line of said Parcel 2 from the southwest corner thereof; thence south 0 Deg 45' 23" east 3.19 feet along the west line of said Parcel 2 to the southwest corner thereof and the point of beginning.

WHEREAS, the subject property is approximately 1.04 acres in total size, and located within unincorporated San Bernardino County and the Sphere of Influence of the City of Montclair; and

WHEREAS, according to the County of San Bernardino Tax Assessor's Office, the property records show a vacant land; and

WHEREAS, the site received entitlements for a car wash that includes 5,850 square feet of improvements involving a wash tunnel, vacuum stations, offices and storage under the approval of the County of San Bernardino (Project No. P201700365) on September 12, 2019; and

WHEREAS, the Owner desires to connect the car wash in order to operate the business as described above to the sanitary sewer system in the Central Avenue roadway, which is owned and maintained by the City of Montclair; 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, but said annexation would cause a delay in connecting to said sewer line, 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/her heirs, successors, and assigns.

NOW, THEREFORE, the party do agree as follows:

1. Owner 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 Owner 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 Central Avenue, at such time as all applicable permits have been obtained and associated fees have been paid.

3. Owner agrees 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. (In some circumstances, these fees may be borne by the City.)

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

5. Owner shall be responsible for the maintenance and repair of the sewer lateral from the building, and/or structure 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 street up to the point where the lateral connects to the public sanitary sewer main. Property owner's 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. Owner 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. Owner shall execute this agreement on behalf of himself, his 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.

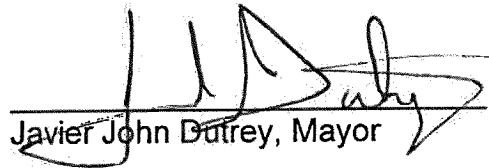
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

CITY:

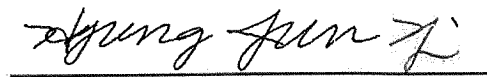
OWNER(S):

CITY OF MONTCLAIR, CALIFORNIA

J2 Express, LLC



Javier John Dutrey, Mayor



Hyung J. Yi

Date: 10/19/2021

Date: 10/27/21

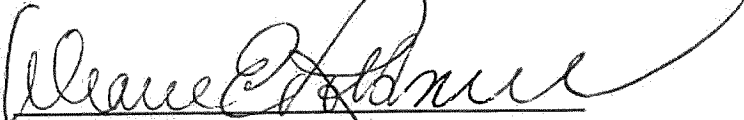
ATTEST:



Andrea M. Myrick, City Clerk

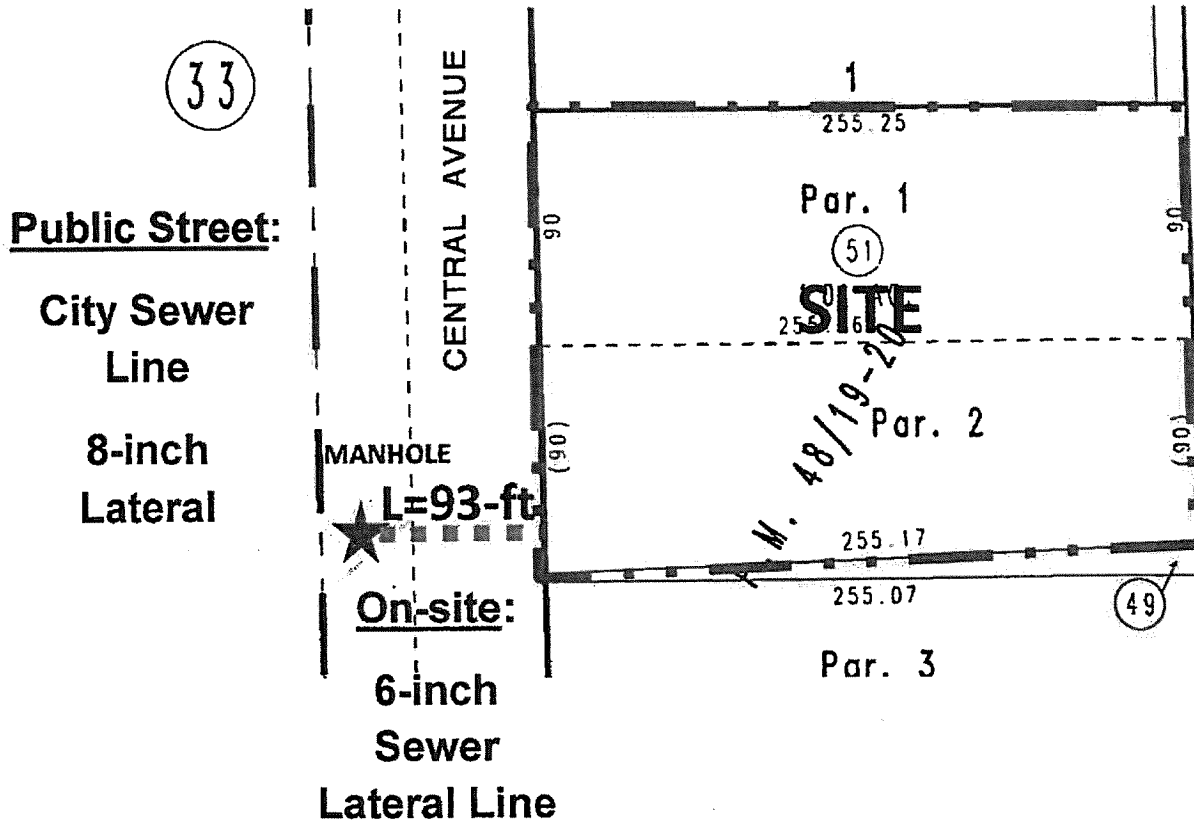
10/19/2021
Date

APPROVED AS TO FORM:



Diane E. Robbins
City Attorney

Exhibit A



Irrevocable Annexation Agreement IAA No. 21-58-I-100

10955-10973 S. Central Avenue, Montclair, CA 91762

APN: 1011-341-51-0-000

(Parcel Map No. 5152)

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.

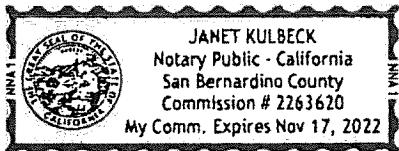
State of California

County of San Bernardino }

On October 27, 2021 before me, Janet Kulbeck, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Hyung J. Yi
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.

Place Notary Seal and/or Stamp Above

Signature Janet Kulbeck
Signature of Notary Public

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 Annexation Agreement

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

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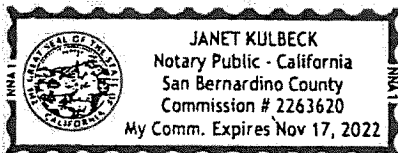
State of California

County of San Bernardino }

On October 18, 2021 before me, Janet Kulbeck, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Diane E Robbins
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person ~~is~~ whose name ~~is~~ 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.

Place Notary Seal and/or Stamp Above

Signature Janet Kulbeck
Signature of Notary Public

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: Agreement No. 21-58-I-100

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

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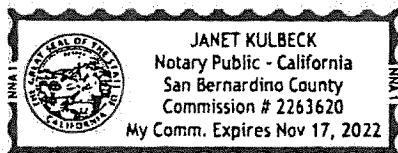
State of California

County of San Bernardino }

On October 19, 2021 before me, Janet Kulbeck, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Javier John Dutrey + Andrea M. Myrick
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 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: Agreement No. 21-58-I-100

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): _____

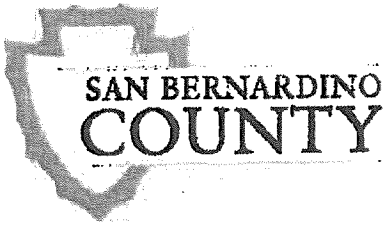
☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____



Land Use Services Department Planning

Terri Rahhal
Director

October 3, 2019

Effective Date: September 24, 2019
Expiration Date: September 24, 2022

Ho Kyun Kim
4433 Belair Drive
La Canada, CA 91011

Dennis Lee/LEEDCO Engineering
3870 Baldwin Avenue
El Monte, CA 91731

RE: A) MINOR USE PERMIT TO ESTABLISH A CAR WASH TO INCLUDE 5,850 SQUARE FEET OF IMPROVEMENTS TO INCLUDE THE WASH TUNNEL, VACUUM STATIONS, OFFICES AND STORAGE AND RELATED IMPROVEMENTS ON 1.04 ACRES, AND B) MINOR VARIANCE TO ALLOW 17% LANDSCAPING IN LIEU OF THE MINIMUM REQUIRED 20%; ASSESSOR PARCEL NUMBERS: 1011-341-13 (NOW 1011-341-50 AFTER LOT LINE ADJUSTMENT BETWEEN PARCELS 1011-341-13 & 12) & 1011-341-14; PROJECT NUMBER: P201700365; IN THE 4TH SUPERVISORIAL DISTRICT

Dear Applicant and Representative:

On September 12, 2019, the Zoning Administrator approved the above-referenced Project, subject to the enclosed Conditions of Approval.

These conditions are listed under the headings for each stage of development and indicate when the conditions must be completed, as required by the specific department which has conditioned the project. The conditions are approval are listed under the following headings: "General Requirements (Ongoing and Operational Conditions)", "Prior to Issuance of Grading Permits or Land Disturbing Activities", "Prior to Issuance of Building Permits", and "Prior to Final Inspection or Occupancy". Also included are the Condition Compliance Release forms for each stage of development to assist you with meeting the conditions and gathering sign offs. Once all necessary signatures are obtained, please return the completed Condition Compliance Release Form with three copies of the approved site plan and one copy of the "Conditions of Approval" to the Planning Division for clearance. Please allow at least 10 working days for review and signatures after submittal of a Condition Compliance Release Form.

The Planning Division considers your Conditions of Approval and site plan to be your final development criteria and design. This is not considered a conceptual design. Therefore, any modifications and/or alterations will require the submittal, review and approval of a "Revisions to an Approved Action application".

The applicant shall ascertain and comply with all applicable requirements of Federal, State, County and Local Agencies. This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within 36 months of the effective date of this conditional approval.

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
County Executive Officer

JSO AMERICA LLC/HO KYUNG KIM ET AL
P201700385/Minor Use Permit; APN: 1011-341-14 & -13 (-50 post LLA)
Zoning Administrator Hearing: September 12, 2019

Pursuant to San Bernardino County Code Title 8, Section 86.06.060(b)(2), extensions of time may be granted for no more than a total of 36 months upon written application and the payment of the required fee to the Planning Division no less than 30 days prior to the expiration date.

PLEASE NOTE: This is the only notice given regarding the above specified expiration date. The applicant is solely responsible for initiating an extension of time request without any further reminder.

Pursuant to San Bernardino County Code Title 8, Sections 86.08.010 and 86.08.020, any interested person may, within 10 days before the Effective Date, appeal this decision to the Planning Commission. The appeal application must be made on the forms available from the Public Information Counter or at the following San Bernardino County Land Use Services web link: <http://cms.sbcounty.gov/lus/Planning/Applications.aspx>.

Should you need additional information or simply have questions, please contact me directly at (909) 387-4180, or email me at oxso.shahriari@lus.sbcounty.gov.

Sincerely,



Oxso Shahriari, Planner

OS/drp/lb

Enclosure: Conditions of Approval, Signed, Stamped and Conditionally Approved Site Plans & Condition Compliance Release Forms

CC: Building & Safety Division
Land Development Division – Road and Drainage Sections
Public Works Department – Solid Waste Management
Public Works Department – Surveyor Division
Public Works Department – Traffic Division
Health Department – Environmental Health Services
County of San Bernardino Hazardous Materials Division
City of Montclair Fire Department

CONDITIONS OF APPROVAL
JSO AMERICA LLC/HO KYUNG KIM ET AL. CAR WASH
Minor Use Permit

GENERAL REQUIREMENTS
Ongoing and Operational Conditions

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

1. Project Approval Description. This Minor Use Permit (MUP) is conditionally approved to establish a car wash to include 5,850 square feet of improvements to include the wash tunnel, vacuum stations, offices and storage and related improvements on 1.04 acres; and a minor variance to allow 17% landscaping in lieu of the minimum required 20%. Hours of operation are Monday-Sunday 7am to 9pm. This conditional approval shall be continually kept 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 conditionally approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project site; Assessor Parcel Numbers: 1011-341-14 & 1011-341-13 (now 1011-341-50 after Lot Line Adjustment between 1011-341-13 and 1011-341-12; Lot Line Adjustment Project Number: P201800673); Project No.: P201700365.

2. Project Location. The Project site is located in the unincorporated area of the County in the community of Montclair, on the west side of Central Avenue and is located at 10955 Central Avenue, Montclair CA 91763, in the General Commercial (CG) Land Use Zoning District.
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 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 P201700365. 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:
 - 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 building or use of the land, after an on-site compliance inspection by the Planning Division.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations 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:
 - FEDERAL: N/A;
 - STATE: Santa Ana Regional Water Quality Control Board, South Coast AQMD, California Department of Fish and Wildlife, Caltrans
 - COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - LOCAL: City of Montclair
12. Continuous Maintenance. The 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 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 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.
 - 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.
13. 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.
14. Lighting. Lighting shall comply with the sub-chapter 83.07.030 Glare and Outdoor Lighting - Valley Region of the Development Code. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky. 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, an alternating message no more than once every five seconds.
15. 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.
16. 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, Community and Cultural Section, at (909) 798-8570.

17. 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.
18. 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.
19. Construction Noise. The following measures shall be adhered to during construction phase of the project:
 - All construction equipment shall be muffled per 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.
 - 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) near the project site.
20. 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

21. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).
22. 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.

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

23. 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.
24. Natural Drainage. The natural drainage courses traversing site shall not be occupied or obstructed.
25. 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.
26. 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.
27. 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 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.
28. 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

29. Noise. Noise level shall be maintained at or below County Standards, Development Code §83.01.080. For information, please call DEHS at 1-800-442-2283.
30. 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 as 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.

CITY OF MONTCLAIR FIRE DEPARTMENT – Community Safety Division (909) 626-8571

31. Jurisdiction. The Project is in the jurisdiction of the City of Montclair Fire Department ("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 Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01]

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management (909) 386-8961

32. 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).
33. Mandatory Commercial Recycling. 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 are required to arrange for recycling services. The County is required to monitor commercial recycling and requires businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
34. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
35. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle 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 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.

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

36. Vehicle Movement. Project vehicles shall not back out into the public roadway.

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

The Following Shall Be Completed

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

37. Lot Merger. The applicant/property owner shall merge Assessor Parcel Numbers: 1011-341-14 & 1011-341-13 (now 1011-341-50 after Lot Line Adjustment between 1011-341-13 and 1011-341-12 was completed). A Notice of Merger shall be recorded and a copy of which shall be provided to the Planning Division.
38. GHG – 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 GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or Compressed Natural Gas (CNG) equipment.
 - c) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
 - d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag-person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - f) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
38. Air Quality. Although the Project is not expected to exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Santa Ana Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (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:
- 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.
 - 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.

- The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
- 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_x and PM₁₀ 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:
 - All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 - 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.

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

39. 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.

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

40. 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.

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

41. 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 \$750 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.
42. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
43. Grading Plans. Grading 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.
44. 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

45. 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.
46. 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.
47. 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 Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
48. 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.

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

49. Record of Survey. 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.
50. Preservation of Land 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 a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
51. Record of Survey. 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
 - c. purposes of construction staking, establishing setback lines, writing legal
 - d. descriptions, or for boundary establishment/mapping of the subject parcel;
 - e. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

52. Landscape and Irrigation Plan. Landscape and Irrigation Plans (even for xeriscaping) 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.
53. Airport Safety Review Area—Ontario Airport. The project is within Airport Safety Review Area 3 (AR3). An Avigation Easement shall be granted to the appropriate airport (Ontario Airport) and recorded before the issuance of a building permit for those uses established within an AR1, AR2, or AR3. A copy of the easement shall be forwarded to the County Planning Division for review and sign off; and when signed forwarded to the affected airport.
54. Notification of Airport Safety Overlay. The property owner shall provide to all current and future renters, lessees or buyers information that the site is subject to aircraft overflight from the applicable airport, is subject to the potential noise problems associated with aircraft operations, and is subject to an Avigation Easement. The information shall be provided before completion of the rental, lease or sale, and shall be incorporated into the CC&Rs recorded with the property and in all lease and rental agreements.
55. Avigation Easement. An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.
56. 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.
 - 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.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d) Building Design. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - 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.

57. Signs. All future signs shall be installed and maintained continuously in good condition.
- 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.

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

58. Avigation Easement. An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.
59. 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.

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

60. Water Purveyor. Water purveyor shall be Monte Vista Water District or EHS approved.
61. Water Service Verification. 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.
62. Sewage. Method of sewage disposal shall be City of Montclair or EHS approved onsite wastewater treatment system (OWTS) and conform to the Local Agency Management Program May 2017.
63. Onsite Wastewater System. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions:
- a. A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 800-442-2283.
 - b. An Alternative Treatment Permit, if applicable, shall be required.
64. 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:
- a. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
 - b. 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.

65. CRWQCB. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.
A. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130.
66. Acoustics. 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.
67. Food Plans. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

CITY OF MONTCLAIR FIRE DEPARTMENT (909) 626-8571

68. Fire Protection Equipment Plan. The applicant shall submit Fire protection equipment plan and site plans to the City of Montclair Fire Department for review and approval.
69. Additional Requirements. Additional requirements including on-site and off-site improvements may be required.

LAND USE SERVICES DEPT – Land Development Division – Road Section (909) 387-8311

70. Road 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.
Central Avenue (Major Divided – 120')
 - Driveway Approach. Design driveway approach County Standard 129B and located per San Bernardino County Standard 130.
71. 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.
72. 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 \$7.91 per square foot for Commercial Use, which includes the 5,332 sq. ft. building per the site plan dated March 3, 2019.

Therefore, the estimated Regional Transportation Fees for the Project is \$42,176.12. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management (909) 386-8961

74. Construction and Demolition Waste Management Plan (CWMP) 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.

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

75. Improvements. The applicant shall design their street improvement plans to include the following:
- Driveway. The south driveway located on Central Ave. shall be a right in and the north driveway on Central Ave. shall be a right out only.
76. Fair Share Contribution. The total fair share contribution for this project is required based on the traffic report dated 07/10/2019 from Ganddini Group. The fair share breakdown for these improvements is shown below:

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
Central Ave at Mission Blvd.			
Intersection Total	\$ 190,000	5.2%	\$ 9,971
Central Ave at Maitland St.			
Intersection Total	\$ 450,000	3.9%	\$ 17,327
Total Fair Share			\$ 27,298

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 and shall be paid to the Department of Public Works - Traffic Division. At the present time, the estimated cost is \$27,298. 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.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed:

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

77. 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 P201700365.
78. 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").
79. 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.
80. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
81. 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.
82. Improvements. All required on-site improvements shall be installed per approved plans.
83. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

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

84. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and signoffs shall be completed.

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

85. Alternative Treatment Permit. Alternative Treatment Permit, if applicable, shall be required. For information, contact DEHS at: 1-800-442-2283.

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

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

87. 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

88. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
89. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management (909) 386-8961

90. 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 65% of total weight or volume of all construction waste. An approved CDWMP Part 1 is required before a permit can be issued.

COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909) 386-8401

91. Hazardous Materials Handling Compliance. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Material Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>.

For additional information, call San Bernardino County Fire Protection District, Office of the Fire Marshal, Hazardous Materials Division at (909)386-8401.

CITY OF MONTCLAIR FIRE DEPARTMENT (909) 626-8571

92. 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 sign offs on the Building and Safety job card for "fire final".

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

93. Improvements Installed. The applicant shall construct, at 100% cost to the applicant, all roadway improvements as shown on their approved street improvement plans. This shall include any software and/or hardware to implement the approved signal coordination plan.

END OF CONDITIONS

NEW EXPRESS CARWASH DEVELOPMENT PROJECT

10955-10973 CENTRAL AVE. MONTCLAIR, CA

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
☒ Zoning Administrator
☐ Planning Commission
☐ Board of Supervisors

OFFICE USE ONLY

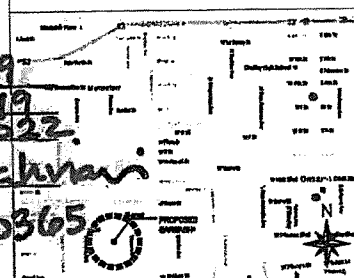
Action Date: 09.12.2019

Expiration Date: 09.24.2019

Signature: [Signature]

(Project Label)
 7101700365

LOCATION MAP



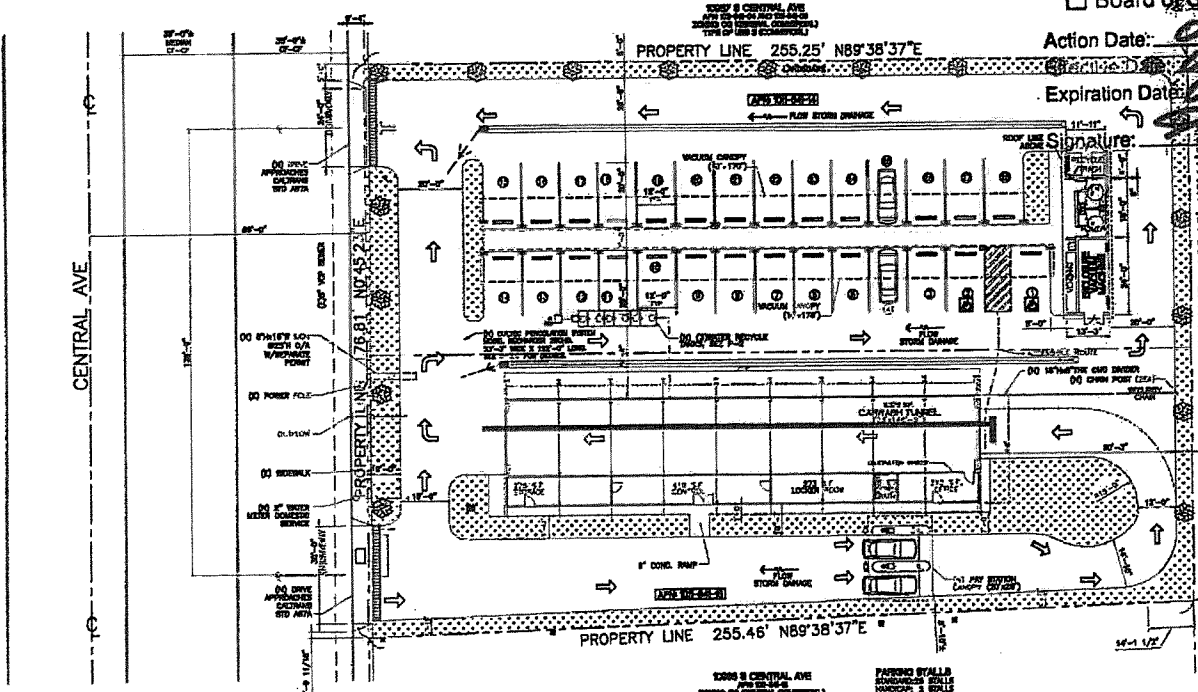
PROJECT INFORMATION

PROJECT	NEW EXPRESS CARWASH DEVELOPMENT PROJECT	BUILDING AREA	3,480 S.F.
PROJECT ADDRESS	10955-10973 CENTRAL AVE. MONTCLAIR, CA	LANDSCAPE AREA	1,300 S.F.
OWNER	JD EXPRESS, LLC	OFFICE YIELD	80 S.F./AC
APPLICANT	LEEDCO ENGINEERS, INC.	OFFICE FLOOR	110 S.F./AC
APPLICANT ADDRESS	2000 BALBOA AVE. ST. ROSE, CA 95771	OFFICE	110 S.F./AC
APPLICANT TYPE	COMMERCIAL	OFFICE	110 S.F./AC
TYPE OF USE	COMMERCIAL	OFFICE	110 S.F./AC
APPLICABLE CODES	2018 LA COUNTY FIRE CODE WITH LOCAL AMENDMENTS	OFFICE	110 S.F./AC
LEGAL DESCRIPTION	DEF. OF PARCEL MAP SIZE: 1" = 100'	OFFICE	110 S.F./AC
APN	1011-041-14	OFFICE	110 S.F./AC
LOT AREA	10,111 S.F.	OFFICE	110 S.F./AC
BLDG HEIGHT	20'-0"	OFFICE	110 S.F./AC
NO. OF STORIES	1-STORY	OFFICE	110 S.F./AC
FIRE SPRINKLER	NOT REQUIRED PER CALIF. B.C. 501	OFFICE	110 S.F./AC

LEGEND

- LANDSCAPE AREA 1-3 INCHES BELOW ADJACENT PAVEMENT.
- CATCHBASIN FOR CULVERT, STENCIL PER CALIF. NEW DEVELOPMENT BMP HANDBOOK SD-13

SITE PLAN



SCALE: 1" = 10'-0"

THESE DRAWINGS AS INSTRUMENT OF SERVICE ARE THE PROPERTY OF LEEDCO ENGINEERS AND SHALL NOT BE REPRODUCED WITHOUT THE CONSENT OF LEEDCO ENGINEERS, INC.



LEEDCO ENGINEERS

STRUCTURES - FOUNDATIONS

2020 BALBOA AVE. ST. ROSE, CA 95771 (925) 440-7900

TITLE: NEW EXPRESS CARWASH DEVELOPMENT PROJECT

OWNER: JD EXPRESS, LLC

JOB ADDRESS: 10955-10973 CENTRAL AVE. MONTCLAIR, CA

SHEET

DESIGNED BY: C. & LEE

DRAWN BY: H.R.

DATE: 7783

DATE: 04-09-19

SHEET

A-1.0

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



January 6, 2022

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

RECEIVED
JAN 06 2021
LAFCO
San Bernardino County

Dear Sam:

LAFCO SC#475 consists of an application for Extension of Service by Contract by the City of Montclair. The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by J2 Express, Inc. to the City of Montclair (City) to extend sewage collection service to a new carwash at 10955 Central Avenue. This property is located within the City of Montclair's northeastern sphere of influence. See attached map. If the Commission approves LAFCO SC#475, the project can move forward with development and connect to the City's sewer collection system.

To support the approval of the carwash, the County of San Bernardino (County) prepared, adopted, and filed a Notice of Exemption as its compliance with the California Environmental Quality Act (CEQA). The County cited a Class 3 Categorical Exemption (Section 15303(c) of the State CEQA Guidelines) which exempts new commercial construction not exceeding 10,000 square feet in floor area from further CEQA evaluation. The Notice of Exemption (NOE) for this action was filed September 24, 2019.

As indicated, the County authorized a Minor Use Permit based on the finding that the project qualifies for a Class 3 exemption. The County did issue Conditions of Approval for the project, one of which included the provision of sewage disposal through the City. None of the Conditions is the direct responsibility of the Commission, but in order to connect to the City's sewer collection system this extension of service contract must be approved by the Commission. Therefore, I am recommending that the Commission consider the adopted NOE as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#475.

Based on a review of LAFCO SC#475 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 NOE as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2019, and based on a field review, no substantial changes in circumstances 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#475, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's NOE and found it adequate for the extension of sewer service contained in LAFCO SC#475.

2. The Commission needs to indicate that it has considered the NOE and County's finding that the environmental effects of the proposed project are less than significant, prior to reaching a decision on the project, and finds the conclusion in the NOE adequate for approval of the extension of sewer service contained in LAFCO SC#475.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. The Conditions of Approval imposed on this project will remain the responsibility of the County to implement.
4. File a new Notice of Exemption with the County Clerk of the Board acting 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 cursive script that reads "Tom Dodson".

Tom Dodson

TD/cmc

LAFCO-1017/SC#475 CEQA Resp Agency

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: San Bernardino County
Land Use Services Department
Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

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

DATE FILED & POSTED

Posted On: 9/27/19

Removed On: 11/9/19

Receipt No: 30-09272019-685

Project Description

APN: 1011-341-13 & -14 (-50 post LLA)
Applicant: HO KYUNG KIM
Community/District: MONTCLAIR/FOURTH SUPERVISORIAL DISTRICT
Location: EAST SIDE OF CENTRAL AVENUE, APPROXIMATELY 400 FEET SOUTH OF MISSION BLVD; ADDRESSED 10955 CENTRAL AVE; MONTCLAIR, CA 91763
Project No.: P201700365
Staff: OXSO SHAHRIARI, PLANNER
Representative: DENNIS LEE/LEEDCO ENGINEERING
Proposal: MINOR USE PERMIT TO ESTABLISH A CARWASH BUSINESS TO INCLUDE 5,850 SQUARE FEET OF STRUCTURE TO INCLUDE THE CARWASH TUNNEL, OFFICES, STORAGE AND RELATED IMPROVEMENTS ON 1.04 ACRES; ZONING DISTRICT: GENERAL COMMERCIAL (CG)

Applicant

JSO AMERICA LLC/HO KYUNG KIM ET AL.

Name

4433 BELAIR DR

Address

LA CANADA, CA 91011

(626)448-7870

Phone

Representative

DENNIS LEE/LEEDCO ENGINEERING

Name

3870 BALDWIN AVE

Address

EL MONTE, CA 91731

Oxso Shahriari, Planner

Lead Agency Contact Person

(909) 387-4180 & (909)387-8311

Area Code/Telephone Number

(626)448-7870

Phone

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(b)(1); 15268];
☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];
☐ Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];
☒ Categorical Exemption. State type and section number: 15303 (c) New Construction of less than 10,000 square feet
☐ Statutory Exemptions. State code number: _____
☐ Other Exemption: _____

Reasons why project is exempt: The proposed project meets the Categorical Exemptions guidelines and is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA). The project has been found categorically exempt per Section 15303 (c) for construction of commercial buildings not exceeding 10,000 square feet in floor area.

Oxso Shahriari

Signature Oxso Shahriari

Planner
Title

09.24.2019

Date

☒ Signed by Lead Agency
Date received for filing at OPR: _____

☐ Signed by Applicant

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

PROPOSAL NO.: LAFCO SC#475

HEARING DATE: JANUARY 19, 2022

RESOLUTION NO. 3342

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#475 – CITY OF MONTCLAIR IRREVOCABLE AGREEMENT TO ANNEX NO. 21-58-I-100 FOR SEWER SERVICE (ASSESSOR PARCEL NUMBER 1011-341-51)

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

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

WHEREAS, an application for the proposed service extension in San Bernardino County 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 his 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 January 19, 2022, at the time and place specified in the notice of public hearing; and,

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

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

RESOLUTION NO. 3342

DETERMINATIONS:

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

1. The project area, Assessor Parcel Number (APN) 1011-341-51, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the Monte Vista Water District.

The application requests authorization to receive City of Montclair sewer service. 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. 21-58-I-100 is being considered for the provision of sewer service by the City of Montclair to APN 1011-341-51. 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 Montclair to proceed in finalizing the contract for the extension of sewer service to the parcel.
3. The fees charged by the City of Montclair for the extension of sewer service to the parcel are identified as totaling \$7,579.40 (a breakdown of charges is on file in the LAFCO office). This estimated total does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City EDU Fee, which are to be determined at a later date. In addition, the property owner/developer will be responsible for the entire costs of the construction and installation of the sewer lateral extension.
4. Acting as the CEQA lead agency, the County filed a Notice of Exemption for the proposed project. In approving Minor Use Permit, which does not exceed 10,000 square feet of commercial facilities, the County adopted a Categorical Exemption (Class 3) based on compliance with Section 15303 of the State CEQA Guidelines.

The Commission certifies that it has reviewed and considered the County's Notice of Exemption (Categorical Exemption) filed for the proposed project prior to reaching a decision on the service contract extension and finds the information adequate for the Commission's use in its decision on the service extension as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, Conditions of Approval were adopted, which is the responsibility of the County to implement.

The Commission directs its Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

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.

RESOLUTION NO. 3342

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to authorize the service extension contract submitted by the City of Montclair to provide sewer service to the project area, Assessor Parcel Number 1011-341-51.

SECTION 4. The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#475 - City of Montclair Irrevocable Agreement to Annex No. 21-58-I-100 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 January 19, 2022.

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

DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO SC#476 – CITY OF LOMA LINDA
IRREVOCABLE AGREEMENT TO ANNEX FOR WATER AND SEWER
SERVICE (APN 0293-111-15)

INITIATED BY:

City of Loma Linda, on behalf of the property owner

RECOMMENDATION:

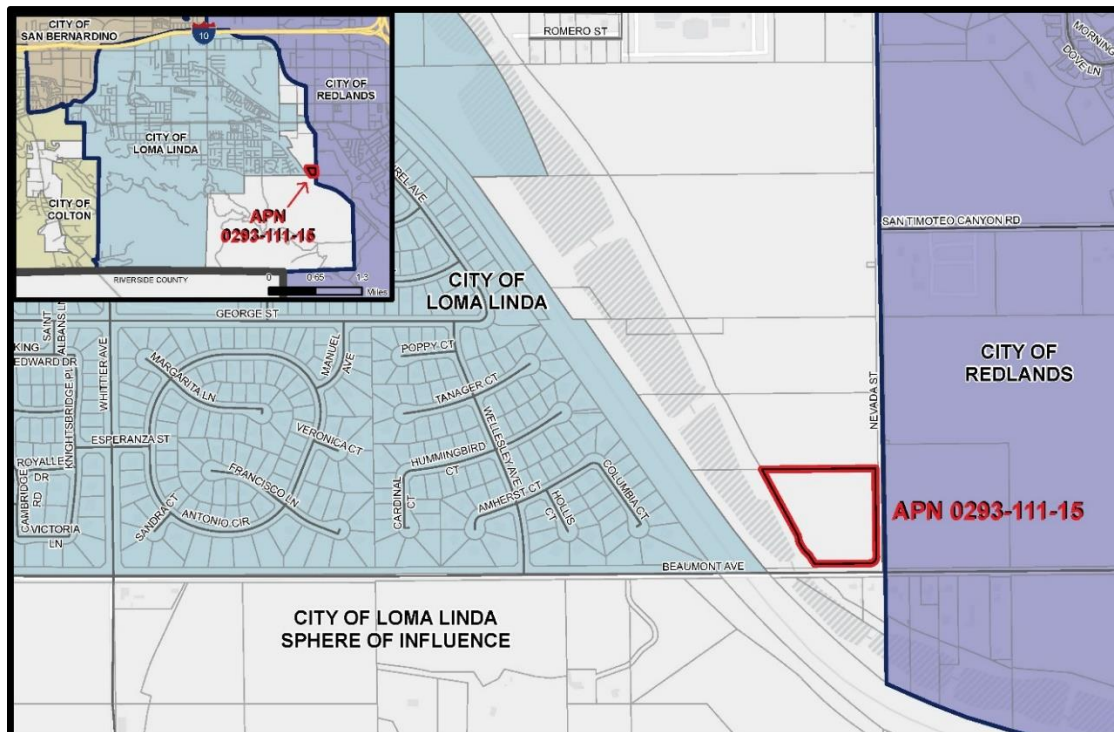
Staff recommends that the Commission approve LAFCO SC#476 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC #476 authorizing the City of Loma Linda to extend water and sewer service outside its boundaries to Assessor Parcel Number 0293-111-15.
3. Adopt LAFCO Resolution #3343 setting forth the Commission's determinations and approval of the agreement for service outside the City of Loma Linda's boundaries.

BACKGROUND:

The City of Loma Linda (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water and sewer service to a single parcel, Assessor Parcel Number (APN) 0293-111-15, which encompasses approximately 5.53 acres and is generally located at the northwest corner of Beaumont Avenue and Nevada Street, within the City of Loma Linda's eastern sphere of influence. The map below outlines the location of the contract area and Attachment # 1 also provides a location and vicinity map of the site along with maps outlining the location of the water/sewer infrastructure to be extended.



The County Land Use Services Department has processed and approved a Conditional Use Permit to construct and operate a worship facility with related on-site structures on the 5.53-acre parcel. The Conditions of Approval placed upon this project includes the requirement to connect to the City of Loma Linda's water and sewer facilities prior to issuance of building permits (see Conditions 101 and 103) and required LAFCO approval of said out-of-agency connections (Condition 106). A copy of the conditions of approval for the project are included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner, has requested that the Commission authorize the extension of water and sewer service to the parcel 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.

Issue Associated with the Irrevocable Agreement:

The City's application was originally submitted with an agreement that was executed in July 2016. However, after reviewing the materials, LAFCO staff identified that the original agreement only addressed the provision of water service to the proposed worship facility. A new agreement, which replaces the original agreement, was signed by the property owner representative and was approved by the City on December 14, 2021. A copy of the new agreement is included as part of Attachment #2 to this report.

PLAN FOR SERVICE:

The City's application (included as Attachment #2 to this report) identifies that water service will be provided through connection to the existing and new 8-inch water main in Nevada Street. A water lateral will be extended into the property. Sewer service will be provided through connection to the existing and new 8-inch sewer main that is also in Nevada Street. A sewer lateral will also be extended into the property.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Loma Linda has identified an estimated cost of \$16,176.96 in water and sewer fees (excludes the required \$16,413.12 Fire Suppression Facility fee and the Sewer Capacity Fee):

FEES	Fees/Unit & Number of Units	TOTAL
Water Generation Fee (per sq. ft.)	\$0.463/sq. ft. x 29,520 sq. ft.	\$13,667.76
Sewer Collection System (per sq. ft.)	\$0.085/sq. ft. x 29,520 sq. ft.	\$2,509.20
Sub-total (City of Loma Linda Water & Sewer Fees)		\$16,176.96
Sewer Capacity Fee* Paid to the City of San Bernardino *Sewer Capacity Fee for the worship facility is determined based on occupancy and rate (gallons/day) for each of the different structures.		<i>Unknown at this time</i>
Other Fees: \$16,413.12 - Fire suppression facilities fee** **Property owner is required to pay the fire suppression facilities fee for the project; however, this fee is not included as a part of the overall water and sewer fees.		

In addition, the property owner will be responsible for the entire cost for the construction and installation of the sewer main extension and the water and sewer laterals.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration (SCH #201811051) for a Conditional Use Permit to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 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 for the project 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 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 CEQA Lead Agency, has paid said fees for its environmental determination.

CONCLUSION:

The development of the worship facility approved by the County requires that it receive water and sewer service from the City of Loma Linda. In order for the project to proceed and for the property owner to pull building permits, said property owner must show proof of its ability to connect to the City of Loma Linda's water and sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide water and sewer service from the City of Loma Linda outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide water and sewer service to APN 0293-111-15 since its utilities are in close proximity to the proposed worship facility, and there is no other existing entity available to provide these services within the area.

DETERMINATIONS:

1. The project area, identified as APN 0293-111-15, is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Loma Linda water and sewer service.

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

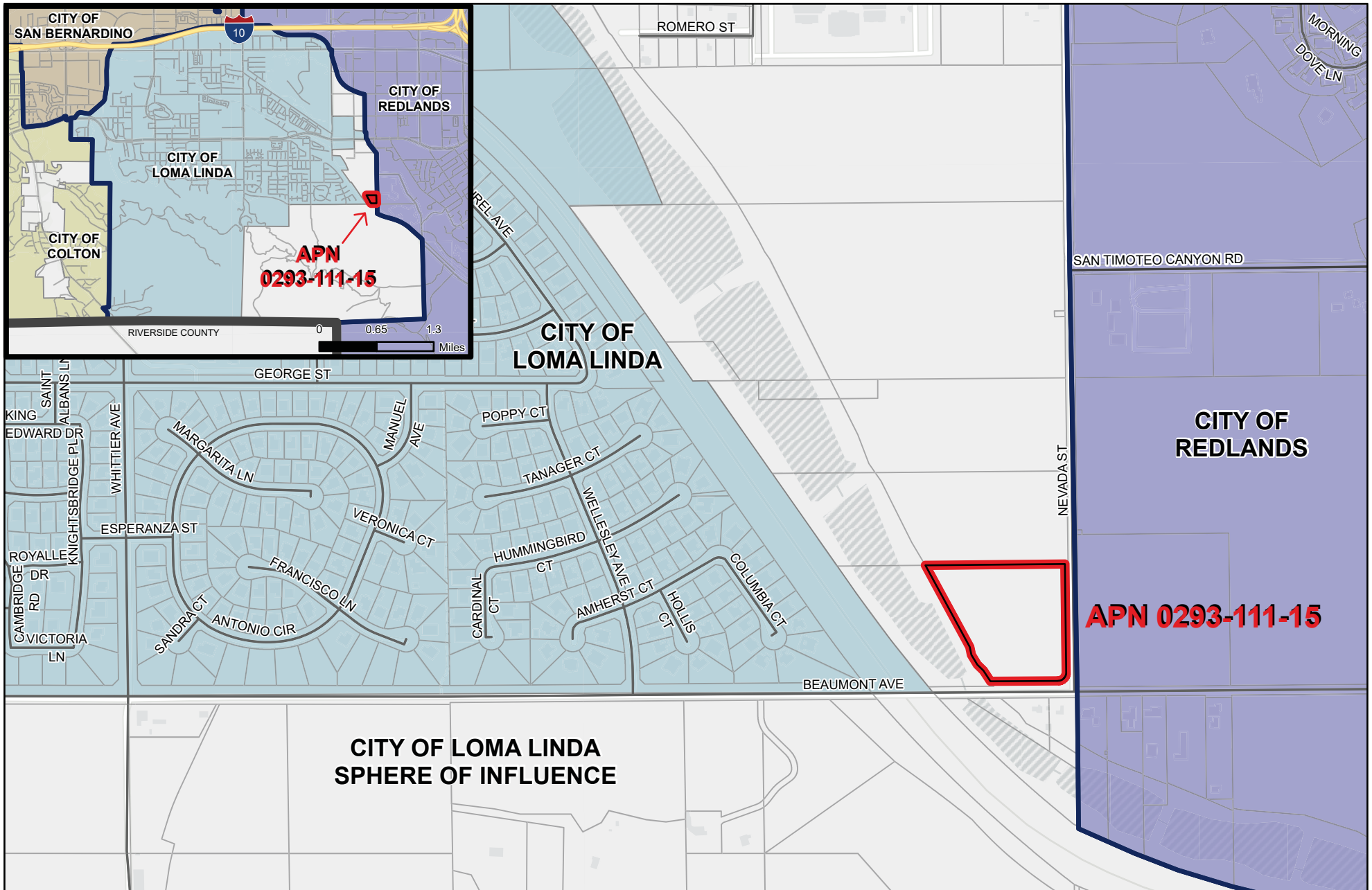
2. The City of Loma Linda Irrevocable Agreement to Annex being considered is for the provision of water and sewer service to APN 0293-111-15. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner and the City of Loma Linda to proceed in finalizing the contract for the extension of water and sewer service.
3. The fees charged by the City of Loma Linda for the extension of water and sewer service to the parcel are identified as totaling \$16,176.96 (see table on pages 2 and 3 for a breakdown). As noted, the total (water/sewer) fee does not include the City's required Fire Suppression fee as well as the City of San Bernardino's Sewer Capacity Fee. In addition, the property owner will be responsible for the entire cost for the construction and installation of the water/sewer main extensions and the water and sewer lateral extensions.
4. During the period from January 2018 to May 2018, acting as the CEQA Lead Agency, the County prepared an environmental assessment for a Conditional Use Permit to construct and operate a worship facility with related on-site structures on the 5.53-acre parcel. 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#476, 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.

Attachments:

1. [Vicinity Map and Maps of the Contract Area](#)
2. [City of Loma Linda's Application and Signed Contract](#)

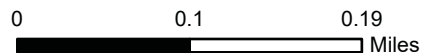
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution #3343](#)



LAFCO SC#476 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (APN 0293-111-15)

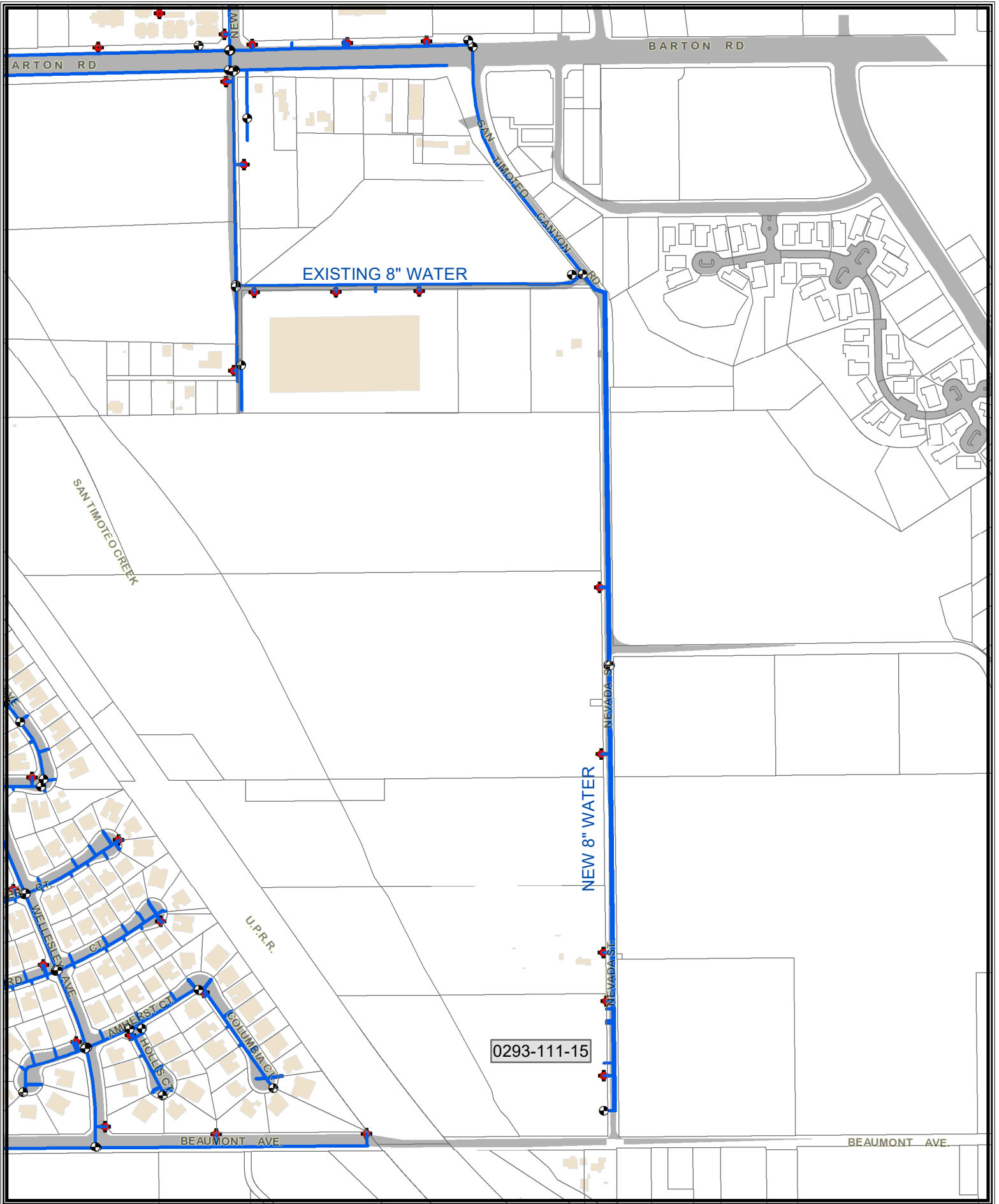


Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.






- APN 0293-111-15
- City of Colton
- City of Loma Linda
- City of Redlands

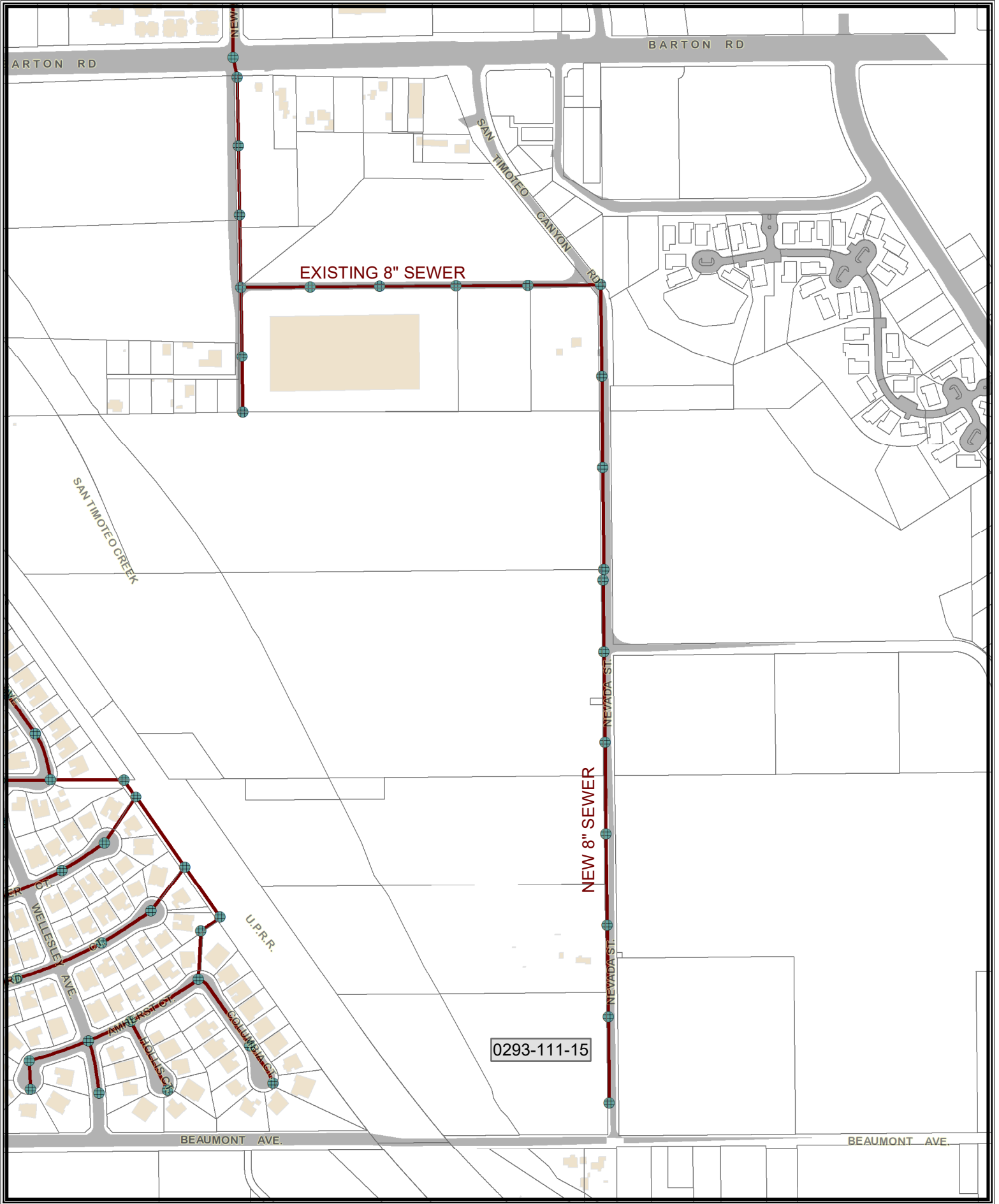
- City of San Bernardino
- City Spheres of Influence
- San Bernardino County





CITY OF LOMA LINDA WATER MAP



-  watervales
-  Water Lines
-  hydrants



CITY OF LOMA LINDA SEWER MAP

-  Sewer Lines
-  sewer MH

**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 LOMA LINDA

CONTACT PERSON: LORENA MATARRITA

ADDRESS: 25541 BARTON ROAD
LOMA LINDA, CA 92354

PHONE: 909-799-2839

EMAIL: lmatarrita@lomalinda-ca.gov

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: Islamic Community Center of Redlands

CONTACT PERSON: Shakil Patel

MAILING ADDRESS: 25982 Hinkley St.
Loma Linda, CA 92354

PHONE: 909-796-0300 or 909-913-3175

EMAIL: patelshakil@gmail.com

ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT: 26830 Beaumont Ave
Redlands, CA 92373

CONTRACT NUMBER/IDENTIFICATION: _____

PARCEL NUMBER(S): 0293-111-15

ACREAGE: 5.14

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

1. (a) List the type or types of service(s) to be provided by this agreement/contract.

sewer and water service

- (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.

n/a

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.

Water purveyor and sewer service is provided by Loma Linda. A copy of the recorded agreement is enclosed and part of this application. Applicant installed sewer and water in November of 2020; system was recently inspected by city staff.

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 City anticipates filing an application for annexation for this specific area as well as then entire wedge adjacent and west of San Timoteo Creek Rd and Nevada St, by Beaumont St. We will not annex any of the hillside areas to the south that would affect our Measure V growth initiative. The annexation of these 139 parcels might happen within the next year, no later than December 2022.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

- (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.

No, the parcel is next to the SB County Flood Control District property, which is adjacent to the City of Loma Linda's jurisdictional boundaries.

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).

n/a

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

SB County approved a Conditional Use Permit to build a place of worship at the site. It is currently under construction. Construction might end in 2023.

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

Places of worship allowed in most zones in most cities. County zoned the site RL-5, and the city has it pre-zoned Very Low Density Residential (HR-VL)

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.

Yes, the owner is building a Place of Worship approx. 29,520 sqft (square footage obtained by email by applicant Nov 2021). It will be an Islamic Community Center with a sanctuary building, social hall, educational bldg, retention basin, caretaker's unit and parking.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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 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 checked="" type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input checked="" type="checkbox"/>

Enclosed is staff report, supporting docs such as site plan, conditions of approval, and the Initial Study that was presented to the County Board of Supervisors by the assigned case planner for the project. The action approval letter is the CUP entitlement permit for the project. The NOD is also attached.

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.

The city's existing water and sewer main lines area available on Nevada Street, Beaumont Avenue and Barton Road. There is sufficient capacity to service the specific site as well as future sites. The applicant has already installed the water and sewer lines. This work was accomplished under a permit and with inspection. Meters have already been permitted by the City to be installed at the site, but the plumbing has not been connected yet. Upon approval of the Extension of Service Contract and the applicant paying the Development Impact Fees; the City of Loma Linda will permanently service this site.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

- (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>
Fire Suppression Facilities	.556 per sqft	16,413.12
Water Generation, Storage & Distribution Facilities	.463 per sqft	13,667.76
Wastewater (Sewer) Collection System	.085 per sqft	2,509.20
Total Costs		\$32,590.08

* The City's Development Impact Fee sheet is enclosed along with this application.
The total square foot of the institutional bldg is 29,520.

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

n/a

- (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.

Copy has been provided in the past with the Korean Church extension of service LAFCO application. Will enclose with this application, too.

CERTIFICATION

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

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

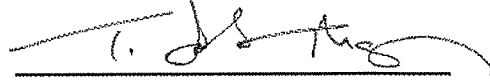
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

*Extension of Service by Contract
Application Form*

(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:

T. Jarb Thaipejr

POSITION TITLE:

City Manager

DATE:

November 10, 2021

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 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 388-0481

Lynette Arreola
Recording Requested By And
When Recorded Mail To:

Lynette Arreola, City Clerk
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354



Recorded in Official Records
San Bernardino County

Bob Dutton
Assessor-Recorder-County Clerk

DOC # 2021-0568389

12/21/2021
11:31 AM
SAN
F3010

Titles: 1 Pages: 7
Fees: \$0.00
Taxes: \$0.00
CA SB2 Fee: \$0.00
Total: \$0.00

Amending in its entirety
Recorder No. 2016-0293770

Exempt from recording fee
Government Code 6103

AN IRREVOCABLE AGREEMENT
TO ANNEX TO THE CITY OF LOMA LINDA

(APN 0293-111-15)

This Agreement is made this 14th day of December 2021, between Islamic Community Center of Redlands, hereinafter referred to as "owner," and the City of Loma Linda, hereinafter referred to as "City."

WHEREAS, owner is the legal property owner of the real property consisting of approximately 5.14 acres, located on the northwest corner of Beaumont Avenue and Nevada Street, also referenced as San Bernardino County Tax Assessor Parcel No. 0293-111-15, shown as Exhibit "A" attached and more fully described in Exhibit "B" attached; and

WHEREAS, the subject property is within the unincorporated area of San Bernardino County, which is a part of the City of Loma Linda Sphere of Influence; and

WHEREAS, owner has an urgent need to connect to and utilize the City of Loma Linda water and sewer systems; said systems otherwise being available only to properties within the City of Loma Linda corporate limits; and

WHEREAS, owner is desirous of annexing to the City of Loma Linda; and

WHEREAS, the City of Loma Linda is willing to consent to the connection of said property to the water main and sewer line on the condition that the property be annexed to the City of Loma Linda at the earliest possible time; and

WHEREAS, the City of Loma Linda intends to pursue annexation of owner's property plus other properties, but said annexation will cause delay, which delay would create a substantial hardship for owners of the 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. Owner does hereby give his irrevocable consent to annex to the City of Loma Linda at such time as the annexation may be properly approved through appropriate legal proceedings, and owner does further agree to provide all reasonable cooperation and assistance to the City in the annexation proceedings. Said cooperation is contemplated to include signing any applications of consent, prepared by the City, and submitting any evidence reasonably within the control of owner to the various hearings required for the annexation. Said cooperation does not include, however, any

obligation on behalf of owner to institute any litigation or judicial proceeding whatsoever to force annexation to the City of Loma Linda.

2. The City of Loma Linda does hereby agree to authorize the connection of said property, proposed to be developed on owner's property, to the water main located on Beaumont Ave and Nevada Street. Said connection to the water main shall be permitted by the City at such time as all applicable permits have been obtained and associated fees have been paid.

3. The City of Loma Linda does hereby agree to authorize the connection of said property, proposed to be developed on owner's property, to the sewer line located on Beaumont Ave and Nevada Street. Said connection to the sewer line shall be permitted by the City at such time as all applicable permits have been obtained and associated fees have been paid.

4. Owner agrees 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. In some circumstances, these fees may be borne by the City.

5. Owner shall pay all fees and charges and make all deposits required by the City to connect to and use the water, and owners agree to be bound by all City ordinances, rules and regulations respecting the water system.

6. Owner shall pay all fees and charges and make all deposits required by the City to connect to and use the sewer system, and owners agree to be bound by all City ordinances, rules and regulations respecting the sewer system.

7. This Agreement shall be recorded with the Office of the Recorder of the County of San Bernardino.

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

9. Owner shall execute the Agreement on behalf of himself, his heirs, successors and assigns; and said agreement shall be irrevocable without the prior written consent of both parties hereto.

10. The benefit to the subject property 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.

OWNER: ISLAMIC COMMUNITY CENTER OF
REDLANDS

Date: 12/3/2021

By: Muhammad Aslam

Muhammad Aslam

CITY OF LOMA LINDA

Date: 12/20/21

By: Phill Dupper, Mayor

Attest: Lynette Arreola
Lynette Arreola, City Clerk

The Mayor and City Clerk of the City of Loma Linda have been authorized to execute this Agreement on behalf of the City of Loma Linda at a regularly held meeting of the City Council held on December 14, 2021.

Exhibit "B"

LEGAL DESCRIPTION

THAT PTN NE 1/4 SW 1/4 BEG 783 FT S OF CENTER SEC 32 TP 1S R 3W TH W 1045 FT TO E L1 SP RR R/W TH SELY 650 FT TO MIDDLE RD TH E 697.4 FT TH N 511.8 FT TO POB EX PTN LYING SW FOL DESC LI COMM SE COR NE 1/4 SW 1/4 TH N 89 DEG 27 MIN 35 SECONDS W 324.94 ALG S LI SD NE 1/4 SW 1/4 SD SEC TO POB TH N 27 DEG 52 MIN 1 SECONDS W 33.38 FT TH N 32 DEG 37 MIN 26 SECONDS W 73.96 FT TH N 44 DEG 27 MIN 11 SECONDS 35.73 FT TH N 30 DEG 07 MIN 04 SECONDS W 48.18 FT TH N 11 DEG 15 MIN 59 SECONDS W 33.73 FT TH N 27 DEG 30 MIN 33 SECONDS W 391.02 FT TH N 89 DEG 31 MIN 24 SECONDS 4.53 FT TH N 27 DEG 30 MIN 33 SECONDS W 109.48 FT TH N 25 DEG 38 IN 21 SECONDS W 287.36 FT TH N 33 DEG 42 MIN 50 SECONDS W 90.55 FT TH N 20 DEG 00 MIN 47 SECONDS W 130.24 FT TH N 25 DEG 37 MIN 35 SECONDS W TO PT OF TERMINATION ON N LI SD NE 1/4 SW 1/4 EX RDS

ICOR

Islamic Community Center of Redlands
P.O. BOX #240
Loma Linda, CA 92354

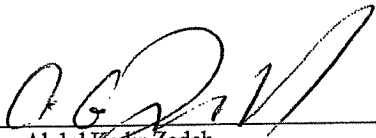
December 3, 2021

To whom it may concern,

Letter of Authorization

I the undersigned, hereby authorize Mohammed Aslam a member of the Council of Trustees of the Islamic Community Center of Redlands to act on behalf in all manners relating to application for authorization, including signing of all services and transactions related to Islamic Community Center of Redlands. Any acts carried out by Mohammed Aslam on our behalf shall have the same effect as acts of our own.

This authorization is valid until further notice from me and Islamic Community Center of Redlands.


Signed By: Abdul Kadir Zadeh
Director of Council of Trustees
Islamic Community Center of Redlands

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGEMENT**

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

State of California

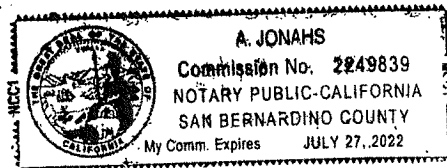
County of San Bernardino

On Dec, 3 2021, before me, A. JONAH'S
Notary Public, personally appeared MUHAMMAD ASLAM,
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 A. Jonah's



(seal)

Optional: Document Name: Anexation Application

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**

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 }

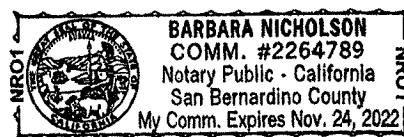
On 12-15-2021 before me, Barbara Nicholson, Notary Public
(insert name and title of the officer)

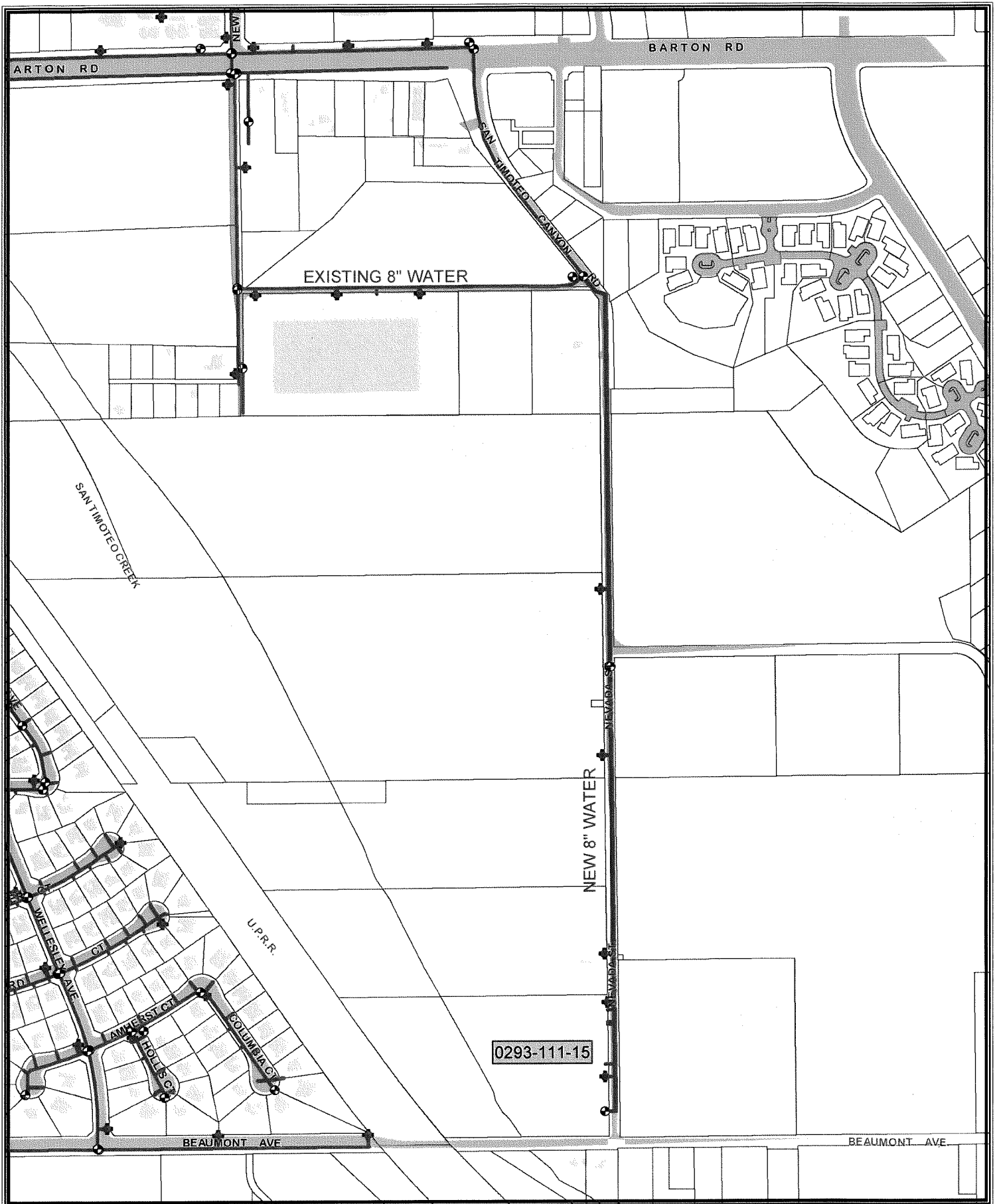
personally appeared Phill Dupper,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same
in his/~~her/their~~ authorized capacity~~(ies)~~, and that by 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.

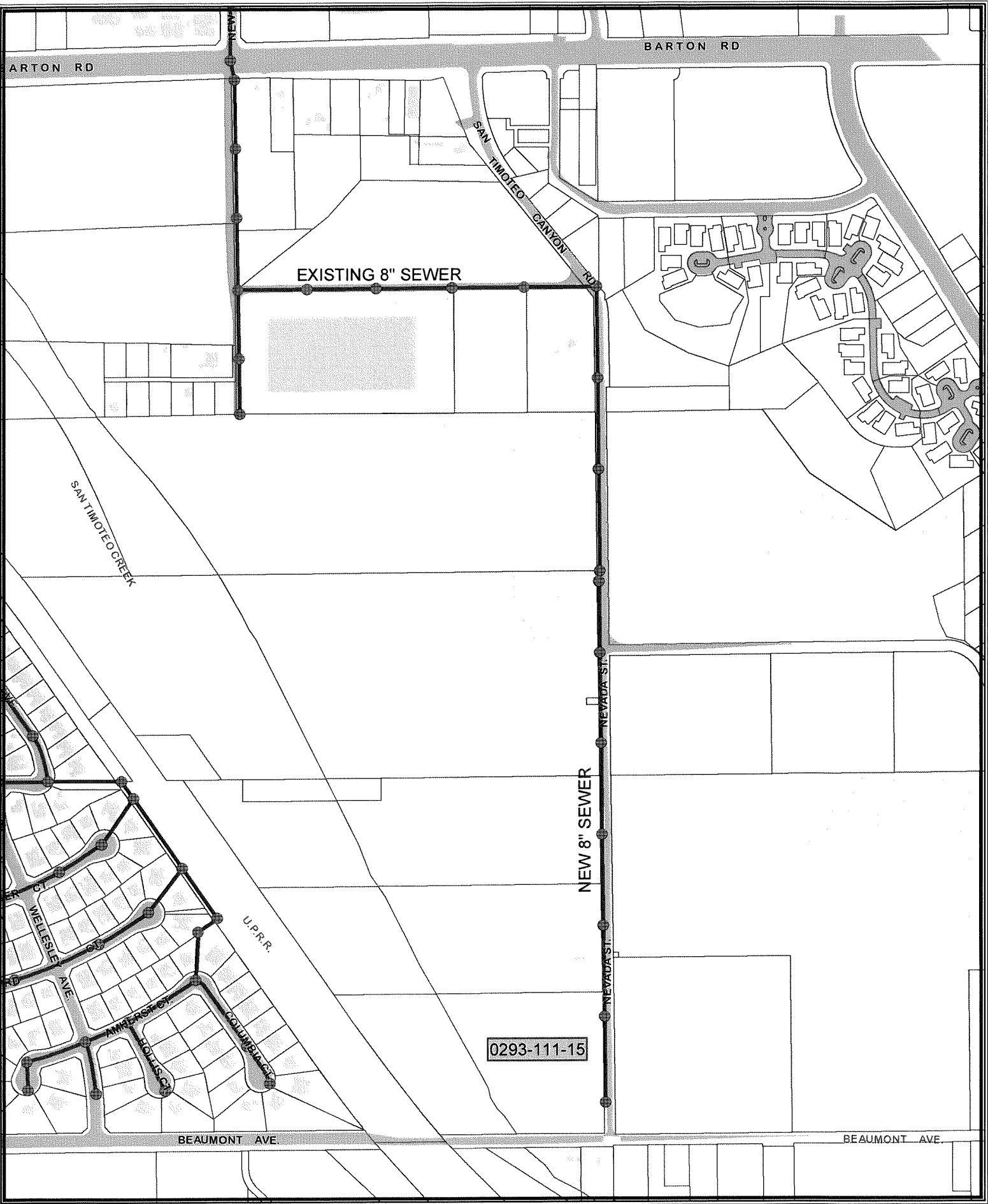
Barbara Nicholson (Seal)
Signature of Notary Public







CITY OF LOMA LINDA WATER MAP

- watervales
- Water Lines
- + hydrants



CITY OF LOMA LINDA
SEWER MAP

-  Sewer Lines
-  sewer MH



Land Use Services Department Planning

Luther Snoke
Interim Director

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

May 18, 2018

Effective Date: May 14, 2018

Expiration Date: May 3, 2021

Shakil Patel
Shakil Patel & Associates
25902 Hinckley Street
Loma Linda, CA 92354

Islamic Community Center of Redlands
24769 Redlands Boulevard
Loma Linda, CA 92354

RE: CONDITIONAL USE PERMIT TO ESTABLISH AN ISLAMIC COMMUNITY CENTER CONSISTING OF FOUR BUILDINGS OF APPROXIMATELY 29,860-SQUARE FOOT PLACE OF WORSHIP WITH RELATED ON-SITE FACILITIES ON 5.53 ACRES, LOCATED AT THE NORTHWEST CORNER OF BEAUMONT AVENUE AND NEVADA STREET, IN THE RESIDENTIAL LOW (RL-5) ZONING DISTRICT. THIRD SUPERVISORIAL DISTRICT; APN: 0293-111-15 AND 0293-151-15. PROJECT # P201600335

Dear Mr. Patel,

On May 3, 2018, the San Bernardino County Planning Commission approved your Conditional Use Permit to construct and operate a 29,860-square foot place of worship with related on-site facilities. Pursuant to Section 85.03.110 of the County Development Code, a Post Decision Notice must be provided to the applicant within ten (10) days of a final decision of an application for a permit.

The effective date of your conditional approval is eleven (11) days from your approval date of May 3, 2018. This approval shall expire and become void on May 3, 2021, 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 attached CUP Conditions of Approval are listed under specific headings according to when each condition must be completed for the applicable County Department. The Condition Compliance Release Forms list each County Division or outside agency that must sign-off on the project prior to each state 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 three (3) copies of the stamped approved CUP site plan and a copy of the conditions of approval to the Planning Division for review.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Third District

CURT HAGMAN
Vice Chairman, Fourth District

JOSIE GONZALES
Fifth District

Gary McBride
Chief Executive Officer

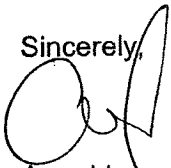
P201600355/CUP
May 18, 2018
PAGE 2 of 2

Within ten (10) working days of submittal, Planning staff 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. The applicant shall take a copy of the "red stamped" plans along with a copy of the signed Condition Compliance Release Forms to the San Bernardino County 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 San Bernardino County Fire, Department of Public Works or the Building and Safety Division that must be satisfied prior to issuance of permits by Building and Safety.

This completes the Planning Division's review of this project. The Conditions of Approval, along with the attached approved Site Plan represent 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 the submittal of a "Revision to an Approved Action" application and fees for review and approval.

Should you have any additional questions regarding specific condition(s) or matters on the project, please contact me at 909 387-0235 or by email at Aron.Liang@LUS.sbcounty.gov.

Sincerely,



Aron Liang, Senior Planner

AL/drp/mh

Attachments: CUP Conditions of Approval
Stamped/Conditionally Approved Plans
Certificate of Compliance Forms

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS

[Ongoing and Operation Conditions]

LAND USE SERVICES DEPARTMENT – Planning Division (760) 995-8140/(909) 387-8311

1. Project Description. This Conditional Use Permit approval is for the construction and operation of a 29,860-square foot place of worship with related on-site facilities, on an approximately 5.53-acre parcel. The scope of the proposed development will consist of three phases: Phase I would include a 13,850-square foot social building, a 30,860-square foot retention basin that would serve as a recreational sports field, a courtyard with fountain, related on-site parking, landscaping, water quality management improvements, and off-site street and drainage improvements; Phase II would include a 7,805-square foot educational building, and a 1,565-square foot caretaker residence; and Phase III would include the main sanctuary building of approximately 6,664-square foot and a 35-foot minaret tower.
 2. Project Location. The Project site is located at the northwest corner of Beaumont Avenue and Nevada Street, in the Rural Living (RL-5) zoning district.
 3. Code Compliance. The Project approval is subject to compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, and the approved site plan.
 4. Conditions of Approval. The developer shall provide a copy of the Conditions of Approval and the site plan to every current and future commercial tenant or lessee, and any future property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the project site: Assessor Parcel Numbers: 0293-111-15 and 0293-151-15.
 5. 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).
 6. 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.
 7. Project Account. The Job Costing System (JCS) account number is P201600335. This is an actual cost Project with a deposit account to which hourly charges is assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1,000 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.
 8. 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

9. 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 Extension 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).
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. 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 Administrators, 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 §2782.

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) STATE: Santa Ana Regional Water Quality Control Board
 - b) COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, Fire Department, Environmental Health Services, and Public Works.
 - c) LOCAL: City of Loma Linda Pre-Annexation Agreement (Water Service and Sewer Service).
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:

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- a. Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to ensure 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.
 - 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 subsequent 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 review and approval by the Planning Division. The markings include parking spaces, disabled parking and access path of travel, directional designations and signs, stop 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 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. 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. Signs. This conditional approval does not include signs. The developer shall apply for any free-standing or attached sign, in accordance with SBCC Chapter 83.13, Sign Regulations and in compliance with the Conditions of Approval.
 17. Underground Utilities. No new above ground power or communication lines shall be extended to the site. All new utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and that avoids disturbing any existing/natural vegetation or the site appearance. Existing utilities around the site perimeter shall also be placed underground in coordination with the utility provider.
 18. 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.
 19. Exterior wall-mounted floodlights are expressly prohibited.
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20. Security lighting fixtures are not to project above the fences or roof line of the building and are to be shielded. The shields shall be painted to match the surface to which they are attached. Security light fixtures are not to be substituted for parking lot or walkway light fixtures, and are restricted to lighting only loading and storage locations or other similar areas.
 21. All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.
 22. All parking lot and driveway light shall be provided uniform illumination at a minimum level of 0.5 foot candle.
 23. All ground-mounted utility appurtenance, including but not limited to telephone pedestals, utility meters, irrigation system back-flow preventors, and transformers, shall be located behind the building setback line where possible, and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscape materials.
 24. Noise: the use shall be so operated that the maximum volume of sound or noise generated does not exceed sixty-five (65) decibels from 7:00 a.m. to 10:00 p.m. Measurement of maximum sound or noise volume can be taken at any point on the lot line of the lot on which the use is located.
 25. Odor: the use shall be so operated that no offensive or objectionable odor is perceptible at any point on the boundary of the district in which the use is located.
 26. 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.
 27. 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. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. The specific transit routes displayed shall include Omni Trans route information.
 - 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

28. 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.
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29. 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) 387-8178

30. Tributary Drainage. Adequate provisions shall 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.
31. Natural Drainage. The natural drainage courses traversing through the site from adjacent properties shall not be occupied or obstructed
32. 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.
33. 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 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.
34. 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 [DEHS] (800) 442-2283

35. Noise. Noise level shall be maintained at or below County Development Code Standards, Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
36. The Onsite Wastewater Treatment System (OWTS) shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper or qualified service provider. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
37. 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.

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

38. 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)
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39. 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.
40. 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 are required 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.
41. Mandatory Trash Service – This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners of a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
42. Mandatory Organics Recycling – As of January 1, 2017, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate four (4) 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

43. 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 Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
44. 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.
45. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PRIOR TO LAND DISTURBANCE ACTIVITIES OR ISSUANCE OF GRADING PERMITS
The Following Shall Be Completed

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

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46. *The Project Proponent shall conduct a preconstruction clearance survey (valid for 30 days) prior to any ground or vegetation clearing activities on site.*
47. *In the event construction occurs within the nesting season (January 1 to September 15), the Project Proponent shall have a preconstruction clearance survey conducted prior to any vegetation or ground disturbing activities.*
Mitigation Measure IV - Prior to Grading Permits/Planning
48. 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.
- The Applicant/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.
 - The Project Proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
 - The Project Proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
 - 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.
49. The Applicant/Project Proponent shall implement the following conditions as required by SCAQMD:
- 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.
 - 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.
 - The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
 - All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
 - The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
 - 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.
50. Due to the project location and the high sensitivity of the area location, the applicant/developer shall coordinate with the Gabrieleno Band of Mission Indians – Kizh Nation and retained one of their certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development.
51. *Tribal Cultural Resources-1. Applicant shall allow for monitoring by a qualified archaeologist who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists. Monitoring shall be required for all soil disturbances including grading (cut and fill). Should movement of soils for grading for re-compaction activities show no evidence of an archaeological site or artifacts, and with the agreement of the County of San Bernardino, Land Use Services Department and the on-site archaeological monitor, further monitoring at this location shall no longer be required. In the event that a prehistoric site or historic remains older than 50 years is identified during monitoring, the Project Archaeologist monitor shall be empowered to stop all construction activities in the vicinity of the find (e.g., 50 feet radius).*
- If the discovered archaeological/cultural materials are prehistoric in nature and/or include Native American remains, the Project Archaeologist shall notify the County as well as a Native American monitor to assist in the identification of the resources or human remains. The Native American monitor shall be retained from a list of suitable candidates from the Native American Heritage Commission.*
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The Project Archaeologist shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact. The Archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. The Applicant shall comply with the recommendations of the evaluating Archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to the County of San Bernardino and the South Central Coastal Information Center, Department of Anthropology, CSU Fullerton.

Not less than 14 days prior to the issuance of any grading or excavation permit, the Applicant shall submit the draft contract between the selected Project Archaeologist (or firm) and the Applicant to be employed for the required monitoring services. The contract shall also include the proposed scope of services (including the monitoring, reporting, and disposition requirements noted above) which shall be subject to review and approval by the County of San Bernardino. Contracts shall include a requirement for monthly written reports from the archaeological monitor to the Planning Division summarizing the monitor's activities during the reporting period.
[Mitigation Measure XVII - Prior to Grading Permits/Planning

52. Construction Noise. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
53. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
54. Equipment shall be shut off and not left to idle when not in use.
55. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
56. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.
57. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.
[Mitigation Measure XII - Prior to Grading Permits/Planning
58. GHG – 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 GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
 - a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading plans shall include the following statements:
 - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
 - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
 - d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - f) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

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

59. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
60. 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.
61. 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.
62. Grading Plans: Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
63. Erosion & Sediment Control Plan: An erosion and sediment control plan shall be submitted to and approved by the Building Official.
64. Erosion Control Installation: An erosion control permit shall be obtained and devices installed prior to any land disturbance. No sediment is to leave the job site.
65. 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
66. 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.
67. *All recommendations contained within the Geotechnical/Geologic Study prepared by GeoMat Testing Laboratories, Inc., as approved by the County as part of the plan review process shall be incorporated prior to initiating ground disturbing activities.*
[Mitigation Measure VI - Prior to Grading Permits/Planning]

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8178

68. Drainage Improvements: A Registered Civil Engineer 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.
69. Topo Map: A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
70. Grading Plans: Grading 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. An \$806 deposit for grading plan 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.
71. Encroachment Permits: An encroachment permit is required from County Public Works, Flood Control District, Perrin Section, (909) 387-8046, as well as other agencies prior to working within their jurisdiction. Any proposed side drain connection or discharge from the proposed retention basin to the existing SBCFCD facility would require a permit from Flood Control District.
72. 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.
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73. 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 Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
74. 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.
75. Hydrology & Water Quality Practical education materials shall be provided to property owners and church staff cover various water quality issues that will need to be addressed at the site. Materials shall include the protection of storm water quality and Best Management Practices that eliminate or reduce pollution during property improvement. Within 30 days prior to building opening to the public, the Property owner shall distribute the materials to the occupants and key church staff.
76. Rain triggered shutoff devices and shutoff devices designed to limit water supply in the event of a broken sprinkler shall be used in the common area landscape design. In addition, irrigation and landscaping shall be coordinated to avoid overspray.
77. Property owner/church staff shall be responsible for litter control on-site.
78. The property owner shall stencil signs stating, "drains to the ocean" above the storm drain inlets to warn the public of prohibitions against waste disposal.
79. All trash container areas shall meet be: 1) paved with an impervious surface, 2) designed not to allow run-on from adjoin areas, 3) designed to divert drainage from adjoining roofs and pavements diverted area the area, 4) screened or walled to prevent off-site transport of trash; and 5) contain a solid roof or awning to prevent exposure to direct precipitation.
80. The catch basins are to be inspected after the first storm event of the rainy season and two times per month thereafter until the end of the rainy season, and shall be cleaned out as necessary or until filled to 25 percent capacity.
[Mitigation Measure IX - Prior to Occupancy/Traffic]

PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283

81. 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.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190 / (909) 386-8465/LOCAL FIRE JURISDICTION

82. 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 IIIA of the California Fire Code. **Project may be subject to Loma Linda underground requirements.**
83. 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 either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. 1500 GPMs @ 20 PSI 2hrs
84. Fire Fee. The required fire fees are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices. **4 Permits for each building \$ 492.00 each for plan Review; \$ 368.00 for 3 permits less than 10,000 Sqft.; \$ 628.00 for building exceeding 10,000 Sqft.**

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

85. 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 a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
86. 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:
- Monuments set to mark property lines or corners;
 - 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;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS
The Following Shall Be Completed

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

87. 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 two copies of a landscape and irrigation plan to County Planning.
88. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
89. 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 on-site 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.
90. 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 developer shall submit sign plans to County Planning for all existing and proposed signs on this site. The developer 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:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - All sign lighting shall not exceed 0.5 foot-candle.
 - 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.
91. 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.
- 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. design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
 - 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.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d) Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - 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.

- h) Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

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

92. 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.

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

93. 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.

Nevada Street (Collector – 66')

- Road Dedication. An 8 foot grant of easement is required to provide a half-width right-of-way of 33 feet.
- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 with Caltrans A88A ramp at the intersection of Nevada Street and Beaumont Avenue. 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 129B, and located per San Bernardino County Standard 130.

Beaumont Avenue – Per City of Loma Linda Standard

- Road Dedication. A 21 foot grant of easement is required to provide a half-width right-of-way of 46 feet per City of Loma Linda standard.
- Street Improvements. Design curb and gutter with match up paving 35 feet from centerline per City of Loma Linda standard.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".

94. 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. Beaumont Avenue Road sections shall be designed to match Loma Linda typical sections to the West, to the policies and requirements of the County Department of Public Works, and in accordance with the General Plan, Circulation Element. Nevada Street Road sections shall be designed to Valley Road Standards of San Bernardino County, to the policies and requirements of the County Department of Public Works, and in accordance with the General Plan, Circulation Element.

-
95. 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.
 96. 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.
 97. 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.
 98. 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.
 99. 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.
 100. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Loma Linda 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 \$ 4.31 per square foot for Institutional Use, which includes the 29,860 sq. ft. building per the site plan dated 12/21/2017.

Therefore, the estimated Regional Transportation Fees for the Project is \$128,696.60. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

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

101. Water. Water purveyor shall be City of Loma Linda or EHS approved.
 102. Water Letter. 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. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 800-442-2283.
 103. Sewer. Method of sewage disposal shall be City of Loma Linda or, if not available, EHS approved onsite wastewater treatment system (OWTS) that will conform to the Local Agency Management Program May 2017.
 104. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall reference the Assessor's Parcel Number.
 105. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions:
 - a. A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 800-442-2283.
-

b. An Alternative Treatment Permit, if applicable, shall be required.

106. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO at: 909-383-0480.

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.

107. Written clearance shall be obtained from the designated California Regional Water Quality control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.

A. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130.

108. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), 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, 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.

109. Food Establishments. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

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

110. 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.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190 / (909) 386-8465/LOCAL FIRE JURISDICTION

111. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
112. Single Story Road Access Width:
All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
113. Building Plans. Not less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.

114. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of 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.
- MAIN SANCTUARY: 6,500-square foot building
 - SOCIAL HALL : 14,190-square foot building with administration office
 - EDUCATIONAL BUILDING and CARETAKER UNIT: 7,630-square foot building with class rooms, library, restrooms and entrance foyer.
115. Fire Alarm. An automatic monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 100 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
- MAIN SANCTUARY: 6,500-square foot building
116. 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.

PRIOR TO FINAL INSPECTION OR OCCUPANCY
The Following Shall Be Completed

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

117. 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.
118. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
119. Construct a 6-foot screen wall with a pilaster at every 20-foot along the north property boundary.
120. Parking Improvements: On-site parking and circulation improvements shall be installed, inspected and approved as being in compliance with the approved Final Development Plan. The following shall be completed:
- a) Markings. All circulation markings shall be clearly painted and permanently maintained, including arrows painted to indicate direction of traffic flow.
 - b) Crosswalks. All on-site internal pedestrian crosswalks shall be delineated with a minimum 3" white or yellow painted line stripe. All pedestrian crossings in public right-of-way shall be per County Standards.
 - c) Stops. All internal parking lot driveway intersections shall be installed with a painted stop limit line and shall have a breakaway pole "STOP" sign and/or painted "STOP" lettering on the paving in front of the limit line.
 - d) Parking Space Striping. All paved parking stalls shall be clearly striped and permanently maintained. All paved parking stalls shall be striped with double/hairpin lines with the two lines being located an equal nine inches on either side of the stall sidelines.
 - e) Multi-modal. All required multi-modal amenities (e.g. bike stands, motorcycle parking, mass transit access, carpool preferred parking, vanpool passenger pickup etc.) shall be installed per approved plans.
121. Disabled Parking Installed. Parking for the disabled with paths of travel to the main building entries shall be installed per SBCC §83.11.060. Disabled access parking spaces shall be clearly and continually designated with pavement markings and signs.

-
122. Landscaping Installed. All proposed landscaping, hardscape, exterior features (benches, walkways, bike racks etc), walls and fencing shall be installed as shown on the approved landscaping plan for each phase of development. All improvements shall be completed prior to receiving final occupancy.
123. Landscape Certificate of Compliance submittal. Pursuant to Section 83.10.100 of the County Development Code, prior to the issuance of the certificate of occupancy or final inspection for a project, a Landscape Certificate of Completion shall be submitted to the Land Use Services Department, Planning Division certifying that the landscape has been installed in accordance with the approved project specific landscape documentation package. The Landscape Certificate of Completion shall be signed and dated by the licensed professional who prepared the plans.
124. 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.
125. 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 developer shall pay in full all fees required under actual cost job number P201600355.
126. 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.

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

127. 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

128. 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.
129. 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

130. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
131. 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.
132. 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.
133. 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.
-

134. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

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

135. 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 65% of total weight or volume of all construction waste.

PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283

136. An Alternative Treatment Permit, if applicable, shall be required. For information, contact DEHS at: 1-800-442-2283.

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

137. *Construct Nevada Avenue from the north project boundary to Beaumont Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.*
138. *Construct Beaumont Avenue from the west project boundary to Nevada Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.*
139. *On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.*
140. *The County of San Bernardino shall periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.*
[Mitigation Measure XVI - Prior to Occupancy/Traffic]

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190 / (909) 386-8465/LOCAL FIRE JURISDICTION

141. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
142. Hood And Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufacturers' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
143. Side Yard Construction. Exterior walls of residential and accessory buildings or portions thereof shall be constructed a minimum thirty (30) foot from all adjacent structures. All residential structures shall have interior side yards setbacks of twenty percent (20%) of lot width
144. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) 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.

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145. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
146. 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.

END OF CONDITIONS

C:\Users\lana\Desktop\projects\CCRC\UP\ARCHITECTURE\SP1.dwg, 1/19/2018 12:01:48 PM, DWG TO PDF.PC3

OWNER
ISLAMIC COMMUNITY CENTER OF REDLANDS
REDLANDS BLVD. LOMA LINDA CA

APPLICANT
SHAKIL PATEL AND ASSOCIATES AIA
25852 HINDKLEY STREET, LOMA LINDA CA 92354
TELEPHONE: 909-913-3175
pshakil@shakilpatel.com

ASSESSOR PARCEL NUMBER
LOT AREA
APN 0293-111-15-0000 & 0293-151-15-0000

ZONING
ZONING
FRONT SETBACK
SIDE SETBACK
STREET SIDE
REAR SETBACK

BUILDING DATA

BUILDING OCCUPANCY
TYPE OF CONSTRUCTION
LANDSCAPE AREA
PAVING AREA
LOT COVERAGE
PHASE I
PHASE II (NEXT 5 YEARS)
PHASE III (CARETAKER RES.)
PHASE III (NEXT 10 YEARS)
TOTAL LOT COVERAGE
MAXIMUM HEIGHT
PARKING CALCULATION
REGULAR STALLS
HANDICAPPED STALLS
PROVIDED STALLS

PHASE I
PHASE II
PHASE III
GRAND TOTAL

CSB DC TABLE 83-15	AREA	REQUIRED	PROVIDED
SANCTUARY	4887	33.83	156
SUPPORT AREA	7173	488.03	18
CLASS ROOM	1779	4	4
TOTAL	13850	219	254

PHASE II	AREA	REQUIRED	PROVIDED
SANCTUARY	4887	33.83	4
CLASS ROOM	3015	488.03	4
CARETAKER RES.	3400	2.80	2
SUPPORT AREA	3159	488.03	12
TOTAL	7861	27	234

PHASE III	AREA	REQUIRED	PROVIDED
A-3	1786	16.00	0
B	0	205.00	0
C-3	0	16.00	0
SUPPORT AREA	1880	488.03	5
TOTAL	6640	4	5

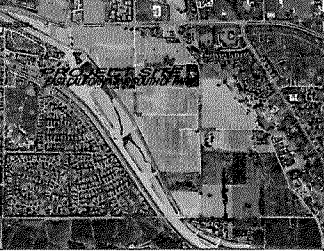
GRAND TOTAL	29520	250	254
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PHASE I (MULTIPURPOSE) AND PHASE II (SANCUTARY) WILL NOT SIMULTANEOUSLY
CLASS AND MULTI PURPOSE WILL NOT LOADED SIMULTANEOUSLY.

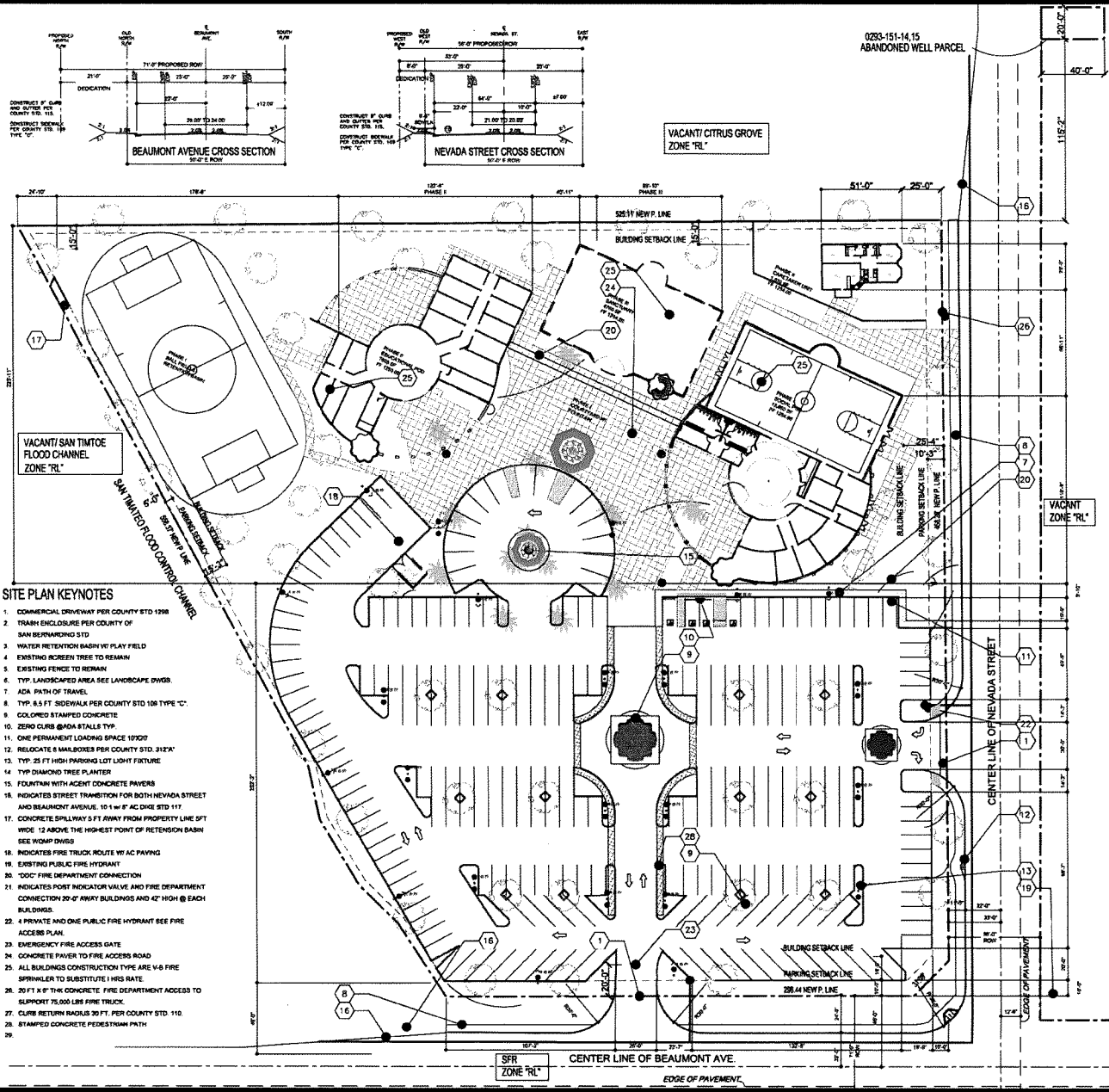
UTILITIES:

SEWER: PRIVATE/ CITY OF LOMA LINDA
WATER: CITY OF LOMA LINDA
ELECTRICAL: SCE
GAS: SD CAL GAS
SCHOOL DISTRICT: REDLANDS UNIFIED SCHOOL DISTRICT
ACCORDING TO THE HAZARDOUS WASTE MAP, THE PROJECT SITE
IS WITHIN A FEMA FLOOD ZONE X

PROJECT DATA



VICINITY MAP



SITE PLAN KEYNOTES

1. COMMERCIAL DRIVEWAY PER COUNTY STD 1208
2. TRASH ENCLOSURE PER COUNTY OF SAN BERNARDINO STD
3. WATER RETENTION BASIN W/ PLAY FIELD
4. EXISTING SCREEN TREE TO REMAIN
5. EXISTING FENCE TO REMAIN
6. TYP. LANDSCAPED AREA SEE LANDSCAPE DWGS
7. ADA PATH OF TRAVEL
8. TYP. 6.5 FT. SIDEWALK PER COUNTY STD 108 TYPE 'C'
9. COLORED STAMPED CONCRETE
10. ZERO CURB @ ADA STALLS TYP.
11. ONE PERMANENT LOADING SPACE 1200"
12. RELOCATE 8 MAILBOXES PER COUNTY STD. 3123A
13. TYP. 25 FT HIGH PARKING LOT LIGHT FIXTURE
14. TYP DIAMOND TREE PLANTER
15. FOUNTAIN WITH AGENT CONCRETE PAVERS
16. INDICATES STREET TRANSITION FOR BOTH NEVADA STREET AND BEAUMONT AVENUE. 10' 1" W/ 8" AC OVER STD 117
17. CONCRETE SPILLWAY 5 FT AWAY FROM PROPERTY LINE 5 FT WIDE 12" ABOVE THE HIGHEST POINT OF RETENTION BASIN SEE WOMP DWGS
18. INDICATES FIRE TRUCK ROUTE W/ AC PAVING
19. EXISTING PUBLIC FIRE HYDRANT
20. 'ODC' FIRE DEPARTMENT CONNECTION
21. INDICATES PORT INDICATOR VALVE AND FIRE DEPARTMENT CONNECTION 20'-6" AWAY BUILDINGS AND 42" HIGH @ EACH BUILDING
22. 4 PRIVATE AND ONE PUBLIC FIRE HYDRANT SEE FIRE ACCESS PLAN
23. EMERGENCY FIRE ACCESS GATE
24. CONCRETE PAVES TO FIRE ACCESS ROAD
25. ALL BUILDINGS CONSTRUCTION TYPE ARE V-B FIRE SPRINKLER TO SUBSTITUTE 1 HRS RATE
26. 30 FT X 6 FT THK CONCRETE FIRE DEPARTMENT ACCESS TO SUPPORT 75,000 LBS FIRE TRUCK
27. CURB RETURN RADIUS 30 FT. PER COUNTY STD 110
28. STAMPED CONCRETE PEDESTRIAN PATH

SHAKIL PATEL & ASSOCIATES AIA, LEED-AP
25852 HINDKLEY STREET, LOMA LINDA CA 92354
TELEPHONE: 909-913-3175
pshakil@shakilpatel.com

ISLAMIC COMMUNITY CENTER OF REDLANDS
25851 BEAUMONT AVE
REDLANDS CA 92373
APN 0293-111-15 and 0293-151-15

COUNTY APPROVALS

PLANNING APPROVAL
P201600355

JULY 10, 2017 FIRE DEPT. CORN

PROJECT NO. 122015

DRAWN BY: SP

CHECKED BY: SP

SHEET TITLE

SITE PLAN
PHASE III

A102

PROJECT SITE PLAN

Islamic Community Center of Redlands
County of San Bernardino, California

FIGURE 3

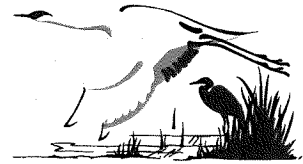
LILBURN
CORPORATION

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



January 6, 2022

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

RECEIVED

JAN 06 2021

LAFCO
San Bernardino County

Dear Sam:

LAFCO SC#476 consists of an application for Extension of Service by Contract by the City of Loma Linda. The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the Islamic Community Center of Redlands to the City of Loma Linda (City) to extend water supply and sewage collection service to a new place of worship on an approximate 5.53-acre parcel of land located at the northwest corner of Beaumont Avenue and Nevada Street. This property is located within the City of Loma Linda's eastern sphere of influence. If the Commission approves LAFCO SC#476, the project can move forward with development and connect to the City's water system and sewer collection system, which are both located adjacent to the project site in Nevada Street. If the Commission approves LAFCO SC#476, the project site can move forward with its three phases of development through the County of San Bernardino (County). See attached maps.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project. This document addressed the whole of the project which consists of a Conditional Use Permit to establish an Islamic Community Center with four buildings and support facilities. The Notice of Determination for this action was filed for the Mitigated Negative Declaration (MND) on May 4, 2018.

As indicated, the County prepared an Initial Study which concluded that implementation of the proposed project, including construction of approximately 30,000 square feet of building space, would not result in significant adverse impacts to the environment and identified several mitigation measures that must be implemented. None of the measures is the direct responsibility of the Commission. Indirectly, the Commission gets involved because it must approve the extension of service agreement before the structures can be occupied. Therefore, I am recommending that the Commission consider the adopted MND as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO's decision on LAFCO SC#476.

Thus, based on a review of LAFCO SC#476 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 MND as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2018, and based on a field review and review of the environmental issues in the County's document, no substantial changes in circumstances 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#476, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Initial Study and Mitigated Negative Declaration and found them adequate for the extension of services contained in LAFCO SC#476.
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 before it and finds the information substantiating the Mitigated Negative Declaration adequate for approval for the extension of services contained in LAFCO SC#476.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. The mitigation measures required for this project will remain the responsibility of the County to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting 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 that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

LAFCO-1018/SC#476 CEQA Resp Agency

DATE FILED & POSTEDPosted On: 05/04/18Removed On: 06/16/18**Notice of Determination**Receipt No: 37-05042018-287**To:**☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

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): SC#20181051Project Title: Islamic Community Center of RedlandsProject Applicant: Shakil PatelProject Location (Include county): Northwest corner of Beaumont Avenue and Nevada Street**Project Description:**

Conditional Use Permit to construct and operate a 29,860-square foot place of worship with related on-site facilities, on approximately 5.53 acres, located at the northwest corner of Beaumont Avenue and Nevada Avenue, in the Residential Living (RL-5) zoning district, in Loma Linda.

This is to advise that the San Bernardino County has approved the above ☒ Lead Agency or ☐ Responsible Agencydescribed project on 05/03/2018 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: 05-04-2018Date Received for filing at OPR: 05-04-2018Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

2018 MAY 11 PM 11:01
 COUNTY OF SAN BERNARDINO
 CLERK OF THE COUNTY SUPERVISORS

**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:

APN: 0293-111-15 and 0293-151-15	USGS Quad: Redlands
APPLICANT: Islamic Community Center of Redlands	Lat/Long: 34° 02' 17.3"N 117° 13' 05.1"W
COMMUNITY: Loma Linda/ 3 RD Supervisorial District	T, R, Section: T1S R3W Sec.32 NE 1/4 of SE 1/4
LOCATION: Northwest corner of Beaumont Avenue and Nevada Street.	Thomas Bros.: Page 647 Grid: G-3; Thomas Bros. 2005 edition
STAFF: Aron Liang	OLUD: Rural Living (RL-5)
REP(S): Shakil Patel	
PROPOSAL: Conditional Use Permit to Construct and Operate a 31,860 square-foot place of worship with related on-site facilities on approximately 5.53 acres.	Overlays: Loma Linda Sphere of Influence, Flood Zone X, Loma Linda Regional Transportation Fee Plan Area, Floodplain Safety (FP1) Overlay, Burrowing Owl (SE)

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department - Current Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Contact person: Aron Liang, Senior Planner

Phone No: (909) 387-0235

Fax No (909) 909-387-3223

E-mail: Aron.Liang@lus.sbcounty.gov

Project Sponsor: Shakil Patel and Associates
25982 Hinckley Street
Loma Linda, CA 92354

Consultant: Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408

Islamic Community Center Redlands
Project P201600355/CUP
January 2018

PROJECT DESCRIPTION:

The Proposed Project is an Application for a Conditional Use Permit (CUP) to allow the construction and operation of a place of worship with related on-site facilities on an approximate 5.53-acre site located in an unincorporated portion of San Bernardino County, within the City of Loma Linda's Sphere of Influence (See Figure 1). Specifically, the Project Site is on the northwest corner of Beaumont Avenue and Nevada Street (See Figure 2). The Applicant proposes up to three construction phases; due to the Project applicant being a non-profit organization, the timing of each phase is depended upon funding. It is anticipated that buildout of the Project would occur between 2030 and 2035. A description of the development that will occur in each phase is provided herein. As shown on Figure 3, Site Plan, Phase I would include: a 13,850 square-foot social building, a 30,860 square-foot retention basin that would also serve as a recreational sports field, a courtyard with fountain, and related parking, landscaping and interior drive aisles; Phase II would include an approximate 7,805 square-foot educational building, and a 1,320 square-foot caretaker residence; and Phase III would include the main sanctuary building proposed at approximately 6,664 square-feet and to include a 35-foot high tower. The Applicant is requesting discretionary actions on the part of the County to approve the project including approval of the Project Site Plan to ensure compatibility with the County's General Plan and Development Code, and issuance of a Conditional Use Permit (CUP).

Development of the Proposed Project will use conventional construction methods consisting of a concrete masonry unit CMU, wood and stucco building with heights not to exceed 35 feet. Proposed parking includes 254 parking spaces. The Proposed Project will have finished elevations at a maximum height of 35 feet for each building. Approximately 31,860 total square feet of buildings are proposed, which is equivalent to 12 percent lot coverage of the Project Site. Approximately 35,970 square feet of the site would be landscaped.

The Project at buildout (with Phases II and III) will require water service and sewer service from the City of Loma Linda. There are two possible connections to the Loma Linda water system including a connection point approximately 1,000 feet to the west on Beaumont Avenue and a connection point approximately 3,000 feet to the north on Bermudez Street. Both options are hydraulically feasible. Available fire flow at the Bermudez Street connection is estimated at 2,150 gpm at 20 psi. Available fire flow at the Beaumont Avenue connection is estimated at 3,200 gpm at 20 psi. The connection to Bermudez Street would be the longest to construct, but construction along this route on San Timoteo Canyon Road appears feasible. The connection to Beaumont Avenue would be the shortest distance to construct. However, special methods of construction would need to be performed for the pipeline crossing the Union Pacific Railroad (UPRR), high pressure gas trunk lines, and San Timoteo Creek. The pipeline can be bored and jacked under UPRR. The pipeline can be supported across the existing bridge that crosses the creek, either by construction of new pipe support hangers or coordinating with the Bear Valley Mutual Water Company to utilize their existing utility crossing on the bridge.

The nearest sewer connection to the Project Site is located approximately 2,600 feet west of the site at Wellesley Avenue. This connection is higher in elevation than the site and would require a lift station; it would also cross San Timoteo Creek and the UPRR. The project at buildout (with Phases II and III) would require connection to the sewer system. The Applicant is currently working with the San Bernardino County Division of Environmental Health Services (DEHS) and the Santa Ana Regional Water Quality Control Board (RWQCB) to consider an on-site wastewater treatment system for Phase I. The use of an on-site wastewater treatment system for Phase I of the Project Site may be permitted as discussed in a preliminary percolation test for the Project Site conducted in March 2016 by GeoMat Testing Laboratories, Inc. A test was performed to determine soil absorption for a potential on-site wastewater treatment system. A total of three exploratory boreholes were drilled on February 28, 2016 for a proposed on-site wastewater treatment system. Based on

Islamic Community Center Redlands
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 January 2018

percolation test results the on-site soils have favorable percolation rates, and the test results show appropriate to soil classification. No restrictive layer was encountered during drilling to 15 feet below ground surface. No caving of test holes took place during testing. The Applicant will continue to work with DEHS and RWQCB to meet the current standard for the proposed on-site wastewater treatment system for Phase I.

A total of eight residential mailboxes (three of which currently receive mail delivered by the United States Post Service [USPS]) would be relocated in order to accommodate the Project. Relocation of the mailboxes was granted by the USPS. Letters requesting the right to relocate the mailboxes were submitted to the corresponding recipients.

Construction Activities and Schedule

The Proposed Project would be developed in three phases.

Initial site preparation will include clearing of debris and vegetation that is primarily non-native. Construction activities for Phase I of the Proposed Project would include: (1) site preparation; (2) grading and excavation; (3) construction of drainage, utilities, and subgrade infrastructure; (4) paving and (5) landscaping. Buildings to be constructed in each of the phases are presented in Table 1 below:

Table 1
Proposed Project Phasing for the
Islamic Community Center

Phase	Proposed Building	Other Improvements	Anticipated Completion
Phase I	13,850 SF Social Building	Grading, infrastructure, utilities, lighting, paving, interior roadways, parking, landscaping, and retention basin	Spring 2019
Phase II	7,805 SF Education Building		Anticipated by 2025
	1,320 SF Caretaker residence		
Phase III	6,664 SF Sanctuary	35-foot tall tower	Anticipated by 2030

Based on earthwork quantities, the Project Site is expected to balance on-site. Table 2 shows the anticipated construction schedule and effort for the Proposed Project. Construction activities are anticipated to begin in mid-2018, with completion of Phase I anticipated by the spring 2019.

Islamic Community Center Redlands
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Table 2
Phase I Construction Schedule and Duration

Phase I Construction Stage	Workers (Max.)	Duration
Site Preparation	10	21 days
Grading/Excavation	10	1 month
Drainage/Utilities/Sub-Grade	10	3 months
Building Construction	50	18 months
Paving and Architectural Coating	25	1 months
Landscaping	10	21 days
Phase II Construction Stage	Workers (Max.)	Duration
Building Construction	50	18 months
Architectural Coating	25	1 months
Landscaping	10	21 days
Phase III Construction Stage	Workers (Max.)	Duration
Building Construction	50	18 months
Architectural Coating	25	1 months
Landscaping	10	21 days

Parking

In accordance with the San Bernardino County Development Code, the Proposed Project would require a total of 250 parking spaces. Review of the site plan indicates that a total of 254 parking spaces would be provided. All parking and roadways including emergency access for fire vehicles would be completed during Phase I.

Landscaping, Fencing and Lighting

The 5.53-acre Project Site would include approximately 35,970 square feet of landscaped area that would cover approximately 15 percent of the site. Landscaping would include drought tolerant trees and shrubs and would occur around the perimeter of the Project Site and within the surface parking area. A total of 23 shade trees would occur within the parking area. All proposed landscaping with the exception of accent plants and shrubs that would occur adjacent to the educational building, caretaker residence and sanctuary (Phase II and III) would be completed in Phase I of the Project. Landscaping for the remaining portions of the site would occur upon completion of the building and prior to occupancy. Minimum sizes of plant materials shall conform to the requirements as set forth in San Bernardino County Development Code 83.10.070 (d) (Landscape Standards Minimum sizes of plant materials).

Lighting for the Proposed Project would include illumination within the interior of the property and along the perimeter of the parking lot; and light fixtures would be oriented towards the property and boxed. The Project would also include wall lights for security. Subject to Section 83.07.030(a) of the San Bernardino County Development Code outdoor lighting must be fully shielded to preclude light pollution or light trespass on abutting residential uses and on the public right-of-way.

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In accordance with San Bernardino County Development Code 83.02.060, a Project will include fencing/screening along the property boundaries whenever a commercial, institutional or industrial development adjoins a residential land use zoning district. Pursuant to San Bernardino County Development Code 83.02.060 (a) (1) – (4) the Proposed Project would include: a 6-foot high solid masonry block wall along the northern property line, and a 6-foot high wrought-iron fence would be constructed along the southern and eastern property line. The existing 6-foot high chain-link fence along the western property boundary (adjacent to San Timoteo Creek) would remain. The proposed masonry wall would be architecturally treated or landscaped on both sides to avoid the appearance of unfinished precision block.

Hours of Operations

Administrative staff would be at the facility Monday through Friday from 9:00 a.m. to 5:00 p.m. The facility would also be open daily to worshippers from sunrise to sunset (approximately 7:00 a.m. to 7:00 p.m.). Main sermon hours would occur each Friday from noon to 2:00 p.m. The facility would also hold special events including Ramadan which would occur once a month for three hours beginning at sunset, and bi-annual feasts.

Site Access and Circulation

Regional access to the Project Site is provided by the I-10 Freeway. Local access is provided by various roadways in the vicinity of the Project Site including Barton Road, San Timoteo Canyon Road, Beaumont Avenue, and Nevada Street. Main access to the site would be provided by a driveway from Nevada Street. Emergency fire access, restricted to fire department only via a gate and Knox-box, is provided from a driveway along Beaumont Avenue. Fire apparatus would proceed north toward the structures and would have sufficient turning radius on-site to turn around and exit the site from Nevada Street (see Figure 3).

Infrastructure and Off-site Improvements

As previously discussed, the Proposed Project will require water service and sewer service from the City of Loma Linda. The project at buildout (with Phases II & III) would be required to connect to the sewer system. There are two possible connections to the Loma Linda water system including a connection point approximately 1,000 feet to the west on Beaumont Ave. and a connection point approximately 3,000 feet to the north on Bermudez Street. Both options are hydraulically feasible. Available fire flow at the Bermudez Street connection is estimated at 2,150 gpd at 20 psi. Available fire flow at the Beaumont Avenue connection is estimated at 3,200 gpd at 20 psi. The connection to Bermudez Street would be the longest to construct, but construction along this route on San Timoteo Canyon Road appears feasible. The connection to Beaumont Avenue would be the shortest distance to construct. However, special methods of construction would need to be performed for the pipeline where crossing the Union Pacific Railroad (UPRR) and San Timoteo Creek. The pipeline can be bored and jacked under UPRR. The pipeline can be supported across the existing bridge that crosses the creek, either by construction of new pipe support hangers or coordinating with the Bear Valley Mutual Water Company to utilize their existing utility crossing at the bridge.

The Project Proponent is working with the DEHS and the RWQCB to consider an on-site wastewater treatment system for Phase I. According to a June 2017 Water and Sewer Feasibility Technical Memorandum that was prepared for the Project by Tetra Tech, the septic system would need to be sized to handle a wastewater flow of 3,960GPD (2.75 gallons per minute [GPM]) per the California Plumbing Code. The nearest sewer connection to the Project Site is located approximately 2,600 feet west of the site at Wellesley Avenue. This connection is higher than the site and would require a lift station; it would also cross San Timoteo Creek and the UPRR.

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January 2018

The Project would include street improvements on Nevada Avenue and Beaumont Avenue and would include: curb, gutter and sidewalks in accordance with County standards. A driveway would be constructed on Nevada Street and would provide main access to the site. A 25-foot wide driveway on Beaumont Avenue would be constructed to provide ingress only emergency access for the Project Site. A 20-foot wide driveway is proposed at the northeast corner of the site, to provide ingress only emergency access to the proposed caretaker unit. The Proposed Project would include installation of public and private fire hydrants as directed by the City of Loma Linda Fire Department.

A total of seven (8) mailboxes would be removed to allow for the proposed development. The United States Postal Service has approved the new location, proximity to the original mailboxes site.

The Proposed Project at buildout (with Phases II and III) would receive water services and sewer service from the City of Loma Linda. Upon approval of a CUP, the Applicant shall work with the City of Loma Linda Community Development Department to complete and submit a LAFCO's "Extension of Service by Contract" application. Upon CUP approval, the Applicant would pay the applicable City Development Impact Fees, for water services and sewer service, including payments of applications or connection fees, prior to LAFCO's extension of services approval.

Facility Operation/Management Plan

An Operation and Management Plan was prepared for the Islamic Community Center Redlands in December 2018. A copy of the document is on-file with the County of San Bernardino Land Use Services Department. The document includes: an introduction to the non-profit organization, a mission statement, location and background of the facility, purpose and objectives of the project, existing site conditions, development plan, parking, landscaping, fencing and lighting plans, site access and circulation, infrastructure, construction schedule, and administration and management of the proposed facility.

EXISTING SITE CONDITIONS AND SURROUNDING LAND USES:

The Project Site is currently vacant and undeveloped and consists of two parcels of land (APN's 0293-111-15 and 0293-151-15). Parcel 0293-111-15 consists of the entire Project Site of approximately 5.53 acres and Parcel 0293-151-15 contains two existing wells on-site, located on the east side of Nevada Street, approximately 132 feet north of the Project Site. Vegetation is limited to low growing non-native plant species. An aerial photography dating back to 1994 shows the site as vacant. The Project Site occurs at an elevation of approximately 1,248 feet above mean sea level. On-site topography is relatively flat with a slight downward inclination toward the northwest at an average gradient of approximately 1.9 percent. The Project Site is within the Sphere of Influence of the City of Loma Linda and is currently in an unincorporated area of the County, within the 3rd Supervisorial District. Land uses on the Project Site and surrounding parcels are governed by the County of San Bernardino's Development Code. There are other institutional uses within the area including the Seventh Day Adventist (SDA) Korean Church located on New Jersey Street approximately 2,000 feet north of the Project Site. Surrounding land uses include vacant land to the north and east, residential development to the south, and San Timoteo Creek to the west. Table 3 below lists the existing adjacent land uses and zoning districts within a 300-foot radius of the Project Site.

Islamic Community Center Redlands
 Project P201600355/CUP
 January 2018

Table 3
Surrounding Land Uses and Designation
Islamic Community Center

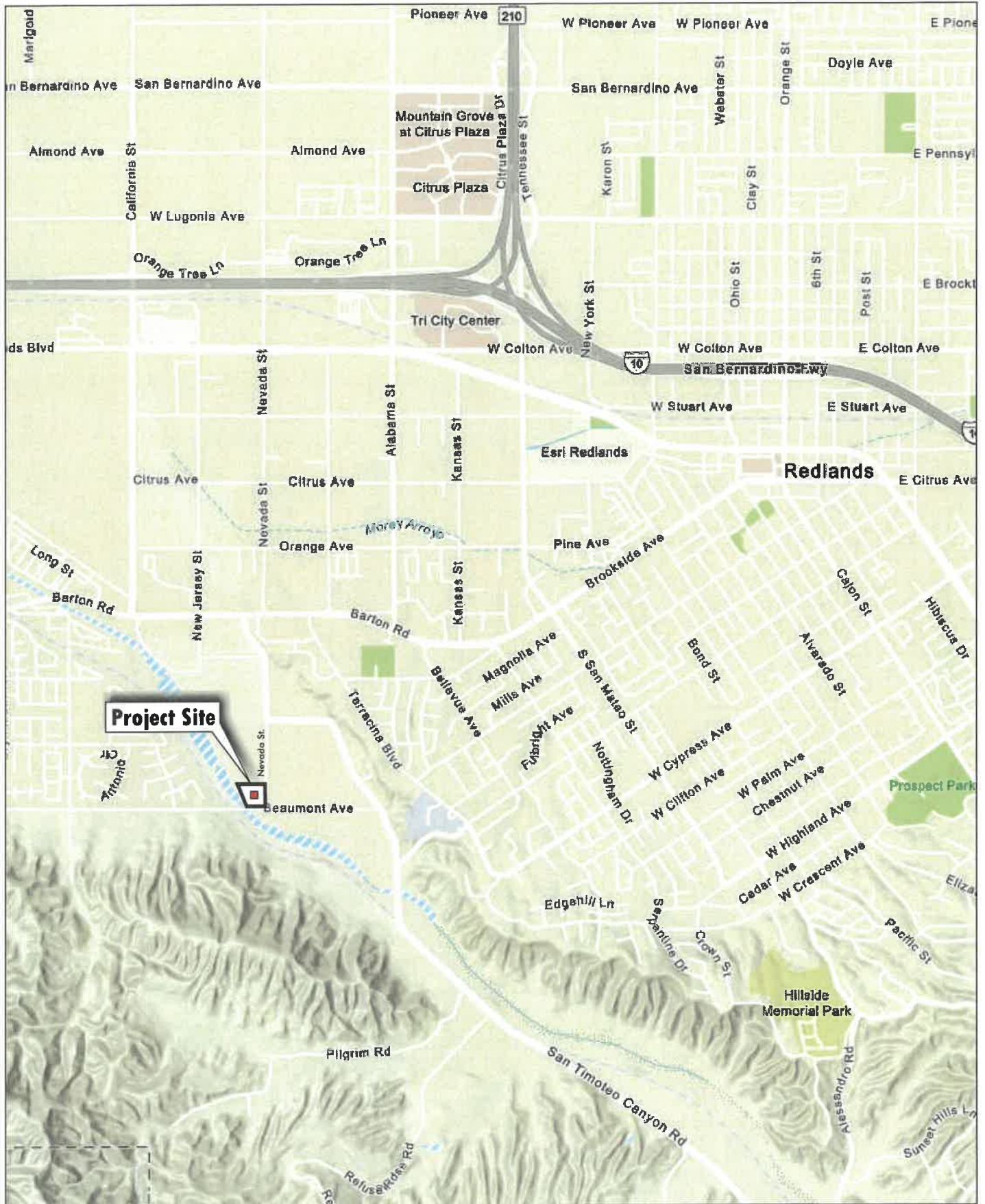
AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Vacant and undeveloped	Rural Living – Residential (RL)
North	Vacant; agriculture	Rural Living – Residential (RL)
South	Residential	Rural Living – Residential (RL)
East	Vacant	City of Redlands – Agriculture (A-1)
West	San Timoteo Creek; residential	Flood Control/City of Loma Linda

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

STATE: Santa Ana Regional Water Quality Control Board (Waste Discharge Requirement)

COUNTY: County of San Bernardino Department of Environmental Health Services (On-site Wastewater Treatment System), Land Use Services Department - Planning, Building and Safety, Land Development; Public Works – Traffic, Surveyor, and Solid Waste Management; County Fire – Community Safety, Hazardous Materials,

LOCAL: City of Loma Linda Pre-Annexation Agreement (Water Service, and Sewer Service)



LEGEND

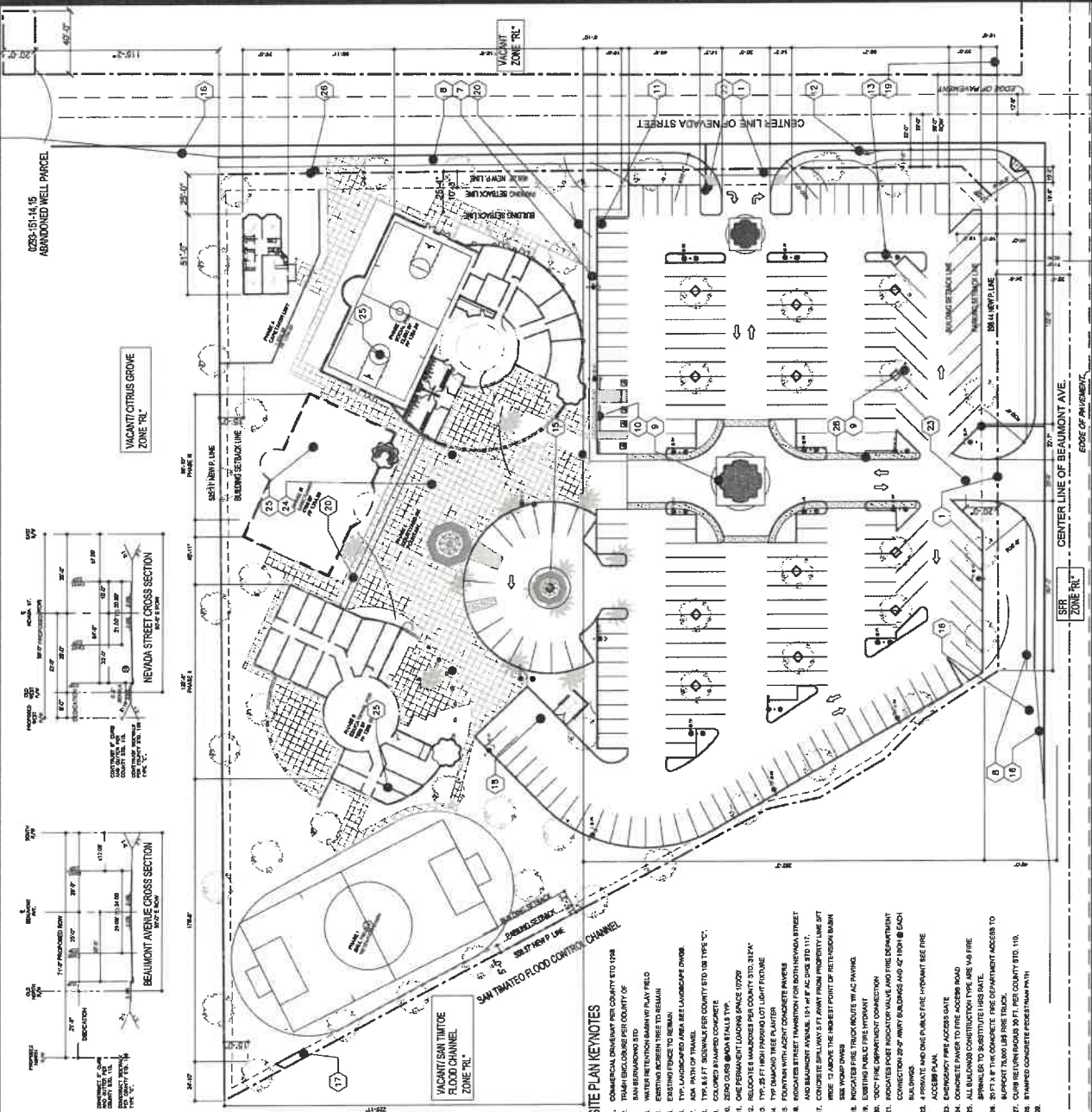
- Project Site Location (Geographic Location)
Lat/Lon: 34° 02' 17.8126" N, 117° 13' 05.2932" W

REGIONAL LOCATION

Islamic Community Center of Redlands
County of San Bernardino, California

FIGURE 1





OWNER

ISLAMIC COMMUNITY CENTER OF REDLANDS

LOAN LINA CA

APPLICANT

SHAKIL PATEL & ASSOCIATES AIA, LEED-AP

5602 HOCKEY STREET, LOAN LINA CA 92054

Architect

Contractor (See Notes)

ASSESSOR PARCEL NUMBER

0253-514-15-009 & 0253-514-15-008

BEAUMONT AVENUE CROSS SECTION

1:10

NEVADA STREET CROSS SECTION

1:10

BEAUMONT AVENUE CROSS SECTION

1:10

NEVADA STREET CROSS SECTION

1:10

BEAUMONT AVENUE CROSS SECTION

1:10

NEVADA STREET CROSS SECTION

1:10

Islamic Community Center Redlands
 Project P201600355/CUP
 January 2018

EVALUATION FORMAT

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

Potentially 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 impact 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.

Islamic Community Center Redlands
 Project P201600355/CUP
 January 2016

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 type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Paleontological Resources | <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 / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

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

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there shall 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 shall be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Arooj Ali, Senior Planner

Signature: David Prusch, Supervising Planner

Date: 1/25/2018

Date: 1/25/2018

Islamic Community Center Redlands
Project P201600355/CUP
January 2018

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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

- a) **No impact.** The Project Site is located in an unincorporated area of San Bernardino County within the City of Loma Linda Sphere of Influence. The immediate vicinity of the Project Site is characterized by vacant land, flood control (San Timoteo Creek), agriculture (citrus groves), and rural residential development. Neither the County General Plan nor the City of Loma Linda General Plan identifies a scenic vista or scenic highway view corridor within the vicinity of the site. The San Bernardino Mountains to the north and Loma Linda Hills to the south are the visually prominent topographic features that provide scenic vistas from mobile and stationary viewing locations throughout the community. The San Bernardino Mountains are a prominent geographic feature visible to the north from the Project Site. The scale of the proposed structures would be consistent with an existing religious facility in the vicinity (i.e., existing church approximately 2,000 feet north of the Project Site). No substantial effect on a scenic vista, including the San Bernardino Mountains is expected. No impact would result.
- b) **No impact.** Beaumont Avenue and Nevada Street are not designated scenic routes in the County's General Plan or in the California Scenic Highway Mapping System. Under existing conditions the Project Site is vacant and undeveloped. The property appears to be regularly disked for weed abatement and supports little vegetation with the exception of primarily non-native grasses and weeds. Implementation of the Proposed Project would not damage scenic resources, including but not limited to trees, rock, outcroppings, and historic buildings within a scenic highway. No impact is identified, and no mitigation measures are recommended.
- c) **No impact.** Under existing conditions the Project Site is vacant and undeveloped. The Proposed Project would develop the 5.53-acre site with a place of worship to include: a 13,850 square-foot social building, a 7,805 square-foot educational building, a 1,320 square-foot caretaker residence, and a 6,664 square-foot sanctuary with a 35-foot high clock tower. The Project also proposes a 30,860 square-foot retention basin that would serve as a recreational sports field, a courtyard with fountain, and related

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parking, landscaping and interior drive aisles. Proposed structures would have a maximum height of 35 feet consistent with the scale of the nearby religious facilities (i.e., existing church to the north). Proposed development would have a significant setback of over 260 feet from existing residential development to the south. Visually, the Proposed Project would be consistent with the existing surrounding development. No impact is identified, and no mitigation measures are recommended.

- d) **Less than significant.** As shown on the Photometric Site Plan, the Proposed Project would include lighting at the interior of the property and along the perimeter of the parking lot. As shown, light would be oriented towards the property and boxed. The Project would also include wall lights for security. Subject to Section 83.07.030(a) of the San Bernardino County Development Code outdoor lighting must be fully shielded to preclude light pollution or light trespass on abutting residential uses and on the public right-of-way. In accordance with the Development Code the maximum allowed foot-candles from either direct or indirect light from any fixture shall not create a glare above five-tenths (0.5) foot-candles as measured at the property line of a residential land use zone district, residential parcel or public right-of-way. No conflicts with the Development Code are expected as all proposed lighting would be oriented away from the public right-of-way and existing residents to the south. There are a total of three lights proposed near the southern boundary within the parking lot. Foot-candle (fc)¹ distribution along the southern boundary would be less than 0.5 foot-candles. A less than significant impact is expected.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) 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?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 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

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¹ Is the basic unit of illuminance (the amount of light falling on a surface). Footcandle measurement is taken with a hand held light meter. One footcandle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain hand-held incident light meters.

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

- a) **No impact.** The Project Site is identified as “Other Land” in the California Department of Conservation, Farmland Mapping and Monitoring Important Farmland Finder (2016). The Project Site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project Site is not designated for agricultural use and implementation of the Proposed Project would not convert Farmland to a non-agricultural use.
- b) **No impact.** The Project Site is identified as “Other Land” land in the San Bernardino County Williamson Act FY 2014/2015 Sheet 2 of 2 map published by the California Department of Conservation’s Division of Land Resource Protection (2015). No land under Williamson Act Contract occurs at the Project Site and no impacts will occur.
- c) **No impact.** The Project Site has a land use designation of Rural Living in the County’s General Plan and a designation of “San Timoteo Creek Area” in the City of Loma Linda General Plan. Implementation of the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production because these designations do not occur at the Project Site. No impact is identified and no mitigation measures are required.
- d) **No impact.** The Project Site is vacant and undeveloped. Implementation of the Project would not result in loss of forest land or conversion of forest land to non-forest use. The Project Site is zoned RL-5 which permits places of worship, subject to approval of Conditional Use Permit. No impact is identified and no mitigation measures are required.
- e) **No impact.** 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 impact is identified and no mitigation measures are required.

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III. AIR QUALITY

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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 non-attainment 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"/>

SUBSTANTIATION: (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):
As part of this Initial Study, Air Quality emissions associated with the construction and operation of the Proposed Project were reviewed in accordance with South Coast Air Quality Management District adopted thresholds of significance. A stand-alone report was not created for the Project; however calculations generated from running the model is on file and available for review at the County of San Bernardino Land Use Services Department; findings are discussed herein.

- a) **No impact.** The Project Site is located in the SCAB. The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. As noted in the County's General Plan, continued development throughout the County would contribute to the further degradation of the ambient air quality of the SCAB. The County's most recent General Plan update, when viewed as a whole project, is expected to generate emissions levels that would exceed the AQMD thresholds for criteria pollutants, resulting in a significant unavoidable adverse air quality impact. Air quality was addressed in the 2007 General Plan EIR with a Statement of Overriding Considerations. Approval of the development project would not conflict with the Air Quality Management Plan. No impact is anticipated.
- b) **Less Than Significant Impact.** Construction activities associated with the Project will result in emissions of CO, VOCs, NOx, SOx, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities: demolition, site preparation, grading, building construction,

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paving, architectural coating, and construction workers commuting. The duration of construction activity and associated construction equipment were based on CalEEMod defaults and a 2018 opening year. The analysis referenced herein was provided by the Islamic Community Center Redlands Focused Air Quality and Greenhouse Gas Assessment, prepared by Urban Crossroads, June 28, 2016. The construction schedule utilized in the analysis represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per California Environmental Quality Act (CEQA) guidelines. The site-specific construction fleet may vary due to specific project needs at the time of construction.

Based on earthwork quantities provided by the architect, the Project site is expected to balance and will not require any soil import/export. Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) were estimated based on CalEEMod defaults.

South Coast Air Quality Management District (SCAQMD) Rules that are currently applicable during construction activity for the Proposed Project include but are not limited to: Rule 1403 (Asbestos); Rule 1113 (Architectural Coatings); Rule 431.2 (Low Sulfur Fuel); Rule 403 (Fugitive Dust); and Rule 1186 / 1186.1 (Street Sweepers). It should be noted that Best Available Control Measures (BACMs) are not mitigation as they are standard regulatory requirements. As such, credit for Rule 1113 and Rule 403 have been taken. The estimated maximum daily construction emissions are presented in Table 4. Project construction-source emissions will not exceed SCAQMD regional thresholds of significance for any criteria pollutant. Therefore, construction-source emissions are considered to be less than significant and no mitigation is required.

Table 4
Estimated Maximum Daily Construction Emissions

Year	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
2017	4.91	51.84	40.51	0.04	10	6.5
2018	37.29	25.18	22.82	0.04	2.32	1.65
Maximum Daily Emissions	37.29	51.84	40.51	0.04	10	6.5
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Operational activities associated with the Project will result in emissions of CO, VOCs, NO_x, SO_x, PM₁₀, and PM_{2.5}. Operational related emissions are expected from the following primary sources: area source emissions, energy source emissions, and mobile source emissions. Project mobile source emissions impacts are dependent on overall daily vehicle trip generation for the Proposed Project. The Project related operational air quality impacts derive primarily from vehicle trips generated by the Project. Trip characteristics were based on the Traffic Impact Analysis prepared by Kunzman Associates, Inc., June 30, 2016 and CalEEMod default parameters. The estimated operational-source emissions are presented in Table 5. Emissions resulting from the Proposed Project’s operational activity would not exceed applicable SCAQMD regional thresholds of significance for any criteria pollutant. Therefore, Project operational-source emissions are considered to be less than significant and no mitigation is required.

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Table 5
Estimated Operational-Source Emissions
Winter Emissions

Operational Activities	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	2.94	1.3E-4	0.01	--	5E-5	5E-5
Energy Source	0.03	0.26	0.21	1.53E-3	0.02	0.02
Mobile Sources	0.92	2.41	8.88	0.02	1.42	0.40
Total Maximum Daily Emissions	3.89	2.67	9.11	0.02	1.44	0.42
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

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 (PM₁₀ and PM_{2.5}).

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_x and PM₁₀ 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:

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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.

The Project does not exceed applicable SCAQMD regional thresholds either construction or operational activities and the associated impacts are considered to be less than significant. Therefore, no mitigation measures are required.

- c) **Less than significant impact.** The Proposed Project is located in a non-attainment area for both ozone and particulate matter (MP_{2.5} and PM₁₀). Construction and operation of cumulative projects will further degrade the local air quality, as well as the quality of the SCAB. The greatest cumulative impact on the quality of the regional air basin will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact.
- d) **Less than significant impact.** The Proposed Project does not include the manufacturing of any products. An increase in air quality emissions produced as a result of construction activities would be short-term, below SCAQMD significance thresholds, and would cease once construction is complete. As shown in Table 5 operational emissions are below SCAQMD thresholds. There are no sensitive receptors with a XX-mile radius. Therefore, impacts to sensitive receptors are anticipated to be less than significant, and no mitigation measures are recommended.
- e) **Less than significant impact.** The Proposed Project would not generate emissions causing objectionable odors that would affect a substantial number of people. As discussed in response (b) above, the Project would be required to comply SCAQMD Rules 402 nuisance, and 403 fugitive dust, which require the implementation of BACMs for each fugitive dust source, and the AQMP, which identifies BACTs for area sources and point sources. Surrounding land uses include vacant land to the

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north, east and west, with existing residential development to the south. The Proposed Project does not include any operational activities that would generate odors. Impacts are anticipated to be less than significant, and no mitigation measures are recommended.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project:				
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 type="checkbox"/>	<input checked="" 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 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 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 type="checkbox"/>	<input checked="" 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: (☒ Check if project is located in the Biological Resources Overlay or Contains habitat for any species listed in the California Natural Diversity Database): Habitat Assessment for the Burrowing Owl and Sensitive Botanical Species was prepared by L&L Environmental, Inc., June 2016. A copy of the report is available for review at the County of San Bernardino Land Use Services, and the results are summarized herein.

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- a) **Less Than Significant with Mitigation Incorporated.** The Project Site is currently vacant and is located in an urbanized area (i.e., existing roadways, drainage improvements, etc.) of unincorporated San Bernardino County within the City of Loma Linda's Sphere of Influence. Residential development occurs south of the Project Site. Much of the site has been regularly disked (cleared) and is now mostly inhabited by low-growing non-native plant species. The most common plants observed during a site survey conducted as part of the Habitat Assessment for the Burrowing Owl and Sensitive Botanical Species L&L Environmental, Inc., June 2016 were Mediterranean grass (*Schismus barbatus*), filaree (*Erodium* species), and Russian thistle (*Salsola tragus*). Based on the level of historical and ongoing disturbances to the site, lack of native species observed on the site, and the presence of invasive non-native weedy vegetation, it is unlikely that any sensitive or special status plant species occur on the site or will in the immediate future. Focused plant surveys are not recommended.

The Project Site is located within the burrowing owl overlay of the County's General Plan Biotic Overlay. Burrowing owls are a protected species under the federal Migratory Bird Treaty Act and are designated by the California Department of Fish and Wildlife as a species of special concern. California ground squirrels (*Spermophilus beecheyi*) are active on the site. Burrowing owls (BUOW) frequently utilize California ground squirrel burrows for nesting purposes. According to the June 2016 Habitat Assessment for the Burrowing Owl and Sensitive Botanical Species prepared by L&L Environmental, Inc., no sign of burrowing owl or other special status plant or wildlife species were observed during the habitat assessment and habitat assessment. Although no BUOW occupied burrows or evidence of recent burrowing owl signs (pellets, scat, feathers, tracks, etc.) were observed on the site or in the immediately adjacent 150-meter buffer area, the site does contain low-quality suitable habitat for burrowing owl. To ensure potential impacts to the burrowing owl are reduced to a less than significant level, the following mitigation measure shall be implemented:

BIO-1: The Project Proponent shall hire a qualified biologist to conduct a preconstruction clearance survey for the burrowing owl (valid for 30 days) prior to any ground disturbance or vegetation clearing activities on site.

- b) **No impact.** The Project Site does not support riparian habitat or a sensitive natural community. Additionally, the Project Site is not identified in local plans, policies, and regulations of the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. Development of the Project Site as proposed would not result in impacts to riparian vegetation or to a sensitive natural community because these resources do not occur on the Project Site. No impact is identified, and no mitigation measures are recommended.
- c) **No impact.** No federally protected wetlands as defined by Section 404 of the Clean Water Act occur on the Project Site; none are identified in the U.S. Fish and Wildlife Service National Wetlands Inventory. The Project Site is graded and predominately vegetated by low-growing non-native plant species. There are no drainage/wash resources on the property and the Project Site supports no riparian habitat. The Proposed Project would not directly or indirectly impact the adjacent wash area of San Timoteo Creek due to property line setbacks and fencing. The property drains to the northwest where an infiltration basin is proposed to be constructed. No impact is identified, and no mitigation measures are recommended.

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- d) **Less Than Significant with Mitigation Incorporated.** In addition, no active raptor nest sites were observed during this study. No trees suitable for nesting are present on the site; however, based on the presence of suitable trees in the immediate area the following mitigation measure is recommended:

BIO-2: In the event construction occurs within the nesting season (January 1 to September 15), the Project Proponent shall have a preconstruction clearance survey conducted prior to any vegetation or ground disturbing activities.

- e) **No impact.** The Project Site appears to be regularly disked for weed abatement and vegetation is described as non-native. There are no trees on-site that would be removed in order to accommodate development. No conflicts with any local policies or ordinances protecting biological resources would result.
- f) **No impact.** The Project Site is located in an urbanized area of unincorporated County of San Bernardino within the City of Loma Linda's Sphere of Influence. The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat plan. No impact is identified, and no mitigation measures are required.

Mitigation Measures:

BIO-1: The Project Proponent shall hire a qualified biologist to conduct a preconstruction clearance survey for the burrowing owl (valid for 30 days) prior to any ground disturbance or vegetation clearing activities on site.

BIO-2: In the event construction occurs within the nesting season (January 1 to September 15), the Project Proponent shall have a preconstruction clearance survey conducted prior to any vegetation or ground disturbing activities.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

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SUBSTANTIATION: (Check if project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review). A Cultural Resources Assessment was prepared by L&L Environmental, Inc. for the Proposed Project in November 2016. The report is summarized herein.

- a,b) **Less than significant impact.** A cultural resources records search was completed at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. L&L Archaeologist William R. Gillean completed the search on October 27, 2016 for the project area and all lands found within one-mile. The results indicated that no cultural resources have been recorded within the project area and that the southwestern portion of the project area has been previously addressed by two (2) reports (SB-2853/Greenwood and Associates 1991; SB-6756/ASM 2009). These studies returned negative findings for cultural resources within the current project area. The northwestern portion of the project area has not been previously surveyed for cultural resources. Including the two (2) reports that address the project area, a total of 50 studies have been completed within one-mile and these studies have addressed approximately 40 percent of the land within the search radius. Collectively, these studies have recorded a total of 31 cultural resources.

The identified resources consist of 27 historic resources, one (1) prehistoric isolated find, and three (3) historic pending resources. The historic resources are predominately residences, buildings, or building complexes. The residences were typically constructed between 1866 and 1950 and the remaining buildings or complexes include the Brookside Winery and associated buildings; a hospital complex; a dairy complex; a schoolhouse converted to a church; the Asistencia; and the Bryn Mawr Townsite. Other historic resources consist of the remains of citrus properties, including remnants of buildings, citrus groves, and irrigation systems; foundation remains and/or refuse scatters and deposits; irrigation ditches, including the Mill Creek Zanja; a transmission line; a row of fan palms; and a bridge. Two (2) of these historic resources are listed in the National Register of Historic Places (NRHP) and the California Register Historic Resources (CRHR) (Mill Creek Zanja [36-8092/CA-SBR-8092H] and the Barton Villa [36-17049]) and an additional resource appears eligible for the NRHP and is listed in the CRHR (Marshall House [36-16641]).

During the pedestrian survey, no prehistoric or historic cultural resource sites or isolates were detected and two (2) concentrations of modern construction debris were noted. One small concentration of debris was noted near the center of the project area. This concentration measured about 15 feet (east-west) by 6 feet (north-south) and consisted of concrete chunks and floor tile. Modern debris was also observed near the central portion of the western boundary and consisted of four lengths of concrete pipe. The pipe measured 8 feet 2 inches in length by 2 feet 6 inches in diameter and exhibited a manufacture date stamp of November 17, 2005.

Based on the results of a records search completed at the SCCIC, a pedestrian survey completed by L&L, and previous surveys addressing project area lands (SB-2853/Greenwood and Associates 1991; SB-6756/ASM 2009), no known historical or archaeological resources pursuant to CEQA are located in the project area. These findings, in conjunction with previous soil disturbances in the project area from citrus cultivation and the nearby San Timoteo Creek, render it unlikely that intact, subsurface archaeological deposits will be detected during project implementation. For this reason, the project area appears to have a low sensitivity for historic age and prehistoric archaeological resources and an archaeological mitigation-monitoring program is not recommended.

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- c) **Less than significant with mitigation:** The project area is underlain by Quaternary alluvial sand, gravel, and clay of valley areas covered with thick soil from the Holocene. A comprehensive museum collection records search of the Vertebrate Paleontology Section collections of the Natural History Museum of Los Angeles County did not identify any previously recorded paleontological localities on or near the project area. There is low potential for locating significant paleontological resources during grading and trenching within the project area near the soil surface, but potential increases at greater depth below the surface.

CR-1: In the event paleontological resources are uncovered during grading, the Contractor shall cease all earth disturbing activity and a qualified vertebrate paleontologist shall be contacted to perform a field survey to determine and record any non-renewable paleontological resources found on-site. The paleontologist shall determine the significance, and make recommendations to the County of San Bernardino for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.

Implementation of the above mitigation measure would reduce potential impacts to unknown paleontological resources to a less than significant level.

- d) **Less than significant impact.** Implementation of the Proposed Project would require grading and other ground disturbing activities on an approximately 5.53-acre area. There is no evidence that the Project Site is located within an area that is likely to contain human remains, and the discovery of human remains during earthmoving activities is not anticipated. In the unlikely event of an accidental discovery of any human remains Health and Safety Code 7050.5, CEQA 1564.5(e), and Public Resources Code 5097.98 mandate the process to be followed. If human remains are encountered on the property, then the San Bernardino County Coroner's Office must be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. A less than significant impact is identified and no mitigation measures are recommended.

Mitigation Measures

CR-1: In the event paleontological resources are uncovered during grading, the Contractor shall cease all earth disturbing activity and a qualified vertebrate paleontologist shall be contacted to perform a field survey to determine and record any non-renewable paleontological resources found on-site. The paleontologist shall determine the significance, and make recommendations to the County of San Bernardino for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.

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VI. GEOLOGY AND SOILS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project:				
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 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 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"/>

SUBSTANTIATION: (☐ Check if project is located in the Geologic Hazards Overlay District): In March 2016, a Preliminary Soil Investigation Report was prepared for the Project Site by GeoMat Testing Laboratories, Inc. A copy of the report may be reviewed at the County of San Bernardino Land Use Services Department; results of the report are discussed herein.

- a) **Less than significant impact.** Loma Linda is situated within the northern Peninsular Ranges Geomorphic Province of California. Locally, the City lies near the transition zone between the Transverse Ranges Geomorphic Province to the north and the Peninsular Ranges Geomorphic Province to the south. The Peninsular Ranges are a northwest-southeast oriented complex of blocks separated by

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similarly trending faults which extend 125 miles from the Transverse Ranges to south of the California/Mexican border and beyond another 775 miles to the tip of Baja California.

- i) **Less than significant impact.** According to the Preliminary Soil Investigation Report prepared for the site by GeoMat Testing Laboratories, Inc. in March 2016, the 5.53-acre Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone or special study zone. The nearest fault zone is the Loma Linda Fault, approximately one-half mile to the east; the fault is identified as inactive. The nearest known, active earthquake fault is the San Jacinto Fault which is located approximately 1.6 miles to the southwest. The Redlands fault of the Crafton Hills Fault complex is located approximately 2.8 miles to the southeast; the activity rating of this fault is not known. Other known, active earthquake faults in the region include the San Andreas fault located approximately six miles to the northeast and the Cucamonga fault located approximately 15.5 miles to the northwest. Given the site's location in relation to these mapped Alquist-Priolo Earthquake Fault Zones, potential impacts are anticipated to be less than significant ((see a)ii below)).
- ii) **Less than significant impact.** The San Jacinto Fault Zone, a system of northwest-trending, right-lateral, strike-slip faults is the closest known active fault to the annexation area (occurring approximately 1.6 miles to the southwest), and is considered the most important fault to the site with respect to the hazard of seismic shaking and ground rupture. More significant historic earthquakes have occurred on the San Jacinto fault than any other fault in Southern California.
- iii) **Less than significant impact.** Liquefaction is a phenomenon in which cohesion-less, saturated, fine-grained sand and silt soils loose shear strength due to ground shaking. The Project Site is not located in an area with identified liquefaction susceptibility in the San Bernardino County General Plan Geologic Hazard Overlay. The Preliminary Soils Investigation prepared for the Project, found that the liquefaction potential at the Project Site is very low due to an estimated depth of groundwater of 50 feet or greater beneath the existing ground surface of the site.

In addition to liquefaction, loose sandy soils subject to moderate to strong ground shaking can experience settlement leading to structural distress. Based on the results of the Geotechnical/Geologic Study, the Project Site is underlain at depth by dense to very dense, consolidated deposits that should not be prone to a significant degree of seismic settlement. Where applicable, near-surface alluvial soils and undocumented fills should be removed and re-compacted to uniform high densities to mitigate both settlement and consolidation potentials. The Soils Investigation is subject to review and approval by the County as part of the plan review process; recommendations included in the report would be incorporated into the Project as conditions of approval. Conformance with standard building practices would reduce impacts to less than significant; no additional mitigation is recommended.

- iv) **No impact.** The Project Site is not located within a designated area as having landslide susceptibility as shown in the San Bernardino County General Plan Geologic Hazard Overlay. The Project Site and immediate vicinity are generally flat with no prominent geologic features. No impact is identified and no mitigation measures are recommended.
- b) **Less than significant impact.** During the development of the Project Site, which would include disturbance of approximately 5.53 acres, project-related dust may be generated due to the operation of

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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 2009-0009-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 Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. A less than significant impact is identified, and no mitigation measures are required.

- c) **Less than significant with mitigation.** The Preliminary Soil Investigation (GeoMat Testing Laboratories, Inc., March 2016) concludes that development of the site can occur without adverse impact onto or from adjoining properties providing the recommendations contained within the Report are adhered to during project design and construction. Earthwork preparation of the Project Site consistent with the recommendations of the report would ensure that impacts related to unstable soil conditions are less than significant. The following mitigation measure is recommended to reduce potential impacts to geology and soils to a level less than significant impact:

GEO-1: All recommendations contained within the Geotechnical/Geologic Study prepared by GeoMat Testing Laboratories, Inc., as approved by the County as part of the plan review process shall be incorporated prior to initiating ground disturbing activities.

- d) **Less than significant impact.** As reported in the Preliminary Soils Investigation, the overall geologic situation at the site is satisfactory for the proposed use, provided that engineering designs are properly carried out. The Preliminary Soils Investigation includes recommendations for earthwork preparation of the site. Implementation of recommendation measures would ensure that suitable fill material and soil preparations occur. Implementation of Mitigation Measure GEO-1 will ensure potential impacts associated with geology and soils will be reduced to a less than significant level. No additional mitigation measures are recommended.
- e) **Less than significant impact.** The nearest sewer connection to the Project Site is located approximately 2,600 feet west of the site at Wellesley Avenue. This connection is higher than the site and would require a lift station; it would also cross San Timoteo Creek and UPRR. The project at buildout (with Phases II and III) will be required to connect to sewer. The Applicant is currently working with the DEHS and the RWQCB to consider an on-site wastewater treatment system for Phase I. In March 2016, GeoMat Testing Laboratories, Inc., performed a preliminary percolation test for the Project Site to determine soil absorption for a potential on-site wastewater treatment system. A total of three exploratory boreholes were drilled on February 28, 2016 for a proposed on-site wastewater treatment system. The boreholes were tested between 37 and 44 inches below ground surface. Table 6 shows the percolation rates in minutes per inch and square feet per 100 gallons of septic tank capacity for the test holes.

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Table 6
Percolation Rates

Test No	Test Depth (inches)	Soil Classification	Percolation Rate (min/inch)	Square Feet per Gallon per Day
P-1	37 inches	SW-SM	1.6	0.83
P-2	44 inches	SM	2.3	0.83
P-3	43 inches	SM	1.6	0.83
P-4	42 inches	SM	2.0	0.83

Based on visual observation and laboratory testing, the on-site soil consists of generally the same material (sand with silt and silty sand) to the maximum depth explored of 15 feet below ground surface. The variation in test results can be attributed to soil classification, soil texture, and density of soils. Based on percolation test results the on-site soils have favorable percolation rates, and the test results show appropriate soil classification. No restrictive layer was encountered during drilling to 15 feet below ground surface. No caving of test holes took place during testing. The applicant will continue to work with DEHS and the RWQCB to meet the current standard for an on-site wastewater treatment system

Mitigation Measures:

GEO-1: All recommendations contained within the Geotechnical/Geologic Study prepared by GeoMat Testing Laboratories, Inc., as approved by the County as part of the plan review process shall be incorporated prior to initiating ground disturbing activities.

VII. GREENHOUSE GAS EMISSIONS

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

Would the project:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION As part of this Initial Study, Greenhouse Gases were reviewed in accordance with County of San Bernardino adopted thresholds of significance. A stand-alone report was not created for the Project; however calculations generated from the model are on file and available for review at the County of San Bernardino Land Use Services Department; findings are discussed herein.

- Less than significant impact.** The County of San Bernardino has adopted a screening threshold of significance of 3,000 MTCO₂e per year for GHG emissions (*Greenhouse Gas Emissions Development Review Processes County of San Bernardino* March 2015). Therefore, a screening threshold of 3,000 MTCO₂e per year to determine if additional analysis is required is an acceptable approach for

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small projects. This approach is a widely accepted screening threshold used by the County of San Bernardino and numerous cities in the South Coast Air Basin and is consistent with the South Coast Air Quality Management District (SCAQMD) staff's proposed GHG screening threshold for stationary source emissions for non-industrial projects, as described in the SCAQMD's *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans* ("SCAQMD Interim GHG Threshold").

Construction activities associated with the Proposed Project would result in emissions of CO₂ and CH₄ from construction activities. For the construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. To amortize the emissions over the life of the Project, the SCAQMD recommends calculating the total greenhouse gas emissions for the construction activities, dividing it by the a 30-year project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. Operational activities associated with the proposed Project will result in emissions of CO₂, CH₄, and N₂O from the following primary sources: area source emissions, energy source emissions, mobile source emissions, solid waste, and water supply, treatment, and distribution.

The annual GHG emissions associated with the operation of the Proposed Project are estimated to be 547.79 MTCO₂e per year as presented in Table 7. Direct and indirect operational emissions associated with the Proposed Project are compared to the SCAQMD threshold of significance for small land use projects, which is 3,000 MTCO₂e per year. As shown, the Proposed Project would result in a less than significant impact with respect to GHG emissions.

Table 7
Estimated Greenhouse Gases

Emission Source	Emissions (pounds per day)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Annual construction-related emissions amortized over 30 years	15.41	0.003	--	15.48
Area	0.003	0.00001	--	0.003
Energy	169	0.006	0.002	169.77
Mobile Sources	279.23	0.01	--	279.45
Waste	33.09	1.96	--	74.16
Water Usage	8.07	0.03	0.0007	8.92
Total CO₂E (All Sources)	547.79			
SCAQMD Threshold	3,000			
Significant?	No			

The Project does not exceed applicable SCAQMD regional thresholds for construction and operational activity and the associated impacts are considered to be less than significant. In addition, the Project would be designed to the Leadership in Energy and Environmental Design (LEED) standards and therefore energy demands would be minimal. Therefore, no mitigation measures are required.

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VIII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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SUBSTANTIATION:

- a) **Less than significant impact.** Construction activities would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials because construction of the expansion would not involve such activities. The construction and post-construction operation of the place of worship would not involve the routine transport or use of hazardous materials. A less than significant impact would result.
- b) **No impact.** Hazardous or toxic materials transported in association with construction of the Proposed 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., lawn upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., gas, oil, paint) 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. No impacts are anticipated.
- c) **No impact.** The Project Site is not located within $\frac{1}{4}$ - mile of a school or a proposed school. No impact is identified and no mitigation measures are required.
- d) **No impact.** Pursuant to California Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) compiles the Cortese List and updates it at least annually. The Cortese List includes hazardous waste facilities subject to corrective action, land designated as hazardous waste property or border zone property, sites included in the abandoned site assessment program, and qualifying sites pursuant to Section 25356 of the Health and Safety Code. A copy of the most recent Cortese List was retrieved from DTSC EnviroStor online database on October 25, 2016; the Project Site is not identified on the list.
- e) **No impact.** The Project Site is not within an airport safety review area as identified in the San Bernardino County General Plan – Hazard Overlay Map FH31C and is not located within two miles of a public airport or public use airport. Implementation of the Project would not result in a safety hazard. No impact is identified, and no mitigation measures are recommended.
- f) **No impact.** The Project Site is not located in the vicinity of a private airstrip. No impact is identified, and no mitigation measures are recommended.
- g) **No impact.** The Proposed Project is not anticipated to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Adequate on-site access for emergency vehicles would be verified during the County's plan review processes. The proposed site plan includes an access point along Nevada Street. Construction would take place within the boundaries of the site. Neither the construction nor post-construction operations would conflict with implementation of the County's Emergency Plan. No impact is identified, and no mitigation measures are proposed.
- h) **No impact.** The Project Site is not located in a fire safety overlay as identified in Figure FH31C of the County's General Plan. The Project Site is currently located within the Sphere of Influence of the City of Loma Linda. The Loma Linda Hills and wildland and conservation areas are located less than one-mile south of the Project Site. There are no intermixed wildlands areas within the vicinity. Implementation of the Proposed Project, which includes the construction and operation of a place of worship, would not

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expose people or structures to a significant risk of loss, injury or death involving wildland fires; no impacts would occur.

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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SUBSTANTIATION: In November 2016, a Water Quality Management Plan (WQMP) was prepared for the Project by AECMORENO. A copy of the plan is on-file with the County of San Bernardino Land Use Services Department and is discussed herein.

- a,f) **Less than significant with mitigation incorporated.** The Proposed Project includes the construction and operation of a place of worship on a 5.53-acre site. Development of the site includes construction of a retention basin that would also function as a recreational sports field. Proposed bio-retention and catch basins would provide water quality treatment of storm flows from project streets and parkways prior to any overflows reaching San Timoteo Creek.

The Proposed Project would disturb approximately 5.53 acres 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 stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction. The 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) for development projects that fall within one of eight project categories established by the RWQCB. As discussed in the San Bernardino County Stormwater Program Model Water Quality Management Plan Guidance (as amended June 9, 2005), project proponents for

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development projects that fall into one of eight Permit-specified categories (Category Projects) must develop, submit and implement a WQMP. The Project is considered a Category Project as it includes new development involving the creation of 10,000 square feet or more of impervious surface collectively over the entire site, and the construction of a parking lot of 5,000 square-feet or more. In August 2016, the project proponent submitted a WQMP to the County for review and approval.

As part of the WQMP, all Category projects must identify any hydrologic condition of concern that would be caused by the project, and implement site design, source control, and/or treatment control BMPs to address identified impacts. As discussed in the WQMP, street flows and on-site drainage system consist of swales, catch basins and pipes which will convey flows through the site. All drainages area overflows will ultimately end inside the retention basin. In the event of back to back storm events, flows from the site will overflow from the proposed retention basin into San Timoteo Flood Control Channel. Flows will travel northwest within the channel until the flows reach Santa Ana River Reach 5. Since the downstream conveyance channels that would receive runoff from development of the 5.53-acre area are not all engineered, hardened and regularly maintained, hydrologic conditions of concern were identified for the project. To ensure potential impacts are reduced to less than significant, the following mitigation measures, as provided in the WQMP, shall be implemented.

Implementation of the following mitigation measures would ensure potential impacts to water quality are reduced to a less than significant level.

- WQ-1: Practical education materials shall be provided to property owners and staff covering various water quality issues that will need to be addressed at the site. Materials shall include the protection of storm water quality and Best Management Practices that eliminate or reduce pollution during property improvement. Within 30 days prior to any building opening to the public, the Property owner shall distribute the materials to the occupants and key staff.**
- WQ-2: Rain triggered shutoff devices and shutoff devices designed to limit water use in the event of a broken sprinkler shall be used in the common area landscape design. In addition, irrigation and landscaping shall be coordinated to avoid overspray.**
- WQ-3: Property owner/staff shall be responsible for litter control on-site.**
- WQ-4: The property owner shall stencil signs stating, "drains to the ocean" above the storm drain inlets to warn the public of prohibitions against waste disposal.**
- WQ-5: All trash container areas shall be: 1) paved with an impervious surface, 2) designed not to allow run-on from adjoining areas, 3) designed to divert drainage from adjoining roofs and pavements diverted into the area, 4) screened or walled to prevent off-site transport of trash; and 5) contain a solid roof or awning to prevent exposure to direct precipitation.**
- WQ-6: On-site catch basins shall to be inspected after the first storm event of the rainy season and two times per month thereafter until the end of the rainy season, and shall be cleaned out as necessary or until filled to 25 percent capacity.**

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- b) **No impact.** As identified in the County of San Bernardino General Plan and the City of Loma Linda General Plan, the 5.53-acre Project Site is not used for groundwater recharge. The proposed development would not impact groundwater recharge. Water demands of the Proposed Project are anticipated to be less than 1 acre-foot per year and therefore, the Proposed Project would not substantially deplete groundwater supplies.

Although the Project Site is located within the City of Loma Linda Water Service area as shown in the 2010 Regional Urban Water Management Plan for the San Bernardino Valley, it was previously serviced by its own well. Through a pre-Annexation Development Agreement, the City of Loma Linda would provide domestic water to the site. The City obtains all of its water from groundwater wells in the Bunker Hill Basin, an aquifer underlying the San Bernardino Valley. Groundwater in the region includes native water supplies supplemented by imported water to meet approximately 13% to 16% of demands. The City of Loma Linda was a participating agency in development of the 2015 Upper Santa Ana River Watershed Integrated Regional Water Management Plan (IRWM Plan). Resource management activities defined in the Plan, in combination with the integrated goals, objectives, and strategies of the Plan and participating agencies are intended to ensure that the Region's water resources are sustainably managed into the future. The Region's long-term water demands consider the 15 participating agencies' General Plan and/or Urban Water Management Plan scenarios to the year 2035, as required by the November 2012 *IRWM Proposition 84 and IE Program Guidelines* published by the California Department of Water Resources.

- c) **No impact.** The natural terrain slopes to the north at a slope of approximately 2 percent. On-site drainage will be treated via a retention basin located on the northwest portion of the site. All drainages area overflows will ultimately end inside the retention basin.
- d) **No impact.** Development of the Proposed Project would not alter the existing drainage pattern of the site through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The Proposed Project includes the development of a retention basin designed to capture flows generated on the Project Site. As determined by AEO Moreno in their Preliminary Hydrology Report (October 14, 2016), a 65,340 cubic-foot retention basin would provide enough capacity (up to 73,769 cubic feet) for volumes in excess of the 100-year storm event. The study also determined that post-development flows leaving the site would be less than pre-development flows. Therefore, no impact related to on-site or off-site flooding is anticipated. No impact is identified, and no mitigation measures are recommended.
- e) **No impact.** A Preliminary Drainage Study was prepared by AEC Moreno (October 14, 2016). The purpose of the study was to determine storm water runoff for the site and the associated tributary areas and show that a retention basin would need to be constructed to hold 65,340 cf in order to be adequately sized. As demonstrated in the Preliminary Hydrology Report the potential run-off volume associated with a 100-year event at the Project Site would total 1.50 acre-feet; therefore, the total volume required for water quality purposes was calculated to be 65,340 cubic feet with a foot of freeboard and the volume retained by the basin would be 73,769 cf. In the case of back to back 100-year events, storm flows would leave the retention basin and enter the San Timoteo Flood Control Channel to the west of the site. Development of the Proposed Project would not create or contribute runoff water which would exceed the capacity of the existing storm water drainage system because it is anticipated that all flows would be contained by the proposed underground infiltration basin. No impact is identified, and no mitigation measures are recommended.

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- f) **Less than significant.** 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 2009-0009-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 SWPPP that is required to list BMPs to avoid and minimize soil erosion. A less than significant impact is identified, and no mitigation measures are recommended.
- g) **No impact.** The Project Site is mapped within the “other flood area” (Zone X shaded) designation as identified in the Federal Emergency Management Agency Flood Insurance Rate Map Panel (Map Number 06071C8711H as revised on August 28, 2008). “Other flood areas” are defined as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than one square-mile; and areas protected by levees from one percent annual chance flood. The Project Site is not identified within a flood plain safety overlay district within the County’s General Plan Hazards Overlay Map (FH31C). The Proposed Project is for religious use including a sanctuary, and class rooms although the Project includes a caretaker residence on-site, no impacts associated with flooding to housing would result.
- h) **Less than significant impact.** The Project Site is mapped by the Federal Emergency Management Agency within the “other flood area” designation. The Proposed Project would develop 29,780 square feet of building space within an area identified to have a 0.2% annual chance flood, 1% annual chance flood with average depths of less than one foot, or with drainage areas less than one square-mile. The Project includes the construction of a retention basin that has been sized for water quality purposes to capture all flows expected to be generated on the site from a 100-year event. In the event of back to back 100-year storm events, excess flows would be allowed to leave the site via a drain along the site’s western boundary to San Timoteo Flood Control Channel. Development of the proposed structures are not expected to impede or redirect flood flows, a less than significant impact is anticipated.
- i) **No impact.** The Project Site is not located within a dam inundation area as identified in the County’s General Plan Hazard Overlay Map (FH31C). No impact is identified and no mitigation measures are recommended.
- j) **No impact.** The Project Site is not located in a coastal area. With the exception of San Timoteo Creek to the west, no large bodies of water or water storage facilities exist within the area; therefore, impacts from a seiche and tsunami are not anticipated. No impact is identified, and no mitigation measures are recommended.

Mitigation Measures:

- WQ-1:** Practical education materials shall be provided to property owners and staff covering various water quality issues that will need to be addressed at the site. Materials shall include the protection of storm water quality and Best Management Practices that eliminate or reduce pollution during property improvement. Within 30 days prior to any building opening to the public, the Property owner shall distribute the materials to the occupants and key staff.

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- WQ-2:** Rain triggered shutoff devices and shutoff devices designed to limit water use in the event of a broken sprinkler shall be used in the common area landscape design. In addition, irrigation and landscaping shall be coordinated to avoid overspray.
- WQ-3:** Property owner/ staff shall be responsible for litter control on-site.
- WQ-4:** The property owner shall stencil signs stating, “drains to the ocean” above the storm drain inlets to warn the public of prohibitions against waste disposal.
- WQ-5:** All trash container areas shall be: 1) paved with an impervious surface, 2) designed not to allow run-on from adjoining areas, 3) designed to divert drainage from adjoining roofs and pavements diverted into the area, 4) screened or walled to prevent off-site transport of trash; and 5) contain a solid roof or awning to prevent exposure to direct precipitation.
- WQ-6:** On-site catch basins shall to be inspected after the first storm event of the rainy season and two times per month thereafter until the end of the rainy season, and shall be cleaned out as necessary or until filled to 25 percent capacity.

X. LAND USE AND PLANNING

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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 any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **No impact.** The Proposed Project is located in an area of unincorporated San Bernardino County within the City of Loma Linda Sphere of Influence. The Proposed Project is the development of a place of worship that would include a sanctuary, social building, classrooms, and caretaker residence. The Project is conditionally permitted within the Rural Living (RL) land use district. In addition, the City of Loma Linda designates this area within their Sphere of Influence as “San Timoteo Creek Area”. Potential future annexation of the area, would require the City of Loma Linda to pre-zone the site, at which time, the City would review current uses and designate the area accordingly. Surrounding land

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uses include a few single-family residences to the south, citrus groves to the north and northeast, flood control facilities (San Timoteo Creek) to the west, and vacant land to the east (City of Redlands). The Proposed Project would be consistent with the surrounding land uses (i.e., Seventh Day Adventist Korean Church to the north); development of the Project would not result in land use conflicts that would divide an established community. No impact is identified, and no mitigation measures are recommended.

- b) **Less than significant.** The Project Site occurs within the County of San Bernardino Rural Living District, which conditionally allows religious assembly, and within the San Timoteo Creek Area as shown on the City of Loma Linda General Plan. Subject to approval of the CUP, no conflicts with applicable land use plans or policies are expected to occur. No mitigation measures are recommended.
- c) **No impact.** The Project Site is not located within the planning areas of an adopted habitat conservation plan or natural community conservation plan. No impact is identified, and no mitigation measures are required.

XI. MINERAL RESOURCES

Would the project:

- | | Potentially
Significant
Impact | Less than
Significant with
Mitigation
Incorp. | Less than
Significant | No
Impact |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| 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"/> |

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

- a) **Less than significant impact.** Gravel deposits in the alluvial fans of the San Bernardino County valley area 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 will demand aggregate resources. Steel, wood, and concrete will be required as part of the construction. These resources are commercially available in the southern California region and no potential for adverse impacts to the natural resources base supporting these materials is forecast to occur over the foreseeable future. The Project demand for mineral resources is less than significant due to the abundance of available local aggregate resources. A less than significant impact is identified, and no mitigation measures are recommended.
- b) **No impact.** As identified in the California Division of Mines and Geology Mineral Land Classification Map, the Project Site is not located within a designated mineral resource zone; no significant mineral deposits have been identified. Development of the site would not result in the loss of availability of a locally important mineral resource recovery site designated by the California Department of Conservation. No impact is identified, and no mitigation measures are recommended.

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XII. NOISE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project result in:				
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 substantial 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"/>

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 ☐): In February 2017, Kunzman Associates, Inc. prepared a Noise Impact Analysis for the Proposed Project. The report is on-file with the County of San Bernardino Land Use Services Department. Results of the analysis are discussed herein.

- a) **Less than significant with mitigation.** Noise can be measured in the form of a decibel (dB), which is a unit for describing the amplitude of sound. The predominant rating scales for noise in the State of California are the Equivalent-Continuous Sound Level (Leq), and the Community Noise Equivalent Level (CNEL), which are both based on the A-weighted decibel (dBA). Leq is defined as the total sound energy of time-varying noise over a sample period. CNEL is defined as the time-varying noise over a 24-hour period, with a weighting factor of 5 dBA applied to the hourly Leq for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA applied to events occurring between 10:00 p.m. and 7:00 a.m. defined as sleeping hours). The State of California's Office of Noise Control has established standards and guidelines for acceptable community noise levels based on the CNEL and Ldn rating scales. The purpose of these standards and guidelines is to provide a framework for setting local standards for human exposure to noise. Residential development, schools, churches, hospitals,

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hotels and libraries have a normally acceptable community noise exposure range of 60 dBA CNEL to 70 dBA CNEL.

The project site is bordered by citrus groves to the north, San Timoteo Creek to the west, Beaumont Avenue to the south followed by single-family residential, and Nevada Street to the east. The State of California defines sensitive receptors as those land uses that require serenity or are otherwise adversely affected by noise events or conditions. Schools, libraries, churches, hospitals, single and multiple-family residential, including transient lodging, motels and hotel uses make up the majority of these areas. Sensitive receptors that may be affected by project generated noise include single-family residential located approximately 65 feet south of the Project Site (along Beaumont Avenue) and approximately 605 feet west of the Project Site. Single-family residences are also located approximately 1,095 feet northeast, 1,161 feet southwest, 1,869 feet southeast, and 2,082 feet east of the Project Site.

Ambient Noise Measurements

Ambient noise levels were measured on November 1, 2016 and ranged between 41.7 and 66.7 dBA_{Leq}. The dominant noise source was from vehicles traveling along Beaumont Avenue, San Timoteo Canyon Road, and Columbia Court. Overhead aircrafts, residential noise, car backup beepers, and bird song were also audible, but not dominant.

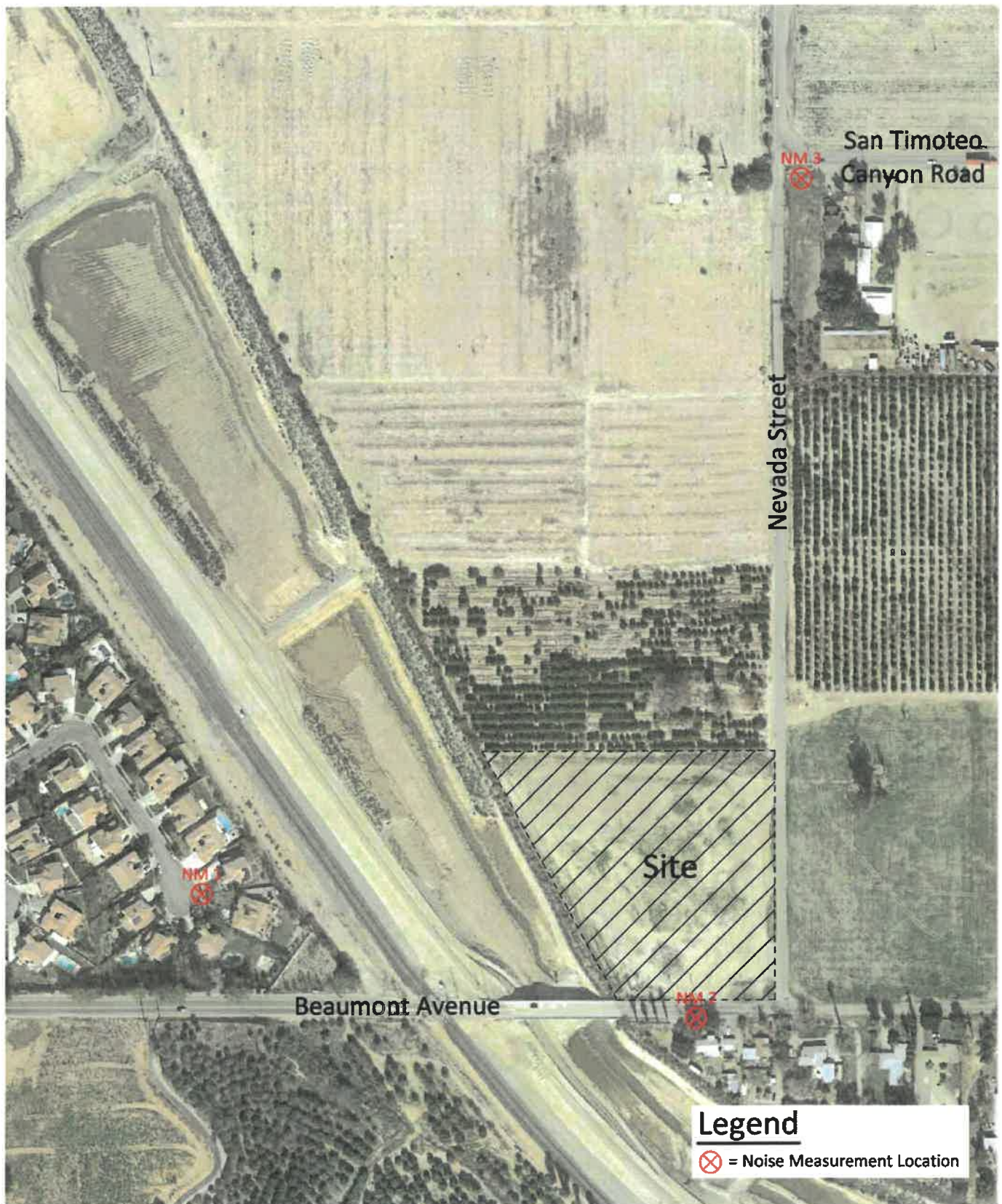
Construction Noise

Construction activities would generate noise associated with the transport of workers and movement of construction materials to and from the area, from ground clearing/excavation, grading, and building activities. Unmitigated noise levels could reach between 77.3 dBA L_{eq} and 80.4 dBA L_{max} ("A-weighted decibel, maximum sound level") at the nearest sensitive receptor as presented in Figure 4 Noise Measurement Location Map. Sensitive receptors that may be affected by project generated noise include the single-family detached residential dwelling units located approximately 65 feet south of the project site (along Beaumont Avenue) and approximately 605 feet west of the project site. Single-family detached residential dwelling units are also located approximately 1,095 feet northeast, 1,161 feet southwest, 1,869 feet southeast, and 2,082 feet east of the project site.

Section 83.01.080 of the County of San Bernardino Development Code establishes standards concerning acceptable noise levels for both noise sensitive land uses and for noise generating land uses. Temporary construction, maintenance, repair, and demolition activities between 7:00 AM and 7:00 PM, except Sundays and Federal holidays are exempt from Section 83.01.080(g)(3) the San Bernardino Development Code.

Limiting project construction to the hours in which construction activities are exempt from the County of San Bernardino's Noise Ordinance as well as implementing Mitigation Measures N-1 through N-6 will minimize construction noise impacts at nearby sensitive receptors.

- N-1: During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.**
- N-2: The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.**



KUNZMAN ASSOCIATES, INC.

NOISE MEASUREMENT LOCATIONS

Islamic Community Center of Redlands
County of San Bernardino, California

LILBURN
CORPORATION

FIGURE 4

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- N-3:** **Equipment shall be shut off and not left to idle when not in use.**
- N-4:** **The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.**
- N-5:** **The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.**
- N-6:** **The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.**

- b) **Less than significant impact.** Vibration levels in the project area may be influenced by construction. A vibration impact would generally be considered significant if it involves any construction-related or operations-related impacts in excess of 0.2 inches per second (in/sec) PPV. Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings respond to these vibrations with varying results ranging from no perceptible effects at the low levels to slight damage at the highest levels.

The nearest sensitive receptor to the Project Site occurs approximately 65 feet (refer to Figure 4) south of the site. The threshold at which there may be a risk of architectural damage to general single-family units with plastered walls and ceilings is 0.20 Peak Particle Velocity (PPV) in/second. Primary sources of vibration during construction would be bulldozers; which could produce up to 0.089 PPV at 25 feet. At a distance of 65 feet, a bulldozer would yield a worst-case 0.021 PPV (in/sec) which is well below the threshold of perception and below any risk or architectural damage.

Construction equipment may result in vibration levels that are considered annoying at nearby sensitive receptors when vibration causing equipment is within 100 feet of a receptor. Limiting construction to the hours allowed in the County's Noise Ordinance will greatly reduce this impact. A less than significant impact would result, and no additional mitigation beyond measures N-1 through N-6 provided in response (a) above, is warranted.

- c) **Less Than Significant Impact.** Existing and Existing Plus Project noise levels for each roadway segment were modeled utilizing the Federal Highway Administration (FHWA) Traffic Noise Prediction Model. Project generated increases in ambient noise levels along affected road segments were then calculated.

The Existing Traffic Noise model resulted in noise levels of 55.98-75.13 dBA CNEL at nearby sensitive receptors along area roadways. The Existing Plus Project Traffic noise model resulted in noise levels of 58.19-75.15 dBA CNEL at nearby sensitive receptors and increases in ambient noise levels of 0.02 to 2.21 dBA CNEL.

The SoundPLAN noise modeling software was utilized to model noise associated with the operation of the Proposed Project and to evaluate rail noise impacts to the Project. Noise sources associated with the proposed parking areas and outdoor recreational activities were included in the model. Noise associated with parking lots include, but are not limited to idling cars/trucks, trucks diesel engines, exhaust systems, trailer coupling, air brakes, warning signal, doors closing, and starting engine noise. The

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parking lot was modeled with approximately 307 parking spaces during peak hour. The outdoor recreational activities were modeled using reference sound level data for the various stationary sources. Noise sources were modeled at the proposed soccer/football field and basketball court area, the fountain court, and the outdoor patios of both the educational building and the social building

Crossing inventory data provided by the Federal Railroad Administration was used to calculate rail noise at a distance of 50 feet using the Federal Transit Administration's CREATE General Transit Noise Assessment Spreadsheet. To represent the rail line in SoundPLAN, a line source with a rail noise spectrum was entered and calibrated to generate a noise level of 71 dBA CNEL at 50 feet.

Noise Impacts

The analysis reviewed the potential for noise impacts both to and from the Proposed Project based on County of San Bernardino noise standards for construction noise, transportation and railroad related noise impacts.

As previously discussed, the SoundPLAN was used to model potential rail noise impacts to the Project Site. According to the U.S. Department of Transportation Crossing Inventory Form, 17 freight trains pass by the Project Site between 6:00 AM and 6:00 PM, and 17 freight trains pass by the Project Site between the hours of 6:00 PM and 6:00 AM. Two transit train pass-by's were included in the model, and the modeled train speed used was 40 miles per hour. Noise levels associated with the rail line were calculated at 71 dBA CNEL at a distance of 50 feet. Noise levels on the Project Site due to rail noise ranged between 52.3 and 57.6 dBA CNEL. Noise associated with the rail and Beaumont Avenue at the nearest Proposed Project structure (Social Pod and at the basketball courts), may reach up to 61.5 dBA CNEL.

The County allows institutional/public uses and park uses in areas where exterior noise levels reach up to 65 dBA CNEL. Further, interior noise levels of the proposed Social Pod are not expected to exceed 45 dBA CNEL.

Noise Impacts to the Proposed Project Associated with Future Traffic

It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA; that a change of 5 dBA is readily perceptible, and that an increase or decrease of 10 dBA sounds twice or half as loud. For example, doubling the traffic on a highway would result in an increase of 3 dB. Conversely, reducing traffic by one half would reduce the noise level by 3 dB (Caltrans 2009). For purposes of this study, roadway noise impacts would be considered significant if the project increases noise levels for a noise sensitive land use by 3 dBA CNEL and if: (1) the existing noise levels already exceed the standard appropriate for the receiving land use (60 dBA CNEL for residential and 65 dBA CNEL for churches and schools), or (2) the project increases noise levels from below the standard appropriate for the receiving land use to above that standard.

The County of San Bernardino Development Code Table 83-3 prescribes mobile noise level limits for different land uses. Although noise levels along many area road segments already exceed standards, the Proposed Project will not increase noise levels on area road segments by more than 2.21 dBA CNEL.

Unmitigated noise levels along project area roadways are projected to increase from 0.02 to 2.21 dBA with the completion of the Proposed Project. The largest increase (2.21 dBA) will occur along Nevada

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Street adjacent to the project site, which as mentioned previously, would not be audible. Because there are no road segments which will exceed 65 dBA CNEL *and* experience an increase of 3 dBA CNEL or greater, project generated traffic noise will not result in a significant impact.

Future noise levels along Beaumont Avenue are expected to reach up to 59.29 dBA CNEL at the nearest portion of the Social Pod, approximately 291 feet north of the roadway; 58.45 dBA CNEL at the nearest portion of the recreational sports field, approximately 353 feet north of the roadway; 58.21 dBA CNEL at the nearest portion of the fountain court, approximately 373 feet north of the roadway; and 58.13 dBA CNEL at the nearest portion of the Educational Pod, approximately 380 feet north of the roadway. Future noise levels along Nevada Street are expected to reach up to 61.25 dBA CNEL at the closest point of the Social Pod, approximately 50 feet west of the roadway, and 56.56 dBA CNEL at the nearest point of the sanctuary, approximately 147 feet west of the roadway.

The County allows institutional/public uses and park uses in areas where exterior noise levels reach up to 65 dBA CNEL. Further, interior noise levels of the proposed community center are not expected to exceed 45 dBA CNEL. The Proposed Project use would not exceed the County of San Bernardino Development Code mobile noise level limits for institutional/public uses. Therefore, noise levels at the proposed community center would comply with the County of San Bernardino Development Code and no mitigation is required.

Noise Impacts from the Proposed Project Associated with On-Site Uses

The County of San Bernardino Development Code Table 83-2 (Table 7) prescribes stationary noise level limits for different land uses. The County allows residential uses in areas where exterior noise levels reach up to 65 dBA Leq during the daytime and 45 dBA Leq during the nighttime. The worst-case stationary noise was modeled utilizing the SoundPLAN model. Noise sources associated with the proposed parking areas and outdoor recreational activities were included in the model. Noise associated with parking lots include, but are not limited to idling cars/trucks, trucks diesel engines, exhaust systems, trailer coupling, air brakes, warning signal, doors closing, and starting engine noise. The parking lot was modeled with approximately 307 parking spaces during peak hour. The parking lot was modeled with approximately 307 parking spaces.

The outdoor recreational activities were modeled using reference sound level data for the various stationary sources. Outdoor noise sources were modeled at the proposed recreational sports field, the fountain court, and the outdoor patios of both the Educational Pod and the Social Pod.

Exterior noise level limits for Stationary Sources, as they affect adjacent properties, (Section 83.01.080(c)(1) of San Bernardino County Code) are allowed to reach up to 65 dBA Leq during the daytime and 45 dBA Leq during the nighttime. Project stationary noise sources at the nearest sensitive receptor may result in noise levels of up to 52.7 dBA Leq during the day. The Proposed Project is not expected to exceed the daytime or nighttime noise standard at nearby sensitive receptors. Further, project operational noise will not cause interior noise levels to exceed 45 dBA Leq at any sensitive receptors. The project is consistent with applicable General Plan and development code standards, impacts are considered less than significant.

- d) **Less than significant impact.** Temporary increases in noise, such as noise generated by construction activities are exempted for the County's Noise Ordinance in Section 83.01.080(g)(3) of the County's

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Development Code. Per Section 83.01.080(g)(3) of the County's Development Code "temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m. except Sundays and Federal holidays" are exempted from the regulations in chapter 83.01.080 of the Development Code. Implementation of Mitigation Measures N-1 through N-6 within this Initial Study would ensure potential impacts are reduced to a less than significant level. No additional mitigation is required.

- e) **No impact.** The Project Site is not within an airport safety review area as identified in the San Bernardino County General Plan – Hazard Overlay Map FH31C. No impact is identified and no mitigation measures are recommended.
- f) **No impact.** The Project Site is not located in the vicinity of a private airstrip. No impact is identified and no mitigation measures are recommended.

Mitigation Measures:

- N-1: During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.**
- N-2: The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.**
- N-3: Equipment shall be shut off and not left to idle when not in use.**
- N-4: The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.**
- N-5: The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.**
- N-6: The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.**

XIII. POPULATION AND HOUSING

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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Would the project:

- 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"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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"/>

SUBSTANTIATION:

- a) **No impact.** The Project Site is located in an unincorporated area of the County of San Bernardino, adjacent to the eastern boundary of the City of Loma Linda and within the City's Sphere of Influence and is designated San Timoteo Creek Area. Under the current County of San Bernardino General Plan the Project Site is designated Rural Living. The 5.53-acre Project Site is currently vacant and undeveloped and is surrounded by scattered residential units, flood control facilities (San Timoteo Creek), and agriculture (citrus groves). Implementation of the Proposed Project would not induce substantial population growth in the area; employees are anticipated to come from the local labor pool. No impact is identified, and no mitigation measures are required.
- b) **No impact.** The Project Site is currently vacant and undeveloped. Implementation of the Proposed Project would not reduce the number of existing housing units or necessitate the construction of replacement housing elsewhere. No impact is identified, and no mitigation measures are required.
- c) **No impact.** The Project Site is currently vacant and undeveloped. Implementation of the Proposed Project would not displace substantial numbers of people or necessitate the construction of replacement housing elsewhere. No impact is identified, and no mitigation measures are required.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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Other Public Facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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SUBSTANTIATION:

a) Fire Protection

Less than significant impact. Currently, the Project Site is within the City of Loma Linda's Sphere of Influence and is served by the City of Loma Linda Fire Station 251 (approximately three miles west of the Project Site) through a joint response/automatic aid agreement with the County Fire Department, specifically the San Bernardino County Fire Protection District and its Valley Service Zone. The County Department of Public Safety provides required fire standards during review of building plans and inspections. The County maintains a joint response/automatic aid agreement with the fire departments in neighboring cities including Loma Linda, Colton, Redlands, and San Bernardino. The proposed development would be required to comply with County fire suppression standards and adequate fire access, and pay required development fees.

The Project includes the construction of a caretaker residence, which may house up to five people. Since the Project Site and surrounding area is currently served by the City of Loma Linda, impacts to fire response times are anticipated to be less than significant. With an estimated population of 23,600 people, the firefighter to citizen ratio is approximately 1:2,950 (based on 8 firefighters per 24-hour shift). The addition of a caretaker residence (up to five new residents) would result in a demand increase of approximately 0.06 percent in total firefighters to maintain the City's current level of service. Therefore, potential impacts are considered less than significant.

Police Protection

Less than significant impact. Currently, the Project Site is located in the service area of the San Bernardino County Sheriff's Department (SBSD) Central Station. The base of operation is out of the headquarters building located at 655 East Third Street in San Bernardino. The Department provides law enforcement services to the unincorporated areas of the San Bernardino County East Valley. The station is located approximately six miles from the Project Site.

The SBSB currently has 12 sworn officers assigned to the City of Loma Linda and its Sphere of Influence. With an estimated population of 23,600 people, the ratio of officers to citizens is approximately 1:1,967. The proposed Project including the addition of a caretaker residence, would result in up to additional five residents. The officers to citizen ratio would change from 1:1,967 to 1:1,972 and result in a net change of 0.05 percent. Therefore, the Proposed Project would have a less of an impact on police services.

Schools

No impact. The Proposed Project would not create a demand for public school services. Construction employees are anticipated to come from the local area and future employees (approximately 10) are expected to come from the local labor force. As such, the development itself would not generate any new school-aged children requiring public education. The Proposed Project is not expected to draw significant new residents to the region or indirectly generate additional school-aged children; thus, the

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Proposed Project would not result in the need to construct new school facilities or require physical alteration of existing facilities. No impact is identified, and no mitigation measures are proposed.

Parks

No impact. With the exception of the caretaker residence, the Proposed Project does not include residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreation facilities in the vicinity. Accordingly, implementation of the Proposed Project would not result in an increased use or substantial physical deterioration of an existing neighborhood or regional park. The Proposed Project includes the development of a recreational sports field. Patrons of the place of worship may use the field rather than traveling to nearby parks. No impacts are anticipated, and no mitigation measures are recommended.

Other Public Facilities

No impact. The Proposed Project is not expected to result in demand for other public facilities/services, such as libraries, community recreation centers, and/or animal shelters. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Less than significant impacts are anticipated, and no mitigation measures are recommended.

XV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<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"/>

SUBSTANTIATION:

- a) **No impact.** With the exception of the caretaker residence, implementation of the Proposed Project does not include the development of residential or other land uses that would cause a substantial increase in the use of existing neighborhood and regional parks or other recreational facilities. Substantial physical deterioration of local recreational facilities is not anticipated as a result of the Proposed Project. No impact is identified, and no mitigation measures are recommended.
- b) **No impact.** The Proposed Project includes the development of a recreational sports field for use by patrons of the place of worship. Development of such facilities would not create an adverse physical effect on the environment. No impact would result, and no mitigation measures are recommended.

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XVI. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
Would the project:				
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, 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 type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: In June 2016, Kunzman Associates, Inc. prepared a Traffic Impact Analysis for the proposed development. A copy of the report is available for review at the County of San Bernardino Land Use Services Department. Results of the analysis are presented herein.

- a) **Less than significant with mitigation.** In June 2016, Kunzman Associates, Inc. prepared a Traffic Impact Analysis for the proposed development. The purpose of the report was to provide an assessment of the traffic impacts resulting from the development and to identify the traffic mitigation measures necessary to maintain the established level of service standards for the impacted roadway system.

Regional access to the project site is provided by the I-10 Freeway. Local access is provided by various roadways in the vicinity of the site. The east-west roadways which will be most affected by the project are Barton Road, San Timoteo Canyon Road, and Beaumont Avenue. The north-south roadways which will be most affected by the project are San Timoteo Canyon Road and Nevada Street.

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A series of scoping discussions were conducted with the County of San Bernardino to define the desired analysis locations for each future analysis year. In addition, the San Bernardino Associated Governments staff has also been contacted to discuss the project. The analysis of the traffic impacts from the proposed development and the assessment of the required mitigation measures were based on an evaluation of the existing and forecast traffic conditions in the vicinity of the site with and without the project. The following analysis years are considered in this report:

- Existing Conditions (2016)
- Existing Plus Project Conditions
- Project Opening Year Conditions (2018)
- Horizon Year Conditions (2040)

The definition of an intersection deficiency has been obtained from the County of San Bernardino General Plan. The General Plan states that peak hour intersection operations of Level of Service D or better are generally acceptable. Therefore, any intersection operating at Level of Service E or F will be considered deficient.

Existing Conditions (2016)

For existing traffic conditions, the study area intersections currently operate within acceptable Levels of Service during the peak hours. The trips generated by the project were determined by multiplying an appropriate trip generation rate by the quantity of land use.

Existing Plus Project Conditions

The Applicant provided a list of all special events and daily activities anticipated to occur at the facility, including hours of operation, the number of employees, the number of attendees, the times of the events, and the duration of the events. A conservative vehicle occupancy of 1.00 persons per vehicle was assumed to convert the number of employees to vehicles. A conservative vehicle occupancy of 1.50 persons per vehicle was assumed to convert the number of attendees to vehicles. The daily trip generation for the site assumes 100 percent of the attendees utilize the site for each event. Based on discussions with the Applicant, Friday mid-day peak hour contains the peak trip generation. For daily operations, the maximum number of employees is ten (10). Daily operations assumed that all employees arrive during the morning peak hour and depart during the evening peak hour. During the mid-day peak hour, it was assumed that all employees exit and enter the site. Daily worship occurs up to five times a day with a maximum number of attendees of 40. Daily worship occurs throughout the day and attendees were assumed to arrive during the morning peak hour and depart during the evening peak hour. During the mid-day peak hour, it was assumed that service attendees arrive and depart.

Ramadan prayer occurs in the evenings with a maximum number of attendees of 200. Ramadan prayer attendees were assumed to arrive during the mid-day peak hour and the evening peak hour. Annual feast occurs in the evenings with a maximum number of attendees of 500. Annual feast attendees were assumed to arrive during the mid-day peak hour and the evening peak hour.

Major special events occur only two days a year and were not included in the analysis. The proposed development is projected to generate approximately 88 vehicle trips during the Friday mid-day peak hour and 79 vehicle trips during the Friday evening peak hour.

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For Existing Plus Project traffic conditions, the study area intersections are projected to operate within acceptable Levels of Service during the peak hours.

Project Opening Year Conditions (2018)

For Opening Year (2018) Without Project traffic conditions, the study area intersections are projected to operate within acceptable Levels of Service during the peak hours. For Opening Year (2018) With Project traffic conditions, the study area intersections are projected to operate within acceptable Levels of Service during the peak hours.

Horizon Year Conditions (2040)

For Year 2040 Without Project traffic conditions, the study area intersections are projected to operate within acceptable Levels of Service during the peak hours. For Year 2040 With Project traffic conditions, the study area intersections are projected to operate within acceptable Levels of Service during the peak hours.

To ensure that project traffic does not create a safety hazard on-site or impede the roadway systems within the vicinity, the following mitigation measures, as recommended in the TIA, shall be implemented:

- T-1: Construct Nevada Avenue from the north project boundary to Beaumont Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.**
- T-2: Construct Beaumont Avenue from the west project boundary to Nevada Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.**
- T-3: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.**
- T-4: The County of San Bernardino shall periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.**

- b) **No impact.** For freeway facilities, the Congestion Management Program controls the definition of deficiency for purposes of this study. The Congestion Management Program definition of deficiency is based on maintaining a Level of Service standard of Level of Service E or better, except where an existing Level of Service F condition is identified in the Congestion Management Program document (San Bernardino County Congestion Management Program Table 2-1). A Congestion Management Program deficiency is, therefore, defined as any freeway segment operating or projected to operate at Level of Service F, unless the segment is identified explicitly in the Congestion Management Program document.

No analysis is required further than five miles from the Project Site. The roadway elements that must be analyzed are dependent on the analysis year. The identification of the study area, and the intersections

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and highway segments requiring analysis, was based on an estimate of the two-way traffic volumes on the roadway segments near the project site. All arterial segments have been included in the analysis when the anticipated project volume equals or exceeds 50 two-way trips in the peak hours. The requirement is 100 two-way peak hour trips for freeways. The Proposed Project does not contribute trips greater than the freeway threshold volume of 100 two-way peak hour trips.

The TIA prepared for the Proposed Project did not identify any conflicts with applicable congestion management programs, including level of service standards and travel demand measures. No impacts are anticipated.

- c) **No impact.** The Project Site is not within an airport safety review area as identified in the San Bernardino County General Plan – Hazard Overlay Map FH31C. The Proposed Project is the construction and operation of a place of worship. There are no structures proposed above the maximum height limit of 35 feet. The Proposed Project would not have an impact on air traffic patterns.
- d) **Less than significant.** The Proposed Project would not create or substantially increase hazardous conditions due to its design. There are no sharp curves, dangerous intersections, or incompatible uses as most of the adjacent citrus groves to the north are inactive or do not require the use of heavy farm equipment on roadways within the vicinity. To ensure safety, on-site roadway improvements were incorporated into this Initial Study and are included as Mitigation Measures T-1 through T-4.
- e) **No impact.** Access to the site would be provided from a driveway on Nevada Street. The Plan has been reviewed by the County Fire Marshal and design changes, including adequate turning radius for fire apparatus, were incorporated as directed. No impacts are anticipated.
- f) **No impact.** There are no bus stops, or bike paths, within the immediate vicinity of the site. However, pedestrians currently travel along San Timoteo Creek located west of the Project Site. However, the Proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities because these facilities do not occur in the Project Site vicinity. The nearest bus stop/bus route is provided by the Omnitrans Route 19, which travels along Barton Road approximately 4,000 feet north of the Project Site. No impact is identified, and no mitigation measures are required.

Mitigation Measures:

- T-1: Construct Nevada Avenue from the north project boundary to Beaumont Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.**
- T-2: Construct Beaumont Avenue from the west project boundary to Nevada Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.**
- T-3: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.**

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- T-4: The County of San Bernardino shall periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.**

XVII. TRIBAL CULTURAL RESOURCES

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:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 shall 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"/> |

- a) **No impact.** A cultural resources records search was completed at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. L&L Archaeologist William R. Gillean completed the search on October 27, 2016 for the project area and all lands found within one-mile. The results indicated that no cultural resources have been recorded within the project area and that the southwestern portion of the project area has been previously addressed by two (2) reports (SB-2853/Greenwood and Associates 1991; SB-6756/ASM 2009). These studies returned negative findings for cultural resources within the current project area. The northwestern portion of the project area has not been previously surveyed for cultural resources. Including the two (2) reports that address the project area, a total of 50 studies have been completed within one-mile and these studies have addressed approximately 40 percent of the land within the search radius. Collectively, these studies have recorded a total of 31 cultural resources.

The identified resources consist of 27 historic resources, one (1) prehistoric isolated find, and three (3) historic pending resources. The historic resources are predominately residences, buildings, or building complexes. The residences were typically constructed between 1866 and 1950 and the remaining buildings or complexes include the Brookside Winery and associated buildings; a hospital

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complex; a dairy complex; a schoolhouse converted to a church; the Asistencia; and the Bryn Mawr Townsite. Other historic resources consist of the remains of citrus properties, including remnants of buildings, citrus groves, and irrigation systems; foundation remains and/or refuse scatters and deposits; irrigation ditches, including the Mill Creek Zanja; a transmission line; a row of fan palms; and a bridge. Two (2) of these historic resources are listed in the National Register of Historic Places (NRHP) and the California Register Historic Resources (CRHR) (Mill Creek Zanja [36-8092/CA-SBR-8092H] and the Barton Villa [36-17049]) and an additional resource appears eligible for the NRHP and is listed in the CRHR (Marshall House [36-16641]).

During the pedestrian survey, no prehistoric or historic cultural resource sites or isolates were detected and two (2) concentrations of modern construction debris were noted. Based on the records search and field survey, development of the Project is not anticipated to result in an adverse impact to any listed or eligible for listing in the California Register of historical resources, historic resource. No impact is anticipated.

- b) **Less than significant with mitigation.** In accordance with AB 52, a records search at California State University Fullerton was initiated to obtain potential tribal cultural resources that may occur at the Project Site. The County of San Bernardino submitted the results to tribes that have requested project consultation for AB 52 compliance on September 29, 2016. Results of the records search and any correspondence received from the tribes will be presented to the Planning Commission at the time of the public hearing. As of the date this Initial Study, the County has received three letters including: 1) a letter from the Twenty-nine Palms Band of Mission Indians indicating that they have no interest in consulting with the County on this Project; and 2) Gabrieleno Band of Mission Indians – Kizh Nation, indicating that the Project site lies within an area where the Ancestral territories of the Kizh Gabrieleno's villages adjoined and overlapped with each other; and 3) the Morongo Band of Mission Indians indicating that the project area is sensitive for Native American resources and that the Project site lies within their respective Traditional Use Area (TUAs). For these reasons, these two tribes have requested additional project information, coordination, consultation with the Lead Agency, and/or Native American monitoring. In the meantime, they requested the incorporation of their Standard Development Conditions, as included in Appendix E of the Cultural Resources Investigation, on any development plans or entitlement applications, which shall be incorporated as Conditions of Approval for the Project. Implementation of the following mitigation measure and the tribe's Standard Development Conditions would ensure potential impacts to tribal resources are reduced to a less than significant level:

TCR-1: Applicant shall allow for monitoring by a qualified archaeologist who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists. Monitoring shall be required for all soil disturbances including grading (cut and fill). Should movement of soils for grading for re-compaction activities show no evidence of an archaeological site or artifacts, and with the agreement of the County of San Bernardino, Land Use Services Department and the on-site archaeological monitor, further monitoring at this location shall no longer be required. In the event that a prehistoric site or historic remains older than 50 years is identified during monitoring, the Project Archaeologist monitor shall be empowered to stop all construction activities in the vicinity of the find (e.g., 50 feet radius).

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If the discovered archaeological/cultural materials are prehistoric in nature and/or include Native American remains, the Project Archaeologist shall notify the County as well as a Native American monitor to assist in the identification of the resources or human remains. The Native American monitor shall be retained from a list of suitable candidates from the Native American Heritage Commission.

The Project Archaeologist shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact. The Archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. The Applicant shall comply with the recommendations of the evaluating Archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to the County of San Bernardino and the South Central Coastal Information Center, Department of Anthropology, CSU Fullerton.

Not less than 14 days prior to the issuance of any grading or excavation permit, the Applicant shall submit the draft contract between the selected Project Archaeologist (or firm) and the Applicant to be employed for the required monitoring services. The contract shall also include the proposed scope of services (including the monitoring, reporting, and disposition requirements noted above) which shall be subject to review and approval by the County of San Bernardino. Contracts shall include a requirement for monthly written reports from the archaeological monitor to the Planning Division summarizing the monitor's activities during the reporting period.

XVIII. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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 the 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 checked="" 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"/>

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) 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"/>

SUBSTANTIATION: In June 2017, a Water and Sewer Feasibility Study Technical Memorandum was prepared for the Proposed Project by Tetra Tech. A copy of the memorandum is on file at the County of San Bernardino Land Use Services Department. A summary of the report findings is discussed herein.

a,b,d) **Less than significant impact.** The Applicant is currently working with the DEHS and the RWQCB for a proposed on-site wastewater treatment system for Phase I. The use of an on-site wastewater treatment system at the Project site may be permitted as discussed in a preliminary percolation test for the Project Site conducted in March 2016 by GeoMat Testing Laboratories, Inc. In the event an on-site wastewater treatment system for Phase I is not accepted, the Project would be serviced by the City of Loma Linda through a Joint Powers Agreement with the City of San Bernardino. The City of San Bernardino operates both a secondary and a tertiary plant that discharge effluent to the Santa Ana River. The Proposed Project would be served by the City of San Bernardino sewer collection and treatment system, which has waste treated by the San Bernardino Water Reclamation Plant (SBWRP). The Proposed Project would generate wastewater that can be discharged to a municipal system with sufficient capacity. The SBWRP is a regional plant that serves a larger population than just the City of San Bernardino and Loma Linda (Highland and San Bernardino International Airport). The existing flow to the SBWRP of 28 million gallons per day (MGD) could be expected to increase cumulatively (at build-out) by 20.2 MGD for a total flow of 48.2 MGD. This amount would exceed the existing design capacity of 33 MGD by 15.2 MGD. Additional facilities would need to be built or expansion of existing facilities would need to be completed to accommodate the proposed build-out in the service area of the SBWRP.

The wastewater collection system is currently experiencing deficiencies and the City of Loma Linda's Wastewater Collection System Master Plan report of 2002 predicted an increase in system pipe capacity deficiencies of 57,022 out of 750,718 linear feet of pipe by the year 2025. That report was not based on the build-out projections presented in the General Plan Update EIR.

Mitigation presented in the City's General Plan Update EIR requires the City to update the Wastewater Collection System Master Plan to reflect General Plan Update build-out statistics, review treatment facility capacity periodically and adjust Sewer Capacity Fees when appropriate in consultation with participating communities to accommodate construction of new or expanded wastewater treatment and collection facilities.

The nearest sewer connection to the Project Site is located approximately 2,600 feet west of the site at Wellesley Avenue. This connection is higher than the site and would require a lift station; it would also

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cross San Timoteo Creek and UPRR. These flows would be accommodated with existing capacities of both the sewer system and the SBWRP. The Project is consistent with the City of Loma Linda General Plan and would be required to meet the requisites of the Santa Ana Regional Water Quality Control Board regarding wastewater quality. Impacts are considered less than significant.

Utilization of an on-site wastewater treatment system may be permitted by the RWQCB and may be approved to avoid violation of any water quality standards or waste discharge requirements, and will have a less than significant impact on the environment and no mitigation measures are recommended. Issuance of the necessary on-site wastewater treatment system permits are considered ministerial in nature and are anticipated to result in less than significant impacts and no mitigation measures are recommended.

- d) **Less than significant impact.** The City of Loma Linda provides the production and distribution of water within the City and the Sphere of Influence areas. The City obtains its water from groundwater wells in the Bunker Hill Basin, an aquifer underlying the eastern San Bernardino Valley. The City operates five groundwater wells: Richardson Wells 1, 3, and 4 and Mountain View Wells 3 and 5. These production wells have a combined capacity of 14 million gallons per day. The City also has emergency water connections with the City of San Bernardino as well as the City of Redlands water systems.

The Project Proponent entered into a Pre-Annexation Agreement with the City of Loma Linda to receive water service at the site. The Project Proponent would be responsible for financing the infrastructure for water improvements. Construction plans would be reviewed by the City Engineer to ensure the design would meet City standards. Upon completion, the maintenance of the pipe would be handled by City of Loma Linda Public Works Department. Currently, the City's water resources are sufficient to meet the demand at build out based on the City's current resources and the anticipated new development. A less than significant impact is anticipated.

The installation of the new 3,000 linear-foot water pipe would not be considered growth inducing, but growth accommodating. As shown in their Master Water Service Plan, the City of Loma Linda has planned for the construction of a pipe within Nevada Avenue south of Barton in order to meet buildout demands of the General Plan. Since the water line is planned, the project would not result in an unanticipated growth not analyzed within the City's General Plan.

- c) **No impact.** As discussed in the WQMP, street flows and on-site drainage system consist of swales, catch basins and pipes which will convey flows through the site. All drainage area overflows will ultimately be directed to retention basin. In the event of back to back 100-year storm events, flows from the site will overflow from the proposed retention basin into San Timoteo Flood Control Channel.
- e) **No impact.** Wastewater treatment services are administered under provisions of a Joint Powers Agreement (JPA) with the City of San Bernardino. At the San Bernardino Municipal Water Department wastewater facility, wastewater is treated to the secondary level. Effluent is then piped to a tertiary treatment facility, known as the RI/X plant, before being discharged to the Santa Ana River. However, the Project may include the installation of an on-site wastewater treatment system for Phase I that will be designed to handle all wastewater generated by the Proposed Project. If an on-site wastewater treatment system is installed, the Project proponent is required to secure all necessary permits prior to the installation of the system. No impacts to the City of San Bernardino Municipal Water Department wastewater facility would result.

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- f) **Less than significant impact.** The County contracts with the City of Loma Linda to provide solid waste services. Republic Services of Southern California currently provides solid waste collection services within the City of Loma Linda and its Sphere of Influence. Solid waste that is not diverted to recycling or composting facilities is transported to the San Timoteo Sanitary Landfill, a County-owned landfill located in the City of Redlands. The San Timoteo Sanitary Landfill is permitted to receive up to a maximum of 1,000 tons per day. However current estimates are an average disposal rate of 663 tons per day; landfill capacity is currently anticipated to last until the year 2044. According to the Cal Recycle estimated solid waste generation rates for churches/religious facilities is approximately 200 pounds per day. The Proposed Project would therefore generate an estimated 0.1 tons per day (28,600 square feet times 0.007 pounds per square feet of public institution per day). This would not be considered a significant amount of additional solid waste into the County's waste stream; impacts to the solid waste collection system would be less than significant.
- g) **Less than significant impact.** The Proposed Project would be required to comply with the County of San Bernardino waste reduction programs, including recycling and other diversion programs to divert the amount of solid waste disposed in landfills. As such, the Project Applicant would be required to work with 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 (CA Pub Res. Code § 42911), the Proposed 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. Implementation of these programs would reduce the amount of solid waste generated by the Proposed Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Proposed Project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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|--|--------------------------------------|--|-------------------------------------|--------------------------|
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly Or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- a) **Less than significant impact.** Based on the analysis provided herein, the Proposed Project does not have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or 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.

The Project Site is located within the burrowing owl overlay of the County's General Plan Biotic Overlay. Burrowing owls are a protected species under the federal Migratory Bird Treaty Act and are designated by the California Department of Fish and Wildlife as a species of special concern. According to the June 2016 Habitat Assessment for the Burrowing Owl and Sensitive Botanical Species prepared by L&L Environmental, Inc., no sign of burrowing owl or other special status plant or wildlife species were observed during the habitat assessment and habitat assessment. The site does contain low-quality suitable habitat for burrowing owl. To ensure potential impacts to the burrowing owl are reduced to a less than significant level, appropriate mitigation has been incorporated into this Initial Study as contained in Section III, and shall be a part of the Project Mitigation Monitoring and Reporting Program. No additional mitigation is warranted.

In accordance with AB 52, a records search at California State University Fullerton was initiated to obtain potential tribal cultural resources that may occur at the Project Site. The County of San Bernardino submitted the results to tribes that have requested project consultation for AB 52 compliance on September 29, 2016. As of the date this Initial Study, the County has received three letters including: 1) A letter from the Twenty-nine Palms Band of Mission Indians indicated that they have no interest in consulting the County on this Project; and 2) Gabrieleno Band of Mission Indians – Kizh Nation, indicating that the Project site lies within an area where the Ancestral territories of the Kizh Gabrieleno's villages adjoined and overlapped with each other; and 3) the Morongo Band of Mission Indians indicating that the project area is sensitive for Native American resources and that the Project site lies within their respective Traditional Use Area (TUAs). For these reasons, these two tribes have requested additional project information, coordination, consultation with the Lead Agency, and/or Native American monitoring. In the meantime, they requested the incorporation of their Standard Development Conditions, as included in Appendix E of the Cultural Resources Investigation, on any development plans or entitlement applications, which shall be incorporated as Conditions of Approval for the Project. Implementation of the tribe's Standard Development Conditions, Mitigation Measure TRC-1, and consultation with the County would ensure potential impacts to tribal resources are less than significant; no additional mitigation is warranted.

- b) **Less than significant impact.** Based on the analysis provided herein, the Proposed Project would not have impacts that are considered individually limited, but cumulatively considerable. The location of planned and/or foreseeable future projects in the area to which this project would add

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cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses without generating any cumulatively significant impacts.

- c) **Less than significant impact.** Based on the analysis provided herein, the Proposed Project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as identified by the studies conducted for this project or identified by review of other sources or by other agencies.

Only minor increases in traffic, air quality emissions and noise will be created by implementation of the Proposed Project. These potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

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MITIGATION MEASURES

Biological Resources

- BIO-1:** The Project Proponent shall conduct a preconstruction clearance survey (valid for 30 days) prior to any ground or vegetation clearing activities on site.
- BIO-2:** In the event construction occurs within the nesting season (January 1 to September 15), the Project Proponent shall have a preconstruction clearance survey conducted prior to any vegetation or ground disturbing activities.

Cultural Resources

- CR - 1:** In the event paleontological resources are uncovered during grading, the Contractor shall cease all earth disturbing activity and a qualified vertebrate paleontologist shall be contacted to perform a field survey to determine and record any non-renewable paleontological resources found on-site. The paleontologist shall determine the significance, and make recommendations to the County of San Bernardino for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.

Geology and Soils

- GEO-1:** All recommendations contained within the Geotechnical/Geologic Study prepared by GeoMat Testing Laboratories, Inc., as approved by the County as part of the plan review process shall be incorporated prior to initiating ground disturbing activities.

Hydrology & Water Quality

- WQ-1:** Practical education materials shall be provided to property owners and church staff cover various water quality issues that will need to be addressed at the site. Materials shall include the protection of storm water quality and Best Management Practices that eliminate or reduce pollution during property improvement. Within 30 days prior to building opening to the public, the Property owner shall distribute the materials to the occupants and key church staff.
- WQ-2:** Rain triggered shutoff devices and shutoff devices designed to limit water supply in the event of a broken sprinkler shall be used in the common area landscape design. In addition, irrigation and landscaping shall be coordinated to avoid overspray.
- WQ-3:** Property owner/church staff shall be responsible for litter control on-site.

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- WQ-4:** The property owner shall stencil signs stating, “drains to the ocean” above the storm drain inlets to warn the public of prohibitions against waste disposal.
- WQ-5:** All trash container areas shall meet be: 1) paved with an impervious surface, 2) designed not to allow run-on from adjoin areas, 3) designed to divert drainage from adjoining roofs and pavements diverted area the area, 4) screened or walled to prevent off-site transport of trash; and 5) contain a solid roof or awning to prevent exposure to direct precipitation.
- WQ-6:** The catch basins are to be inspected after the first storm event of the rainy season and two times per month thereafter until the end of the rainy season, and shall be cleaned out as necessary or until filled to 25 percent capacity.

Noise

- N-1:** During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
- N-2:** The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
- N-3:** Equipment shall be shut off and not left to idle when not in use.
- N-4:** The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
- N-5:** The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.
- N-6:** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.

Traffic and Circulation

- T-1:** Construct Nevada Avenue from the north project boundary to Beaumont Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.
- T-2:** Construct Beaumont Avenue from the west project boundary to Nevada Avenue at its ultimate half-section width including landscaping and parkway improvements in conjunction with development, as necessary.

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- T-3:** On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project.
- T-4:** The County of San Bernardino shall periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.

Tribal Cultural Resources:

- TCR-1:** Applicant shall allow for monitoring by a qualified archaeologist who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists. Monitoring shall be required for all soil disturbances including grading (cut and fill). Should movement of soils for grading for re-compaction activities show no evidence of an archaeological site or artifacts, and with the agreement of the County of San Bernardino, Land Use Services Department and the on-site archaeological monitor, further monitoring at this location shall no longer be required. In the event that a prehistoric site or historic remains older than 50 years is identified during monitoring, the Project Archaeologist monitor shall be empowered to stop all construction activities in the vicinity of the find (e.g., 50 feet radius).

If the discovered archaeological/cultural materials are prehistoric in nature and/or include Native American remains, the Project Archaeologist shall notify the County as well as a Native American monitor to assist in the identification of the resources or human remains. The Native American monitor shall be retained from a list of suitable candidates from the Native American Heritage Commission.

The Project Archaeologist shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact. The Archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource. The Applicant shall comply with the recommendations of the evaluating Archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to the County of San Bernardino and the South Central Coastal Information Center, Department of Anthropology, CSU Fullerton.

Not less than 14 days prior to the issuance of any grading or excavation permit, the Applicant shall submit the draft contract between the selected Project Archaeologist (or firm) and the Applicant to be employed for the required monitoring services. The contract shall also include the proposed scope of services (including the monitoring, reporting, and disposition requirements noted above) which shall be subject to review and approval by the County of San Bernardino. Contracts shall include a requirement for monthly written reports from the archaeological monitor to the Planning Division summarizing the monitor's activities during the reporting period.

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GeoMat Testing Laboratories, Inc., Geotechnical/Geological Report, APN 0292-111-15, Redlands, CA., June 26, 2017.

GeoMat Testing Laboratories, Inc., Geotechnical/Geological Report, APN 0292-111-15, Redlands, CA., August 15, 2017.

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LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#476

HEARING DATE: JANUARY 19, 2022

RESOLUTION NO. 3343

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#476 – CITY OF LOMA LINDA IRREVOCABLE AGREEMENT TO ANNEX FOR WATER AND SEWER SERVICE (APN 0293-111-15)

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 or deny applications for agencies to provide services outside their existing boundaries; and,

WHEREAS, an application for the proposed service extension in San Bernardino County 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 his 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 January 19, 2022 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 protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

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

RESOLUTION NO. 3343

DETERMINATIONS:

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

1. The project area, Assessor Parcel Number 0293-111-15, is within the sphere of influence assigned the City of Loma Linda and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Loma Linda's water and sewer service for a proposed worship facility. The requirement to connect to the City's water and sewer facilities are required conditions of approval for the project. Therefore, approval of the City of Loma Linda's request for authorization to provide water and sewer service is necessary in order to satisfy said conditions of approval for the project.
2. The City of Loma Linda Irrevocable Agreement to Annex being considered is for the provision of water and sewer service to Assessor Parcel Number 0293-111-15. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner and the City of Loma Linda to proceed in finalizing the contract for the extension of water and sewer service.
3. The fees charged by the City of Loma Linda for the extension of water and sewer service to the parcel are identified as totaling \$16,176.96 (a breakdown of charges is on file in the LAFCO office). This estimated total does not include the City's required Fire Suppression fee of \$24,021.03 as well as the City of San Bernardino's Sewer Capacity Fee (to be determined at a later date). In addition, the property owner shall bear all costs to complete improvements needed to extend the water and sewer service to the property.
4. During the period from January 2018 to May 2018, acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County'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 its 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.

RESOLUTION NO. 3343

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

SECTION 2. CONDITION. The City of Loma Linda 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 Loma Linda to provide water and sewer service to Assessor Parcel Number 0293-111-15.

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#476 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (APN 0293-111-15), 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 January 19, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: LAFCO 3251 – ANNEXATION TO THE YUCAIPA
VALLEY WATER DISTRICT (I-10 LOGISTICS OWNER, LLC)

INITIATED BY:

Property Owner Petition – I-10 Logistics Owner, LLC, property owner/developer
District Resolution, Yucaipa Valley Water District

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3251 by taking the following actions:

1. With respect to environmental review:
 - a. Certify that the complete Final Environmental Impact Report (EIR), which includes the complete Final (Recirculated) Environmental Impact Report, the complete Final Supplemental Environmental Impact Report, and the other related environmental documents prepared for the County of Riverside for the San Gorgonio Crossing project (Project), have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the complete Final EIR (State Clearinghouse No. 2014011009) for the Project is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3251;
 - c. 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;

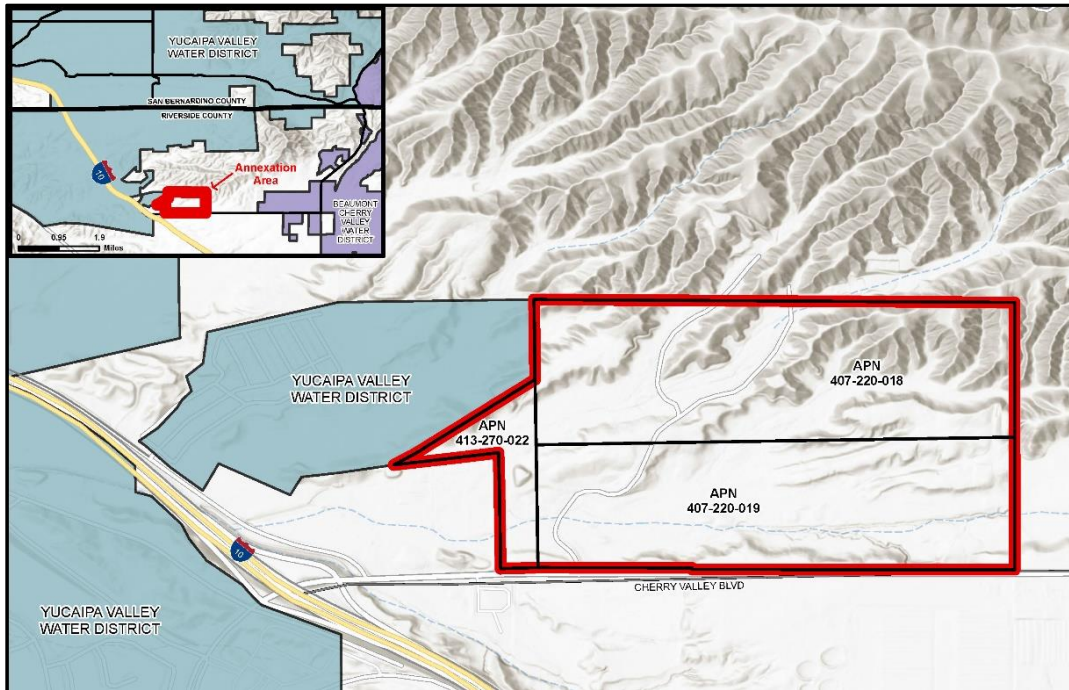
- d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report as part of Attachment #7; and,
 - e. Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval of LAFCO 3251 since the County of Riverside, as CEQA lead agency, has paid said fees.
2. Approve LAFCO 3251, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant, and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency;
 3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
 4. Adopt LAFCO Resolution #3344, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3251.

BACKGROUND:

In August 2021, Brian Rupp, representative for the property owner—I-10 Logistics Owner, LLC—submitted a property owner petition initiating the change of organization and the application materials requesting annexation to the Yucaipa Valley Water District (hereafter the "District").

The annexation area comprises approximately 246 acres consisting of three parcels, Assessor Parcel Numbers (APN) 407-220-018, 0407-220-019, and 413-270-022. The area is located within Riverside County, generally north of Cherry Valley Boulevard, southeasterly of the District's boundaries and the I-10 Freeway, within the District's southeastern sphere of influence. Location and vicinity maps are included as Attachment #1 to this report. The map below on page 3 provides a general location of the proposed annexation area.

Although the annexation proposal is located in Riverside County, San Bernardino LAFCO is responsible for reviewing this application proposal as the "principal county" for all actions affecting the Yucaipa Valley Water District. Pursuant to Government Code Section 56066, principal county status is conferred upon the county with the greater portion of the entire assessed valuation of all taxable property within the District—which, in this case, is San Bernardino County.



The primary reason for the annexation request is to provide water and sewer service to the area. The property owner/developer is currently in the process of developing two warehouse distribution facilities on two of the three parcels, within APNs 407-220-018 and 407-220-019, that has a proposed overall building footprint of approximately 1,823,760 square feet. The third parcel, APN 413-270-022 is also owned by the property owner/developer but is not developing at this time; however, the parcel may need access to water to irrigate the slopes along the easterly side of said parcel.



All three parcels are currently not within the District's boundary; therefore, annexation to the District is required in order to receive water and sewer service from the District. The District has indicated its support to serve the proposed Project through adoption of a resolution of application to annex the three parcels and through the preparation and certification of a Plan for Service for the annexation. The District's Plan for Service is included as Attachment #3 to this report and its resolution of application, Resolution No. 2021-25, is included as Exhibit A to the Plan for Service.

Out-of-Agency Service Agreement

In addition to processing the proposed annexation, the District also requested approval of an out-of-agency service agreement with the property owner/developer in order to extend water and sewer service to the proposed development outside its boundaries as it awaits the processing of the annexation proposal.

The development of the proposed Project is currently underway. Grading of the Project site has been completed and since it needs to move forward with the laying down of its water, wastewater, and recycled water pipelines to serve the onsite construction activities, the District requested authorization of an out-of-agency service agreement with the property owner/developer in order to allow the extension of its services to the Project prior to completion of the annexation.

Authorization of an out-of-agency service agreement is approved by the Commission where the service is being extended—which, in this situation, is in Riverside County. Therefore, on October 28, 2021, Riverside LAFCO approved the extra-territorial service extension to the Project with a term of one (1) year to ensure that the annexation is completed. Riverside LAFCO's resolution authorizing the extra-territorial service provision is included as Attachment #4. The District's Agreement with the property owner/developer is included as Attachment #5.

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – (1) boundaries, (2) land use, (3) service issues and the effects on other local governments, and (4) environmental considerations.

(1) BOUNDARIES:

As outlined above, the annexation area consists of three parcels encompassing approximately 246 acres generally located north of Cherry Valley Boulevard, southeasterly of the District's boundaries and the I-10 Freeway, within the District's southeastern sphere of influence.

LAFCO 3251 has no boundary concern since annexation into the District is required in order for the receipt of water and/or sewer service. In addition, LAFCO 3251 is contiguous to the District's boundary and the area does not affect the boundaries of any other agency.

(2) LAND USE:

The existing use for the annexation area is currently vacant. There are several General Plan land uses assigned for the annexation area. For the parcel within the City of Calimesa, the existing General Plan land use designation is RL (Residential Low; 2-4 DU/AC). For the parcels within unincorporated Riverside County, the County of Riverside assigned the following land uses as part of its approval of the Project: OS-R (Open Space Recreation), RM (Rural Mountainous), PF (Public Facilities), and LI (Light Industrial).

No change in land use is anticipated as a result of the annexation. In addition, approval of this proposal will have no direct impact on the current land use designation assigned for the area. Therefore, there are no land use concerns for this proposal.

(3) SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. The County of Riverside service providers within the annexation area are: Regional Park and Open Space, Food Control and its Zone No. 05, Waste Resources, County Service Area 27, and County Service Area 152. In addition, the following entities overlay the annexation area: San Geronio Pass Water Agency (State Water Contractor), San Geronio Memorial Healthcare District, Inland Empire Resource Conservation District, Summit Cemetery District, Beaumont Library District, Beaumont-Cherry Valley Recreation and Park District, and the City of Calimesa within a portion of the annexation area.

The District prepared and certified a Plan for Service as required by Commission policy and State law. The District's Plan for Service is included as Attachment #3 to this report. In order to provide service to the project site, off-site water and sewer lines in Cherry Valley Boulevard and Calimesa Boulevard would be constructed.

Drinking Water Infrastructure

The proposed Project will require the installation of approximately 6,340 linear feet of 24- inch ductile iron water conveyance pipeline which will be constructed from existing District drinking water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "A" Street. Approximately 1,500 linear feet of 12-inch ductile iron drinking water conveyance pipeline will be constructed connecting to the 24-inch ductile iron pipeline then north on "A" Street to an agreed termination point within the Project.

Recycled Water Infrastructure

Approximately 9,170 linear feet of 24-inch ductile iron water conveyance pipeline will be constructed from existing District recycled water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "B" Street. Approximately 225 linear feet of 24-inch ductile iron drinking water conveyance pipeline

shall be constructed connecting to the 24-inch ductile iron pipeline then north on “B” Street to an agreed termination point within the Project.

Sewer Infrastructure

Approximately 9,210 linear feet of 8-inch vitrified clay pipe (VCP) will be constructed from existing District sewer facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to the eastern Project parcel boundary. Onsite sewer mainlines will enter the Project on the western portion of the property to provide sewer service to both industrial buildings.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided to the area.

(4) ENVIRONMENTAL CONSIDERATIONS:

The County of Riverside’s processing of the San Gorgonio Crossing project included the preparation and certification of an Environmental Impact Report (SCH No. 2014011009) that was approved by the County in October 2017. Subsequent to the October 2017 approval, litigation was filed challenging the certified EIR. The County then prepared a Supplemental EIR and addressed the two items that the Court required the respondent to address. The Court acknowledged that the remainder of the Final EIR certified in 2017 complied with CEQA and remained certified.

LAFCO’s Environmental Consultant, Tom Dodson and Associates, has reviewed the County’s complete Final EIR, which includes the complete Final (Recirculated) EIR, the complete Final Supplemental EIR, and other related environmental documents prepared for the Project, and indicated that the County’s environmental documents are adequate for the Commission’s use as a responsible agency for LAFCO 3251. Mr. Dodson has indicated in his letter to the Commission, included as Attachment #7 to this report, the actions that are appropriate for the review of LAFCO 3251, which are:

- Certify that the Commission, its staff, and its Environmental Consultant have individually reviewed and considered the environmental assessment prepared for the County of Riverside for the San Gorgonio Crossing project;
- Determine that the complete Final EIR is adequate for the Commission’s use in making its decision related to LAFCO 3251;
- Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project. Mitigation measures required for the project are the responsibility of the County and others, not the Commission;
- Adopt the Facts, Findings and Statement of Overriding Considerations as presented by Mr. Dodson, which are the conclusions made regarding the significance of a project in light of the impacts and mitigation measures that have been identified; and,

- Direct the Executive Officer to file the Notice of Determination within five days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County of Riverside, as lead agency, has paid said fees.

The draft Facts, Findings and Statement of Overriding Considerations is included as Appendix 2 to Mr. Dodson's letter. Copies of the County's complete Final EIR are included as web links located at the last page of Attachment #7.

WAIVER OF PROTEST PROCEEDINGS:

The annexation area is legally uninhabited and the Riverside County Assessor's office verified that the annexation area possesses 100% landowner consent to the annexation (see Attachment #6). Therefore, if the Commission approves LAFCO 3251 and none of the affected agencies submits written opposition to a waiver of protest proceedings, staff is recommending, pursuant to Government Code Section 56662(d), that the Commission waive the protest proceedings and direct the Executive Officer to complete the action following completion of the mandatory reconsideration period of 30-days.

CONCLUSION:

LAFCO 3251 was submitted to provide water and sewer service to the proposed San Gorgonio Crossing project. The project area is currently not within the District's boundary; therefore, annexation to the District is required in order for the receipt of water and sewer service. In addition, the Extra-territorial Service for the Project was authorized with a term of 12 months (one year) to allow for completion of the annexation process. Approval of LAFCO 3251 will complete the action necessary to assure water and sewer service for this project.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3251.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/annexation proposal:

1. The annexation area is legally uninhabited containing zero registered voter as determined by the Riverside County Registrar of Voters as of September 2, 2021.
2. The Riverside County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$38,737,186 as of August 24, 2021.
3. The annexation area is within the sphere of influence assigned the Yucaipa Valley Water District.

4. Legal notice of the Commission's consideration of the proposal has been provided through publication in *The Press-Enterprise*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. LAFCO staff has provided individual notice to landowners (49) and registered voters (230) surrounding the reorganization area all within unincorporated Riverside County (totaling 279 notices) in accordance with State law and adopted Commission policies. Comments from landowners/voters and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.
6. For the parcel within the City of Calimesa, the existing General Plan land use designation is RL (Residential Low; 2-4 DU/AC). For the parcels within Riverside County, the County of Riverside assigned the following land uses as part of its approval of the Project: OS-R (Open Space Recreation), RM (Rural Mountainous), PF (Public Facilities), and LI (Light Industrial). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3251 has no direct impact on SCAG's Regional Transportation Plan. However, the project site is adjacent to the proposed road widening of Cherry Valley Boulevard from 2 to 4 lanes. The project site is just west of the proposed road widening of Calimesa Boulevard and its realignment with Cherry Valley Boulevard. Finally, the project site is west of the existing I-10 curved overcrossing that is scheduled to be realigned/replaced.
8. Riverside County has a 2018 Multi-Jurisdictional Local Hazard Mitigation Plan that was adopted by the County of Riverside and all participating jurisdictions including the City of Calimesa. The multi-jurisdictional Plan identifies vulnerabilities, provides recommendations for prioritized mitigation actions, and provides future mitigation planning and maintenance of the existing plan.
9. As a CEQA responsible agency, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has reviewed the complete Final Environmental Impact Report (EIR), which includes the complete Final (Recirculated) Environmental Impact Report, the complete Final Supplemental Environmental Impact Report, and the other related environmental documents prepared for the County of Riverside for the San Geronio Crossing project (SCH No. 2014011009) is adequate for the Commission's use as CEQA responsible agency. Mr. Dodson has prepared his recommended actions for LAFCO 3251, which are outlined in the narrative portion of the Environmental Considerations section (pages 6 and 7 of the staff report).

Attachment #7 also includes the draft Facts, Findings, and Statement of Overriding Considerations that has been prepared for the Commission's use in addressing this

project. Copies of the County's complete Final EIR are included (as web links) as part of Attachment #7 to this report (Environmental Documents Related to the County of Riverside's Approval of the San Gorgonio Crossing).

10. The annexation area is served by the following local agencies:

Beaumont-Cherry Valley Recreation and Park District
Beaumont Library District
City of Calimesa (portion)
County of Riverside (County Flood Control, Flood Control - Zone No. 5,
County Waste Resources Management Sanitation, and County
Regional Parks and Open Space)
County Service Areas 27 and 152
Inland Empire Resource Conservation District
San Gorgonio Memorial Healthcare District
San Gorgonio Pass Water Agency
Summit Cemetery District

None of these agencies are directly affected by this proposal.

11. A Plan for Service was prepared for the extension of water and sewer service to the annexation area, as required by law. The Plan for Service, as certified by the District, indicates that the District can provide water and sewer service to the annexation area. A copy of this plan is included as Attachment #3 to this report.

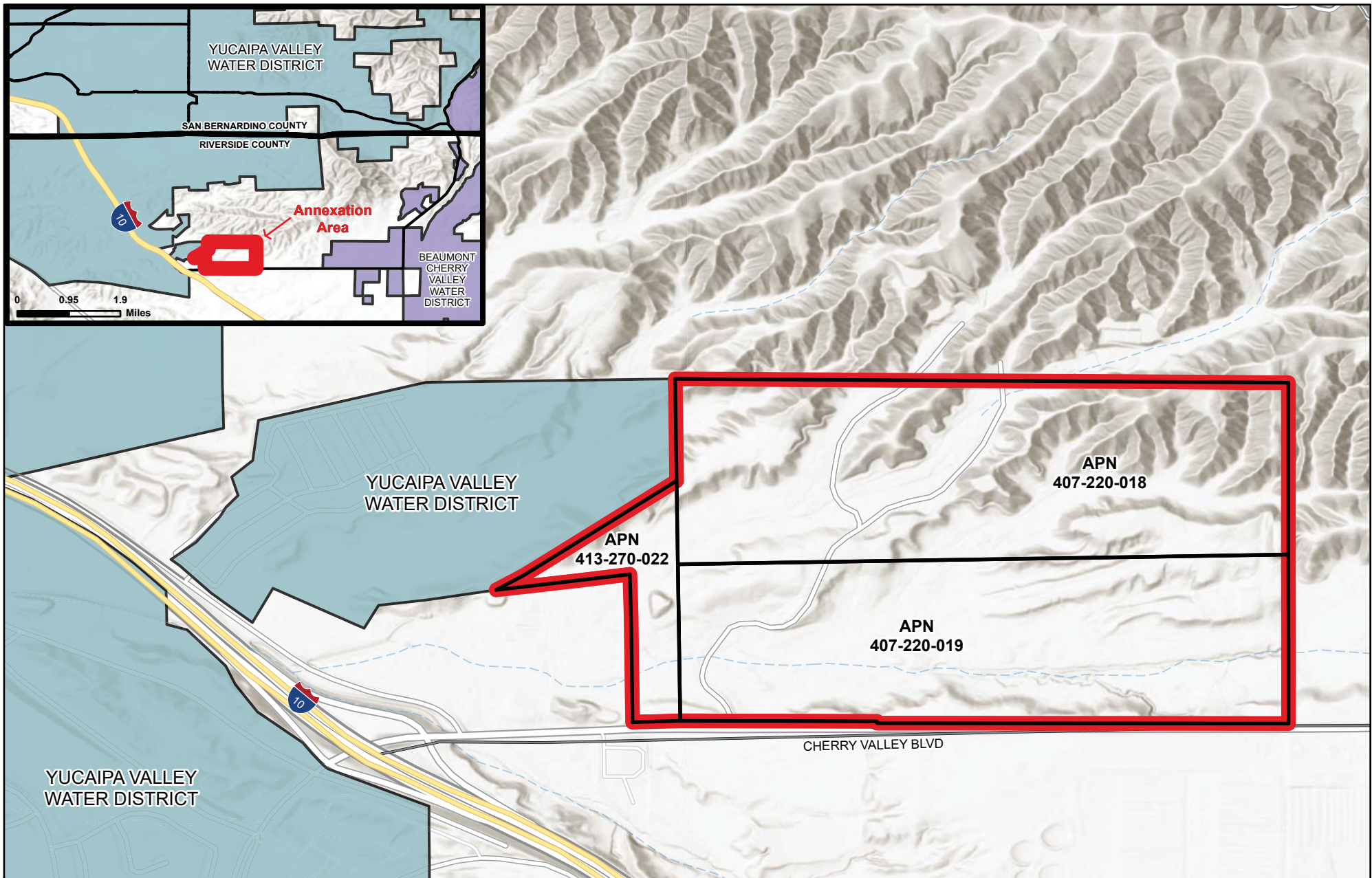
The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service conforms to those adopted standards and requirements.

12. The annexation can benefit from the availability and extension of water and sewer service from the Yucaipa Valley Water District as evidenced by the Plan for Service.
13. With respect to environmental justice, the annexation proposal—which is to provide water and sewer service to the annexation area—will not result in the unfair treatment of any person based on race, culture or income.
14. The County of Riverside adopted a resolution determining there will be no transfer of property tax revenues as a result of the annexation to Yucaipa Valley Water District. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

Attachments:

1. [Vicinity Maps for the Annexation Proposal](#)

2. [Landowner Petition and Application Forms](#)
3. [Yucaipa Valley Water District Plan for Service](#)
4. [Riverside LAFCO Resolution 18-21](#)
5. [Yucaipa Valley Water District Agreement No. 2021-12 \(Agreement for Service to San Geronio Crossing\)](#)
6. [Landowner Consent Form](#)
7. [Letter from Tom Dodson and Associates including Facts, Findings, and Statement of Overriding Considerations \(Appendix 2\), Mitigation Monitoring and Reporting Program \(Attachment A to Appendix 2\), and Environmental Documents Related to the County of Riverside's Approval of the San Geronio Crossing Project](#)
8. [Draft Resolution No. 3344](#)



LAFCO #3251 - Annexation to the Yucaipa Valley Water District

APNs to Be Annexed:

407-220-018

407-220-019

413-270-022

- Annexation Area
- Beaumont Cherry Valley Water District
- Yucaipa Valley Water District
- Riverside-San Bernardino County Line

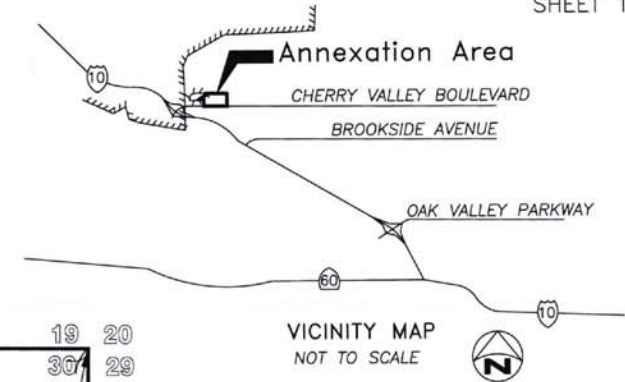



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

0 0.15 0.3 Miles



GENERAL DESCRIPTION:
Portion N 1/2 Section 30, T2S, R1W



 ANNEXATION BOUNDARY
 EXISTING YVWD BOUNDARY



DATE: 10/28/21

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS
3788 McCRAY STREET
RIVERSIDE, CA. 92506
PH. (951) 686-1070
FAX (951) 788-1256

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention to circulate a petition proposing

Annexation into Yucaipa Valley Water District

A written statement of the reasons for the proposal, not to exceed 500 words in length is as follows:

Provide sewer and water services two industrial buildings being constructed.

Name and address of proponent:

Brian Rupp

110 Logistics Owner, LLC

2 Park Plaza, Suite 700

Irvine, CA 92614

SIGNED BY:



DATED:

August 10, 2021

Required Attachments:

Sample Petition

Legal Description(s) and Map(s) of Changes within the Proposal

(The "Notice of Intent to Circulate Petition" must be filed with the Executive Officer of the Local Agency Formation Commission for San Bernardino County prior to circulating the petition. Upon receipt of this Notice, the Executive Officer is required to notify all affected agencies.)

RECEIVED

AUG 12 2021

LAFCO

San Bernardino County

LAFCO _____
ANNEXATION TO THE YUCAIPA VALLEY WATER DISTRICT
(CALIMESA ANNEXATION)

THOSE PARCELS OF LAND LOCATED IN THE NORTH HALF OF SECTION 30,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF
CALIMESA AND IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30;

COURSE 1. SOUTH $00^{\circ}24'37''$ WEST ALONG THE EASTERLY LINE OF SAID SECTION,
A DISTANCE OF 2580.30 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF
CHERRY VALLEY BOULEVARD (42.00 FEET IN NORTHERLY HALF WIDTH), SAID POINT
BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF
54958.00 FEET, A RADIAL LINE FROM SAID POINT BEARS NORTH $0^{\circ}07'51''$ EAST;

COURSE 2. WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG SAID
CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $0^{\circ}16'25''$, AN ARC DISTANCE OF
262.42 FEET, HAVING A CHORD BEARING NORTH $89^{\circ}43'56''$ WEST 262.42 FEET;

COURSE 3. NORTH $89^{\circ}35'44''$ WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE,
A DISTANCE OF 2330.18 FEET TO A POINT ON THE NORTH-SOUTH CENTER SECTION LINE
OF SAID SECTION 30;

COURSE 4. NORTH $0^{\circ}54'24''$ EAST ALONG SAID LINE, A DISTANCE OF 8.00 FEET TO
AN ANGLE POINT ON SAID NORTHERLY RIGHT OF WAY OF CHERRY VALLEY
BOULEVARD (50.00 FEET IN NORTHERLY HALF WIDTH);

COURSE 5. NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 838.40 FEET TO AN ANGLE
POINT THEREON;

COURSE 6. NORTH $0^{\circ}54'55''$ EAST, A DISTANCE OF 5.00 FEET TO AN ANGLE POINT
ON SAID NORTHERLY RIGHT OF WAY LINE OF CHERRY VALLEY BOULEVARD (55.00
FEET IN NORTHERLY HALF WIDTH);

COURSE 7. NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 321.63 FEET TO THE
BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF
12555.00 FEET;

COURSE 8. WESTERLY ALONG SAID RIGHT OF WAY LINE AND ALONG SAID
CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $1^{\circ}59'43''$, AN ARC DISTANCE OF
437.23 FEET, HAVING A CHORD BEARING SOUTH $89^{\circ}18'48''$ WEST 437.21 FEET, TO THE
WESTERLY RIGHT OF WAY LINE OF ROBERTS STREET (40.00 FOOT FULL WIDTH);

COURSE 9. ALONG SAID RIGHT OF WAY LINE NORTH $0^{\circ}54'08''$ EAST, A DISTANCE
OF 1119.51 FEET;

COURSE 10. LEAVING SAID RIGHT OF WAY LINE SOUTH 83°17'01" WEST, A
DISTANCE OF 836.91 FEET;

COURSE 11. NORTH 55°25'37" EAST, A DISTANCE OF 1387.46 FEET;


COURSE 12. NORTH 0°54'55" EAST, A DISTANCE OF 773.26 FEET TO THE NORTH
LINE OF SAID SECTION 30;

COURSE 13. SOUTH 89°38'47" EAST ALONG SAID NORTH LINE, A DISTANCE OF
1296.72 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 30;

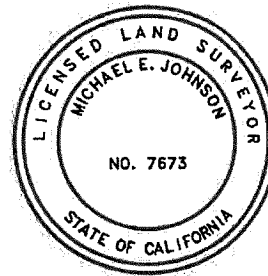
COURSE 14. SOUTH 89°25'57" EAST ALONG SAID NORTH LINE, A DISTANCE OF
2570.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 246.24 ACRES MORE OR LESS.

PREPARED UNDER MY SUPERVISION


MICHAEL E. JOHNSON, L.S. 7673
EXP. 12/31/2022

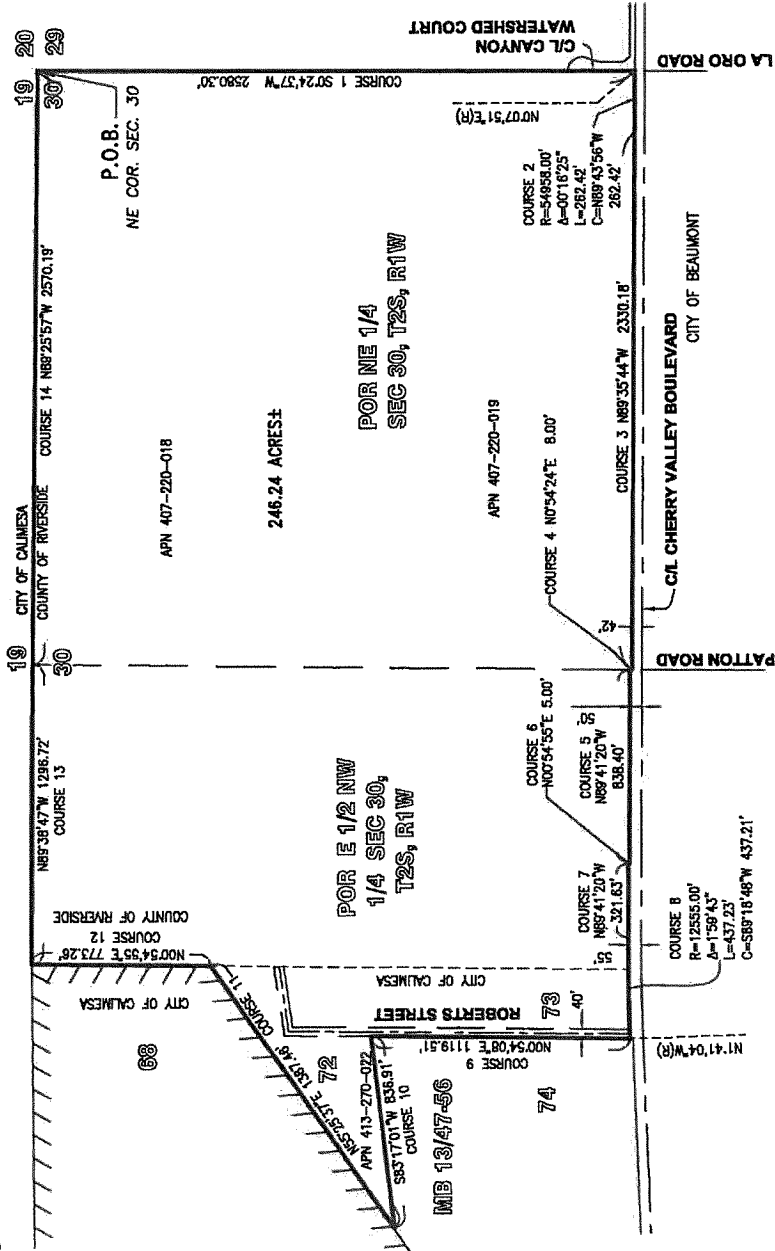
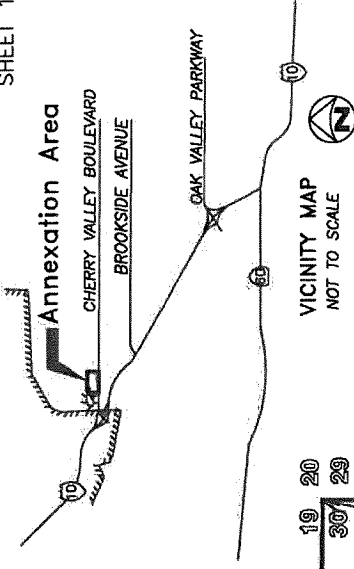
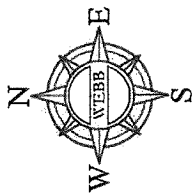
04/29/21
DATE



PREPARED BY: LB
CHECKED BY: my

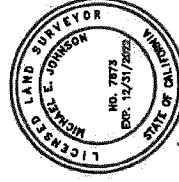
LAFCO **Yucaipa Valley Water District Annexation** **(Calimesa Annexation)**

GENERAL DESCRIPTION:
 Portion N 1/2 Section 30, T2S, R1W



LEGEND

- ANNEXATION BOUNDARY
- EXISTING YVWD BOUNDARY



Michael E. Johnson
 SIGNATURE

DATE: 4/29/21

ALBERT A. WEBB ASSOCIATES
 ENGINEERING CONSULTANTS
 3788 MCCRAY STREET
 RIVERSIDE, CA 92508
 PH. (951) 888-1070
 FAX (951) 788-1258

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 W. Third Street, Unit 150,
San Bernardino, CA 92415-0490 • (909) 388-0480 • FAX (909) 388-0481
E-MAIL: lafco@lafco.sbcounty.gov

LANDOWNER PETITION INITIATING PROCEEDINGS

We, the undersigned Landowners, do hereby petition the Local Agency Formation Commission, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), as follows:

Annexation into Yucaipa Valley Water District

(List all proposed changes of organization)

To the best of our knowledge, the proposal is consistent with the adopted sphere(s) of influence for an affected agency or agencies, and we understand that this proposal cannot be considered unless and until such spheres are consistent.

We certify that we are true and legal landowners of the named property and understand that these petitions may not be circulated separately from a current legal description and a current map showing the area of review.

The names and addresses of the Chief Petitioners for this proposal are as follows (not to exceed three persons):

110 Logistics Owner, LLC

2 Park Plaza, Suite 700

Irvine, CA 92614

(APN's 407220019, 407220018, & 413270022)

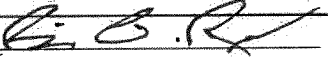
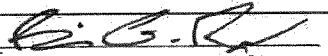
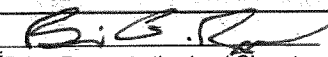
The reason(s) for this proposal is (are):

Provide sewer and water services two industrial buildings being constructed.

The requested terms and conditions for this proposal, if any, are as follows: LAFCO standard terms and conditions

We hereby request that the Local Agency Formation Commission for San Bernardino County conduct proceedings on this proposal pursuant to the provisions of Government Code Sections 56000 et seq.

The landowner must sign his/her name, residence address, and the date of signing in his/her own handwriting. His/her parcel number must be included. If signing on behalf of a business or corporation, documentation must be attached showing ability to sign as legal representative for that enterprise.

SIGN NAME  PRINT NAME Brian Rupp, Authorized Signatory	RESIDENCE ADDRESS 2 Park Plaza, Suite 700 Irvine, CA 92614	DATE August 12, 2021	PARCEL NUMBER 407220019
SIGN NAME  PRINT NAME Brian Rupp, Authorized Signatory	RESIDENCE ADDRESS 2 Park Plaza, Suite 700 Irvine, CA 92614	DATE August 12, 2021	PARCEL NUMBER 407220018
SIGN NAME  PRINT NAME Brian Rupp, Authorized Signatory	RESIDENCE ADDRESS 2 Park Plaza, Suite 700 Irvine, CA 92614	DATE August 12, 2021	PARCEL NUMBER 413270022
SIGN NAME _____ PRINT NAME _____	RESIDENCE ADDRESS _____	DATE _____	PARCEL NUMBER _____
SIGN NAME _____ PRINT NAME _____	RESIDENCE ADDRESS _____	DATE _____	PARCEL NUMBER _____

RECEIVED

AUG 12 2021

LAFCO
San Bernardino County

REVISED
SAN BERNARDINO LAFCO
APPLICATION AND PRELIMINARY
ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation to the Yucaipa Valley Water District

2. NAME OF APPLICANT: I-10 Logistics Owner LLC
APPLICANT TYPE: ☐ Landowner ☐ Local Agency
☐ Registered Voter ☐ Other _____
MAILING ADDRESS:
2 Park Plaza, Suite 700, Irvine CA 92614

PHONE: (949) 231-5068 _____
FAX: () _____
E-MAIL ADDRESS: brupp@shopoff.com

3. GENERAL LOCATION OF PROPOSAL: The project proposes the annexation of 246.24 +/- acres generally located north of Cherry Valley Blvd., east of a combination of parcel lines and Roberts Street, south of parcels lines and west of Canyon Watershed Court. The majority of the site is within unincorporated Riverside County (APNs 407220019 and 407220018) with the westerly portion (APN 413270022) within the City of Calimesa.

4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ☐ NO ☐ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. The project, I-10 Logistics Gateway, anticipates the development of two industrial buildings totaling 1.85 million square feet which require potable water, recycled water, and sewer services from the district.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):

246.24 +/-acres

2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)

None

3. Approximate current population within area: None

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

The westerly parcel of 22.24-acres (APN 413270022) is within the City of Calimesa and is zoned RL, rural living

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

The easterly 224 acres, within unincorporated Riverside County (APNs 407220019 and 407220018), has a General Plan designation of Rural Mountainous Open Space Recreation (OS-R), Public Facility (PF) and Light Industrial (LI). In addition, it has a zoning designation of Industrial Park (I-P).

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:

6. Indicate the existing use of the subject territory.

The existing use is vacant land

What is the proposed land use?

Proposed use for unincorporated territory is the development of two industrial buildings encompassing approximately 1,823,760 square feet of space, public facilities proposed to house water tanks for the Yucaipa Valley Water District, and approximately 74.8 acres of open space.

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☐ If YES, please explain.

No

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: <u>No</u> | |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

The annexation of the territory to the Yucaipa Valley Water District for the extension of potable water, recycled water and sewer service will not negatively impact any persons or cultures. The district continually monitors and plans for the service needs within its boundaries to assure that all segments of the population are fairly served.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The project site is currently under development with grading completed. The southern and central portion of the property consist of a broad, sloping terrain with steep ridges and canyons occurring on the northern half of the annexation area. The northern portion of the annexation area is characterized by hilly topography with narrow ridgelines, steep flanks and narrow valleys that trend from the northeast to the southwest. The southern portion of the annexation area is relatively flat with subdued ridgelines that trend west-southwest and merge into a flat alluvial plane that trends east-west. The southern portion of the annexation site was previously used for cultivated agriculture. Elevations on the site range from 2,400 to 2,690 feet above mean sea level.

2. Describe any existing improvements on the subject territory as % of total area.

Residential _____%	Agricultural _____%
Commercial _____%	Vacant <u>100</u> _____%
Industrial _____%	Other _____%

3. Describe the surrounding land uses:

NORTH Primarily vacant with some scattered residential farming use; area is zoned residential agriculture (R-A-1) and controlled development (W-2)

EAST Residential agriculture use – Zoned R-A-1 and W-2

SOUTH Former Sunny Cal Egg Ranch – anticipated to transition to residential use

WEST City of Calimesa – residential agriculture – Zoned Residential low (2-4 units per acre) and Residential low medium (4-7 units per acre)

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

The extension of service to the site will require the installation of water and sewer facilities as described in the Water Supply Assessment attached as a part of the Plan for Services and included in the Environmental Impact Report evaluation conducted by the County of Riverside as a part of the development application.

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☐ If YES, please identify.

There is an existing out-of-agency service contract with the Yucaipa Valley Water District to extend potable water, recycled water and sewer service pursuant to the contract dated August 3, 2021 and reviewed by the Riverside Local Agency Formation Commission.

7. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

8. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

9. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☐ If YES, please identify.

There is an existing out-of-agency service contract with the Yucaipa Valley Water District to extend potable water, recycled water and sewer service pursuant to the contract dated August 3, 2021 and reviewed by the Riverside Local Agency Formation Commission.

10. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☐ If YES, please explain.

No.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Brian Rupp, Executive Vice President TELEPHONE NO. (949) 395-6493

ADDRESS: I-10 Logistics Owner LLC, 2 Park Plaza, Suite 700, Irvine, Ca 92614

NAME David Graves, Vice-President of Development TELEPHONE NO. (949) 395-6493

ADDRESS: I-10 Logistics Owner LLC, 2 Park Plaza, Suite 700, Irvine, Ca 92614

NAME Joe Zoba, General Manager TELEPHONE NO. (909) 795-5117

ADDRESS: Yucaipa Valley Water District, 12770 2nd Street, Yucaipa CA 92399

CERTIFICATION

As a part of this application, the City/Town of _____, or the Yucaipa Valley Water District District/Agency, I-10 Logistics Owner, LLC (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees,

(FOR LAFCO USE ONLY)


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.

As the person signing this application, I 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 and/or the real party in interest 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 supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE October 21, 2021



SIGNATURE

I-10 Logistics Owner, LLC, Representative Brian Rupp

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Executive Vice-President Real Estate

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☐ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

KRM-Rev. 8/19/2015

REVISED

REVISED SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO

DETACHED FROM

Yucaipa Valley Water District

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

- a. Has pre-zoning been completed? YES ☐ NO ☐
 b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

Not Applicable

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?
 YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

Not Applicable

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

No

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

No

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

Not Applicable

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

Water and sewer utilities to be extended for a commercial development, no residential use
Included in project so no assistance for the County of Riverside in meeting its regional housing
needs

8. **PLAN FOR SERVICES: SEE ATTACHED CERTIFIED PLAN FOR SERVICE**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the City/Town of _____, or the _____ District/Agency, I-10 Logistics Owner, LLC (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of _____ or the Yucaipa Valley Water District, District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE October 21, 2021



SIGNATURE

I-10 Logistics Owner, LLC Brian Rupp

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Executive Vice-President Real Estate

Title and Affiliation (if applicable)

REVISED
SAN BERNARDINO LAFCO
APPLICATION AND PRELIMINARY
ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Annexation to the Yucaipa Valley Water District

2. NAME OF APPLICANT: I-10 Logistics Owner LLC
APPLICANT TYPE: ☐ Landowner ☐ Local Agency
☐ Registered Voter ☐ Other _____
MAILING ADDRESS:
2 Park Plaza, Suite 700, Irvine CA 92614

PHONE: (949) 231-5068 _____
FAX: () _____
E-MAIL ADDRESS: brupp@shopoff.com

3. GENERAL LOCATION OF PROPOSAL: The project proposes the annexation of 246.24 +/- acres generally located north of Cherry Valley Blvd., east of a combination of parcel lines and Roberts Street, south of parcels lines and west of Canyon Watershed Court. The majority of the site is within unincorporated Riverside County (APNs 407220019 and 407220018) with the westerly portion (APN 413270022) within the City of Calimesa.
4. Does the application possess 100% written consent of each landowner in the subject territory?
YES ☐ NO ☐ If YES, provide written authorization for change.
5. Indicate the reason(s) that the proposed action has been requested. The project, I-10 Logistics Gateway, anticipates the development of two industrial buildings totaling 1.85 million square feet which require potable water, recycled water, and sewer services from the district.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):

246.24 +/-acres

2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
None

3. Approximate current population within area: None

4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):

The westerly parcel of 22.24-acres (APN 413270022) is within the City of Calimesa and is zoned RL, rural living

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

The easterly 224 acres, within unincorporated Riverside County (APNs 407220019 and 407220018), has a General Plan designation of Rural Mountainous Open Space Recreation (OS-R), Public Facility (PF) and Light Industrial (LI). In addition, it has a zoning designation of Industrial Park (I-P).

5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:

6. Indicate the existing use of the subject territory.

The existing use is vacant land

What is the proposed land use?

Proposed use for unincorporated territory is the development of two industrial buildings encompassing approximately 1,823,760 square feet of space, public facilities proposed to house water tanks for the Yucaipa Valley Water District, and approximately 74.8 acres of open space.

7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? ☒ YES ☐ NO If YES, please explain.

No

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: <u>No</u> | |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

The annexation of the territory to the Yucaipa Valley Water District for the extension of potable water, recycled water and sewer service will not negatively impact any persons or cultures. The district continually monitors and plans for the service needs within its boundaries to assure that all segments of the population are fairly served.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The project site is currently under development with grading completed. The southern and central portion of the property consist of a broad, sloping terrain with steep ridges and canyons occurring on the northern half of the annexation area. The northern portion of the annexation area is characterized by hilly topography with narrow ridgelines, steep flanks and narrow valleys that trend from the northeast to the southwest. The southern portion of the annexation area is relatively flat with subdued ridgelines that trend west-southwest and merge into a flat alluvial plane that trends east-west. The southern portion of the annexation site was previously used for cultivated agriculture. Elevations on the site range from 2,400 to 2,690 feet above mean sea level.

2. Describe any existing improvements on the subject territory as % of total area.

Residential _____ %	Agricultural _____ %
Commercial _____ %	Vacant <u>100</u> %
Industrial _____ %	Other _____ %

3. Describe the surrounding land uses:

NORTH Primarily vacant with some scattered residential farming use; area is zoned residential agriculture (R-A-1) and controlled development (W-2)

EAST Residential agriculture use – Zoned R-A-1 and W-2

SOUTH Former Sunny Cal Egg Ranch – anticipated to transition to residential use

WEST City of Calimesa – residential agriculture – Zoned Residential low (2-4 units per acre) and Residential low medium (4-7 units per acre)

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

The extension of service to the site will require the installation of water and sewer facilities as described in the Water Supply Assessment attached as a part of the Plan for Services and included in the Environmental Impact Report evaluation conducted by the County of Riverside as a part of the development application.

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☐ If YES, please identify.

There is an existing out-of-agency service contract with the Yucaipa Valley Water District to extend potable water, recycled water and sewer service pursuant to the contract dated August 3, 2021 and reviewed by the Riverside Local Agency Formation Commission.

7. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

8. Will service extensions accomplished by this proposal induce growth on this site? YES ☐
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

The services to be extended are those required for the development of the two high cube warehouses known as the Interstate 10 Gateway Center Project approved by the County of Riverside.

9. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐ NO ☐ If YES, please identify.

There is an existing out-of-agency service contract with the Yucaipa Valley Water District to extend potable water, recycled water and sewer service pursuant to the contract dated August 3, 2021 and reviewed by the Riverside Local Agency Formation Commission..

10. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☐ If YES, please explain.

No.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Brian Rupp, Executive Vice President TELEPHONE NO. (949) 395-6493

ADDRESS: I-10 Logistics Owner LLC, 2 Park Plaza, Suite 700, Irvine, Ca 92614

NAME David Graves, Vice-President of Development TELEPHONE NO. (949) 395-6493

ADDRESS: I-10 Logistics Owner LLC, 2 Park Plaza, Suite 700, Irvine, Ca 92614

NAME Joe Zoba, General Manager TELEPHONE NO. (909) 795-5117

ADDRESS: Yucaipa Valley Water District, 12770 2nd Street, Yucaipa CA 92399

CERTIFICATION

As a part of this application, the City/Town of _____, or the Yucaipa Valley Water District District/Agency, I-10 Logistics Owner, LLC (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) 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.

As the person signing this application, I 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 and/or the real party in interest 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 supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE October 21, 2021



SIGNATURE

I-10 Logistics Owner, LLC, Representative Brian Rupp

Printed Name of Applicant or Real Property in Interest
(Landowner/Registered Voter of the Application Subject Property)

Executive Vice-President Real Estate

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☐ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT



Yucaipa Valley Water District

12770 SECOND STREET, YUCAIPA, CALIFORNIA 92399

TELEPHONE (909) 797-5117

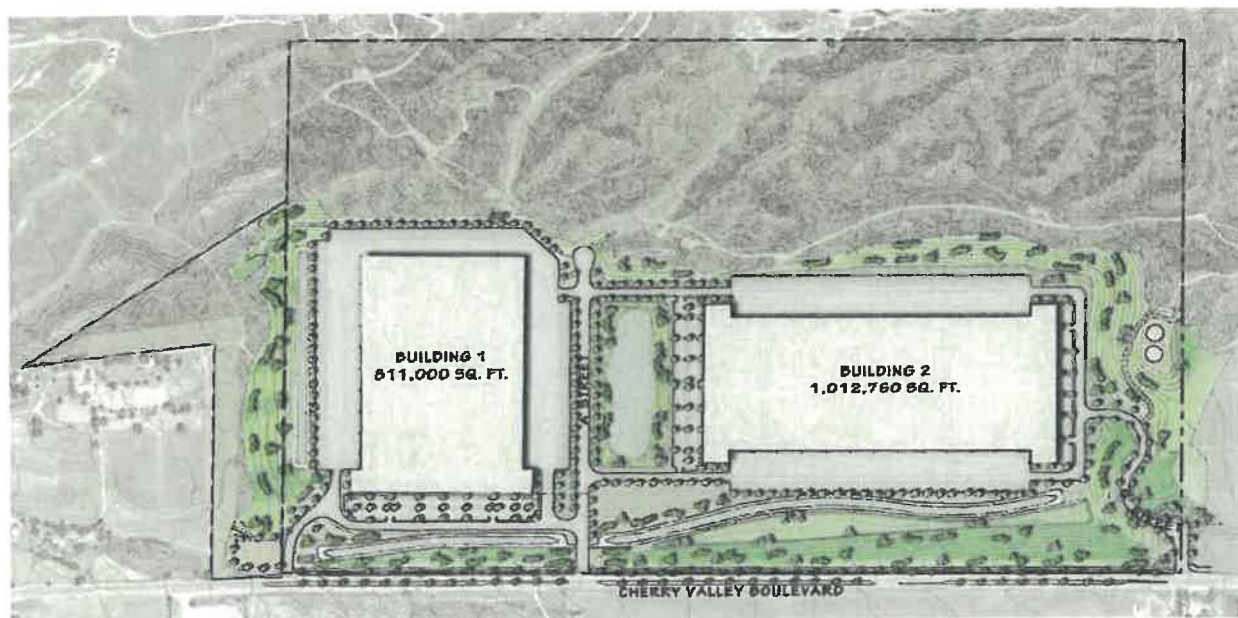
FAX (909) 797-6381

San Bernardino Local Agency Formation Commission Plan of Service – San Gorgonio Crossing (I-10 Logistics) Project (Assessor's Parcel Numbers 407-220-018, 407-220-019, and 413-270-022) December 15, 2021

The Yucaipa Valley County Water District was formed on September 14, 1971, under California Water Code Section 30000 to provide water and wastewater services to the Yucaipa Valley. The Yucaipa Valley is defined as the area including the City of Yucaipa and the City of Calimesa. Specifically, the Yucaipa Valley Water District (the District), acting as an efficient and effective self-governing special district, provides the following services:

- Drinking water supply, treatment and distribution;
- Recycled water supply and distribution;
- Sewer collection and treatment; and
- Brineline operation and mineral disposal.

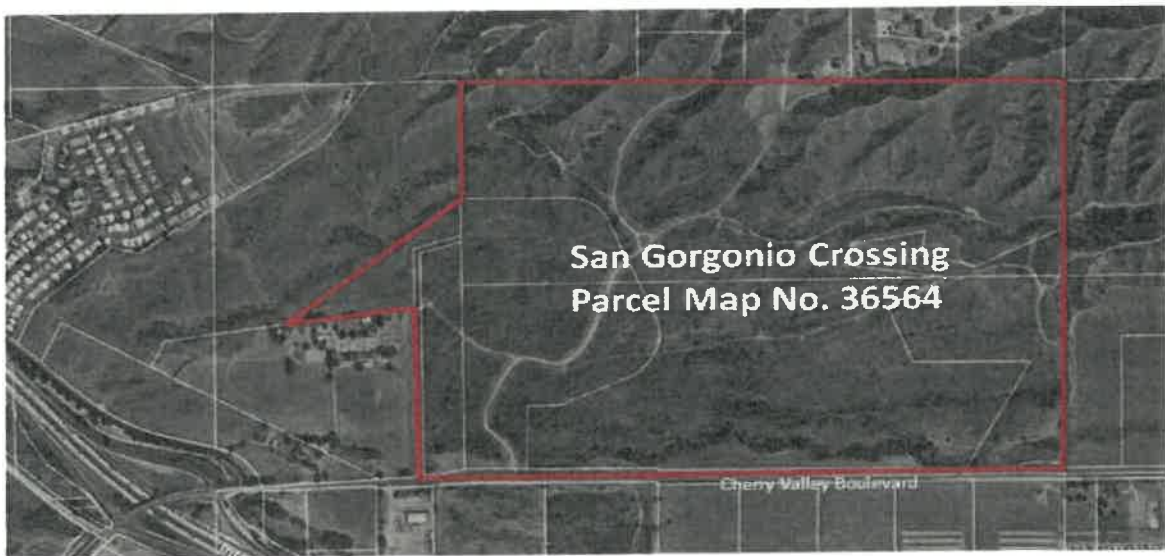
The District has been requested to prepare a Plan for Service for the annexation of approximately 246 acres adjacent to the Yucaipa Valley Water District's service area on Cherry Valley Boulevard as a portion of N ½ Section 30, T2S, R1W as shown below.



On May 25, 2021, the Yucaipa Valley Water District Board of Directors adopted Resolution No. 2021-25 requesting the Local Agency Formation Commission take proceedings for the annexation of territory specifically including Assessor's Parcel Numbers 407-220-018, 407-220-019, and 413-270-022 located in Riverside County and attached as Exhibit A (see page 9 of 54).

Furthermore, the Yucaipa Valley Water District provides the following information pursuant to Government Code Section 56653.

1. **Provide a description of the level and range of each service to be provided to the affected territory.**

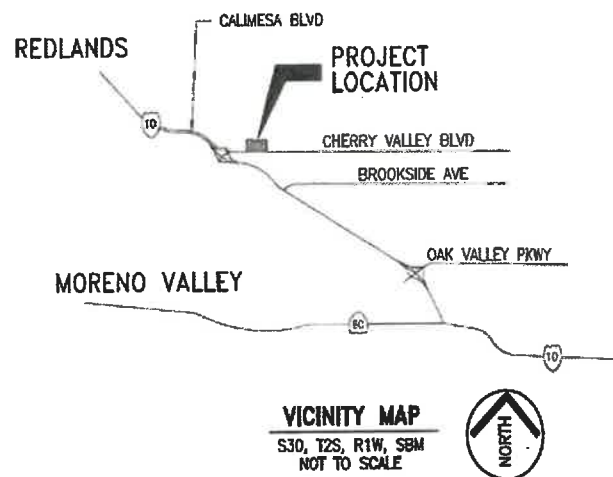


Parcel Map No. 36564 (Exhibit B - see page 12 of 54) is currently within the unincorporated territory of the County of Riverside, State of California, and the sphere of influence of the Yucaipa Valley Water District (see Exhibit C - see page 13 of 54). The currently undeveloped property has been approved for the construction of two proposed industrial buildings (the Project) as the San Gorgonio Crossing Project by I-10 Logistics.

The Yucaipa Valley Water District has reviewed design drawings for the installation of drinking water, recycled water, and sewer infrastructure to meet the needs of the Project as described below.

Drinking Water Infrastructure

The proposed Project will require the installation of approximately 6,340 linear feet of 24-inch ductile iron water conveyance pipeline which will be constructed from existing District



drinking water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "A" Street. Approximately 1,500 linear feet of 12-inch ductile iron drinking water conveyance pipeline will be constructed connecting to the 24-inch ductile iron pipeline then north on "A" Street to an agreed termination point within the Project.

Recycled Water Infrastructure

Approximately 9,170 linear feet of 24-inch ductile iron water conveyance pipeline will be constructed from existing District recycled water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "B" Street. Approximately 225 linear feet of 24-inch ductile iron drinking water conveyance pipeline shall be constructed connecting to the 24-inch ductile iron pipeline then north on "B" Street to an agreed termination point within the Project.

Sewer Infrastructure

Approximately 9,210 linear feet of 8-inch vitrified clay pipe (VCP) will be constructed from existing District sewer facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to the eastern Project parcel boundary. Onsite sewer mainlines will enter the Project on the western portion of the property to provide sewer service to both industrial buildings.

2. Provide an indication of when the service can be feasibly extended to the affected territory.

The Yucaipa Valley Water District understands that the proposed drinking water, recycled water, and sewer infrastructure required for the Project is scheduled to be completed by the first quarter of calendar year 2022.

The Yucaipa Valley Water District has sufficient capacity in the existing drinking water source of supply (wells and treatment facilities); drinking water storage system; recycled water system, and sewer treatment plant to support the Project.

3. Provide an identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.

See Question 1 above.

4. Provide the estimated cost of extending the service and a description of how the service or required improvements will be financed. A discussion of the sufficiency of revenues for anticipated services extensions and operations is also required.

The proposed drinking water, recycled water, and sewer facilities required to support the Project will be constructed by the property owner pursuant to a development agreement with the Yucaipa Valley Water District.

The routine cost for services is provided below:

- Annual Drinking Water Charges for Building 1 is \$7,079.76:
 - Tier Commodity - \$3,971.28
 - Water Service Charge - \$1,055.34
 - Supplemental Water Charge - \$928.86
 - Excess Drinking Commodity Charge - \$381.88
 - Water Infrastructure Replacement Fee - \$742.40
- Annual Sewer Charges for Building 1 is \$2,847.49
- The same annual costs would apply to Building 2.
- Recycled water will be used for the irrigation on the property. However, in order to provide recycled water the District and the property owner need to complete the approval process with the State Water Resources Control Board, Division of Drinking Water. The District staff has estimated the annual recycled water costs to be \$7,440.36.

A five-year fiscal analysis is provided below for the drinking water and sewer divisions of the Yucaipa Valley Water District.

Yucaipa Valley Water District
Water System Fund
Projected Operating Results table

<i>Period Ending June 30</i>	2022	2023	2024	2025	2026
Revenues					
Water Sales - Consumption	5,940,677	6,020,138	6,112,097	6,207,933	6,303,417
Water Sales - Excess Consumption	587,062	629,061	665,198	705,711	707,034
Water Sales - Demand Charge	4,017,585	4,177,749	4,340,313	4,505,277	4,574,270
Water Sales - Other	1,854,420	1,918,522	1,983,968	2,050,821	2,119,144
Grant	75,000	-	-	-	-
Interest Income	25,000	25,000	25,000	50,000	50,000
Infrastructure replacement fund	1,399,377	1,719,019	2,111,222	2,619,684	2,620,737
1% Property Tax Revenues	3,346,943	3,296,675	3,437,844	3,584,736	3,957,354
Developer fees - Capacity	900,000	900,000	900,000	900,000	900,000
Other Revenue and Income	28,002	28,004	28,006	28,008	28,010
Total Revenues	\$18,174,066	\$18,714,169	\$19,603,648	\$20,652,170	\$21,259,966
Operation and Maintenance Expenses					
Water Resources Expenses	5,500,299	5,641,036	5,786,069	5,935,541	6,089,602
Public Works Expenses	3,329,051	3,412,272	3,497,754	3,585,559	3,675,755
Administrative Expenses	3,731,711	3,814,065	3,898,344	3,984,596	4,072,870
Total Expenses	\$12,561,060	\$12,867,374	\$13,182,167	\$13,505,697	\$13,838,227

Yucaipa Valley Water District
Sewer System Fund
Projected Operating Results table

Period Ending June 30	2022	2023	2024	2025	2026
Revenues					
Sewer Charges for Services	12,736,764	13,072,350	13,415,731	13,767,077	14,126,563
Interest Earned	104,040	106,121	108,243	110,408	112,616
Capacity Fees	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Property Tax - Secured	371,883	387,844	202,226	210,867	439,706
Revenue - Misc Non-Operating	2,601	2,653	2,706	2,760	2,815
Total Revenue	\$14,415,288	\$14,768,968	\$14,928,906	\$15,291,112	\$15,881,700
Operation and Maintenance Expense					
Treatment Expenses	4,405,728	4,505,526	4,607,722	4,712,376	4,819,552
Administrative Expenses	2,961,784	3,028,740	3,097,312	3,167,543	3,239,476
Environmental Control Expenses	1,366,723	1,384,492	1,402,598	1,421,049	1,439,851
Total Expenses	\$8,734,235	\$8,918,758	\$9,107,632	\$9,300,968	\$9,498,879

5. **Provide an indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.**

The subject property will not be annexed to an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.

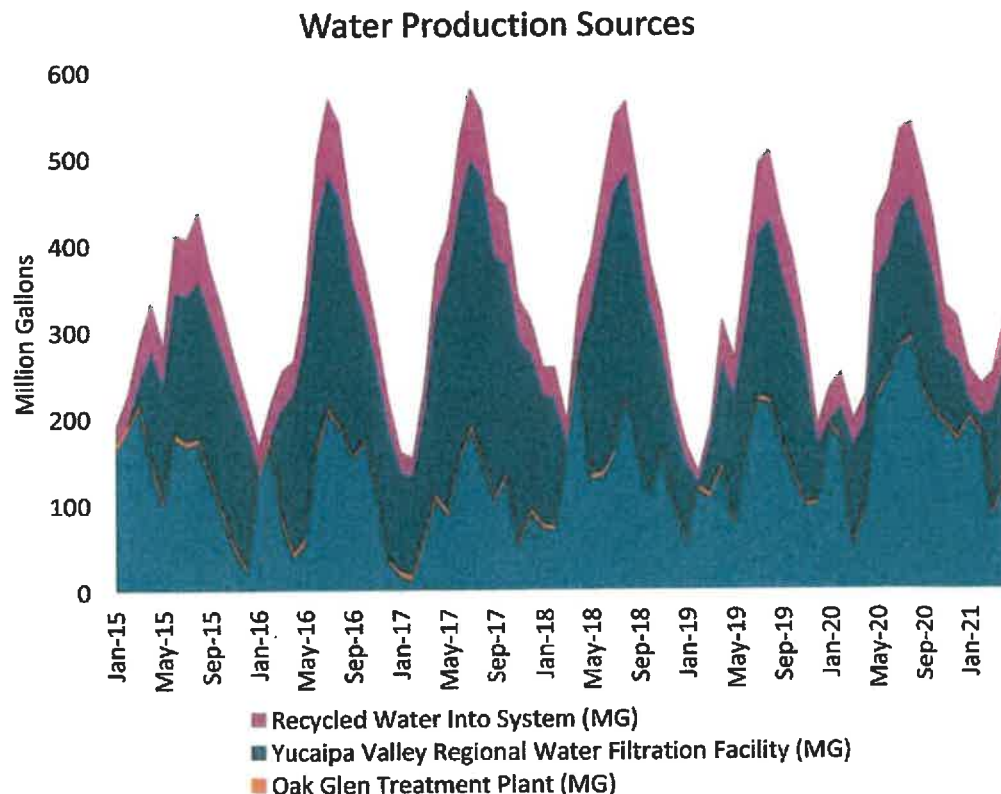
6. **If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).**

The Yucaipa Valley Water District recognizes the importance of close coordination and consultation between California's water supply or management agencies and California's land use approval agencies to ensure that proper water supply and management planning occurs to accommodate projects that will result in increased demands on water supplies or impact water resource management. As such, on October 16, 2013, the Yucaipa Valley Water District Board of Directors approved Resolution No. 2013-12 adopting a Water Supply Assessment and Written Verification of Supply for the Interstate 10 Gateway Center Project (see Exhibit D - see page 16 of 54). The District recognized the importance of maximizing the use of recycled water for all non-potable water uses for the Project which complies with the purpose and intent of Government Code Section 65352.5 as provided below.

- The Yucaipa Valley Water District participated with other retail and wholesale water agencies to prepare the 2015 San Bernardino Valley Regional Urban Water Management Plan (<https://www.sbvwmwd.com/home/showdocument?id=4196>) The District is currently working with the same group of stakeholders to prepare the 2020 Regional Urban Water Management Plan and Integrated Regional Water Management Plan (see Exhibit E - page 17 of 53) that is expected to be adopted before June 30, 2021.

- The current version of the Yucaipa Valley Water District's Capital Improvement Program or plan, as reported pursuant to Section 31144.73 of the Water Code is provided as Chapter 5 of the Operating Budget and Capital Improvement Program for Fiscal Year 2021
(<http://documents.yvwd.dst.ca.us/financial//budget/FY2021/yvwdbudget.pdf>)
- The Yucaipa Valley Water District YVWD relies on three primary water sources to meet annual water demands: groundwater resources, imported water resources, local surface water resources, and recycled water. The District's drinking water supply consists primarily of groundwater pumped from seventeen wells located throughout the District's service area. In 2020, these wells provided about 62.7 percent of the total drinking water supply. Imported water treated at the Yucaipa Valley Regional Water Filtration Facility (YVWRFF) provided 35.8 percent of the drinking water supply. Surface water treated at the Oak Glen Surface Water Treatment Plant provided the remaining 1.5 percent of the drinking water supply. In addition to the drinking water supplies, YVWD produces recycled water at the Wochholz Regional Water Recycling Facility (WRWRF). Also added to the recycled distribution system is the microfiltration backwash produced at YVWRFF. These two recycled water sources produced enough non-potable water to meet 16.5 percent of the District's total water demand in 2020, thereby reducing the overall potable water use by 2,234.48 AF.

The quantity of water produced from each source discussed above is shown in the illustration below.



Additional information about the District is available for review in the attachments (see Exhibit F - page 47 of 54)

- The Yucaipa Valley Water District serves a population of about 51,000 people. About 20,252 equivalent dwelling units receive drinking water and about 23,550 equivalent dwelling units receive sewer service.

The table below shows the reduction in water demand anticipated by each customer class over the next twenty years.

Use Type	Number of Dwelling Units	Projected Water Use (Acre Feet)			
		2025	2030	2035	2040
Single Family	13,607	8,018	7,537	7,085	6,660
Multi-Family	5,267	1,068	1,004	944	887
Commercial	652	264	248	233	219
Construction Water	29	32	30	28	27
Industrial	17	34	32	30	28
Institutional/Governmental	418	297	279	262	246
Landscape	262	274	258	242	228
Sales/Transfers/Exchanges to other Suppliers	1	2,000	2,000	2,000	2,000
Losses	non-revenue	671	638	606	577
TOTAL		12,658	12,026	11,430	10,872

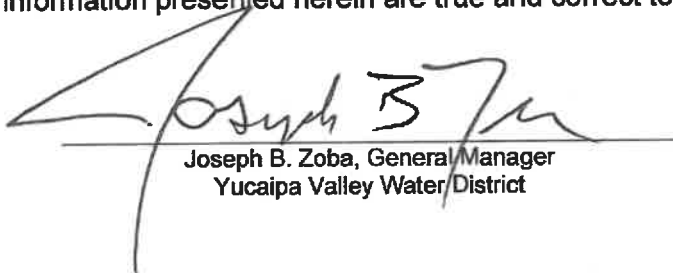
- On August 20, 2008, the Board of Directors adopted [A Strategic Plan for a Sustainable Future - The Integration and Preservation of Resources](#). The development of this document was based upon suggestions from the board members, staff, the public and interested stakeholders. We appreciate the constructive feedback we received to begin our journey of a sustainable future for our community.
- The Yucaipa Valley Water District is currently active in the management of local groundwater basins. Specifically, the Yucaipa Valley Water District participates in the Groundwater Advisory Council for the Bunker Hill Basin; the Yucaipa Sustainable Groundwater Management Agency for the Yucaipa Basin, the San Timoteo Sustainable Groundwater Management Agency for the San Timoteo Basin, and the Beaumont Basin Watermaster for the Beaumont Basin. Each agency collectively monitors and manages the groundwater resources in the region.

Attachments and Additional Information:

- Exhibit A - Resolution No. 2021-25 (Page 9 of 54)
- Exhibit B - Illustration of Parcel Map No. 36564 (Page 12 of 54)
- Exhibit C - Plat and Legal Description (Page 13 of 54)
- Exhibit D - Resolution No. 2013-12 (Page 16 of 54)
- Exhibit E - 2020 Regional Urban Water Management Plan (Page 18 of 54)
- Exhibit F - Facts About Yucaipa Valley Water District (Page 47 of 54)

Certification

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability and that the facts, statements and information presented herein are true and correct to the best of my knowledge and belief.



Joseph B. Zoba, General Manager
Yucaipa Valley Water District

December 15, 2021

Date

Exhibit A - Resolution No. 2021-25

RESOLUTION NO. 2021-25

**A RESOLUTION OF THE YUCAIPA VALLEY WATER DISTRICT
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TAKE
PROCEEDINGS FOR THE ANNEXATION OF TERRITORY
(ASSESSOR'S PARCEL NUMBERS 407-220-018,
407-220-019, and 413-270-022)**

BE IT RESOLVED, by the Board of Directors of the Yucaipa Valley Water that:

WHEREAS, the Board of Directors of the Yucaipa Valley Water District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of property to the Yucaipa Valley Water District; and,

WHEREAS, the territory proposed for annexation is set forth in Exhibit "A" attached hereto, and by this reference incorporated herein; and,

WHEREAS, the proposed annexation is consistent with the sphere of influence assigned by the Local Agency Formation Commission for the Yucaipa Valley Water District; and,

WHEREAS, the Yucaipa Valley Water District desires that the proposed annexation be subject to the following terms and conditions:

1. Drinking water, sewer and recycled water service shall be provided to the subject property pursuant to the rules and regulations of the Yucaipa Valley Water District.
2. All standards terms and conditions imposed by the Local Agency Formation Commission.
3. The owner(s) of the property shall be responsible for all costs incurred by the Yucaipa Valley Water District and the Local Agency Formation Commission pertaining to this annexation.

WHEREAS, the reason for the proposed annexation is to provide drinking water, recycled water, and sewer service to the anticipated development of the subject property.

NOW, THEREFORE, BE IT RESOLVED, that this resolution of Application is hereby approved and adopted by the Board of Directors of the Yucaipa Valley Water District, and the Local Agency Formation Commission for San Bernardino County is hereby requested to take proceedings for the annexation as described in Exhibit "A", in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as follows:

- Section 1. This Resolution of Application is hereby adopted and approved by the Board of Directors of the Yucaipa Valley Water District, and the Local Agency Formation Commission for San Bernardino County is hereby requested to take proceedings for the annexation of territory as described above, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 2. The Yucaipa Valley Water District acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

Section 3. The General Manager of the Yucaipa Valley Water District is hereby directed and authorized to execute, on behalf of the District, the justification for proposal and supplemental form for the annexation which includes the preparation and certifying of the Plan for Service and Fiscal Impact Analysis, copies of which are on file in the District office.

BE IT FURTHER RESOLVED that the Secretary of the Yucaipa Valley Water District is hereby authorized and directed to transmit to the Executive Officer of the Local Agency Formation Commission a certified copy of this Resolution.

PASSED, APPROVED and ADOPTED this 25th day of May 2021.

YUCAIPA VALLEY WATER DISTRICT


Chris Mann, President Board of Directors

ATTEST:

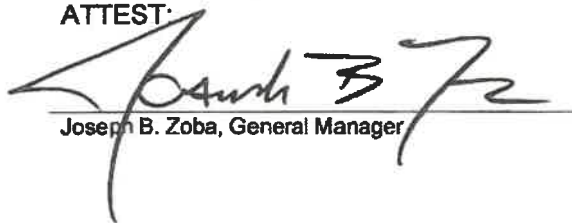

Joseph B. Zoba, General Manager

Exhibit "A"

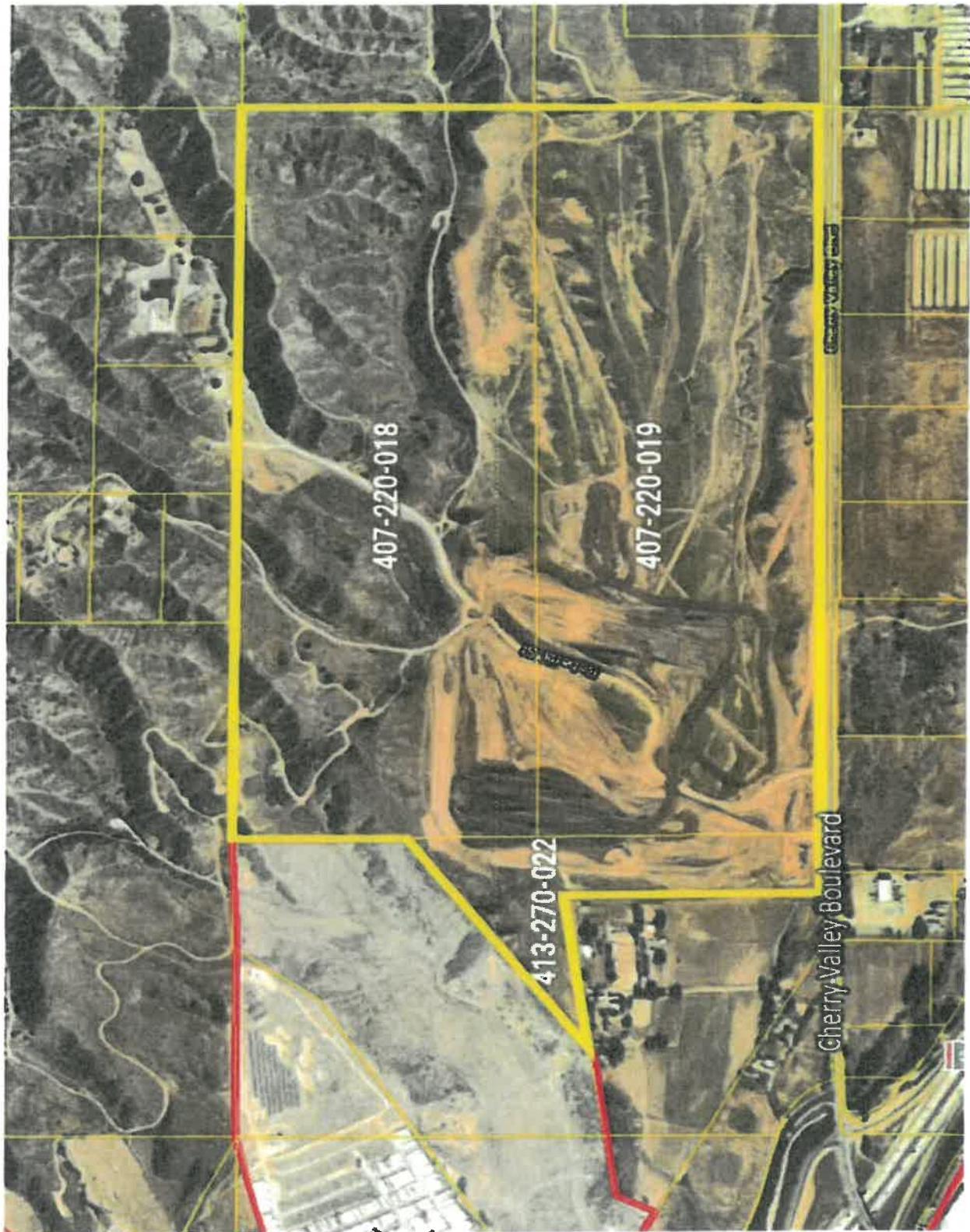


Exhibit B - Parcel Map No. 36564

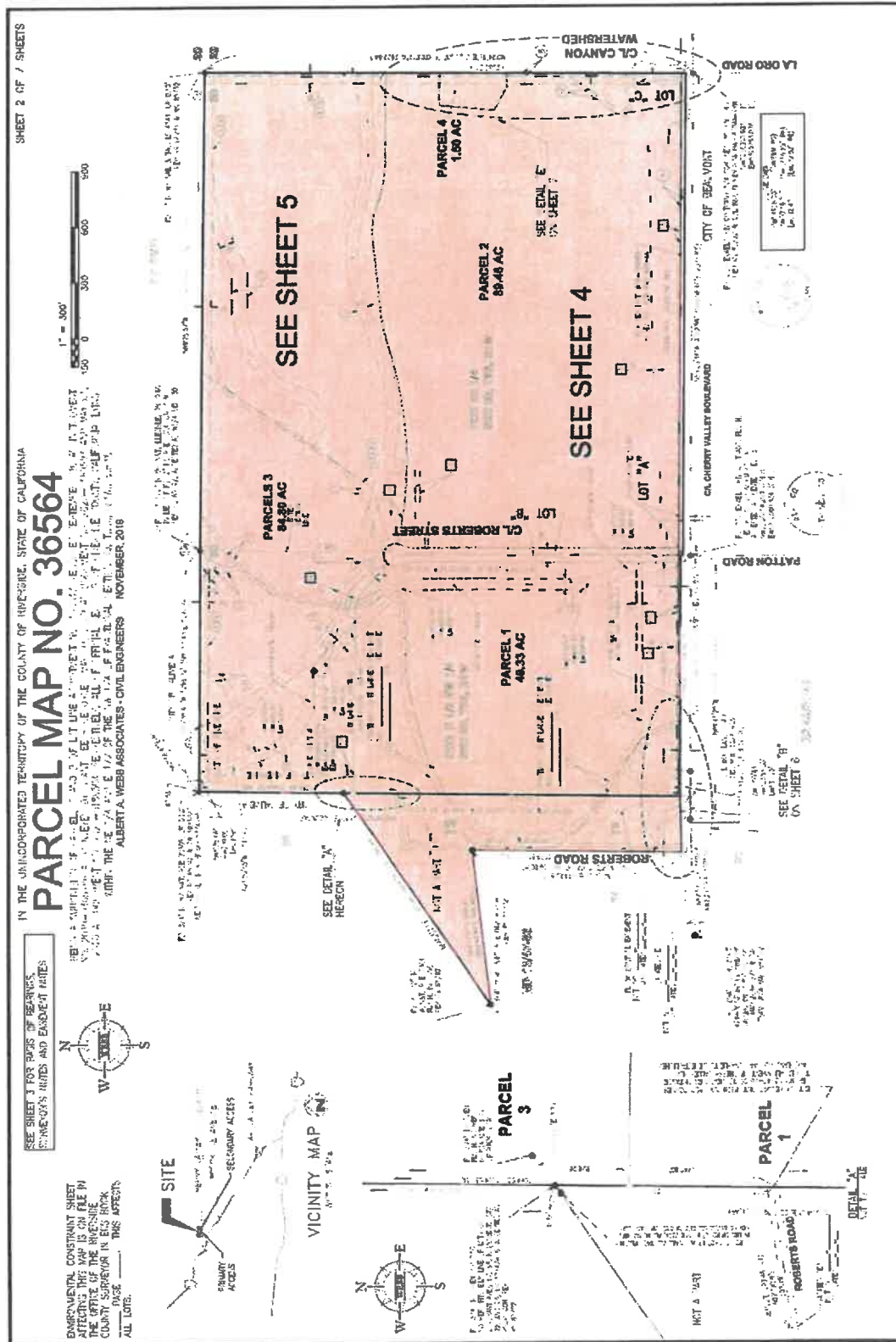
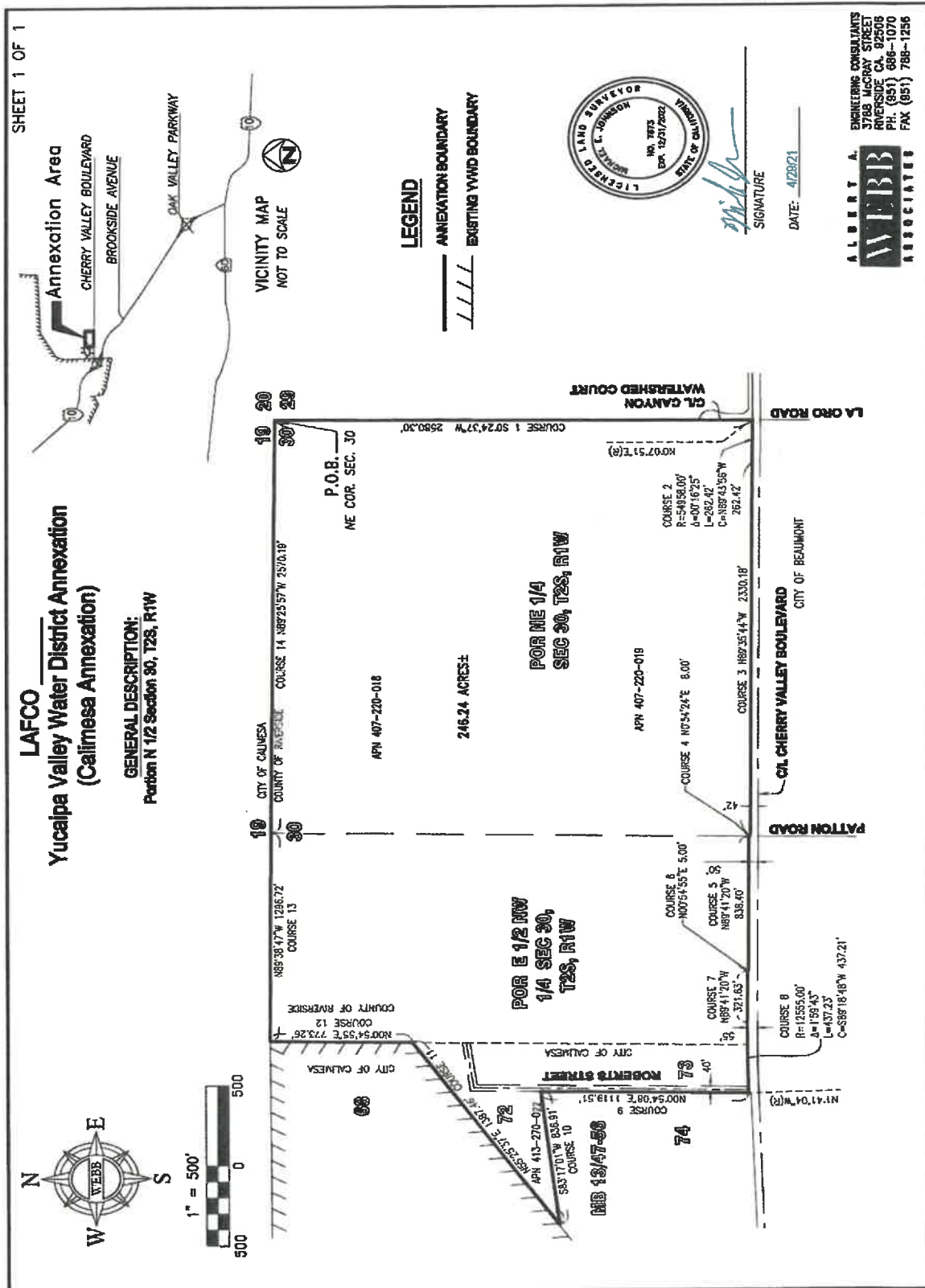


Exhibit C - Plat and Legal Description



PM 36564
LEGAL DESCRIPTION

THOSE PORTIONS OF PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT NO. 190013 RECORDED SEPTEMBER 18, 2019 AS INSTRUMENT NO. 2019-0365786, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA LYING WITHIN THE NORTH ONE-HALF OF FRACTIONAL SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 30;

THENCE SOUTH $0^{\circ}24'37''$ WEST ALONG THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 2558.93 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL AND DISTANT NORTHERLY 64.00 FEET, MEASURED AT A RIGHT ANGLE, TO THE CENTERLINE OF CHERRY VALLEY BOULEVARD AS SHOWN ON RIVERSIDE COUNTY RIGHT OF WAY MAP 828-AA, RECORDS OF SAID RIVERSIDE COUNTY;

THENCE ALONG SAID PARALLEL LINE NORTH $89^{\circ}35'44''$ WEST, A DISTANCE OF 2592.40 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30;

THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH $89^{\circ}41'20''$ WEST, A DISTANCE OF 1160.12 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 12564.00 FEET;

THENCE WESTERLY ALONG SAID PARALLEL LINE AND SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $0^{\circ}37'29''$, AN ARC DISTANCE OF 137.01 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF BLOCK 4 OF KADOTA-CITY-FIG-GROVES, KADOTA-CITY ON FILE IN BOOK 13 OF MAPS AT PAGES 47 THROUGH 56, INCLUSIVE THEREOF, SAID RECORDS OF RIVERSIDE COUNTY;

THENCE NORTH $00^{\circ}54'55''$ EAST ALONG SAID EAST LINE OF BLOCK 4, A DISTANCE OF 2568.06 FEET TO THE NORTHEAST CORNER THEREOF, SAID CORNER BEING ON THE NORTH LINE OF SAID SECTION 30;

THENCE SOUTH $89^{\circ}38'47''$ EAST ALONG SAID NORTH LINE, A DISTANCE OF 1296.72 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 30;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°25'57" EAST, A DISTANCE OF 2570.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 228.27 ACRES, MORE OR LESS.



Michael E. Johnson, L.S. 7673

01/27/21

Date



Exhibit D - Resolution No. 2013-12

RESOLUTION NO. 2013-12

A RESOLUTION OF THE YUCAIPA VALLEY WATER DISTRICT ADOPTING THE WATER SUPPLY ASSESSMENT AND WRITTEN VERIFICATION OF SUPPLY FOR THE INTERSTATE 10 GATEWAY CENTER PROJECT

WHEREAS, the members of the Upper Santa Ana Water Resources Association formed a Technical Advisory Group in 2005 for the purpose of preparing an Integrated Regional Water Management Plan for the upper Santa Ana River watershed; and

WHEREAS, on April 16, 2006, the Yucaipa Valley Water District adopted Resolution No. 06-2008 adopting the Upper Santa Ana River Watershed Integrated Regional Water Management Plan; and

WHEREAS, The California Urban Water Management Planning Act, Water Code Section 10610 et. seq. (the Act), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, prepare an Urban Water Management Plan (Plan); and

WHEREAS, as authorized by Water Code section 10620(e), the Yucaipa Valley Water District prepared a 2010 Yucaipa Valley Water District Urban Water Management Plan, and in cooperation with other governmental agencies, has utilized and relied upon industry standards and the expertise of industry professionals in preparing the 2010 Yucaipa Valley Water District Urban Water Management Plan, and has also utilized the California Department of Water Resources Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan (March 2011) and the California Department of Water Resources Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use (For the Consistent Implementation of the Water Conservation Act of 2009) (February 2011) in preparing the 2010 Yucaipa Valley Water District Urban Water Management Plan; and

WHEREAS, in accordance with applicable law, including Water Code sections 10608.26 and 10642, and Government Code section 6066, a Notice of a Public Hearing regarding Yucaipa Valley Water District adoption of the 2010 Yucaipa Valley Water District Urban Water Management Plan was published within the jurisdiction of Yucaipa Valley Water District and the Urban Water Management Plan was subsequently approved and adopted by the Board of Directors on June 15, 2011 as Resolution No. 11-2011; and

WHEREAS, pursuant to Section 10620 et seq. of the California Water Code, the Yucaipa Valley Water District prepared and adopted the 2010 San Bernardino Valley Regional Urban Water Management Plan on June 15, 2011 as Resolution No. 12-2011, and adopted an amended Plan, entitled "Amended Final 2010 San Bernardino Valley Regional Urban Water Management Plan" that was approved and adopted by the Board of Directors on November 17, 2012 as Resolution No. 15-2012, and

WHEREAS, on October 9, 2001, Governor Davis signed into law Senate Bill 221 (Kuehl) and SB 610 (Costa), effective January 1, 2002 which amends the existing requirements for confirmation of a sufficient water supply as a condition to approval of some new development projects; and

WHEREAS, water suppliers, cities and counties have duties under SB 221 and SB 610 to confirm water availability and water supplies by preparing a written Water Supply Assessment; and

WHEREAS, the Yucaipa Valley Water District has implemented a wide variety of water related projects to manage, protect and conserve our valuable natural water resources.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF YUCAIPA VALLEY WATER DISTRICT AS FOLLOWS:

SECTION 1. The General Manager is hereby authorized and directed to include a copy of this fully executed Resolution as an attachment to the Yucaipa Valley Water District's Water Supply Assessment and Written Verification of Supply for the Interstate 10 Gateway Center Project.

SECTION 2. The General Manager is hereby authorized and directed to submit copies of the Yucaipa Valley Water District's Water Supply Assessment and Written Verification of Supply for the Interstate 10 Gateway Center Project to the Project Applicant and the County of Riverside for inclusion into the environmental documentation prepared by the respective land use agency.

SECTION 3. The General Manager is hereby authorized and directed to implement the requirements of water supply sufficiency as identified throughout the Water Supply Assessment and Written Verification of Supply for the Interstate 10 Gateway Center Project.

PASSED, APPROVED and ADOPTED this 16th day of October 2013.

YUCAIPA VALLEY WATER DISTRICT


Bruce Granlund, President Board of Directors

ATTEST:

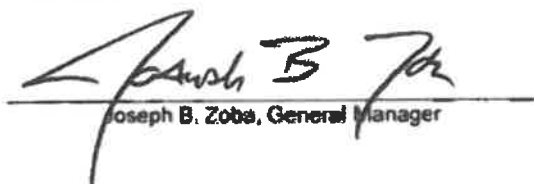

Joseph B. Zoba, General Manager

Exhibit E - 2020 Regional Urban Water Management Plan



DATE: May 20, 2021

TO: Advisory Commission on Water Policy

FROM: Adekunle Ojo, Manager of Water Resources
Matt Howard, Water Resources Senior Project Manager

SUBJECT: Consider Support for the Adoption of the 2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan (IRUWMP) and the Regional Water Shortage Contingency Plan (WSCP)

Summary

California state law requires each urban water supplier to prepare and adopt an urban water management plan (UWMP) every five (5) years. The UWMP documents the Agency's plans to ensure adequate water supplies to meet existing and future demands for water under a range of water supply conditions, including water shortages. New requirements for the 2020 UWMP's includes documenting success in complying with the 20 percent by 2020 conservation requirement of the Water Conservation Bill of 2009 (SB X7-7) and a water shortage contingency plan (WSCP) documenting Agency's plans to respond to a potential future water shortage. The UWMP's are a key component of an Integrated Regional Water Management (IRWM) Plan to ensure long-term regional water supply reliability.

At the May 20, 2021 special meeting of the Advisory Commission, staff will provide a summary of the 2020 Integrated Regional Urban Water Management Plan (IRUWMP), which is due to the California Department of Water Resources (DWR) by July 1, 2021 and includes a Regional Water Shortage Contingency Plan. The IRUWMP is a simultaneous update and combination of two existing planning documents – Upper Santa Ana River Watershed Integrated Regional Water Management Plan (IRWM Plan) and the San Bernardino Valley Regional Urban Water Management Plan (UWMP), the first time they are being combined anywhere in California.

The draft IRUWMP and WSCP are available for public review and comment until June 7 on the Valley District's website. Each participating agency will be adopting their agency chapter of the IRUWMP

through a local public hearing process between June 9 and 24; the Valley District Board of Directors will hold a public hearing to adopt the regional chapters at its regularly scheduled meeting on June 15.

Background

Valley District and 15 other agencies prepared the original Integrated Plan in 2007 pursuant to the Regional Water Management Planning Act. The Integrated Plan is a comprehensive planning document that evaluates the region's water resources and develops goals and management strategies to provide a reliable water supply for the Valley District service area; it also provides access to State funding to support and advance integrated, multi-benefit regional projects. The Integrated Plan also created the Basin Technical Advisory Committee (BTAC) to facilitate implementation and update of the Integrated Plan and to provide a forum for discussion of regional water management. The Integrated Plan was last updated in 2015 and was due for update in 2020.

In 2010, nearly all of the retail water agencies in the Valley District service area chose to create the first Regional Plan rather than develop their own individual Urban Water Management Plans (UWMP). The Regional Plan also evaluates the area's water resources and requires each retail water agency to prove that their water supply will be able to withstand a short-term or long-term drought and to show how they are meeting statewide water conservation requirements, among other things. The Regional Plan was last updated in 2015 and is updated every five years, due to DWR in years ending in 1 or 6, with the next update being due on July 1, 2021.

Rather than continue updating these overlapping documents independently, Valley District and its partners made the bold move to combine them into a single new document – the **2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan (IRUWMP)**. The vision is that the overlapping sections of the two documents can be combined to create one cohesive document that outlines the region's plans for providing a sustainable water supply while also meeting all of the requirements of both the Urban Water Management Planning Act (Division 6 Part 2.6 of the California Water Code §§10608 – 10656) and the Regional Water Management Planning Act (Division 6 Part 2.2 of the California Water Code §§10530 – 10546).

State legislation passed in 2018 established new requirements for urban water management plans, which now must include a water shortage contingency plan and drought risk assessment methodology that compares available supplies with projected water demands. Under these requirements, water suppliers must now plan for a dry period that lasts for five (5) consecutive years, an increase from the previous requirement of three (3) years. In addition to the required drought scenario, the region also chose to evaluate a 30-year drought that is realistic for our region based upon past hydrology. The

results of the RAND evaluation of regional supplies and demands has also been incorporated into the ongoing IRUWMP planning process and informs the increase in the reliability factor to 15% to help account for contingency or uncertainties.

List of Participating Agencies:

2020 IRUWMP	
IRWMP Agencies	UWMP Agencies
1. Big Bear Lake Department of Water and Power	1. City of Colton
2. Big Bear City Community Services District	2. East Valley Water District
3. East Valley Water District	3. City of Loma Linda
4. Fontana Union Water Company	4. City of Redlands
5. City of Loma Linda	5. City of Rialto
6. City of Redlands	6. Riverside Highland Water Company
7. City of Rialto	7. San Bernardino Municipal Water Department
8. City of Riverside Public Utilities Department	8. San Bernardino Valley Municipal Water District
9. San Bernardino County Flood Control District	9. South Mesa Water Company
10. San Bernardino Municipal Water Department	10. West Valley Water District
11. San Bernardino Valley Municipal Water District	11. Yucaipa Valley Water District
12. San Bernardino Valley Water Conservation District	
13. San Geronio Pass Water Agency	
14. South Mesa Water Company	
15. West Valley Water District	
16. City of Yucaipa	
17. Yucaipa Valley Water District	

The IRUWMP highlights how regional investments in a diverse water portfolio and a sustained emphasis on water use efficiency mean that the Upper Santa Ana River Watershed will continue to

have sufficient water supplies through the 2045 planning horizon – even during multiple dry years. Other major highlights of the planning efforts include:

- Long range demand forecast shows an increase in regional demands of less than 1% per year through 2045 or approximately 14% increase spread over 25 years, which is consistent with the change forecasted by other large water suppliers across the state
- Slower population growth or approximately 22% increase in population through the 2045 planning horizon
- Local supplies (groundwater, surface water, and recycled water) are sufficient to meet regional demand during normal years until at least 2040, therefore there is no urgency to secure more regional supply sources for the foreseeable future
- The value of investing in highly reliable and locally controlled supplies from the groundwater basins provides highly reliable, low-cost water
- Projected groundwater production for the San Bernardino Basin is below safe yield through 2040 and not requiring supplemental water, thereby leaving approximately 160,000 acre-feet of groundwater in storage
- State Water Project (SWP) water continues to be essential to replenish other local groundwater basins and maintain a 15% reliability factor
- Up to 140,000 acre-feet of surplus SWP water may be available during the planning horizon for storage, conjunctive use, and sale

Fiscal Impact

There is no fiscal impact associated with this item. However, the completion of the plan is key to possible state grant funding for local and regional water supply projects and conservation efforts. In addition, the IRUWMP work together with other documents to ensure the right mix of supplies and facilities to meet the region's needs at an affordable cost.

Staff Recommendation

The Advisory Commission support the adoption of 2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan (IRUWMP) and the Regional Water Shortage Contingency Plan (WSCP) by the Valley District Board of Directors

Attachment

Draft Executive Summary

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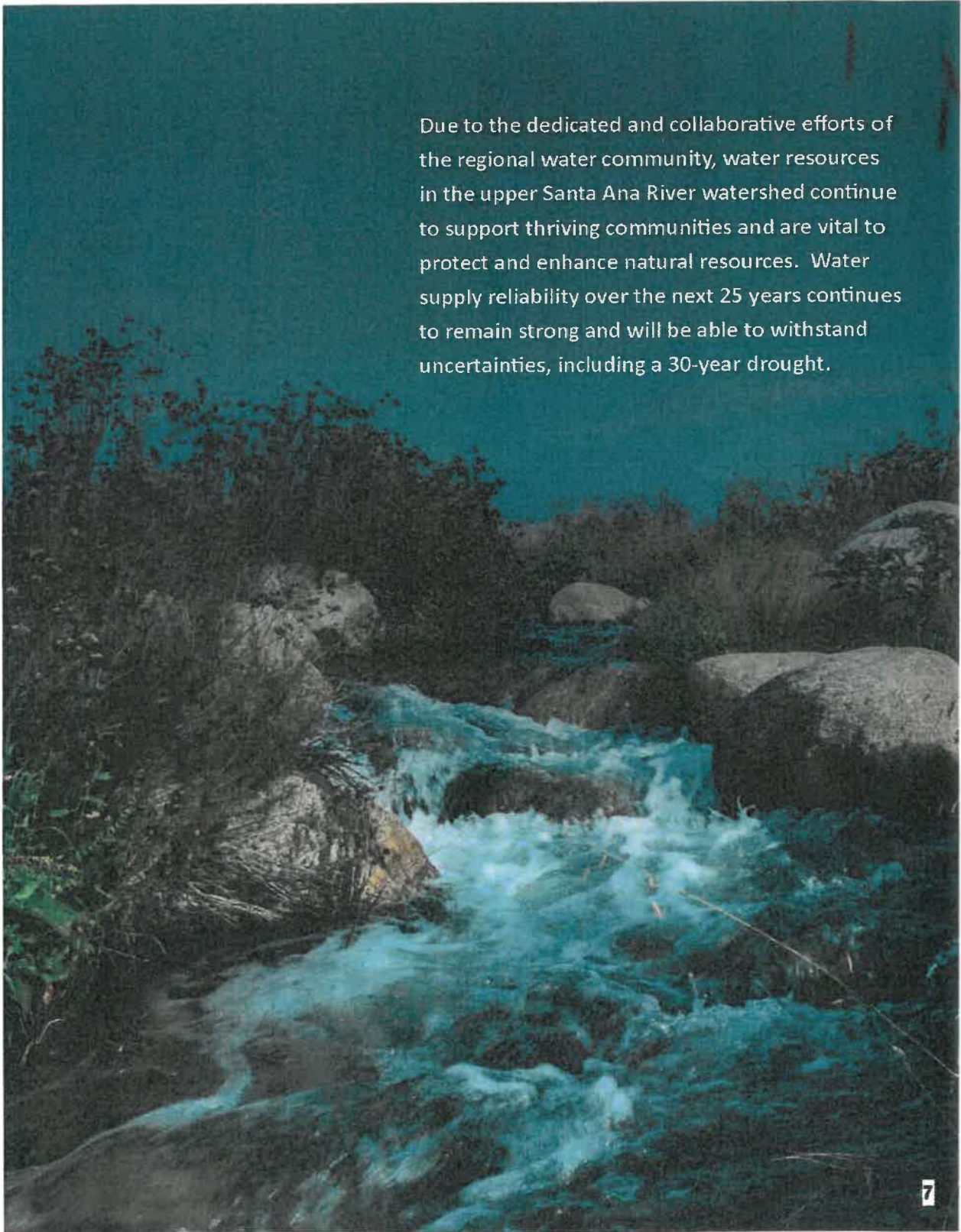


2020 EXECUTIVE SUMMARY

UPPER SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL URBAN WATER MANAGEMENT PLAN



Due to the dedicated and collaborative efforts of the regional water community, water resources in the upper Santa Ana River watershed continue to support thriving communities and are vital to protect and enhance natural resources. Water supply reliability over the next 25 years continues to remain strong and will be able to withstand uncertainties, including a 30-year drought.



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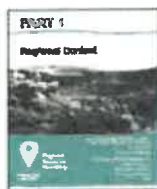
Leading the Way in Integrated Regional Water Management

The 2020 Integrated Regional Urban Water Management Plan for the Upper Santa Ana River Watershed Region sets a new standard for integrated water resources planning in California

The water management agencies within the Upper Santa Ana River (SAR) Watershed Region (Region) have a long history of collaboration to deliver regional water resource solutions. They collaborate to collect and manage water resource data and prepare multiple planning documents to meet regulatory requirements while guiding effective regional and local decision-making. Two of the Region's foundational documents are the Upper Santa Ana River Watershed Integrated

Regional Water Management Plan (IRWMP) and the San Bernardino Valley Regional Urban Water Management Plan (RUWMP). Since both documents were due to be updated for the 2020 planning cycle and considering the overlap and interdependence of these two documents, Valley District and its regional partners envisioned a consolidated document that combines these two plans, merges the common elements, and creates a cohesive water resources planning framework for the future.

This document is called the Integrated Regional Urban Water Management Plan (IRUWMP or Plan) and is the first of its kind, setting a new standard for integrated water resources planning and reporting in California.



Regional Context

Part 1 contains the information needed to meet the requirements of the IRWMP Planning Act for the Region and a portion of the UWMP Act requirements for the local agencies who are using this Plan to meet their 2020 UWMP Requirements

CONTENTS

1. Introduction
2. Region Description
3. Regional Water Sources and Management
4. Regional Water Use
5. Comparison of Regional Supplies and Demands
6. Water Management Goals, Objectives, and Strategies
7. Projects
8. Implementation, Performance and Adaptive Management



Local Agency Information

Part 2 provides supplemental information for the eleven retail agencies who are using this Plan to meet their 2020 UWMP requirements.

CONTENTS

1. San Bernardino Valley Municipal Water District
2. City of Colton
3. City of Loma Linda
4. City of Redlands
5. City of Rialto
6. East Valley Water District
7. Riverside Highland Water Company
8. San Bernardino Municipal Water Department
9. South Mesa Water Company
10. West Valley Water District
11. Yucaipa Valley Water District



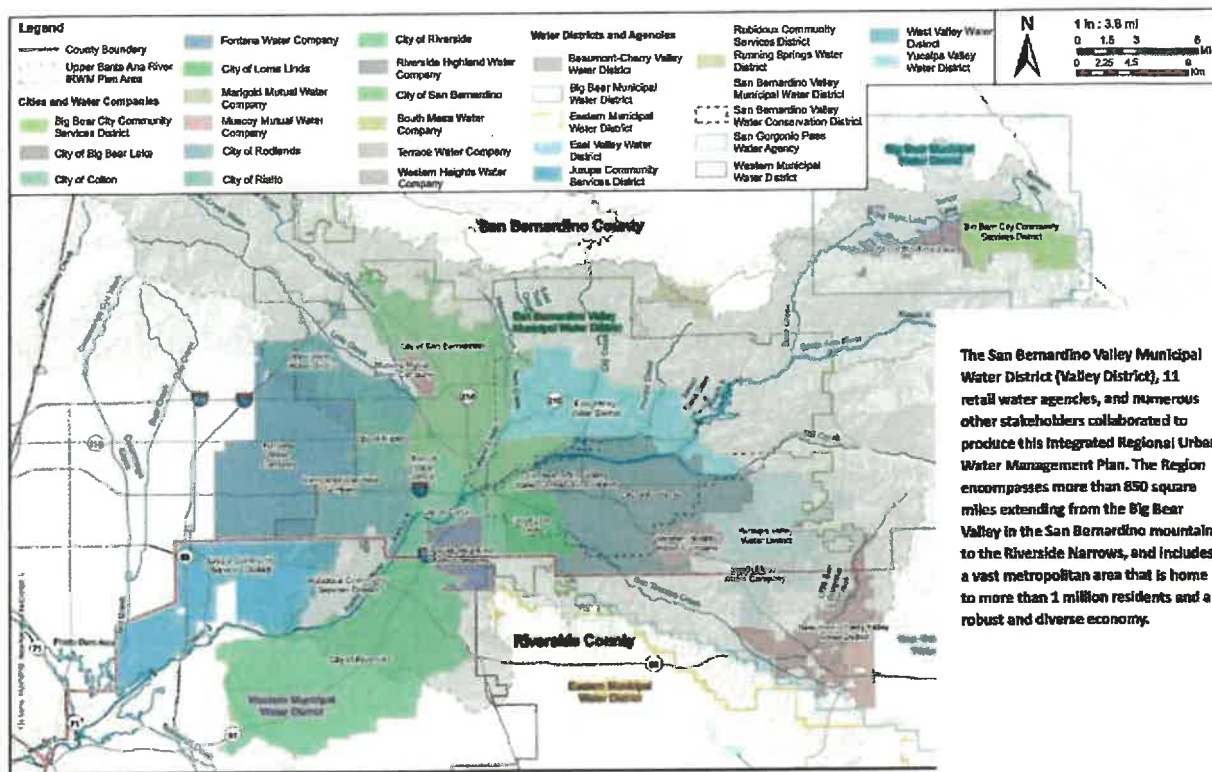
Regional Supporting Information

Part 3 includes all of the supporting documentation referenced in Part 1 that is applicable to the region as well as the regulatory compliance guide that DWR will use to verify that Part 1 meets the IRWMP requirements.



UWMP Agency Supporting Information

Part 4 includes a set of supporting documentation for each UWMP Agency corresponding to their respective chapters in Part 2. Documents will include the regulatory compliance guide that DWR will use to verify the agency has met the UWMP Act requirements, the agency's Water Shortage Contingency Plan and other documents specific to each agency



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The 2020 IRUWMP is a Foundational Part of Water Planning in the Region

The Plan integrates with many other regional and local planning efforts for planning consistency

The agencies within the Region regularly coordinate with neighboring and overlapping entities at the local, regional, and state level.

The Santa Ana Watershed Project Authority (SAWPA), a JPA comprised of San Bernardino Valley Municipal Water District, Western Municipal Water District, Inland Empire Utilities Agency, Eastern Municipal Water District and Orange County Water District, has developed an IRWM Plan for the entire SAR watershed titled the One Water One Watershed (OWOW) Plan. The OWOW Plan is a “macro-level” broad planning document that is the framework for overall water management in the watershed. This 2020 IRUWMP for the Upper SAR Region is a complementary planning process that informs the SAWPA OWOW Plan. The purpose of the Upper SAR planning process is to focus on local issues specific to the upper watershed and to assess water management opportunities in greater detail.

Two neighboring regions also prepare integrated regional water management plans. The Mojave IRWM Region encompasses the entire Mojave River watershed in the California High Desert area of San Bernardino County. The San Geronio IRWM Region is located in the San Geronio Pass area between the Upper Santa Ana River Watershed and the Coachella Valley IRWM Region.

Within the Region, local planning is conducted by counties, cities, local agencies, and special districts. San Bernardino County, cities, and water agencies within the Region also inform the Water Element of the the San Bernardino Countywide Vision Process. Part of this process involves collaboration between water resource managers and land use planners on the water element to create mutually beneficial opportunities that ensure adequate water supplies and quality to support future population and economic growth within the County.

The Upper Santa Ana River Wash Habitat Conservation Plan (Wash Plan HCP), which was approved in 2020, and the Upper Santa Ana River Habitat Conservation Plan (River HCP), which is nearing completion, are separate coordinated regional conservation and compliance efforts that will help balance the protection of local natural resources with critical water supply management activities. The plans specify how species and their habitats will be protected, enhanced, restored and managed in the future and enable the incidental take permits needed by the water resource agencies under the federal and State endangered species acts to maintain, operate, and improve their water resource infrastructure.



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Connecting with Stakeholders and the Public

The Region's water agencies are committed to informing and engaging stakeholders and the general public

The Basin Technical Advisory Committee (BTAC) is the regional water management group responsible for developing and implementing the Plan. The BTAC is open to any agency in the Region that chooses to participate and is a forum for discussion and early resolution of water issues in the Region. The BTAC members provide recommendations to their respective governing bodies who then make decisions regarding water resources planning and projects in the Region.

Stakeholder participation and public engagement are critical to the success of the Plan. The agencies in the Region and the larger SAR watershed have a long history of working together to solve water resources related issues. These agencies recognize planning efforts such as IRWM and urban water management planning as additional opportunities to work together to manage water resources on a regional level.

In general, the stakeholders for this planning process include: (1) members of the BTAC as listed to the right, (2) other regional stakeholders and water agencies located in the Upper SAR watershed region, (3) watershed-based stakeholders located in the SAR watershed that are part of the larger integrated planning for the region discussed in the SAWPA Plan, and (4) federal and State of California agencies that were encouraged to participate throughout development of the Plan. The BTAC has encouraged local agencies to be active in the development of the Plan and to participate in the planning process.

The IRUWMP process continued to include efforts to coordinate with disadvantaged communities (DACs) and Tribes to identify potential water resource needs. Since DAC areas are encompassed within water agencies' service areas, they are represented by the agencies participating in the Plan. In addition to inviting stakeholders from DACs and Tribes to Plan workshops, a larger watershed wide outreach effort was recently conducted by SAWPA

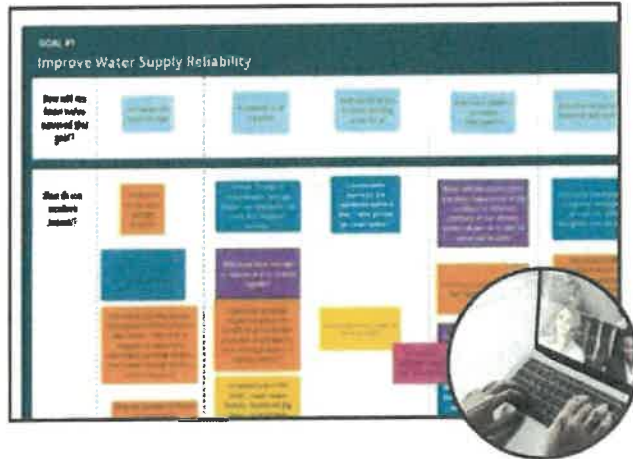
Agencies that participate in the Basin Technical Advisory Committee (BTAC) at the time of this plan include:

- Bear Valley Mutual Water Company
- City of Colton
- East Valley Water District
- Elsinore Valley Municipal Water District
- City of Loma Linda
- City of Redlands Municipal Utilities and Engineering Department
- City of Rialto
- City of Riverside Public Utilities Department (Riverside Public Utilities)
- Fontana Water Company
- San Bernardino County Flood Control District
- San Bernardino Municipal Water Department
- San Bernardino Valley Municipal Water District
- San Bernardino Valley Water Conservation District
- West Valley Water District
- Western Municipal Water District
- Yucaipa Valley Water District

Santa Ana Watershed-based Stakeholders

- SAWPA and its member agencies (Eastern Municipal Water District, Inland Empire Utilities Agency, Orange County Water District, Western Municipal Water District)

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Due to the COVID-19 pandemic, stakeholder collaboration for plan development was conducted remotely. Stakeholders participated in a series of interactive virtual workshops where they broke into small groups to provide input on needs, goals and objectives using a virtual whiteboard and sticky notes.

to evaluate the strengths and needs of disadvantaged, economically distressed or underrepresented communities in the SAR Watershed. This effort, funded through DWR's Disadvantaged Communities Involvement Program, was completed in 2019 and included listening sessions with local communities, Tribal communities, elected officials, water agencies, mutual water companies. The findings of this effort are recorded in the Community Water Ethnography of the Santa Ana Watershed, and needs relevant to the Upper SAR Watershed are incorporated into this Plan.

The BTAC solicited public involvement in the planning process by presenting updates at regularly scheduled BTAC meetings, regularly scheduled Board and Council meetings of some BTAC agencies, at the Valley District Advisory Commission on Water Policy and by soliciting public comments on the draft IRUWMP via email announcements and website postings. In addition, several stakeholder workshops were conducted to develop additional information needed for the IRUWMP to meet the IRWM Plan requirements in the 2016 Integrated Regional Water Management Grant Program Guidelines and UWMP requirements as described in the 2020 Urban Water Management Plan Guidebook. The BTAC encouraged public participation in preparation of this Plan to ensure the public's comments were considered in decisions about water management in the Region.

Other Regional Water Agencies and Stakeholders

- San Bernardino County Board of Supervisors
- Riverside County Board of Supervisors
- Beaumont-Cherry Valley Water District
- Bear Valley Mutual Water Company
- Big Bear City Community Services District
- Big Bear Lake Department of Water and Power
- Big Bear Municipal Water District
- City of Beaumont
- City of Calimesa
- City of Fontana
- Marygold Mutual Water Company
- Muscoy Mutual Water Company
- Regents of the University of California
- Riverside County Flood Control and Water Conservation District
- Southern California Edison
- Orange County Flood Control District
- Terrace Water Company
- Western Heights Mutual Water Company
- San Manuel Band of Mission Indians

State and Federal Stakeholders

- California Department of Fish and Game
- California Department of Public Health
- California Department of Toxic Substances Control
- California Department of Water Resources
- Santa Ana Regional Water Quality Control Board
- State Water Resources Control Board
- U.S. Army Corps of Engineers
- U.S. Forest Service

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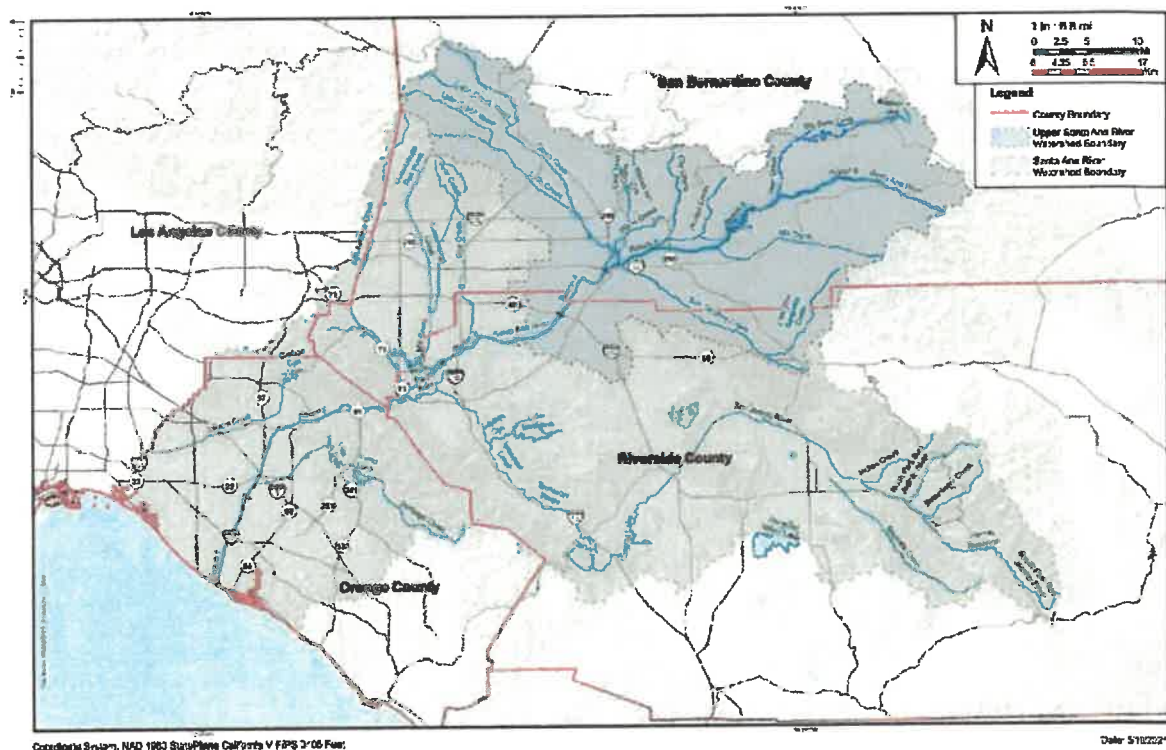
Description of the Upper Santa Ana River Watershed Region

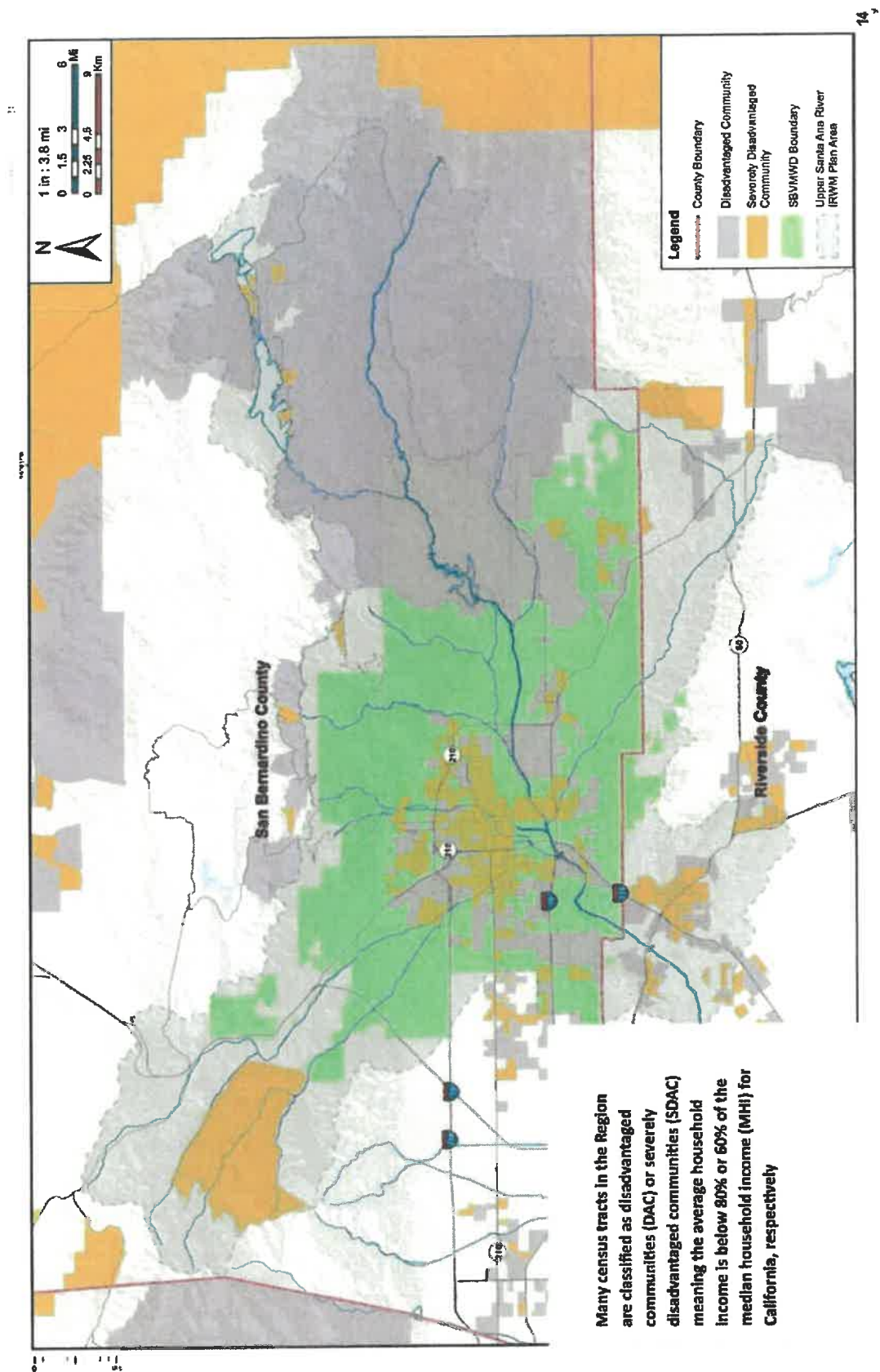
The Region Supports a diverse population, economy and environment.

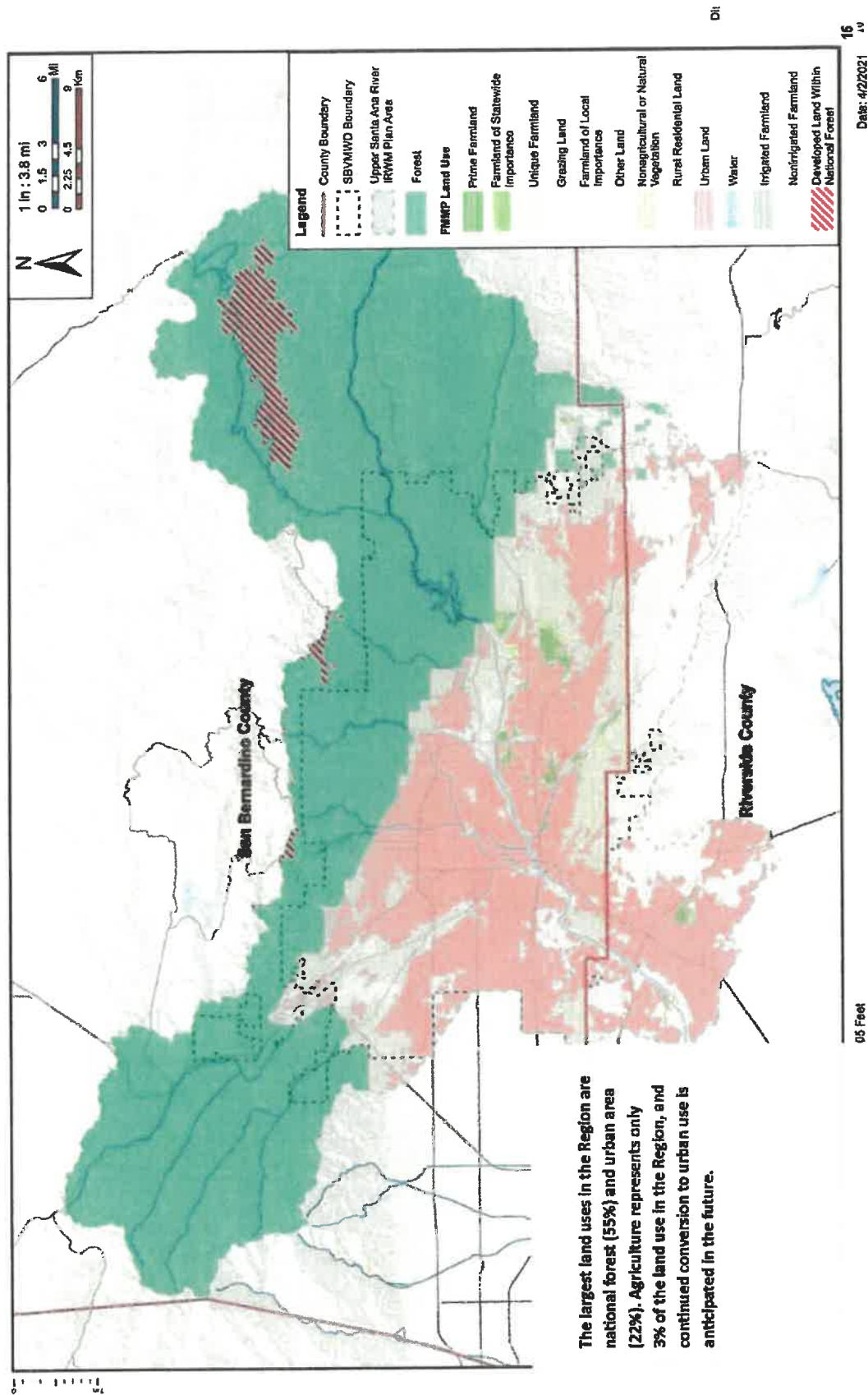
The SAR watershed is the largest stream system in Southern California and nearly all of the surface flow generated in the headwaters of the San Bernardino Mountains flows through the IRUWMP region before being discharged to the Pacific Ocean approximately 100 miles to the southwest between Newport Beach and Huntington Beach. The SAR watershed covers over 2,650 square miles of widely varying forested, rural, and urban terrain and covers the more populated urban areas of San Bernardino, Riverside, and Orange Counties, as well as a lesser portion of Los Angeles County.

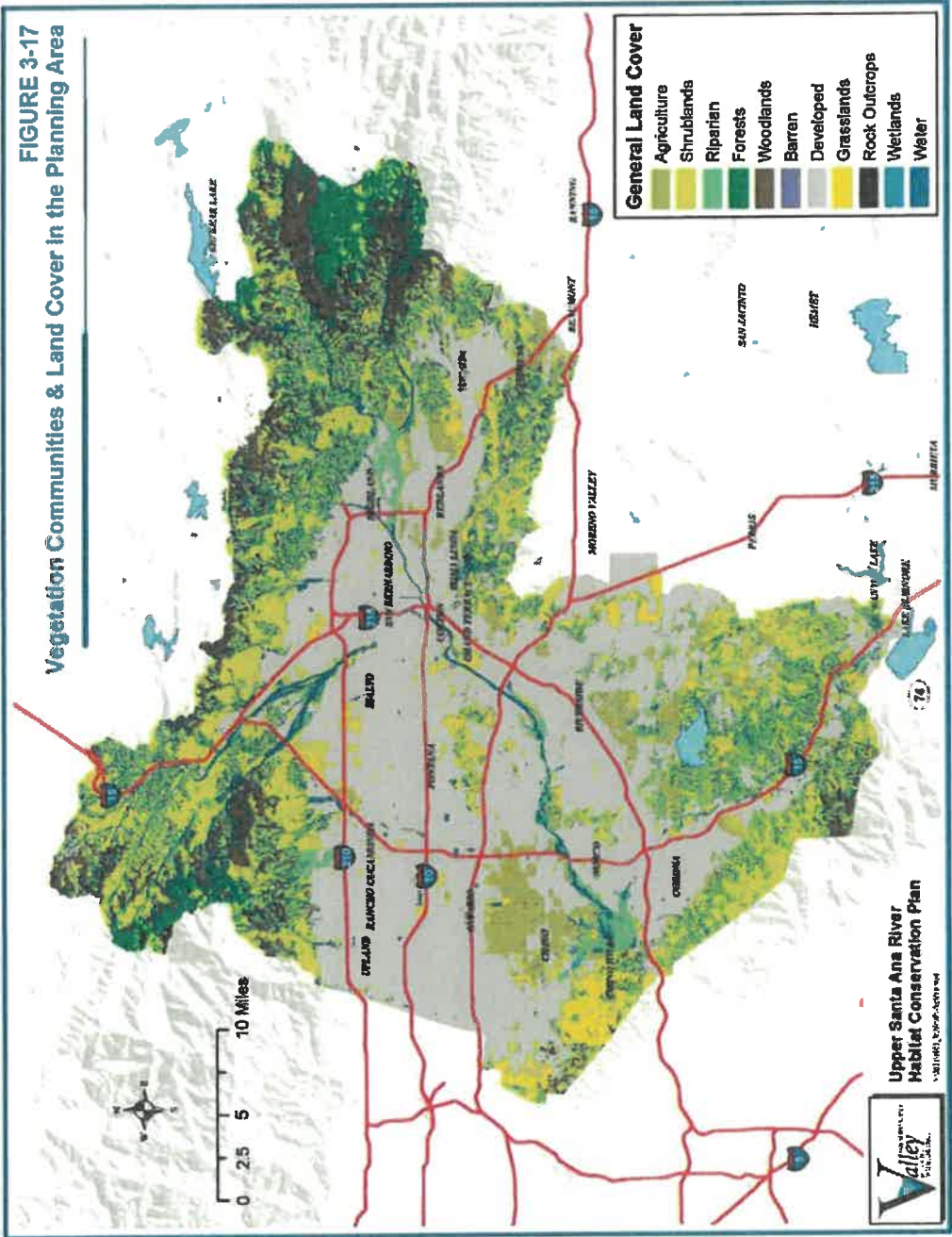
The Upper SAR watershed covers 852 square miles, approximately 32% of the total SAR watershed, and is primarily located in San Bernardino and Riverside Counties. The Region includes the Big Bear Valley as well as the cities and communities of San Bernardino, Yucaipa, Redlands, Highland, Rialto, Mentone, Colton, Grand Terrace, Loma Linda, Beaumont, and Riverside. Total population in the Region is estimated at just over 1 million people in 2020 and is projected to grow to over 1.25 million people by 2045.

The Upper SAR watershed covers 852 square miles, approximately 32% of the total SAR watershed, and is primarily located in San Bernardino and Riverside Counties.



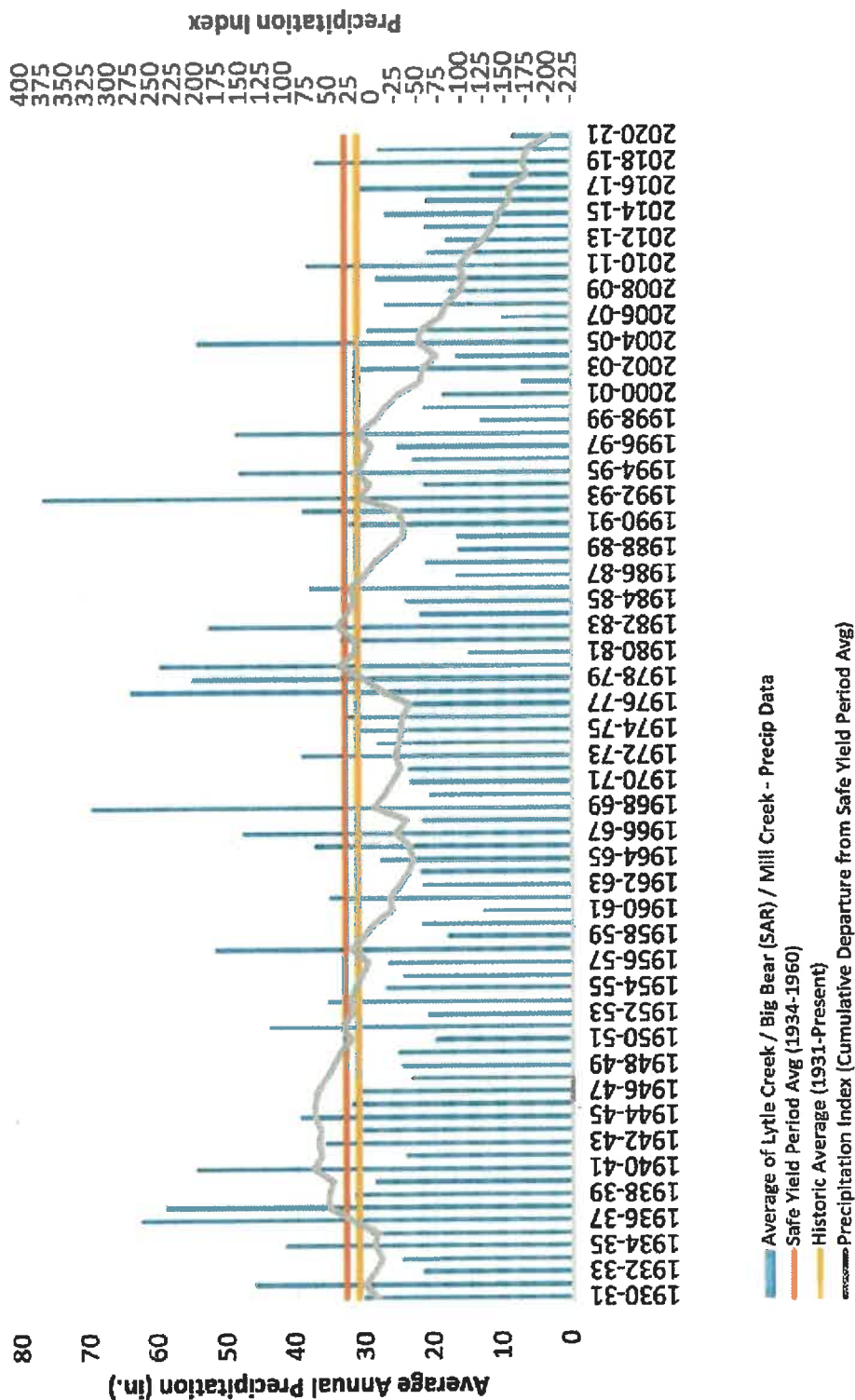






The Region contains unique and valuable ecological and environmental resources including riparian habitats along the SAR, forests, shrublands and grasslands. Many of these resources are managed through a variety of local, state and federal plans and jurisdictions, such as the Wash Plan HCP and the River HCP.

Climate in the Region is characterized by relatively hot, dry summers and cool winters with intermittent precipitation. The historical record indicates that periods of above or below-average precipitation can last more than 30 years, such as the recent dry period that extended from 1947 to 1977, and the ongoing dry period that began around 1998.



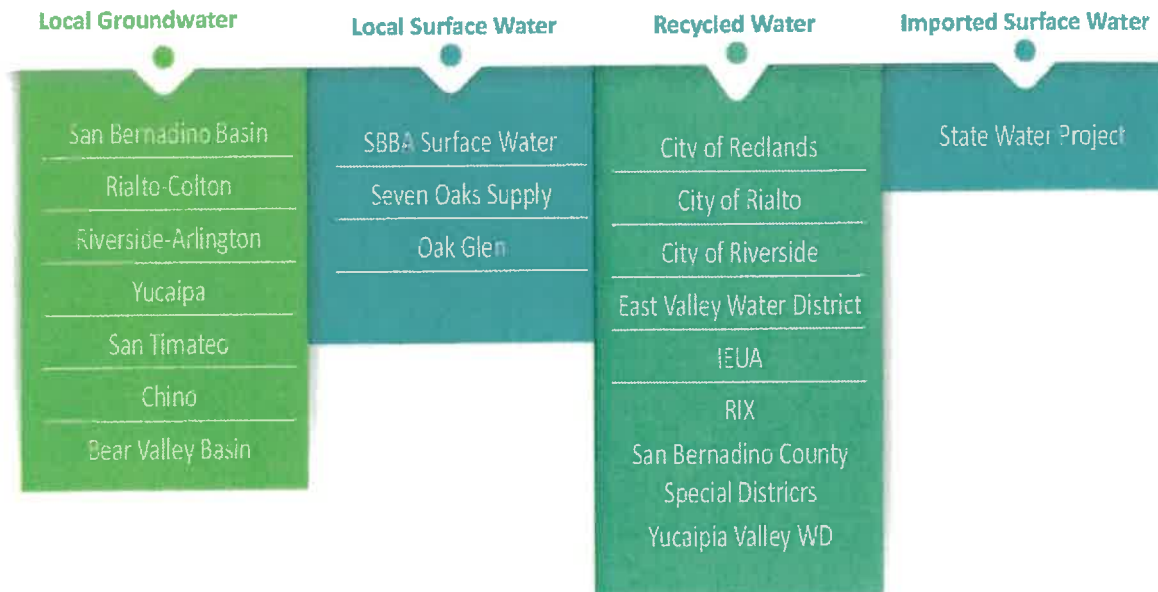
Water Sources and Uses in the Region

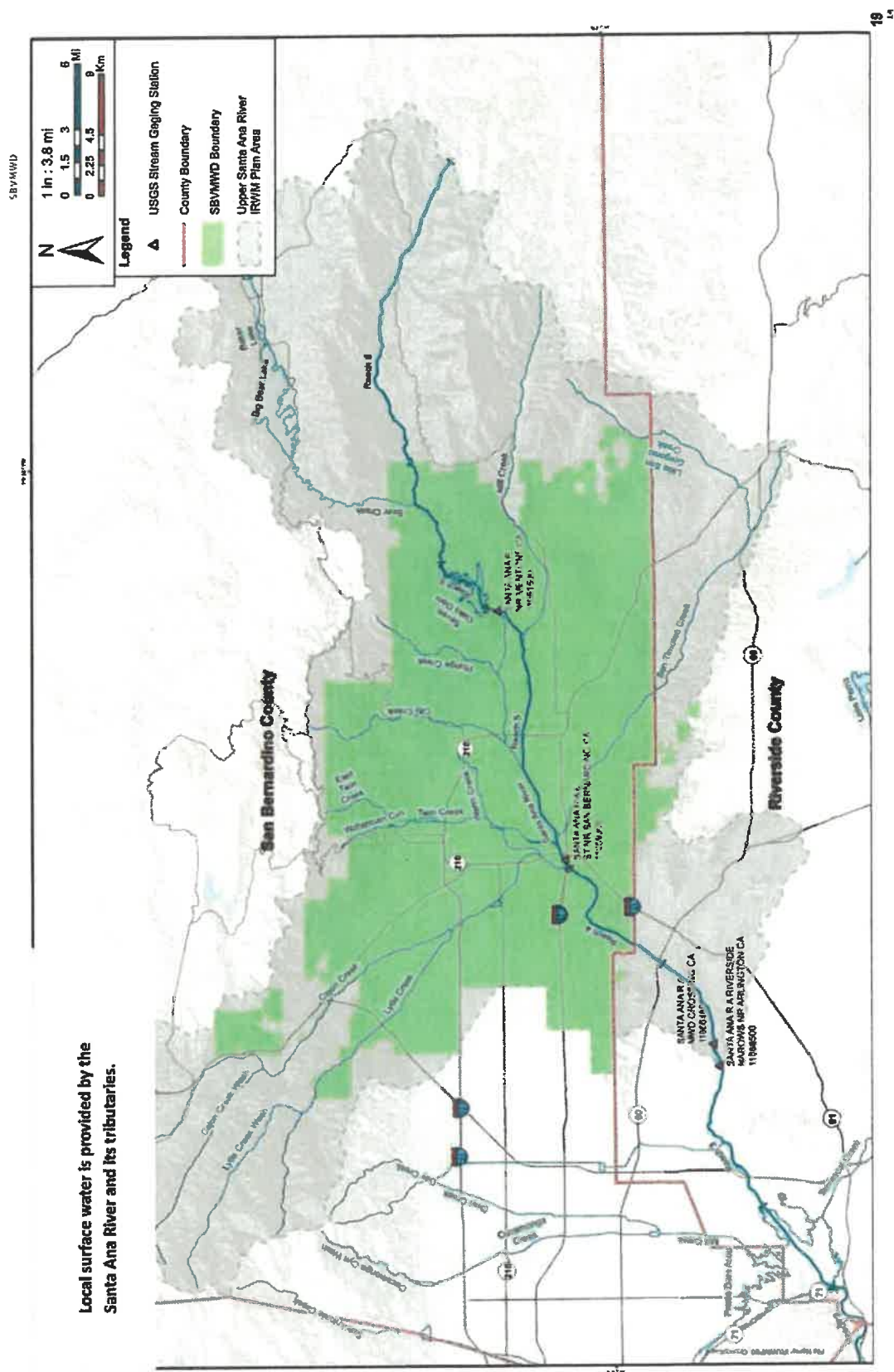
The Region's diverse and plentiful water supplies support the regional economy, environment and quality of life.

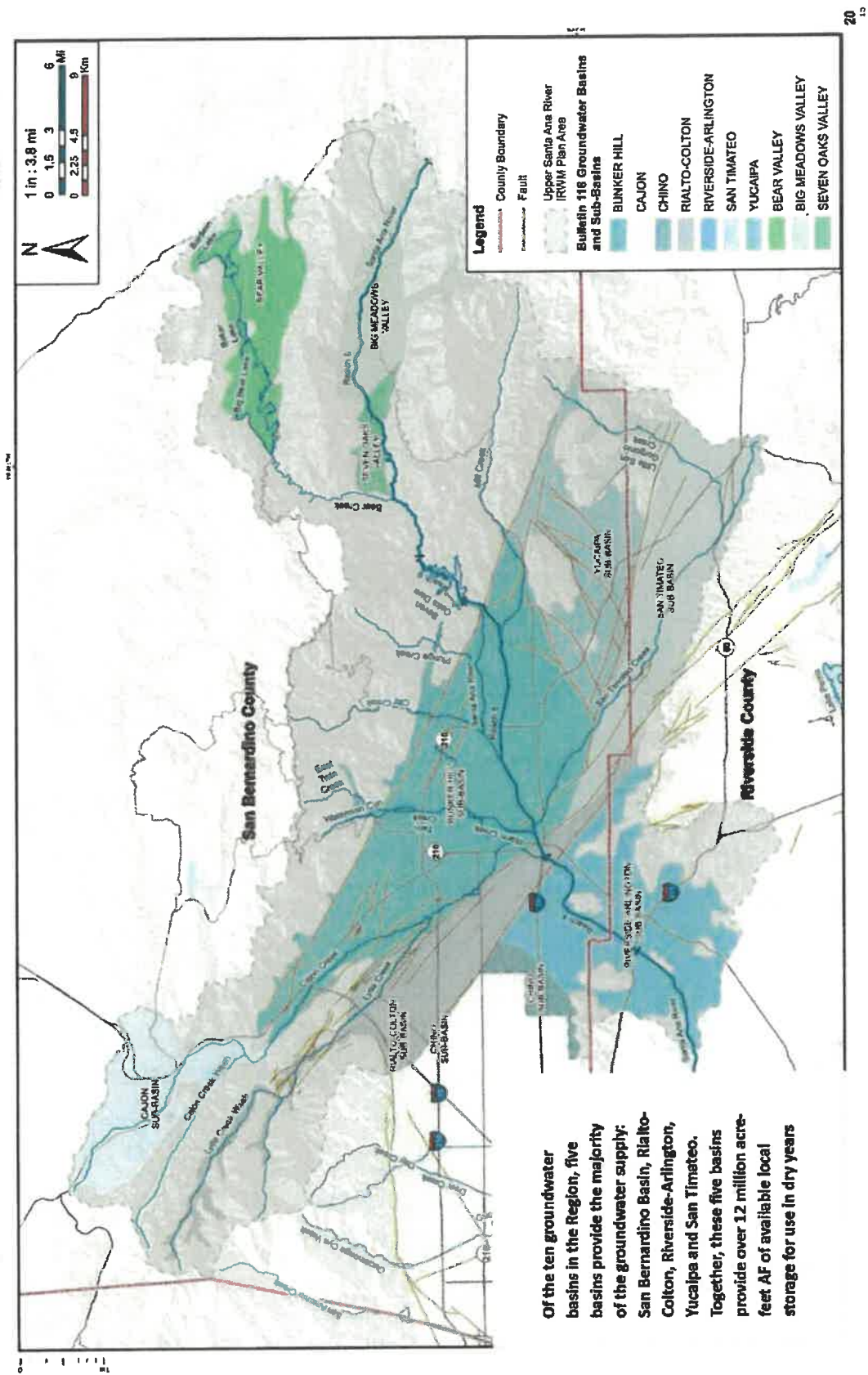
The region's water supplies include both local and imported sources. The local surface water is derived from the Santa Ana River and its tributaries and developed local supplies are either treated for domestic use or delivered for irrigation or groundwater recharge. Nearly all of the Region's groundwater is produced from seven distinct groundwater basins. Five basins provide the majority of the groundwater supply to the region: San Bernardino Basin (SBB), Rialto-Colton, Riverside-Arlington, Yucaipa and San Timateo. Together, these five basins provide over 12 million acre-feet AF of available local storage for use in dry years. Recycled water is produced at several water

resource recovery facilities in the region for irrigation, industrial use and groundwater recharge. A portion of the recycled water produced in the Region is discharged to the SAR and its tributaries to support habitat and meet downstream flow obligations. Imported water for most of the Region is provided by Valley District, who is a State Water Project (SWP) contractor. San Geronio Pass Water Agency, also a SWP contractor, and Western Municipal Water District, a member agency of Metropolitan Water District of Southern California, provide supplemental imported water to the portions of the Region within Riverside County.

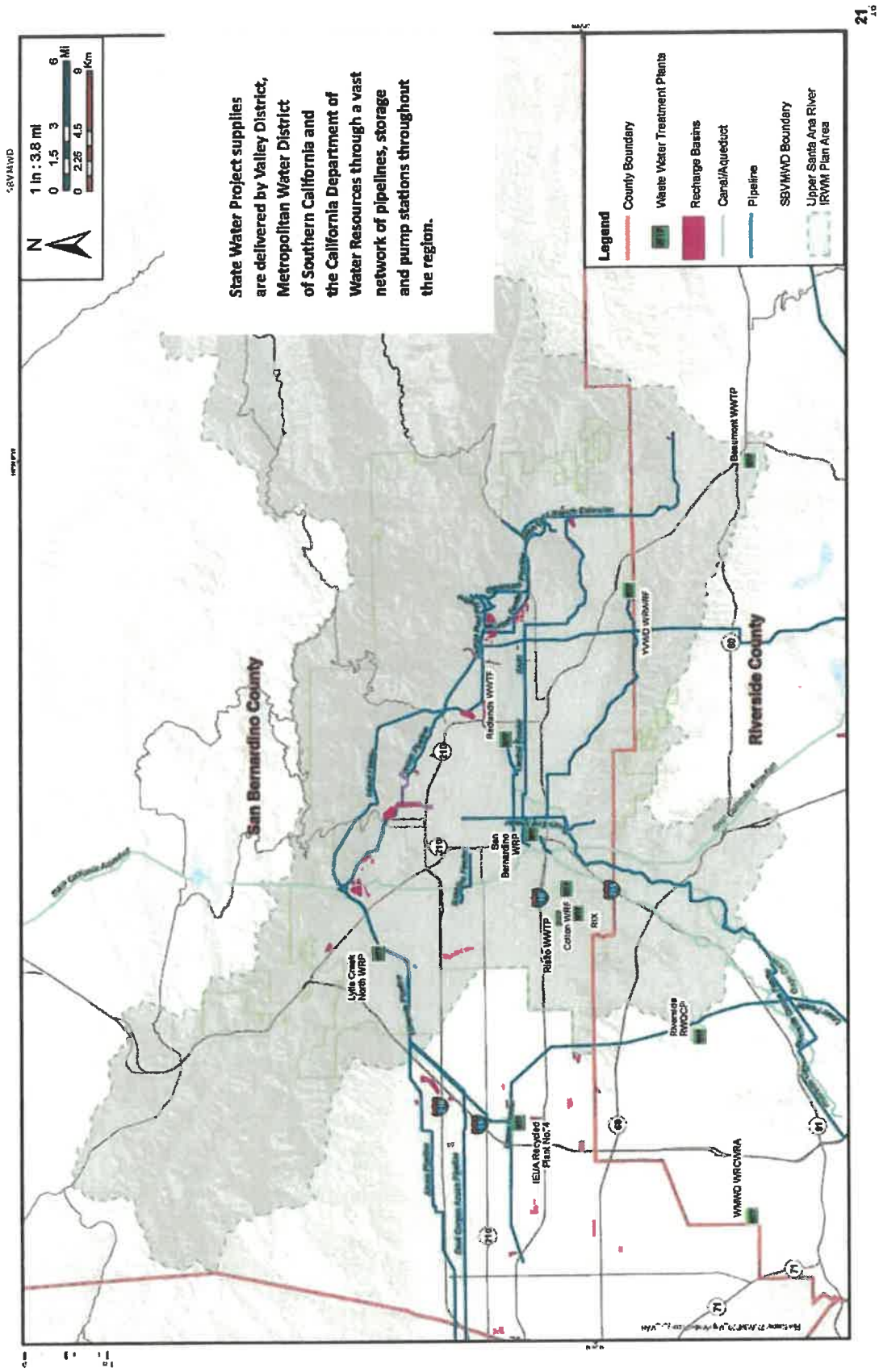
The Region's water sources include local groundwater, local surface water, imported surface water and recycled water.







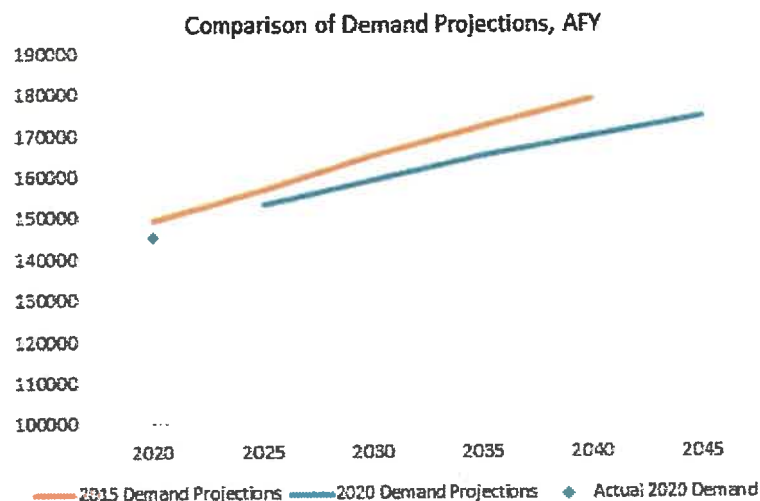
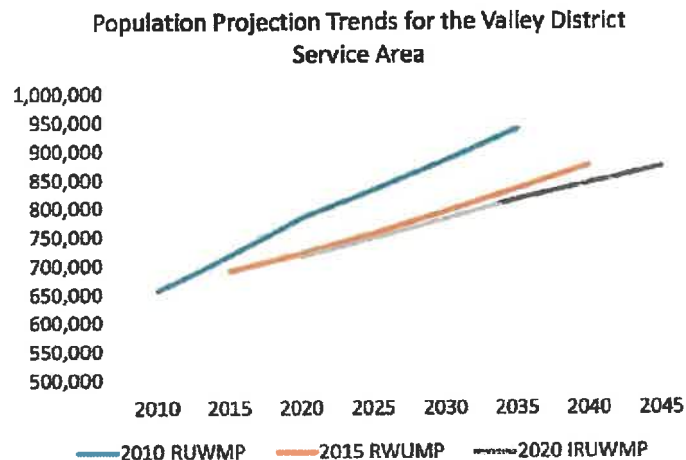
Of the ten groundwater basins in the Region, five basins provide the majority of the groundwater supply: San Bernardino Basin, Rialto-Colton, Riverside-Arlington, Yucaipa and San Timateo. Together, these five basins provide over 12 million acre-feet AF of available local storage for use in dry years



State Water Project supplies are delivered by Valley District, Metropolitan Water District of Southern California and the California Department of Water Resources through a vast network of pipelines, storage and pump stations throughout the region.

DRAFT 05/15

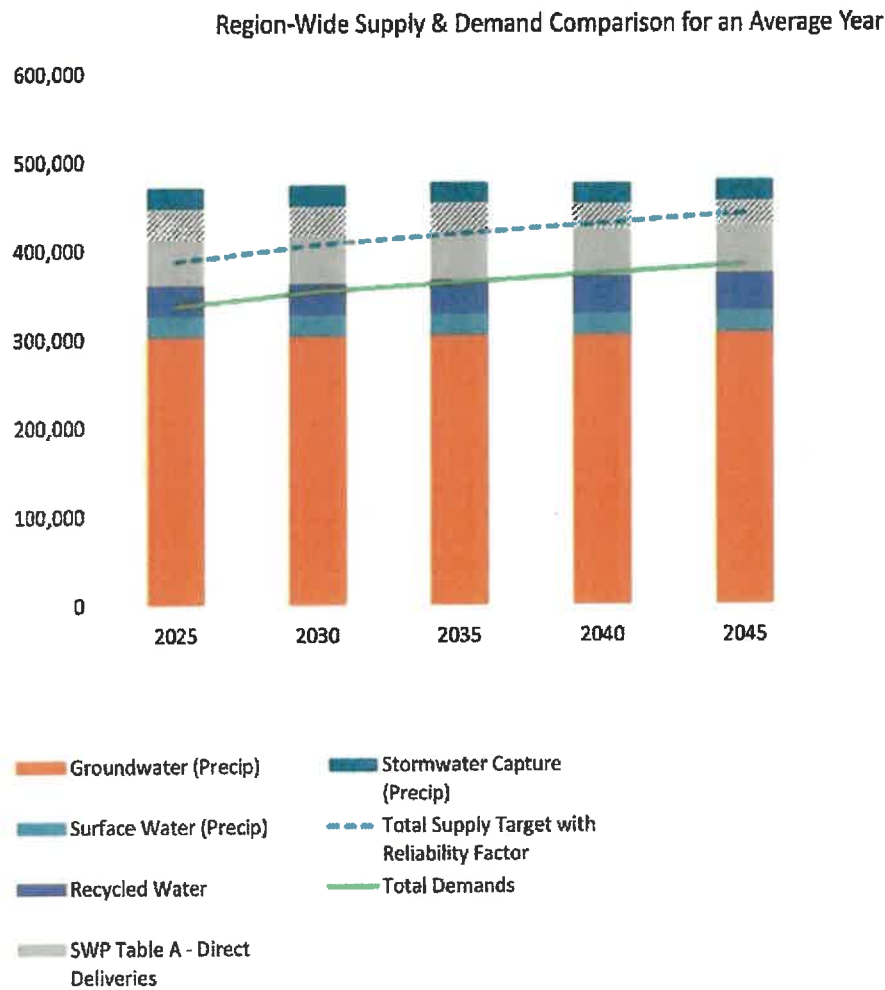
Population growth projections developed by the Southern California Association of Governments (SCAG) has have declined significantly in the last 10 years. While SCAG's latest 2020 Demographics and Growth Forecast projects slower growth than previous plans, the result is still a substantial increase in population within the Valley District service area and the Region. The population within the Valley District service area is projected to reach 870,000 by 2045 and the population of the Region as a whole is projected to reach over 1.25 million people.



Since the last planning cycle in 2015, total demand projections for the 9 agencies who participated in the 2015 RUWMP have dropped slightly due to slower population growth projections and increased water use efficiency. Total projected water demands for the all of the retail water agencies within the Region are expected to reach nearly 400,000 AFY by 2045.

DRAFT 03/15

Normal year supplies meet or exceed regional demands including a 15% reliability factor that accounts for uncertainty factors in the projections, including population growth, per capita water use, climate change impacts, SWP project hydrology and local surface water hydrology.



DRAFT 03-11-2021

Using Water Wisely

The Region's water suppliers prioritize conservation and efficient use of water.

The Region has been successful at improving water use efficiency and every retail water agency in the Region has reduced demand. For the nine (9) participating agencies in the 2015 RUWMP, their collective 2020 actual demand was almost 40,000 acre-feet lower than projected and 15% lower than 2009 actual demand, despite a 7% increase in population.

Currently, every retail agency develops and implements its own water conservation plan and programs. Now with California state law "Making Water Conservation a Way of Life" (SB 606 and AB 1668), increasingly stringent indoor and outdoor water use standards are expected. Therefore, Valley District and its retail agency partners are considering a coordinated regional and local water conservation program



Investing in our retail partners, end-users/taxpayers, and other partners to increase the efficiency of water consumption and ensure regional water reliability.

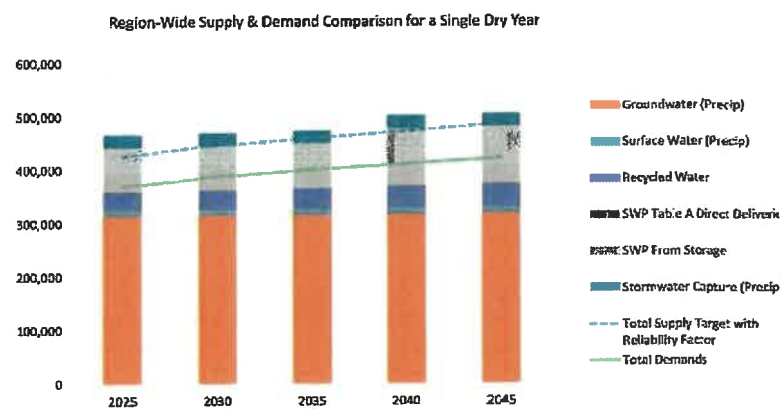
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The Region's Supplies Continue to be Reliable, Even in a 30-year Drought

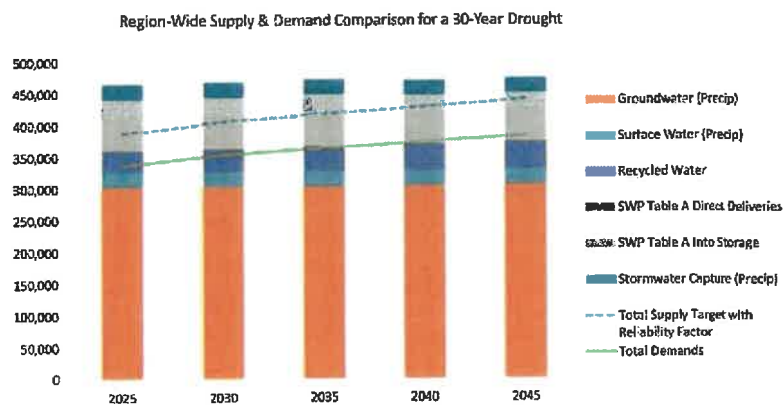
Diverse supplies and continued investments provide reliable water for the Region's future.

Although local and imported surface water supplies are highly dependent on local and statewide hydrology, the Region benefits from more than 12 million acre-feet of groundwater storage that can be used to store water when supplies are plentiful and then be pumped during extended droughts. By maximizing deliveries of State Water Project water in wet years when those supplies are available, and supplementing that with other local supplies like stormwater capture and recycled water, the Region can accrue sufficient storage to enable a high level of water supply reliability, even during an 30-year drought. Although the UWMP Guidebook does not require agencies to demonstrate the ability to withstand a 30-year drought, the Region decided, on its own, to evaluate a 30-year drought because it has experienced a drought of this length in the past and is currently in the midst of a drought that has lasted longer than 20 years and is still continuing.

Graphic showing 1-year drought supply/demand



30-year drought supply/demand



DRAFT 08/15/2021

Planning for Short-Term Water Shortages – A Regional and Local Approach

Water Shortage Contingency Plans (WSCPs) describe how the Region's water agencies are preparing for and may respond to potential water shortage.

A water shortage occurs when water supply available is insufficient to meet the normally expected customer water use at a given point in time. A shortage may occur due to several reasons, such as water supply quality changes, climate change, drought, regional power outage, and catastrophic events (e.g., earthquake). Additionally, the State may declare a statewide drought emergency and mandate that water suppliers reduce demands, as occurred in 2014. The WSCPs serve as the operating manuals that Valley District and the retail water agencies

will use to prevent catastrophic service disruptions through proactive, rather than reactive, mitigation of water shortages. Each WSCP provides a process for an annual water supply and demand assessment and structured steps designed to respond to actual conditions. Although the water agencies in the Region do not foresee implementing water shortage levels under normal conditions, this level of detailed planning and preparation provide accountability and predictability and help the Region's water agencies maintain reliable supplies and reduce the impacts of any supply shortages and/or interruptions.

Defining Goals and Objectives for Integrated Water Resources Management

The Region's water resources management goals reflect a balanced view social, environmental and economic values.

The BTAC identified several water resources-related needs and issues for the Region, including:

- Increased diversification of water supplies
- Improved groundwater management
- Protection of water quality
- Flood management with recharge benefits
- Habitat and open space preservation
- Disaster prevention
- Sustainability
- Climate change resilience

Based on these needs and issues, progress since the 2015 IRWM Plan, and input from the public and stakeholders, the BTAC updated goals and objectives for the Region through a series of collaborative stakeholder workshops. As a result of stakeholder discussions, a new Goal #5 was added – Address Climate Change Through Adaptation and Mitigation.

DRAFT 2020-2025

IRWM Region Goals and Objectives



GOAL #1 IMPROVE WATER SUPPLY RELIABILITY

- 1a: Comply with conservation legislation requirements (AB1688 and SB606)
- 1b: Increase utilization of local supplies by 20,000 AFY
- 1c: Proactively manage groundwater basins by storing 10,000 AF water in wet years
- 1d: Improve system resiliency and the ability to respond to emergency supply interruptions by increasing back-up facilities, increasing interties, adding redundant power sources and treatment facilities
- 1e: Continue to ensure equitable access to clean drinking water for all communities



GOAL #2 BALANCE FLOOD MANAGEMENT AND INCREASE STORMWATER RECHARGE

- 2a: Implement 4 MOUs to use flood control retention/detention basins for recharge when not needed for flood control
- 2b: Implement 20 acres of integrated flood projects that also provide multiple benefits, where possible
- 2c: Continue to ensure equivalent implementation of flood projects in DAC areas and implement at least 1 flood control project in a DAC area
- 2d: Identify 4 urban stormwater capture projects to increase recharge and improve surface water quality



GOAL #3 IMPROVE WATER QUALITY

- 3a: Ensure no violations of drinking water quality standards
- 3b: Improve surface and groundwater quality by treating groundwater supply
- 3c: Manage total dissolved solids and nitrogen in groundwater



GOAL #4 IMPROVE HABITAT AND OPEN SPACE

- 4a: Preserve or improve habitat by conserving or restoring 350 acres of riparian, wetland and permanent water areas
- 4b: Identify "multi-use" opportunities to increase recreation and public access and identify 4 multi-use projects



GOAL #5 ADDRESS CLIMATE CHANGE THROUGH ADAPTATION AND MITIGATION

- 5a: Identify projects to address or management climate change impacts
- 5b: Implement 4 projects to reduce or offset energy consumption or reduce GHG emissions associated with water and wastewater systems

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Strategies, Projects and Plan Implementation – Delivering Long-term Water Security

The regional water agencies have identified an ambitious portfolio of projects to provide multiple regional benefits.

Keeping the Region's unique issues and challenges in mind, the BTAC compiled a listing water management strategies and water resources-related projects to help them reach their goals and objectives. The strategies, listed below, intentionally align with the resource management strategies (RMS) listed in the California Water Plan and reflect the unique aspects of the Region's water resources.

Strategies:

1. Continue Basin Management in Local Groundwater Basins
2. Incorporate cultural intelligence into water supply and demand management
3. Continue Headwaters Forest Management and Hazardous Fuels Reduction
4. Coordinate Land Use Planning and Management with Water Resources Management
5. Develop Desalination if needed
6. Develop Watershed Management Projects and Programs
7. Improve Drinking Water Treatment and Distribution
8. Identify Corridors for Species
9. Identify and Implement Projects that Increase Recharge
10. Identify and Implement Projects that Increase Surface Water and Groundwater Storage Inside and Outside the Region
11. Identify and Implement Water Transfer Opportunities where necessary
12. Implement Agricultural Lands Stewardship
13. Implement Agricultural Water Use Efficiency
14. Implement Pollution Prevention Measures
15. Implement System Reoperation
16. Implement Urban Water Use Efficiency
17. Improve Imported Water Supply Conveyance – Delta
18. Improve Supply Conveyance – Across the Regional/ Local
19. Incorporate Environmental Opportunities and Constraints Into the Design Process for Facilities
20. Incorporate Opportunities to Improve Habitat and Increase Recreation and Public Access During the Facilities Design Process
21. Increase Outreach and Engagement
22. Increase Recycled Water Use
23. Increase Stormwater Capture
24. Maintain and Improve Water-Dependent Recreation
25. Manage High Groundwater and Liquefaction Potential in the SBB
26. Manage Flood Risk
27. Manage Salt and Salinity
28. Manage Sediment
29. Manage Urban Runoff
30. Match Water Quality to Use
31. Monitor Consumer Confidence Reports
32. Operate Existing Facilities to Increase Recharge
33. Optimize Wet Year Storage and Dry Year Pumping (Conjunctive Management & Groundwater)
34. Participate in the SAWPA Basin Management Task Force
35. Protect Recharge Areas
36. Provide Economic Incentives
37. Remediate Groundwater Contamination Plumes
38. Restore Ecosystems
39. Support the Bay-Delta Conservation Plan /Delta Conveyance Project

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The Region has a history of working together to support the development and implementation of projects, and has continuously worked to develop regional, integrated projects. The Plan includes a listing of over 120 projects submitted by agencies throughout the Region that will help achieve the goals and objectives of this plan. The Project list is a living document, and projects can be submitted to the BTAC for review, ranking and prioritization, per the approved criteria, at any time.

The BTAC will be the primary entity responsible for implementation of the IRUWMP, and project sponsors will be responsible for implementation of projects and tracking of project benefits. Continued regional coordination and outreach to stakeholders will be key to implementing the Plan. The BTAC will continue to look for opportunities to coordinate with land use planning efforts and incorporate land use planning issues and strategies into water management decisions.

The IRUWMP represents the current state of water resources planning in the Region and continues to

recognize that water management needs, issues and strategies will continue to evolve in response to changing conditions. A continued adaptive management approach will allow the IRUWMP to stay current considering changing conditions and will rely on regular plan and project performance monitoring and review.



Looking to the Future - Data Management, Plan Performance and Adaptive Management

The BTAC has already made significant progress implementing the Plan.

The BTAC has already made significant progress implementing the various management strategies and accompanying projects and continue to monitor progress toward their goals and objectives. The Region plans to continue within its current governance structure and, wherever possible, improve by enhancing coordination, governance, outreach, funding and financing.

The IRUWMP represents the current state of water resources planning in the Region, based upon the latest available information, and recognizes that water management strategies will continue to evolve in response to changing conditions. In recognition of the fluid nature of water management in the Region, the IRUWMP continues

to incorporate an adaptive management approach that allows the Plan to stay current in light of changing conditions, such as local and regional water needs and changing regulatory requirements.

The adaptive management framework is based on an iterative process of:

- Collecting information and data regarding the conditions within the Region
- Evaluating the new data to determine plan/project performance
- Formulating a plan in response to these changing conditions

DRAFT 03-11-2020

This process will allow the Region to proactively manage its available resources, including making investments in the planning and implementation of new projects and programs. This includes preparation of periodic updates of the IRUWMP to respond to changing conditions (including climate change and the re-evaluation of any impacts and benefits) through a continued working relationship with the BTAC, and to inform project participants and stakeholders about changes to the IRUWMP.

With full implementation of the Plan, the Region can expect to realize significant benefits, including:

- Continued water supply reliability during drought periods through a diverse water supply portfolio consisting of both local and imported supplies.
- Continued management of the Region's surface water and groundwater resources, including new opportunities for conjunctive management of groundwater and surface water resources and recharge of groundwater basins.
- Continued emphasis on water quality through effective management of groundwater resources, expediting cleanup process of contaminant plumes in the Region, and improving stormwater management.
- Continued emphasis on improved flood protection.
- Plan to address climate change vulnerabilities including reduced GHG emissions and energy usage.
- Continued distribution and water quality to disadvantaged communities.
- Continued environmental stewardship.
- Enhancement of water-dependent environmental assets.
- Continued water-related education, recreation, and public access opportunities in the Region.
- Continued understanding of the Region's water resources, including focused regional monitoring to ensure groundwater is used in a sustainable manner.
- Continued coordination of water management activities of the Region through sharing of ideas and mutually beneficial management of project opportunities.
- Continued coordinated development of water management strategies and associated projects.
- Continued emphasis on improved preparation for a disaster.



Exhibit F - Facts About Yucaipa Valley Water District

January 2021



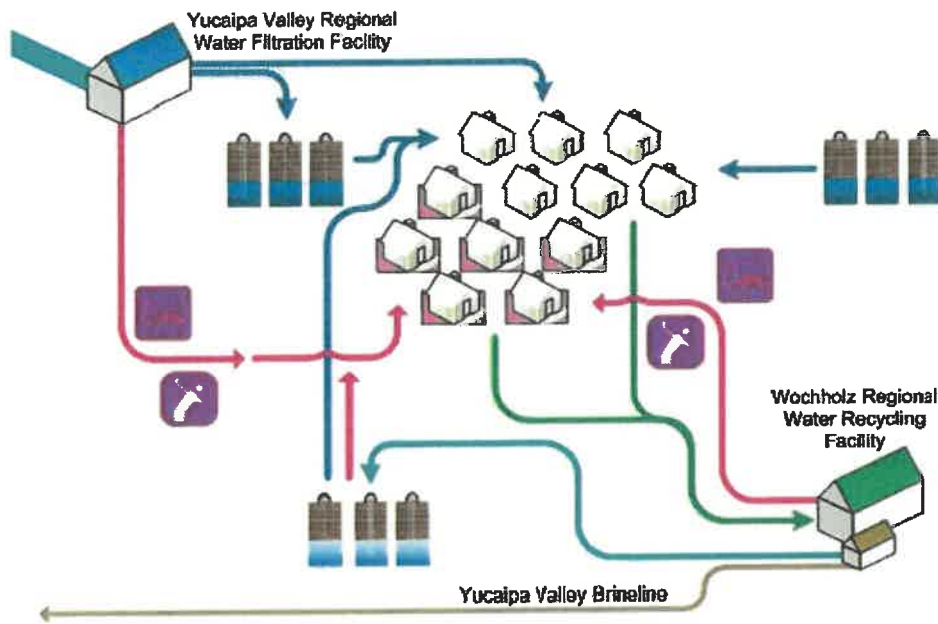
Yucaipa Valley Water District

FACTS ABOUT THE YUCAIPA VALLEY WATER DISTRICT

Service Area Size:	40 square miles (sphere of influence is 68 square miles)
Elevation Change:	3,140 foot elevation change (from 2,044 to 5,184 feet)
Number of Employees:	5 elected board members 72 full time employees
FY 2020-21 Operating Budget:	Water Division - \$16,716,488 Sewer Division - \$12,869,897 Recycled Water Division - \$1,270,360
Number of Services:	14,440 drinking water connections serving 19,355 units 14,363 sewer connections serving 21,429 units 695 recycled water connections serving 845 units
Water System:	234 miles of drinking water pipelines 2,103 fire hydrants 27 reservoirs - 34 million gallons of storage capacity 18 pressure zones 3.376 billion gallon annual drinking water demand Two water filtration facilities: <ul style="list-style-type: none">- 1 mgd at Oak Glen Surface Water Filtration Facility- 12 mgd at Yucaipa Valley Regional Water Filtration Facility
Sewer System:	8.0 million gallon treatment capacity - current flow at 4.0 mgd 222 miles of sewer mainlines 4,639 sewer manholes 7 sewer lift stations 1.46 billion gallons of recycled water produced per year
Recycled Water:	32 miles of recycled water pipelines 5 reservoirs - 12 million gallons of storage 0.623 billion gallon annual recycled water demand
Brine Disposal:	2.2 million gallon desalination facility at sewer treatment plant 1.756 million gallons of Inland Empire Brine Line capacity 0.595 million gallons of treatment capacity in Orange County

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Sustainability Plan: A Strategic Plan for a Sustainable Future: The Integration and Preservation of Resources, adopted on August 20, 2008.



Typical Rates, Fees and Charges:

- **Drinking Water Commodity Charge:**

1,000 gallons to 15,000 gallons	\$1.579 per each 1,000 gallons
16,000 gallons to 60,000 gallons	\$2.131 per each 1,000 gallons
61,000 gallons to 100,000 gallons	\$2.435 per each 1,000 gallons
101,000 gallons or more	\$2.668 per each 1,000 gallons
- **Recycled Water Commodity Charge:**

1,000 gallons or more	\$1.760 per each 1,000 gallons
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- **Water Meter Service Charge (Drinking Water or Recycled Water):**

5/8" x 3/4" Water Meter	\$16.00 per month
1" Water Meter	\$26.72 per month
1-1/2" Water Meter	\$53.28 per month
- **Sewer Collection and Treatment Charge:**

Typical Residential Charge	\$44.21 per month
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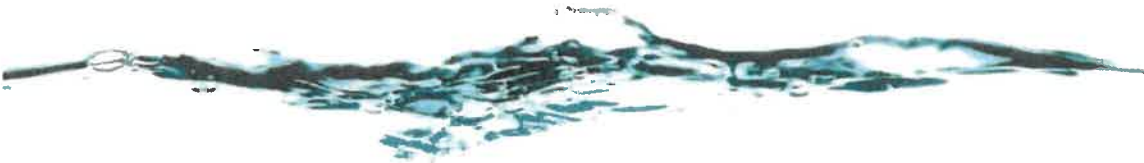
State Water Contractors: San Bernardino Valley Municipal Water District
San Gorgonio Pass Water Agency



	San Bernardino Valley Municipal Water District	San Gorgonio Pass Water Agency
Service Area Size	353 square miles	222 square miles
Table "A" Water Entitlement	102,600 acre feet	17,300 acre feet
Imported Water Rate	\$125.80 / acre foot	\$399 / acre foot
Tax Rates for FY 2019-20	\$0.1425 per \$100	\$0.1775 per \$100
Number of Board Members	Five (5)	Seven (7)
Operating Budget FY 2020-21	\$48,519,000	\$8,692,000

Imported Water Charges (Pass-through State Water Project Charge)

- San Bernardino Valley Municipal Water District - Customers in San Bernardino County or City of Yucaipa pay a pass-through amount of \$0.270 per 1,000 gallons.
- San Gorgonio Pass Water Agency - Customers in Riverside County or City of Calimesa pay a pass-through amount of \$0.660 per 1,000 gallons. A rate change of up to \$0.857 per 1,000 gallons is pending future consideration by YVWD.



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GLOSSARY OF COMMONLY USED TERMS

Every profession has specialized terms which generally evolve to facilitate communication between individuals. The routine use of these terms tends to exclude those who are unfamiliar with the particular specialized language of the group. Sometimes jargon can create communication cause difficulties where professionals in related fields use different terms for the same phenomena.

Below are commonly used water terms and abbreviations with commonly used definitions. If there is any discrepancy in definitions, the District's Regulations Governing Water Service is the final and binding definition.

Acre Foot of Water - The volume of water (325,850 gallons, or 43,560 cubic feet) that would cover an area of one acre to a depth of 1 foot.

Activated-Sludge Process - A secondary biological wastewater treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen and consume dissolved nutrients in the wastewater.

Annual Water Quality Report - The document is prepared annually and provides information on water quality, constituents in the water, compliance with drinking water standards and educational material on tap water. It is also referred to as a Consumer Confidence Report (CCR).

Aquifer - The natural underground area with layers of porous, water-bearing materials (sand, gravel) capable of yielding a supply of water; see Groundwater basin.

Backflow - The reversal of water's normal direction of flow. When water passes through a water meter into a home or business it should not reverse flow back into the water mainline.

Best Management Practices (BMPs) - Methods or techniques found to be the most effective and practical means in achieving an objective. Often used in the context of water conservation.

Biochemical Oxygen Demand (BOD) - The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

Biosolids - Biosolids are nutrient rich organic and highly treated solid materials produced by the wastewater treatment process. This high-quality product can be recycled as a soil amendment on farmland or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

Capital Improvement Program (CIP) - Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

Certificate of Participation (COP) - A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.

Coliform Bacteria - A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere used as indicators of sewage pollution. E. coli are the most common bacteria in wastewater.

Collections System - In wastewater, it is the system of typically underground pipes that receive and convey sanitary wastewater or storm water.

Conjunctive Use - The coordinated management of surface water and groundwater supplies to maximize the yield of the overall water resource. Active conjunctive use uses artificial recharge, where surface water is intentionally percolated or injected into aquifers for later use. Passive conjunctive use is to simply rely on surface water in wet years and use groundwater in dry years.

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Consumer Confidence Report (CCR) - see Annual Water Quality Report.

Contaminants of Potential Concern (CPC) - Pharmaceuticals, hormones, and other organic wastewater contaminants.

Cross-Connection - The actual or potential connection between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

Disinfection by-Products (DBPs) - The category of compounds formed when disinfectants in water systems react with natural organic matter present in the source water supplies. Different disinfectants produce different types or amounts of disinfection byproducts. Disinfection byproducts for which regulations have been established have been identified in drinking water, including trihalomethanes, haloacetic acids, bromate, and chlorite

Drought - a period of below average rainfall causing water supply shortages.

Fire Flow - The ability to have a sufficient quantity of water available to the distribution system to be delivered through fire hydrants or private fire sprinkler systems.

Gallons per Capita per Day (GPCD) - A measurement of the average number of gallons of water use by the number of people served each day in a water system. The calculation is made by dividing the total gallons of water used each day by the total number of people using the water system.

Groundwater Basin - An underground body of water or aquifer defined by physical boundaries.

Groundwater Recharge - The process of placing water in an aquifer. Can be a naturally occurring process or artificially enhanced.

Hard Water - Water having a high concentration of minerals, typically calcium and magnesium ions.

Hydrologic Cycle - The process of evaporation of water into the air and its return to earth in the form of precipitation (rain or snow). This process also includes transpiration from plants, percolation into the ground, groundwater movement, and runoff into rivers, streams, and the ocean; see Water cycle.

Levels of Service (LOS) - Goals to support environmental and public expectations for performance.

Mains, Distribution - A network of pipelines that delivers water (drinking water or recycled water) from transmission mains to residential and commercial properties, usually pipe diameters of 4" to 16".

Mains, Transmission - A system of pipelines that deliver water (drinking water or recycled water) from a source to supply the distribution mains, usually pipe diameters of greater than 16".

Meter - A device capable of measuring, in either gallons or cubic feet, a quantity of water delivered by the District to a service connection.

Overdraft - The pumping of water from a groundwater basin or aquifer in excess of the supply flowing into the basin. This pumping results in a depletion of the groundwater in the basin which has a net effect of lowering the levels of water in the aquifer.

Pipeline - Connected piping that carries water, oil, or other liquids. See Mains, Distribution and Mains, Transmission.

Point of Responsibility, Metered Service - The connection point at the outlet side of a water meter where a landowner's responsibility for all conditions, maintenance, repairs, use and replacement of water service facilities begins, and the District's responsibility ends.

Potable Water - Water that is used for human consumption and regulated by the California Department of Public Health.

Pressure Reducing Valve - A device used to reduce the pressure in a domestic water system when the water pressure exceeds desirable levels.

Pump Station - A drinking water or recycled water facility where pumps are used to push water up to a higher elevation or different location.

Reservoir - A water storage facility where water is stored to be used at a later time for peak demands or emergencies such as fire suppression. Drinking water and recycled water systems will typically use concrete or

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steel reservoirs. The State Water Project system considers lakes, such as Shasta Lake and Folsom Lake to be water storage reservoirs.

Runoff - Water that travels downward over the earth's surface due to the force of gravity. It includes water running in streams as well as over land.

Santa Ana River Interceptor (SARI) Line - A regional brine line designed to convey 30 million gallons per day (MGD) of non-reclaimable wastewater from the upper Santa Ana River basin to Orange County Sanitation District for treatment, use and/or disposal.

Secondary treatment - Biological wastewater treatment, particularly the activated-sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

Service Connection - The water piping system connecting a customer's system with a District water main beginning at the outlet side of the point of responsibility, including all plumbing and equipment located on a parcel required for the District's provision of water service to that parcel.

Sludge - Untreated solid material created by the treatment of wastewater.

Smart Irrigation Controller - A device that automatically adjusts the time and frequency which water is applied to landscaping based on real-time weather such as rainfall, wind, temperature, and humidity.

South Coast Air Quality Management District (SCAQMD) - Regional regulatory agency that develops plans and regulations designed to achieve public health standards by reducing emissions from business and industry.

Special district - A form of local government created by a local community to meet a specific need. Yucaipa Valley Water District is a County Water District formed pursuant to Section 30000 of the California Water Code

Supervisory Control and Data Acquisition (SCADA) - A computerized system which provides the ability to remotely monitor and control water system facilities such as reservoirs, pumps, and other elements of water delivery.

Surface Water - Water found in lakes, streams, rivers, oceans, or reservoirs behind dams. In addition to using groundwater, Yucaipa Valley Water District receives surface water from the Oak Glen area.

Sustainable Groundwater Management Act (SGMA) - Pursuant to legislation signed by Governor Jerry Brown in 2014, the Sustainable Groundwater Management Act requires water agencies to manage groundwater extractions to not cause undesirable results from over production.

Transpiration - The process by which water vapor is released into the atmosphere by living plants.

Trickling filter - A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in wastewater as it trickles over them.

Underground Service Alert (USA) - A free service (<https://www.digalert.org>) that notifies utilities such as water, telephone, cable and sewer companies of pending excavations within the area (dial 8-1-1 at least 2 working days before you dig).

Urban runoff - Water from city streets and domestic properties that carry pollutants into the storm drains, rivers, lakes, and oceans.

Valve - A device that regulates, directs, or controls the flow of water by opening, closing, or partially obstructing various passageways.

Wastewater - Any water that enters the sanitary sewer.

Water Banking - The practice of actively storing or exchanging in-lieu surface water supplies in available groundwater basin storage space for later extraction and use by the storing party or for sale or exchange to a third party. Water may be banked as an independent operation or as part of a conjunctive use program.

Water Cycle - The continuous movement water from the earth's surface to the atmosphere and back again.

Water Pressure - Water pressure is created by the weight and elevation of water and/or generated by pumps that deliver water to customers.

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Water Service Line - A water service line is used to deliver water from the Yucaipa Valley Water District's mainline distribution system.

Water table - the upper surface of the zone of saturation of groundwater in an unconfined aquifer.

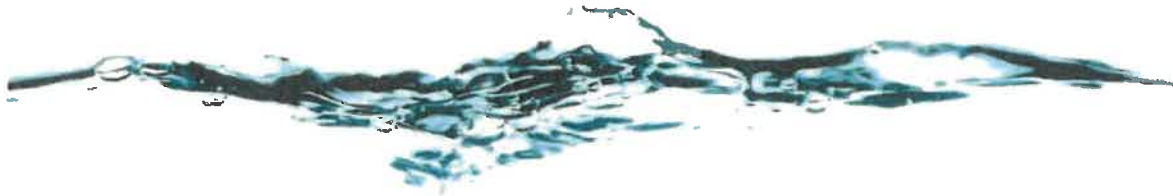
Water transfer - a transaction, in which a holder of a water right or entitlement voluntarily sells/exchanges to a willing buyer the right to use all or a portion of the water under that water right or entitlement.

Watershed - A watershed is the region or land area that contributes to the drainage or catchment area above a specific point on a stream or river.

Water-Wise House Call - a service which provides a custom evaluation of a customer's indoor and outdoor water use and landscape watering requirements.

Well - a hole drilled into the ground to tap an underground aquifer.

Wetlands - lands which are fully saturated or under water at least part of the year, like seasonal vernal pools or swamps.



January 2021



COMMONLY USED ABBREVIATIONS

AQMD	Air Quality Management District
BOD	Biochemical Oxygen Demand
CARB	California Air Resources Board
CCTV	Closed Circuit Television
CWA	Clean Water Act
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oils, and Grease
GPD	Gallons per day
MGD	Million gallons per day
O & M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
POTW	Publicly Owned Treatment Works
PPM	Parts per million
RWQCB	Regional Water Quality Control Board
SARI	Santa Ana River Inceptor
SAWPA	Santa Ana Watershed Project Authority
SBVMWD	San Bernardino Valley Municipal Water District
SCADA	Supervisory Control and Data Acquisition system
SGMA	Sustainable Groundwater Management Act
SSMP	Sanitary Sewer Management Plan
SSO	Sanitary Sewer Overflow
SWRCB	State Water Resources Control Board
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
WDR	Waste Discharge Requirements
YVWD	Yucaipa Valley Water District

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1 (LAFCO 3251-Reorganization to Include Annexation to Yucaipa Valley
2 Water District and its Improvement District NO. 1) and is pending
3 annexation approval.

4 3. The subject property is located within the sphere of
5 influence ("SOI") of the Yucaipa Valley Water District. Pursuant to
6 Government Code section 56133(c), the Commission may approve the
7 provision of services outside an agency's boundaries under certain
8 circumstances, including if the territory is within the agency's
9 SOI and if the provision of service is in anticipation of a future
10 annexation.

11 4. The distinctive short form designation of the proposal is
12 LAFCO 2021-09-5- Request for Extra-Territorial Service Provision -
13 Yucaipa Valley Water District (I-10 Logistics Owner, LLC).

14 5. The County of Riverside, as lead agency under the
15 California Environmental Quality Act ("CEQA") determined that the
16 overall San Gorgonio Crossings project could have significant
17 impacts on the environment and prepared and certified Environmental
18 Impact Report No. 534 ("EIR," State Clearinghouse No. 2014011009)
19 and Supplemental EIR for the San Gorgonio Crossing project (PP25337,
20 CZ07799, MP36564, and GPA01079). The EIR and Supplemental EIR fully
21 evaluated the entire project and complied with all applicable
22 provisions of CEQA and all appropriate State Guidelines.

23 The County has prepared a Mitigation Monitoring Reporting
24 Program and is responsible for all monitoring reports and
25 enforcement actions per CEQA. In addition to making findings
26 regarding significant impacts, the County adopted a Statement of
27 Overriding Considerations, which weighs the significant unavoidable
28 impacts against the benefits of the project and concludes that the

1 benefits of the project outweigh the remaining significant
2 unavoidable impacts.

3 6. Pursuant to CEQA, including State CEQA Guidelines section
4 15091 and 15096(h), Riverside LAFCO has more limited approval and
5 implementing authority over the project and thus serves only as a
6 responsible agency for the project pursuant to the requirements of
7 CEQA.

8 7. All the procedures of CEQA and the State CEQA Guidelines
9 have been met, and the EIR and Supplemental EIR is sufficiently
10 detailed so that all of the potentially significant effects of the
11 project on the environment and measures necessary to avoid or
12 substantially lessen such effects have been evaluated in accordance
13 with CEQA.

14 8. As responsible agency, Riverside LAFCO has verified that
15 the EIR and Supplemental EIR adequately analyze the potential
16 environmental impacts associated with the extraterritorial service,
17 which is Riverside LAFCO's limited role in the implementation of
18 the project.

19 9. All of the findings and conclusions made by the Commission
20 pursuant to this resolution are based upon the oral and written
21 evidence presented to it as a whole and not based solely on the
22 information provided in this resolution.

23 10. All required procedures of CEQA have been met and all
24 other legal prerequisites to the adoption of this resolution have
25 occurred.

26 11. In its limited role as responsible agency and based on
27 the environmental documentation prepared by the Lead Agency, and
28 pursuant to CEQA Guidelines Sections 15162, 15163 and 15164, the

1 Commission further finds the following:

2 a. There have not been any substantial changes proposed
3 to the project as analyzed in the EIR No. 534 or the Supplemental
4 EIR that require major revisions of the CEQA documents because of
5 new significant environmental effects or a substantial increase in
6 the severity of previously identified significant effects.

7 b. There have not been any substantial changes with
8 respect to the circumstances under which the proposed project is
9 undertaken that require major revisions of the CEQA documents, due
10 to the involvement of new significant environmental effects or a
11 substantial increase in the severity of previously identified
12 significant effects.

13 c. There is no new information of substantial
14 importance, which was not known and could not have been known with
15 the exercise of reasonable diligence at the time the Supplemental
16 to the EIR was certified, that shows any of the following:

17 (1) The project will have one or more significant
18 effects not discussed in the EIR or Supplemental EIR;

19 (2) Significant effects previously examined will be
20 substantially more severe than shown in the EIR or Supplemental
21 EIR;

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

27 (4) Mitigation measures or alternatives which are
28 considerably different from those analyzed in the EIR or

1 Supplemental EIR would substantially reduce one or more significant
2 effects on the environment, but the project proponents decline to
3 adopt the mitigation measure or alternative.

4 Accordingly, no further environmental documentation is
5 required.

6 12. Find that there are no direct or indirect environmental
7 effects of the extra-territorial service extension. Therefore,
8 pursuant to CEQA Guidelines Sections 15096(g), there are no
9 mitigation measures to be adopted by Riverside LAFCO for the
10 proposed action, and none of the overriding considerations in the
11 County's statement of overriding considerations apply to the
12 actions undertaken by Riverside LAFCO. The EIR, Supplemental EIR,
13 Mitigation Monitoring and Reporting Program and Statement of
14 Overriding Considerations adopted by the County in connection with
15 the project are on file with and available for inspection at
16 Riverside LAFCO.

17 13. Concur with the lead agency's findings and make, after
18 consideration of all environmental documentation and all comments
19 on the larger project, responsible agency findings in Riverside
20 LAFCO's limited role as responsible agency.

21 14. The request to provide extra-territorial services to the
22 subject area depicted in Exhibit "A" is approved subject to the
23 following terms and conditions:

24 a. The Yucaipa Valley Water District shall defend,
25 indemnify, and hold harmless the Riverside LAFCO, its agents,
26 officers, and employees from any claim, action, or proceeding
27 against Riverside LAFCO, its agents, officers, and employees to
28 attack, set aside, void, or annul any approval of Riverside LAFCO

1 concerning this proposal.

2 b. The extra-territorial service provision by the
3 Yucaipa Valley Water District to the subject area shall expire in
4 twelve months, so that this provision can be limited to calendar
5 year 2022. This condition is to ensure that the landowner, I-10
6 Logistics Owner, LLC, will complete the pending annexation (LAFCO
7 3251) proceeding with San Bernardino LAFCO.

8 15. The Executive Officer is directed to transmit a certified
9 copy of this resolution to the proponent and to each subject local
10 agency.

11 //

12 //


Michael M. Vargas, Chair


14 //

15 //

16 I certify the above resolution was passed and adopted by the
17 Riverside Local Agency Formation Commission on October 28, 2021.

18 //

19 //


Gary Thompson, Executive Officer

21 //

22 //

23 //

FORM APPROVED LEGAL COUNSEL

 11/19/2021

24

25 The foregoing instrument is certified, under penalty of
perjury, to be a true copy of the original on file in this
office.

BY: Melissa R. Cushman

DATE

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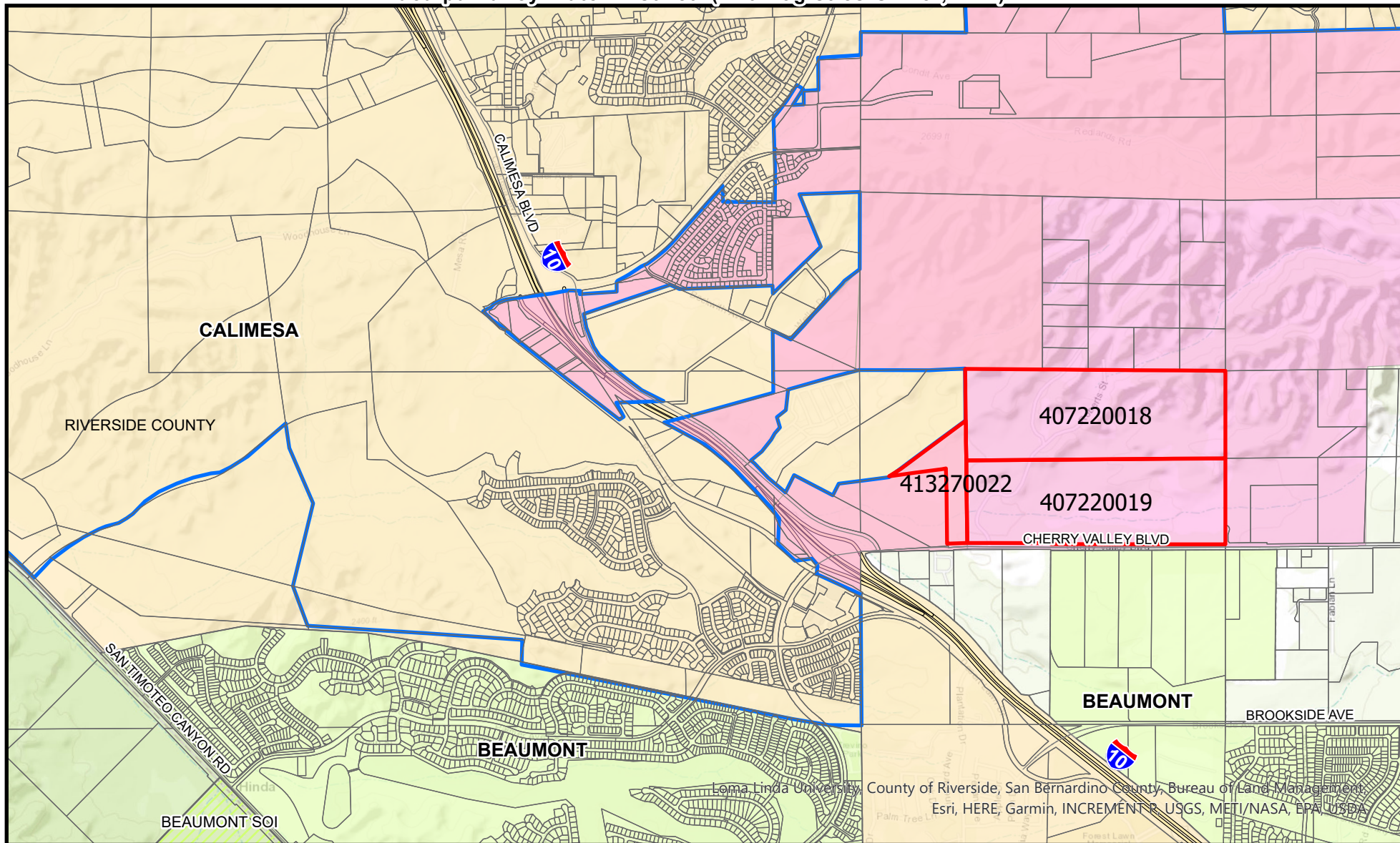
27 
Elizabeth R. Valdez, Commission Clerk

28 Executed on December 2, 2021 at

28 //

Riverside, California

**LAFCO 2021-09-5 - Request for Extraterritorial Service Provision -
Yucaipa Valley Water District (I-10 Logistics Owner, LLC)**



Data Sources: County of Riverside; Registrar of Voters, District, LAFCO

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

**Water & Sewer
provided by District**

Legend

- Yucaipa Valley Water District Boundary
- Yucaipa Valley Water District Boundary Sphere of Influence (SOI)
- LAFCO 2021-09-5 - Extraterritorial Request (YVWD)

Exhibit A

**Commission Approved on 10/28/2021: Approval of LAFCO 2021-09-5
with a condition that
completion of LAFCO 3251 (San BDO ANX) must be met within
12 months (October 28, 2022)**

Author: Crystal M. Craig

Map Updated on 11/17/21

**AGREEMENT TO PROVIDE DRINKING WATER, RECYCLED WATER,
AND SEWER SERVICE TO SAN GORGONIO CROSSING
PARCEL MAP NUMBER 36564 IN THE COUNTY OF RIVERSIDE**

This Agreement is made and effective this 3rd day of August 2021, by and between the Yucaipa Valley Water District, a public agency ("District") and I-10 Logistics Owner, LLC ("Developer"). Each is sometimes referred to herein as a "Party" and jointly as the "Parties".

Elements Project	Service Order	Task
93	14329	89456

For contractual issues, the Parties are represented by the following responsible individuals authorized to execute this Agreement:

District	Developer
Yucaipa Valley Water District 12770 Second Street Yucaipa, California 92399 Attention: Joseph Zoba, General Manager Email: jzoba@yvwd.us Telephone: (909) 797-5119 x2	I-10 Logistics Owner, LLC 2 Park Plaza, Suite 700 Irvine, California 92614 Attention: Brian Rupp, Executive Vice President Email: brupp@shopoff.com Telephone: (949) 231-5069

The Developer has represented, and hereby represents, to the District that it is the owner of the following parcel(s) which is/are the subject of this Agreement and described herein as the "Property":

Assessor Parcel Numbers	City / County
407-220-018, 407-220-019 and 413-270-022	Riverside County



RECITALS

WHEREAS, the Developer desires to develop its Property situated within the District's sphere of influence consisting of a development over an area of approximately 245 acres; and

WHEREAS, the Developer has provided plans, drawings, and/or concepts to the District to construct the proposed "Project" as shown on Exhibit A attached hereto; and

WHEREAS, the Project area includes the site planning for two recycled water storage reservoirs intended to be conveyed and deeded to the District and are to be located on the easterly portion of the Project; and

WHEREAS, the Developer desires to obtain drinking water service, recycled water service, and sewer service from the District for the Project in accordance with this Agreement and the current Rules, Regulations, and Policies of the District; and General Construction Conditions as provided in Exhibit C attached hereto; and

WHEREAS, the Developer has applied to the Local Agency Formation Commission for San Bernardino County ("LAFCO") to annex the Property to the District's service territory, which is currently pending before LAFCO; and

WHEREAS, in the interim, until such time as LAFCO has approved the annexation, the District and Developer desire for the District to provide drinking water, recycled water, and sewer services to the Property, which is in the District's sphere of influence, and the District will submit this Agreement to LAFCO for out-of-agency service authorization pursuant to Government Code, section 56133 for the period of time prior to completing the annexation of the Property; and

WHEREAS, it is the purpose of this Agreement to set forth the terms and conditions by which the District will provide service to the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Developer and the District agree as follows:

- A. Project Overview.** The proposed development consists of two high-cube warehouse buildings: Building 1 would cover 814,822 square feet and Building 2 would cover 1,017,845 square feet, for a total of approximately 1,832,667 square feet of floor area. The two warehouses would include 2,151 square feet of office space.

In accordance with county landscaping standards, the project would utilize recycled water for the proposed landscaping along the project frontage, interior parkways, within Cherry Valley Boulevard, and a 5.94 acre riparian habitat area.

The Project will result in four separate parcels: one for each of the industrial buildings including open space areas to be dedicated to a conservancy; one parcel deeded to an adjoining property owner; and one recycled water reservoir parcel provided in fee title (and associated ingress/egress and pipeline/utility easements) to Yucaipa Valley Water District as illustrated in Exhibit B.

The Project will receive drinking water service, recycled water service, and sewer service from the District upon payment of the District's monthly rates, fees, and charges for such services.

B. Special Conditions. In addition to the General Construction Conditions attached hereto as Exhibit C, the following conditions, being contained herein, are hereby required by the District for the Developer to receive service for the Project.

1. **Project Specific Drinking Water Conditions:** The Project will receive drinking water service from the Yucaipa Valley Water District. The Developer shall design and construct, at its sole cost and expense, on-site and/or off-site drinking water infrastructure ("Facilities") as required by the District, and pursuant to the District's approved plans and requirements as follows.

- a. Approximately 6,340 linear feet of 24-inch ductile iron water conveyance pipeline shall be constructed from existing District drinking water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "A" Street. Approximately 1,500 linear feet of 12-inch ductile iron drinking water conveyance pipeline shall be constructed connecting to the 24-inch ductile iron pipeline then north on "A" Street to an agreed termination point.
- b. **Reservoir R-12.4 SCIP Financing.** In 2014 the Yucaipa Valley Water District assembled several property owners in the area to construct the Drinking Water Reservoir R-12.4. This 6.0 million gallon reservoir is necessary to provide drinking water and fire protection to the Project.

Based on the cost to construct Reservoir R-12.4, the financial participation for capacity in that Reservoir reserved for this Project is \$536,000 based on anticipated water service and an allocation of the 960,000 gallon fire flow requirement. The Developer shall be required to provide payment for the reserved storage capacity prior to the issuance of a Certificate of Occupancy by the County of Riverside.

2. **Project Specific Recycled Water Conditions:** The Project will receive recycled water service from the Yucaipa Valley Water District. The Developer shall design and construct, at its sole cost and expense, on-site and/or off-site recycled water infrastructure ("Facilities"), as required by the District, and pursuant to the District's approved plans and requirements, as follows:

- a. Approximately 9,170 linear feet of 24-inch ductile iron water conveyance pipeline shall be constructed from existing District recycled water facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to "B" Street. Approximately 225 linear feet of 24-inch ductile iron drinking water conveyance pipeline shall be constructed connecting to the 24-inch ductile iron pipeline then north on "B" Street to an agreed termination point.

- i. **Cost Sharing of Recycled Water Pipeline** - The Developer and District agree that the total incremental material costs associated with the oversizing requirement from the Developer's responsibility of a 12" recycled water pipeline to the District's required 24" recycled water pipeline is \$1,050,000. The District will provide a payment in the amount of \$1,050,000 within fifteen (15) days following LAFCO's approval of the annexation of the Property and District acceptance of the 24" recycled water pipeline for the incremental material costs associated with the 24" recycled water pipeline.
 - b. Prior to the issuance of a Building Certificate of Occupancy by the County of Riverside, or as otherwise approved in writing by the District and Developer, the Developer shall provide fee title to an agreed parcel of land, unencumbered by easements unless approved by the District in writing, except for such easements that exist as of the date of this Agreement, sufficient for the District to design and construct two 1.0 million gallon recycled water reservoirs and a recycled water booster station. The deeded property shall also include a District approved, graded pad, graded access roadway, and executed easements (ingress/egress, construction, reconstruction, pipeline, electrical power, communication conduits, etc.). The timing and construction of the recycled water reservoirs and booster station by the District will be coordinated to not impact the construction of the Project. The Developer will receive a fee credit or payment of \$40,000 for the fee title conveyance of the graded reservoir property and related easements to the District prior to the Certificate of Occupancy issued by the County of Riverside.
 - c. Recycled water service for this project will be applied to common areas around the Project site in a manner consistent with the Yucaipa Valley Water District Rules and Regulations and Title 22 California Code of Regulations upon LAFCO's annexation to the District's service territory and in the interim upon receiving approval by the State Water Resources Control Board, Division of Drinking Water.
 - d. The Developer shall assist as required by the District for the preparation and submittal of an Engineering Report for the Project.
3. **Project Specific Sewer Conditions:** The Project will receive sewer service from the Yucaipa Valley Water District. The Developer shall design and construct, at its sole cost and expense, on-site and/or off-site sewer infrastructure ("Facilities"), as required by the District, and pursuant to District approved plans and requirements as follows:
 - a. Approximately 5,345 linear feet of 8-inch extra strength vitrified clay pipe (VCP) will be constructed from existing District sewer facilities in Calimesa Boulevard southeast to Cherry Valley Boulevard and east on Cherry Valley Boulevard to the eastern Project parcel boundary. Onsite sewer mainlines will enter the Project on the western portion of the Project to provide sewer service to both industrial buildings.

- b. The Yucaipa Valley Water District will not provide sewer service to the Project until all sewer infrastructure is completed, pressure tested, and accepted by the District.
 - c. Developer shall pay all applicable fees, and charges as required herein and in effect at the time sewer service is activated to any portion of the Project.
 - d. The Developer is responsible for the construction and permanent maintenance of all on-site sewer Facilities that are not owned and operated by the District.
 - e. The District has identified sewer mainline deficiencies downstream of the Project within the City of Calimesa. To secure the appropriate funding for the upgrade of these sewer mainline facilities, the Developer shall pay to the District a fee of \$1,500 per Equivalent Dwelling Unit for the construction of upgraded sewer mainline facilities. This fee shall be paid prior to the certificate of occupancy issued by the County of Riverside.
4. Project Specific Stormwater Conditions. The City of Calimesa and/or the County of Riverside will retain responsibility and authority for stormwater related to the Project. The Developer shall provide, at its sole cost and expense, approved plans, specifications, and construction drawings to the District for review and identification of onsite stormwater collection facilities and retention basins and the District will review such plans, specifications, and drawings to ensure that the Facilities will not interfere with existing District infrastructure and/or the stormwater facilities.
5. General Conditions. The Developer, at its sole cost and expense, shall design and construct all Facilities and related appurtenances pursuant to the District's approved plans and construction drawings to serve the Project.
- a. The District will not provide drinking water, recycled water, or sewer service to the Project until the required Facilities are completed and accepted by the District to provide service to the Project or any portion thereof.
 - b. Project phases (if applicable) will be coordinated and approved in writing by the District.
 - c. The Developer shall provide electronic design drawings of parcels and infrastructure in native AutoCAD file formats consistent with existing District enterprise systems prior to receiving occupancy.
 - d. Facilities located in easements shall be protected pursuant to District requirements.
6. Rates, Fees and Charges.
- a. The most current rates, fees and charges for the services described above shall be payable pursuant to the District's Resolution/Ordinance in effect at

the time building permits are issued or renewed for the Project. Developer understands and agrees that such rates, fees, and charges may be increased by the District from time-to-time and shall be payable when such increases become effective.

- b. As a commercial/industrial development, this Project is exempt from paying sustainability fees based on the rates, fees, and charges for seven acre-feet (7 acre-feet) of supplemental water per Water Service Unit prior to the issuance of building permits.
 - c. On June 2, 2020, the Board of Directors adopted Resolution No. 2020-30, *"A Resolution of the Yucaipa Valley Water District setting Forth and Updating the Calculation for Facility Capacity Charges Related to the Purchase of Permanent Supplemental Water Resources for New Development within Riverside County"*. This Resolution will be amended from time to time to update the cost of permanent water supplies for developments in Riverside County which fee is due payable at the time a building permit is issued or renewed for the Project.
 - i. This Project does not include overlying water rights; therefore the Developer is required to pay the Supplemental Water Facility Capacity Charge as calculated by the most recent fee Resolution.
7. Project Related Invoices. Pursuant to Exhibit C - Design and Construction Requirements, Section O, the Developer shall deposit funds in the amount of \$25,000 ("Project Cash Account") with the District within the (10) business days following the District's approval of this Agreement. The Developer acknowledges that the District is hereby authorized, from time-to-time, to reimburse itself from those funds on deposit for Project costs incurred by the District, and that the District's development staff/consultant related services, permit issuance, and occupancy release will cease unless there is a minimum balance of \$2,500 in the Project Cash Account for the Project. The District shall provide monthly accounting of the deposits and withdrawals as well as written backup documentation substantiating the withdrawals upon request by Developer.
8. Ownership, Operation and Maintenance. Once constructed and accepted by the District, title to the Facilities (excluding private, on-site Facilities), including the land and/or easements as applicable on which the Facilities are located, shall be conveyed by the Developer to the District, and the District will operate and maintain the Facilities and provide service to the Developer's Property in accordance with the District's Rules, Regulations and Policies and the provisions of this Agreement.
9. Easements, Dedications, and Recorded Documentation: All easements, dedications, and recorded documentation required by the District shall be provided by the Developer to the District prior to the release of occupancy of any structure within the Project. Such documentation shall be subject to the District's approval.
10. Annexation. The Developer hereby irrevocably consents to annexation of the Property to the Yucaipa Valley Water District and agrees to take any and all reasonable and necessary actions and fully and in good faith cooperate with the

District to cause the annexation of the Property to the District. Annexation to the Yucaipa Valley Water District is required for the District to provide permanent drinking water, sewer, and recycled water services, the application for which is currently pending before LAFCO. In the interim, prior to the approval of the annexation, the District will provide drinking water, sewer services, and recycled water (upon receiving approval by the State Water Resources Control Board, Division of Drinking Water) upon LAFCO's approval of this Agreement under Government Code, section 56133. The Parties understand and agree that LAFCO's final annexation approval is a condition precedent to permanent water, recycled water, and sewer services provided by the District for the Project.

11. Annual Review of Construction Drawings. The District requires an annual review of approved construction drawings related to this Project. The District will not charge the Developer for the annual construction drawing review. However, the Developer will be required to update and resubmit construction drawings based on comments provided by the District at the sole cost and expense of the Developer prior to the start of construction.
12. Amendment. This Agreement may be amended, from time-to-time, by mutual agreement, in writing signed by both Parties. The District and the Developer further agree that to the extent this Agreement does not address all aspects of the Developer's Property and/or Project, the Parties will meet and confer and negotiate in good faith and execute a written amendment or supplement to this Agreement.
13. Assignment. This Agreement shall not be assigned, whether in whole or in part by either Party.
14. Term and Termination of Agreement. Unless extended by mutual agreement of the parties in writing, this Agreement shall terminate at 5:00 p.m., on the day before the sixth (6th) anniversary date of this Agreement; provided, however, that this Agreement shall automatically terminate as follows:
 - a. Immediately, upon abandonment by the Developer of the Developer's Property and/or the work hereunder. "Abandonment" is defined as the act of bankruptcy or Developer's failure to improve the Property in a manner consistent with the proposed development plan within twelve months of the effective date of this Agreement; and/or
 - b. Within 45 days of the date of the issuance of a Notice of Default by the District to the Developer in the event the Developer fails or refuses to perform, keep, or observe any of the terms, conditions or covenants set forth in this Agreement.
 - c. Such abandonment or default by the Developer shall relieve the District and Developer of its obligations and liabilities under this Agreement.

IN WITNESS WHEREOF, the parties have executed is Agreement to be effective on the day and year first above written.

YUCAIPA VALLEY WATER DISTRICT

Dated: 8-5-21 By: 
Chris Mann, Board President

DEVELOPER

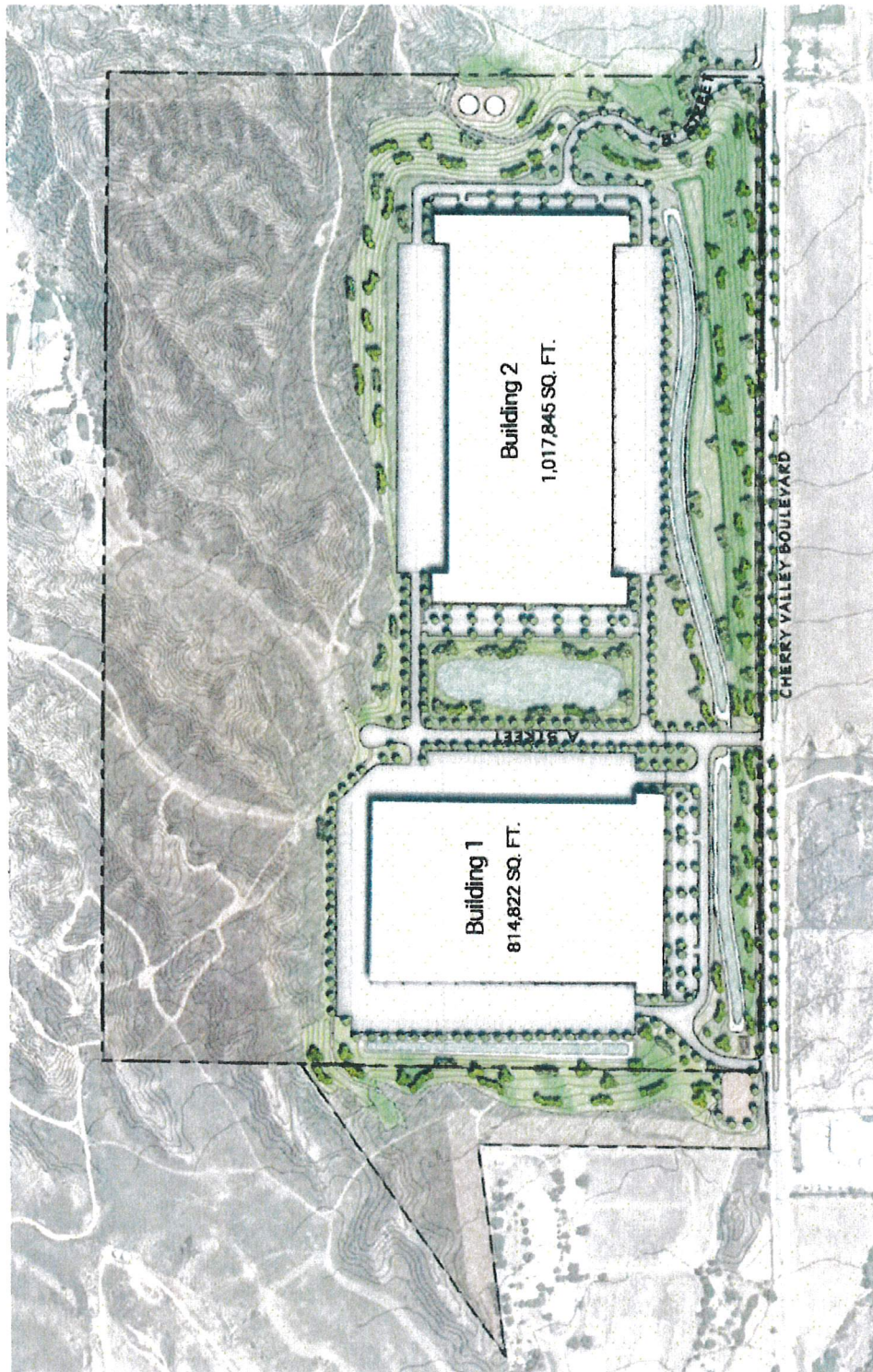
Dated: August 4, 2021 By: 

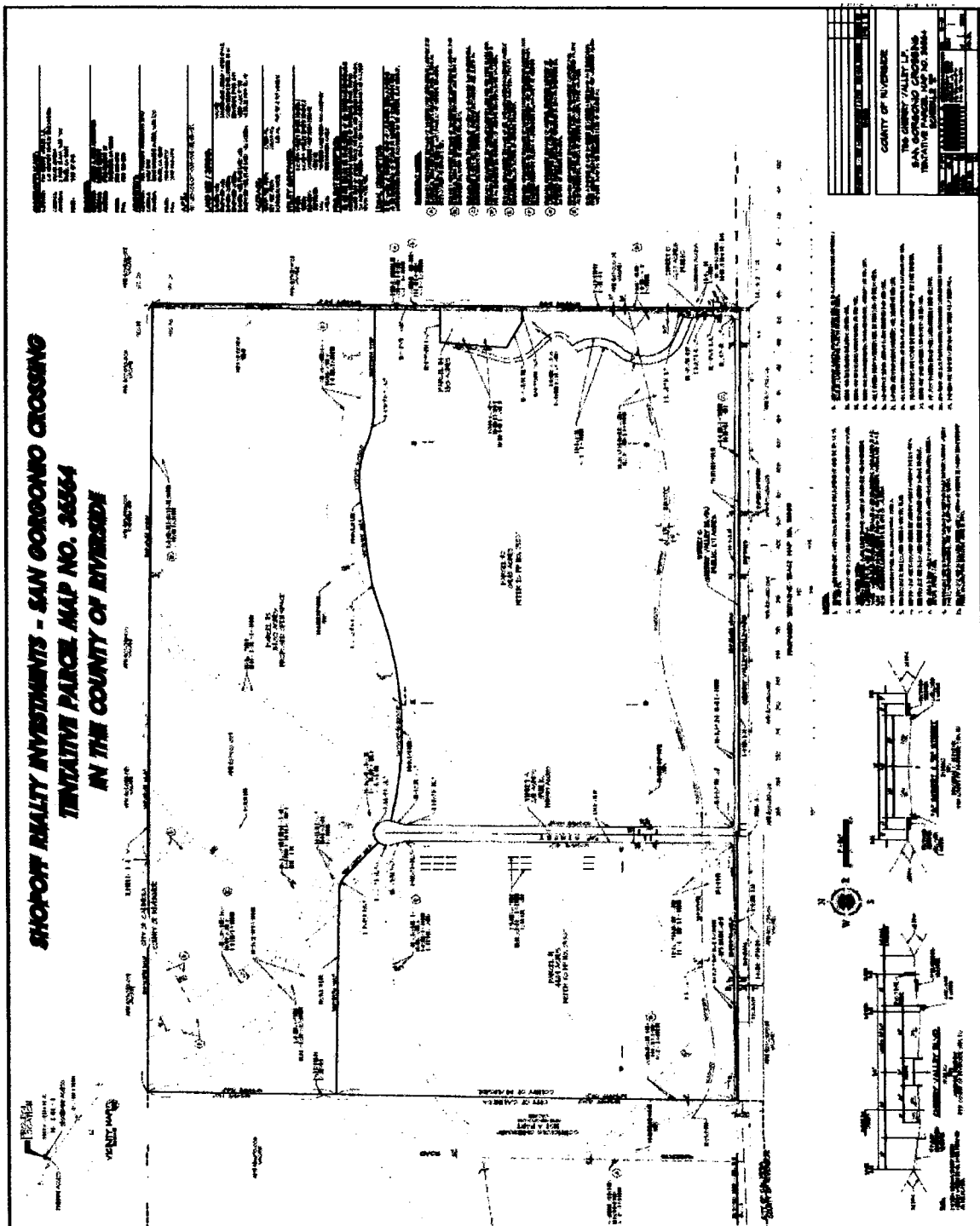
Print Name: Brian G. Rupp

Print Title: Authorized Signatory

Attachments	Status
Exhibit A - Proposed Development Concept	Included
Exhibit B - Recycled Water Reservoir Property	Included
Exhibit C - General Construction Conditions	Included
Exhibit D - Transfer of Overlying Water Rights	Not Included

Exhibit A - Proposed Development Concept





PARCEL MAP NO. 36564

IN THE JUDICIAL DISTRICT COURT OF THE COUNTY OF ALBUQUERQUE, STATE OF CALIFORNIA

SEE SHEET 3 FOR BASIS OF DEBITED.
SURVEYOR'S NOTES AND EASEMENT NOTES.

FREE SHEET & FOR RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT EASEMENTS

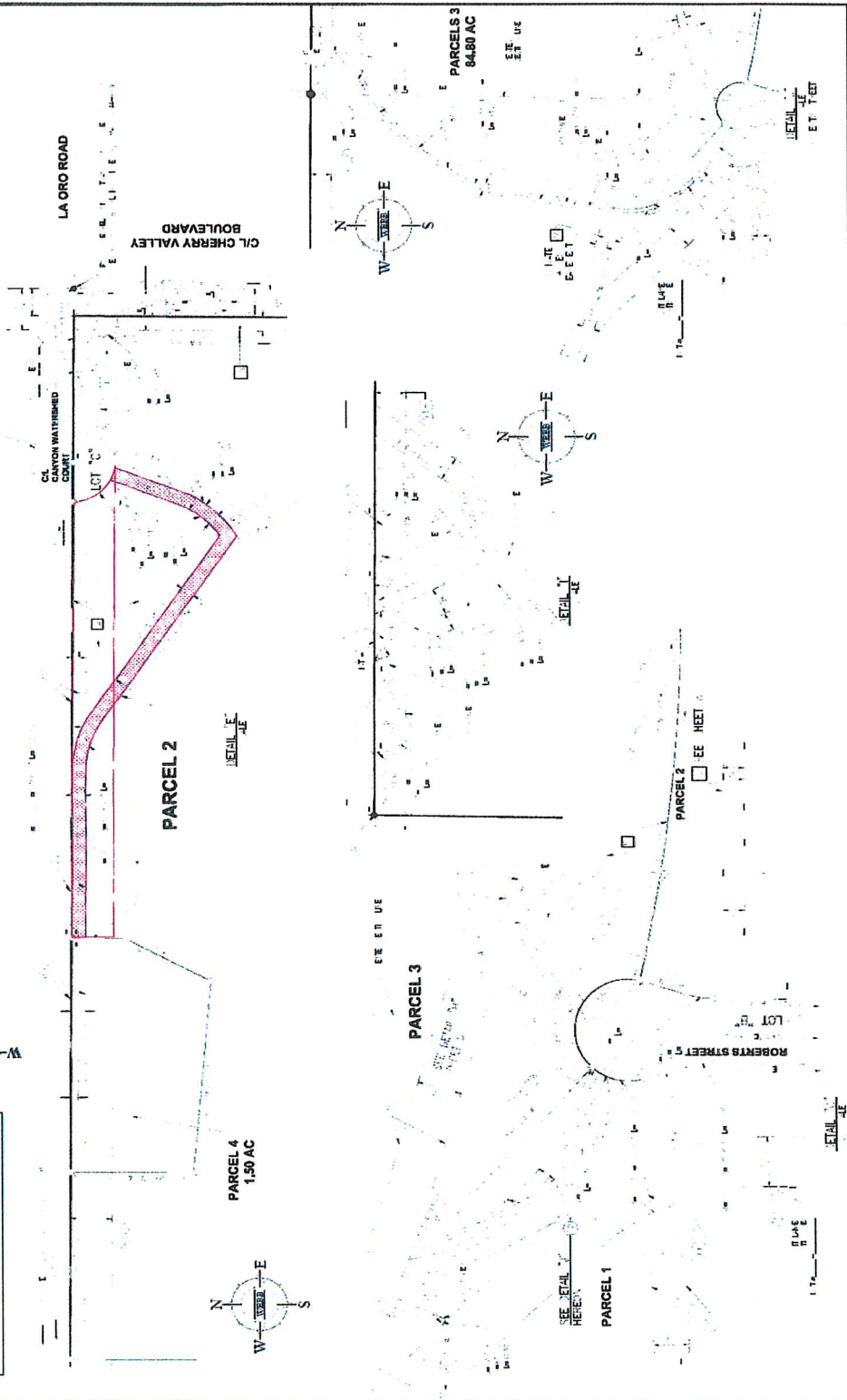
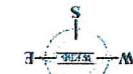


EXHIBIT "A"

**ACCESS EASEMENT
LEGAL DESCRIPTION**

THAT PORTION OF PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT NO. 190013, AS EVIDENCED BY DOCUMENT RECORDED SEPTEMBER 18, 2019 AS INSTRUMENT NO. 2019-0365786 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AS CONVEYED BY GRANT DEED RECORDED DECEMBER 31, 2020 AS DOCUMENT NO. 2020-0672143, RECORDS OF RIVERSIDE COUNTY, LYING WITHIN FRACTIONAL SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, BEING A STRIP OF LAND, 20.00 FEET IN WIDTH, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 30, AS SHOWN ON RECORD OF SURVEY ON FILE IN BOOK 85 AT PAGE 92, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA:

THENCE NORTH $89^{\circ}35'27''$ WEST ALONG THE NORTHERLY LINE OF SAID SECTION 30, A DISTANCE OF 10.00 FEET FOR THE **TRUE POINT OF BEGINNING**, SAID POINT BEING ON A LINE PARALLEL WITH AND DISTANT WESTERLY 10.00 FEET, MEASURED AT A RIGHT ANGLE, FROM THE EASTERLY LINE OF SAID SECTION 30:

THENCE SOUTH $00^{\circ}24'37''$ WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1878.76 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 150.00 FEET:

THENCE SOUTHWESTERLY ALONG SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $34^{\circ}06'40''$, AN ARC DISTANCE OF 89.30 FEET:

THENCE SOUTH $34^{\circ}31'17''$ WEST, A DISTANCE OF 338.61 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 151.00 FEET, THE RADIAL LINE TO SAID POINT BEARS SOUTH $57^{\circ}00'31''$ WEST:

THENCE SOUTHEASTERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF $36^{\circ}27'27''$, AN ARC DISTANCE OF 96.08 FEET:

EXHIBIT "A"


**ACCESS EASEMENT
LEGAL DESCRIPTION**

THENCE SOUTH 69°26'55" EAST, A DISTANCE OF 99.66 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 61.00 FEET, THE RADIAL LINE TO SAID POINT BEARS NORTH 71°46'13" WEST FOR THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE NORTHERLY, AT THE NORTHERLY LINE OF SAID SECTION 30 AND SOUTHEASTERLY, ON SAID CURVE, CONCAVE SOUTHEASTERLY, WITH A RADIUS OF 61.00 FEET AT THE POINT OF TERMINUS.

CONTAINING 1.15 ACRE, MORE OR LESS.

**SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION**


MICHAEL E. JOHNSON, L.S. 7673 07/02/21
DATE

PREPARED BY: AL
CHECKED BY: mf



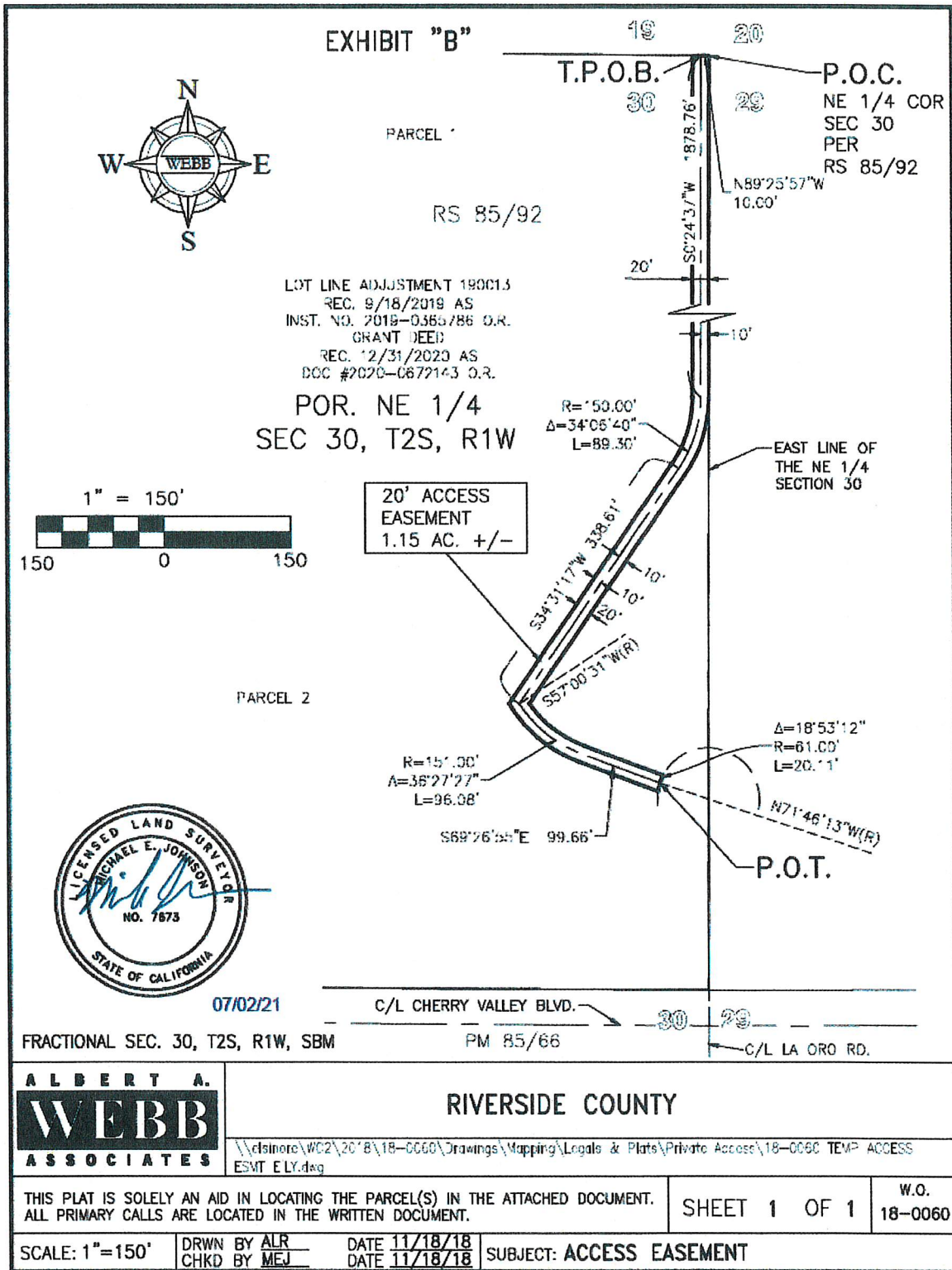


Exhibit C - General Construction Conditions

DESIGN AND CONSTRUCTION

- A. Licensed Professionals. All work, labor and services performed and provided in connection with, for example, the preparation of surveys and descriptions of real property and rights-of-way, the preparation of construction specifications, plans and drawings, and the construction of all Facilities shall be performed by or under the direction of professionals appropriately licensed by the State of California and in good standing.
- B. Plan Acceptance; Facility Acceptance. Upon its final review and approval of the plans and specifications ("Plans"), the District shall sign the construction drawings ("Approved Plans") indicating such approval ("Plan Acceptance"). Plans are subject to an annual review by the District and modifications will be required by the District to conform to revised construction standards and policies as part of the Plan Acceptance. The Developer shall update and resubmit the Plans for final approval by the District.
1. The Developer shall not permit, or suffer to permit, the construction of any Facility without having first obtained Plan Acceptance or completed modifications required by annual updates. In the event the Developer fails or refuses to obtain the District's Plan Acceptance, the District may refuse, in its sole discretion and without liability to the Developer, to issue its Facility Acceptance (as that term is defined below) as to such Facility when completed.
 2. The Developer shall not deviate from any Approved Plans and/or specifications without the District's prior written approval.
- C. Facility Inspection. All construction work shall be inspected on a timely basis by District personnel and/or by District's consultants at the sole cost of the Developer. The Developer acknowledges that the inspector(s) shall have the authority to require that any and all unacceptable materials, workmanship, construction and/or installation not in conformance with either (i) the Approved Plans, or (ii) standard practices, qualities, and standards in the industry, as reasonably determined by the District, shall be replaced, repaired, or corrected at Developer's sole cost and expense.
1. In the event the Developer's contractor proposes to work overtime and beyond normal business hours, the Developer shall obtain the District's approval at least 24 hours in advance so that inspection services may be appropriately scheduled. The Developer shall be solely responsible for paying all costs and expenses associated with such inspection services.
 2. The District shall promptly upon request of Developer cause the final inspection of a Facility which Developer indicates is completed. If the District finds such Facilities to have been completed in conformance with the Approved Plans for which a Plan Acceptance has been issued, then District shall issue to Developer its letter ("Facility Acceptance") indicating satisfactory completion of the Facility and District's acceptance thereof. Neither inspection nor issuance of the Facility Acceptance shall constitute a waiver by District of any claims it might have against

Developer for any defects in the work performed, the materials provided, or the Facility constructed arising during the one-year warranty period.

- D. Project Coordination and Designation of Developer's Representative. The Developer shall be solely responsible for coordinating the provision of all work, labor, material, and services associated with the planning, design and construction of the Facilities required for the Project.
1. The Developer shall be solely responsible for compliance with all applicable federal, state, and local safety rules and regulations, and shall conduct periodic safety conferences as required by law and common sense.
 2. Prior to proceeding with any Facility construction, the Developer shall schedule and conduct a preconstruction conference with the District. In the event the Developer fails or refuses to conduct any such conference, the District may refuse, in its sole discretion, to accept the Facilities constructed by the Developer.
 3. The District and the Developer hereby designate the individual identified on page 1 of this Agreement as the person who shall have the authority to represent the District and Developer in matters concerning this Agreement. In order to ensure maximum continuity and coordination, the District and Developer agree not to arbitrarily remove or replace the authorized representative, but in the event of a substitution, the substituting Party shall promptly advise the other Party of such substitution, in writing.
- E. District's Right to Complete Facilities. The District is hereby granted the unqualified right to complete, construct or repair all or any portion of the water and/or sewer Facilities, at Developer's sole cost and expense in the event there is a threat to the public's health, safety, or welfare.
- F. Construction of Connections to District Facilities. Unless otherwise agreed to in writing by the District, the District shall furnish all labor, materials, and equipment necessary to construct and install connections between the Developer's Facilities and the District's water, recycled water, and sewer systems. All costs and expenses associated therewith shall be paid by the Developer.
- G. Compliance with Law and District Regulations. The Developer hereby agrees that all Facilities shall be planned, designed, and constructed in accordance with all applicable laws, and the District's Rules, Regulations and Policies in effect at the time of construction. The Developer shall keep fully informed of and obey all laws, rules, and regulations, and shall indemnify the District against any liability arising from Developer's violation of any such law, rule, or regulation.
- H. Developer's Warranties. The Developer shall unconditionally guaranty, for a period of one year following the District's Facility Acceptance thereof, any and all materials and workmanship, at the Developer's sole cost and expense. The provision of temporary water service through any of the Developer's Facilities, prior to District's acceptance of same, shall not nullify nor diminish the Developer's warranty obligation, nor shall the Developer's warranty obligation be voided if the District determines, in its sole discretion, to make any emergency repairs necessary to protect the public's health, safety or welfare or to ensure

continuity of water or sewer service. The District shall notify Developer of such emergency repairs.

- I. **Testing and Disinfection.** Upon approval by the District, the Developer, at its sole cost and expense, shall undertake and satisfactorily complete a testing program, including without limitation, compaction, cleaning, video and air testing, and pressurized and disinfection testing (drinking water Facilities), for all Facilities prior to acceptance by the District.
- J. **Bond Requirements.** The Developer shall provide to the District, in a form satisfactory to the District, the following bonds:
 1. **Performance and Warranty Bond.** A performance bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of any and all construction work to be conducted or performed under this Agreement. A warranty bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than fifty percent (50%) of the total cost of any and all construction performed hereunder, insuring against any and all defects in the Facilities constructed hereunder, for a period of not less than one full year after the date of acceptance thereof by the District.
 2. **Labor and Materials Payment Bond.** A labor and materials payment bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of the total cost of any and all construction performed hereunder per California Civil Code Sections 9550 and following.
 3. **Miscellaneous Bond Requirements.** All bonds required by this section are subject to the approval as to form and content by the General Manager and District's Legal Counsel. All bonds required by this section shall be provided by a surety that is an "admitted" surety insurer authorized to transact surety insurance in California, with assets exceeding its liabilities in the amount equal to or in excess of the amount of the bonds, and each bond shall not be in excess of ten percent (10%) of the surety insurer's assets. The bond shall be duly executed and shall meet all of the requirements of Section 995.660 of the Code of Civil Procedure.
- K. **Title to Facilities and Right-of-Way.** Provided that the Developer's Facilities are designed and constructed as required hereunder and the District proposes to issue its Facility Acceptance, the Developer shall, concurrently with the District's Facility Acceptance, convey ownership title to all Facilities (and right-of-way, if applicable) to the District, free and clear of any and all liens and encumbrances except those that are expressly agreed to by the District. The District may require fee title or an easement, depending upon the location of the Facility through action by the Board of Directors. Upon conveyance of title, the District shall assume the responsibility of operating and maintaining the Facilities, subject to the Developer's warranty as provided herein. The Developer acknowledges and agrees that the District shall not be obligated to operate and maintain the Facilities and to provide service to and through them until all applicable conditions imposed by this

Agreement hereunder are satisfied and title to the Facilities has been conveyed and delivered to the District in recordable form.

- L. **Risk of Loss.** Until such time as acceptance thereof by the District, and until good and marketable title to the easements, rights-of-way and Facilities are conveyed and delivered to, and accepted by, the District in recordable form, the Developer shall be solely and completely responsible for any and all losses and/or damage of every kind or nature to the easements, rights-of-way, and Facilities. In the event Developer believes the loss and/or damages arose from or are related to acts performed by the District, this provision does not preclude Developer's insurance carrier from seeking indemnity and/or reimbursement from the District.
- M. **Conditions Precedent to the Provision of Water and Sewer Service.** Unless the District otherwise agrees in writing, the District shall not be obligated to provide any water and/or sewer service to the Developer's Property or any part thereof, including model homes, until Facility Acceptance by the District and Developer conveys to the District the right-of-way and Facilities associated with the requested service. Upon acceptance of the right-of-way and appurtenant Facilities, the District shall provide the service requested and assume the responsibility for operating and maintaining the affected Facilities. Service provided by the District shall be in accordance with its Rules, Regulations and Policies and shall be comparable in quality of service to that provided all similarly situated customers.

FEES AND CREDITS

- N. **Developer Fees, Charges, Costs and Expenses.** The Developer shall be solely responsible for the payment to the District of all fees, charges, costs, and expenses related to this Project.
- O. **Developer Cash Account Deposit.** The Developer acknowledges and hereby agrees that the District is authorized, from time-to-time, to reimburse itself from the funds on deposit for Project costs incurred.
1. The Developer shall provide the initial deposit to the District, and maintain the minimum balance in the Cash Account for the Project as provided below:
 - a. An initial deposit of \$2,500 and a minimum balance of \$1,000 for a Project that involves the construction of 1 to 2 proposed structures;
 - b. An initial deposit of \$5,000 and a minimum balance of \$2,000 for a Project that involves the construction of 3 to 5 proposed structures;
 - c. An initial deposit of \$10,000 and a minimum balance of \$3,000 for a Project that involves the construction of 6 to 20 proposed structures;
 - d. An initial deposit of \$25,000 and a minimum balance of \$5,000 for all other Projects.

2. If not previously paid, the initial deposit shall be received by the District within 10 business days following the District's approval of this Agreement.
 3. The District shall provide a monthly accounting of how funds were disbursed.
 4. The Developer agrees to deposit funds with the District within 30 calendar days upon the date an invoice is issued by the District or a Notice of Default will be issued by the District.
 5. The District will not release any structure for occupancy unless the minimum balance is available to the District in the Project Cash Account.
 6. Should any unexpended funds remain in the Cash Account upon completion of the Project or termination of this Agreement, then such funds shall be reimbursed to the Developer within 60 days.
- P. Current Fees and Charges. In the event of a change in the District's schedule of fees and charges, such change shall automatically be incorporated into this Agreement as though set forth in full. Unless otherwise agreed to in writing by the District, the Developer shall pay, when due, the then-current amount of the applicable fee or charge.
- Q. Sustainability Water. The Developer shall pay for the purchase of a quantity of imported water pursuant to the Sustainability Policy adopted by the Board of Directors as a Resolution No. 11-2008 on August 20, 2008, or the latest version with a revised quantity or fee structure. The imported water rate shall be the rate in effect at the time water is secured from the San Bernardino Valley Municipal Water District. Imported water for compliance with the Yucaipa Valley Water District's Sustainability Policy may be pre-paid to lock in the Development Sustainability fee or purchased prior to the issuance of building permits and pay the fee in effect at that time.
- R. San Gorgonio Pass Water Agency Facility Capacity Charges. If the Project is within the service area of the San Gorgonio Pass Water Agency, the Developer will be required to pay the latest San Gorgonio Pass Water Agency Facility Capacity Charge as set forth by District resolution.
- S. District Financial Participation; Credits. The District may agree to participate in certain Facilities for this Project. Any participation or financial contribution to construct the water and/or sewer infrastructure associated with this Project is identified in the Special Conditions at the beginning of the Agreement.

PERMITS AND DOCUMENTATION

- T. Permits, Licenses and CEQA Documentation. The Developer shall be solely responsible for securing and paying for all permits and licenses necessary to develop its project. The Developer shall be solely responsible for complying with the California Environmental Quality Act under the auspices of the City and/or County within which the Property is situated. However, upon request, the Developer shall furnish to the District all relevant environmental documentation and information.

1. The Developer, at its sole cost and expense, shall be solely responsible for defending against any and all legal challenges, including but not limited to permits, licenses and CEQA documentation.
- U. Documents Furnished by the Developer. The Developer shall furnish to the District documentation as required by the District specified below, within the time periods specified. Each and every document submittal shall consist of a fully executed original or certified copy (in recordable form, if applicable) and two copies.

Document(s)	Due Date
Certification of Streets to Rough Grade	Prior to Construction
City/County Encroachment Permits and Conditions	Prior to Construction
Field Engineering Surveys ("Cut Sheets")	Prior to Construction
Grant of Easements and Rights-of-Way	Prior to Construction
Labor and Materials Bond	Prior to Construction
Liability Insurance Certificate(s)	Prior to Construction
Performance Bond	Prior to Construction
Soil Compaction Tests	Prior to Acceptance
Warranty Bond	Prior to Acceptance
List of Approved Street Addresses and Assessor Parcel Numbers	Prior to Setting Meter
Notice of High/Low Water Pressure	Prior to Setting Meter
Notice of Water Pumping Facility	Prior to Construction
Mechanic's Lien Releases	Upon Request of District

NOTE: The DEVELOPER hereby acknowledges and agrees that the foregoing list is not intended to be exclusive; therefore, the DISTRICT reserves the right to request, from time-to-time, additional documents or documentation.

INSURANCE AND INDEMNIFICATION

- V. Indemnification and Hold Harmless. The Developer and the District agree that the District should, to the extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, defense costs, court costs or any other costs arising out of or in any way related to the performance by Developer of this Agreement. Accordingly, the Parties intend this indemnity provision to be interpreted and construed to provide the fullest protection possible under the law to the District, except for liability attributable to the District's intentional and/or negligent acts. Developer acknowledges that the District would not enter into this Agreement in the absence of this commitment from the Developer to indemnify and protect the District as set forth here.

Therefore, the Developer shall defend, indemnify and hold harmless the District, its employees, agents and officials, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, actual attorneys' fees incurred by the District, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation to, as a consequence of or arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part in the performance by Developer of this Agreement. All obligations under this provision are to be paid by the Developer as incurred

by the District. Notwithstanding the foregoing, the Developer shall have no obligation to defend, indemnify or hold harmless the District, its employees, agents, or officials from any liability arising, in whole or in part, from the District's intentional and/or negligent acts.

W. Insurance. The Developer agrees to provide insurance in accordance with the requirements set forth here throughout the term of this Agreement. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement, or endorse the existing coverage to do so. The following coverages will be provided by the Developer and maintained on behalf of the District and in accordance with the requirements set forth herein.

1. Commercial General Liability Insurance (Primary) shall be provided on ISO-CGL Form No. CG 00 01 10 93. Policy limits shall be no less than \$1,000,000 per occurrence for all coverages and \$2,000,000 general aggregate. The District and its officials, employees and agents shall be added as additional named insureds using ISO Form CG 20 10 10 93. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to the District or any employee or agent of the District. Coverage shall not be limited to the vicarious liability or supervisory role of any additional insured. Coverage shall contain no contractors' limitation endorsement. There shall be no endorsement or modification limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.
2. Umbrella Liability Insurance (over Primary) shall apply to bodily injury/property damage, personal injury/advertising injury, at a minimum, and shall include a "drop down" provision providing primary coverage above a maximum \$25,000 self-insured retention for liability not covered by primary policies but covered by the umbrella policy. Coverage shall be following form to any underlying coverage. Coverage shall be provided on a "pay on behalf" basis, with defense costs payable in addition to policy limits. There shall be no cross-liability exclusion and no contractor's limitation endorsement. Policy limits shall be not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, above any limits required in the underlying Primary policies. The policy shall have starting and ending dates concurrent with the underlying coverages. The Umbrella Liability Insurance shall also name the District and its officials, employees, and agents as additional named insureds consistent with the Primary insurance coverage above.
3. Workers' Compensation/Employer's Liability shall provide workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than \$1,000,000 per accident or disease. Employer's liability coverage shall be scheduled under any umbrella policy described above. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects the District, its employees, or agents.
4. The Developer and the District further agree as follows:
 - a. All insurance coverage provided pursuant to this Agreement shall not prohibit the Developer, and the Developer's employees or agents, from

waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against the District.

- b. Unless otherwise approved by the District in writing, the Developer's insurance shall be written by insurers admitted and authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of "A:VII". Self-insurance will not be considered to comply with these insurance specifications.
- c. The Developer agrees to provide evidence of the insurance required herein, satisfactory to the District, consisting of certificate(s) of insurance evidencing all of the coverages required and an additional insured endorsement to the Developer's general liability and umbrella liability policies. Certificate(s) are to reflect that the insurer will provide 30 days' notice of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificate(s) to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions. The Developer agrees to provide complete certified copies of policies to the District within 10 days of the District's request for such copies.
- d. In the event of any loss that is not insured due to the failure of the Developer to comply with these requirements, the Developer agrees to be responsible for any all losses, claims, suits, damages, defense obligations and liability of any kind attributed to the District, or the District's officials, employees, and agents as a result of such failure.
- e. The Developer agrees not to attempt to avoid its defense and indemnity obligations to the District and its employees, agents, and officials by using as defense the Developer's statutory immunity under workers' compensation and similar statutes.

MISCELLANEOUS PROVISIONS

- X. Status of the Parties. This Agreement is not intended to create, and nothing herein contained shall be construed to create, an association, a trust, a joint venture, a partnership, or other entity of any kind, or to constitute either party as the agent, employee, or partner of the other.
- Y. Force Majeure. If either the District or the Developer is delayed, hindered, or prevented from performing any term of this Agreement by any cause beyond either party's control including, without limitation, any strike, walkout, prohibitions imposed by law, rules or regulations, riot, war, act of God or the default of the other party, then such performance may be excused or the time of performance tolled during the period of delay.
- Z. Incorporation of Prior Agreements. This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior

agreement or understanding pertaining to any such matter shall be effective for any purpose.

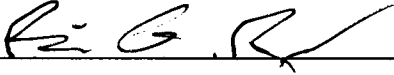
- AA. Waiver. No waiver by either Party of any provisions of this Agreement shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by either Party of the same or any other provisions.
- BB. Severance. If any provision of this Agreement is determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision of this Agreement provided that the purpose of this Agreement is not frustrated.
- CC. Disclaimer. Utilizing fees and Facilities provided to the District by the Developer, the District will supply sewer collection and treatment services to the Developer's Property and Project, however, the District shall not be obligated to utilize public funds to subsidize the Project.
- DD. Water Supply Availability. The District does not guarantee water supply availability and shall not be required to authorize the issuance of grading, building, or occupancy permits during the period of time that the State of California and/or the Board of Directors have declared a water supply reduction of 20% or greater for a specific portion or all of the District's service area.
- EE. Preparation of This Agreement. This Agreement shall not be construed against the Party preparing it but shall be construed as if both Parties prepared it.
- FF. Alternative Dispute Resolution. Any dispute as to the construction, interpretation or implementation of this Agreement, or any rights or obligations hereunder, shall be submitted to mediation. Unless the Parties enter into a written stipulation to the contrary, prior to the filing of any complaint to initiate legal action, all disputes shall first be submitted to non-binding mediation, conducted by the Judicial Arbitration and Mediation Services, Inc./Endispute, or its successor, or any other neutral, impartial mediation service that the Parties mutually agree upon in accordance with its rules for such mediation. Mediation fees shall be shared equally by the DEVELOPER and the DISTRICT.

END OF SECTION

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), 110 Logistics Owner, LLC, consent to the
annexation/ reorganization of my (our) property located at:
36312 & 36324 Cherry Valley Blvd., Beaumont, CA 92223
which is identified as Assessor's Parcel Number(s) _____
(APN's 407220019, 407220018, & 413270022)
to the Yucaipa Valley Water District
(name of agency)

Signature(s): 
Address: 2 Park Plaza, Suite 700
City, State, Zip Irvine, CA 92614
Date Signed: August 10, 2021

*If a corporation or company owns the property, please provide with
this form authorization from the entity for the signer to sign on its
behalf.*

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



January 6, 2022

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

RECEIVED

JAN 06 2022

LAFCO
San Bernardino County

Dear Sam:

LAFCO 3251 consists of an application for annexation to the Yucaipa Valley Water District (District). The proposed annexation area was identified as 229 acres in the original environmental documents processed by Riverside County, but the County Survey of the area has determined that the actual area consists of approximately 246 acres. Since there is no change in the boundary of the area proposed for Reorganization, there is no need to prepare a subsequent environmental document to support the proposed annexation. The annexation area is located within Riverside County, just south of the joint Riverside/San Bernardino County boundary. The project site is shown in the attached Figures, 1 through 3. The property being considered for annexation is north of Cherry Valley Boulevard, southeasterly of the Yucaipa Valley Water District boundary, east of the I-10 Freeway and within the District's southeastern Sphere of Influence (SOI).

The area for annexation consist of three parcels, APNs 407-220-018, 407-220-019, and 413-270-022. One parcel, APN 413-270-022, is located within the City of Calimesa and the two other parcels, APNs 407-220-018 and 407-220-019, are located on unincorporated property in the Riverside County community of Cherry Valley. Beginning in about 2014 the County began considering applications from the property owner to develop two "high-cube" warehouse buildings that currently encompass approximately 1,823,260 square feet (sf). The project was called San Gorgonio Crossing. From the beginning the District has been the assumed potable water purveyor and wastewater management agency for the proposed project. Under the County's direction an Environmental Impact Report (EIR No. 534, SCH#2014011009) was prepared, considered and certified by the County to comply with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The proposed development was approved by the County originally in October 2017 (the County's Notice of Determination (NOD), refer to Appendix 1, was filed on October 24, 2017). The EIR concluded that the proposed project would cause unavoidable significant adverse impacts and the County also compiled a set of facts, findings and a Statement of Overriding Consideration to support its rationale for approving the proposed project.

Subsequent to the October 2017 County approval of the San Gorgonio Crossing Project, litigation was filed challenging the certified EIR. On February 7, 2019, in the case entitled *Cherry Valley Pass Acres and Environmental Planning Group v. the County of Riverside*, the Court ordered the Respondent County of Riverside (County) as follows:

1. County shall address in its FEIR Southern California Air Quality Management District's recommendation to maximize the use of solar panels and provide an explanation as to why the mitigation measure was not adopted.

2. County shall include in the FEIR a further analysis of the project's projected transportation energy use requirements and, in particular, its overall use of efficient transportation alternatives.

The Court further ordered that (1) the remainder of the Final EIR certified on October 24, 2017, is in compliance with CEQA and remains certified, and (2) the project approvals are valid and shall remain in place. Therefore, the County prepared a Supplemental EIR and addressed the two issues summarized above. The County certified the "San Geronio Crossing Supplemental EIR No. 534 (SEIR) on May 21, 2020 and no subsequent litigation was filed after the NOD was filed on that date. Additional mitigation was required in this SEIR for implementation in conjunction with the proposed project.

After reviewing this complex set of CEQA documentation, I recommend that the Commission rely upon the County's environmental documents as adequate for LAFCO's Responsible Agency CEQA environmental determination for LAFCO 3251. This is because the implementation of the overall project, including the connections to the Yucaipa Valley Water District water and sewer systems, will not result in any additional adverse impact on the physical environment beyond that identified in the FEIR and SEIR certified for the proposed project. Therefore, I am recommending that the Commission consider the County's adopted environmental documentation, as a CEQA Responsible Agency, as the appropriate CEQA environmental determination for LAFCO 3251.

Thus, based on a review of LAFCO 3251 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 EIR(s) as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was initially completed in 2017 and finalized in 2020. Based on a field review of the Reorganization site and review of the environmental issues in the County's documents, I have not identified any substantial changes in circumstances have occurred since the 2017/2020 EIR certifications that would require additional environmental documentation or review. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO 3251, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's EIRs and found them adequate for the District's proposed Reorganization and ultimate extension of water and sewer service to the project site.
2. The Commission needs to indicate that it has considered the 2017 and 2020 EIRs and environmental effects, as outlined in these documents, prior to reaching a decision on the project and finds the information substantiating these EIRs adequate for approval of the LA 3251 Reorganization.
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 they will remain the responsibility of the County or other agencies to implement.
4. Adopt the Facts, Findings and Statement of Overriding Consideration prepared for LAFCO 3251, Appendix 2.
5. File a Notice of Determination with the San Bernardino 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 that reads "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson

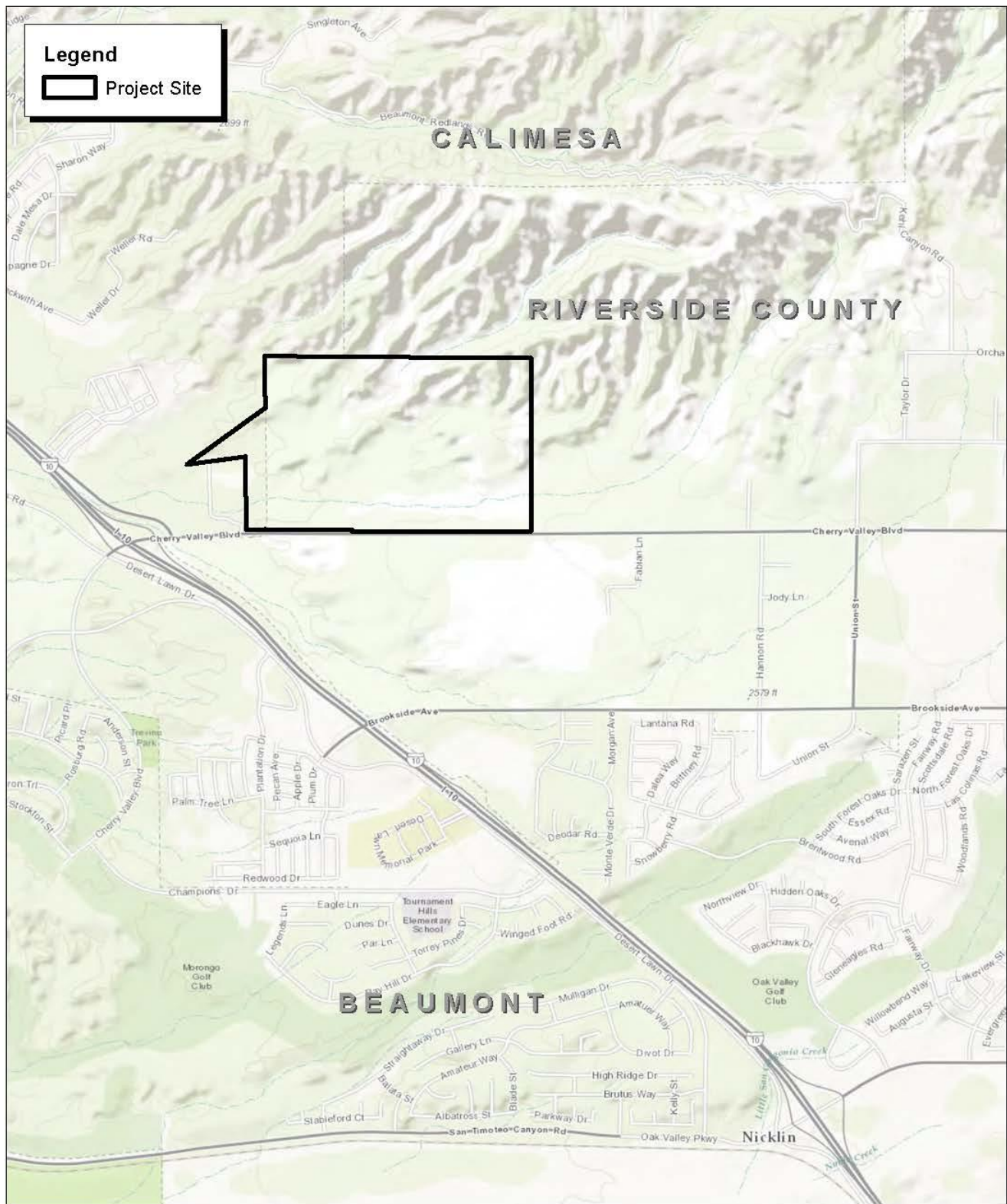
TD/cmc

Attachments

LA-1012 / LAFCO 3251 CEQA Resp Agency

FIGURES 1-3

VICINITY MAPS & SITE PLAN

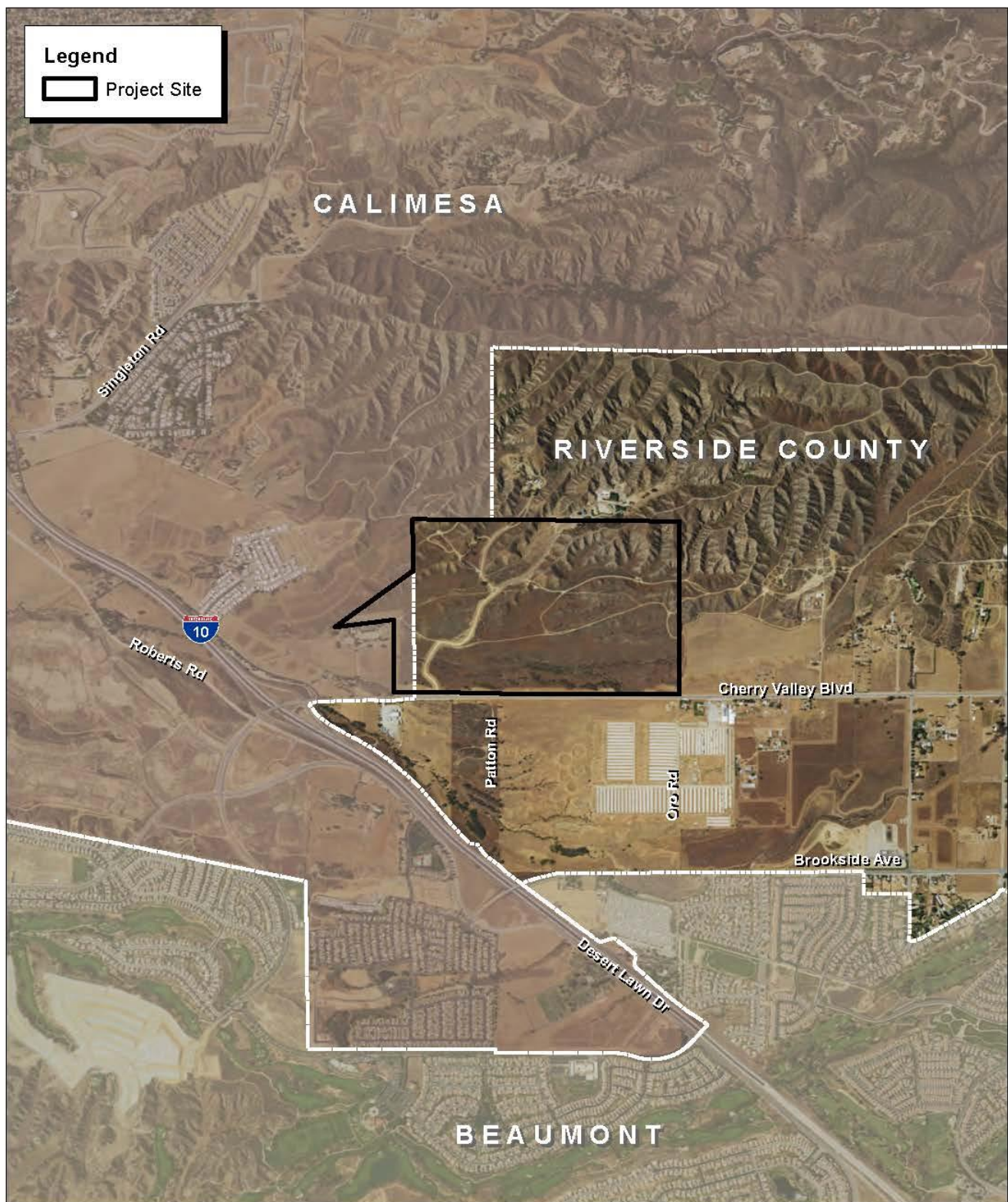


SOURCE: San Geronio Crossing Recirculated Draft EIR No. 534

FIGURE 1

Tom Dodson & Associates
 Environmental Consultants

Local Vicinity Map



Source: ESRI Aerial Imagery.



FirstCarbon
SOLUTIONS



2,000 1,000 0 2,000
Feet

SOURCE: San Geronio Crossing Recirculated Draft EIR No. 534

FIGURE 2



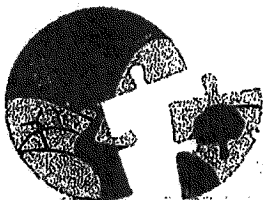
SOURCE: San Geronio Crossing Recirculated Draft EIR No. 534

FIGURE 3

APPENDIX 1

NOTICES OF DETERMINATION

(October 2017 and May 2020)



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach

Assistant Director of
TLMA- Community Development

NOTICE OF DETERMINATION

TO: ☒ Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
☒ County of Riverside County Clerk

FROM: Riverside County Planning Department
☒ 4080 Lemon Street, 12th Floor

P. O. Box 1409

Riverside, CA 92502-1409

☐ 38666 El Cerrito Road
Palm Desert, California 92211

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

San Geronio Crossings Certify Supplemental Environmental Impact Report No. 534S01

Project Title/Case Numbers

Brett Dawson
County Contact Person

(951) 955-0872
Phone Number

SCH# 2014011009

State Clearinghouse Number (if submitted to the State Clearinghouse)

TSG Cherry Valley L.P.
Project Applicant

2 Park Plaza, Suite 700 Irvine CA 92614
Address

The project is located north of Cherry Valley Boulevard, northeast of the I-10 Freeway and westerly of Vineland Street.
Project Location

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT No. 534 (Final Supplemental EIR) for the San Geronio Crossings Project (PP25337, CZ07799, PM36564, and GPA01079). - Intent to Certify Supplemental Environmental Impact Report - Fifth Supervisorial District - Cherry Valley Policy Area, Cherry Valley Gateway Policy Area and the Pass Area Plan - Community Development: Light Industrial (GD:LI), Community development: Public Facility (GD:PF), Open Space: Recreation (OS: R) and Rural: Rural Mountainous (R:RM) - 230 Acres - Zoning: Industrial Park (I-P) and Controlled Development Areas (W-2) - The property is within the Cherry Valley Policy Area, Cherry Valley Gateway Policy Area and the Pass Area Plan. The Final Supplemental EIR is a supplement to the Final EIR for this Project, originally certified by the Riverside County Board of Supervisors on October 24, 2017. APNs: 407-220-004, 407-220-007, 402-220-008, 407-220-009, 407-220-016, & 407-220-017. APNs 407-270-012, 407-270-013 are not part of the project, but are part of improvements related to the project.

This is to advise that the Riverside County Board of Supervisors, as the lead agency, has approved the above-referenced project on May 19, 2020, and has made the following determinations regarding that project:

1. The project WILL POTENTIALLY have a significant effect on the environment.
2. A Supplemental Environmental Impact Report was prepared and certified for the project pursuant to the provisions of the California Environmental Quality Act and reflect the independent judgment of the Lead Agency.
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations WAS adopted.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

Brett Dawson
Signature

Project Planner

Title

5/21/20

Date

Date Received for Filing and Posting at OPR: _____

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-20200554
05/26/2020 02:20 PM Fee: \$ 50.00
Page 1 of 1

Removed: _____ By: _____ Deputy



APPENDIX 2

FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION

**CANDIDATE FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING ENVIRONMENTAL EFFECTS FROM APPROVAL OF
THE ANNEXATION TO YUCAIPA VALLEY WATER DISTRICT
(LAFCO 3251)**

A. INTRODUCTION

The Local Agency Formation Commission for San Bernardino County (LAFCO or Commission), in approving LAFCO 3251 – Annexation to the Yucaipa Valley Water District (District), makes the findings described below and adopts the statement of overriding considerations presented at the end of these findings. The area for Annexation consists of three parcels, APNs 407-220-018, 407-220-019, and 413-270-022. One parcel, APN 413-270-022, is located within the City of Calimesa and the two other parcels, APNs 407-220-018 and 407-220-019, are located on unincorporated property in the Riverside County community of Cherry Valley. The annexation area is specifically located north of Cherry Valley Boulevard, southeasterly of the Yucaipa Valley Water District (District) boundary, east of the I-10 Freeway and within the District’s southeastern Sphere of Influence (SOI).

Beginning in about 2014 the County of Riverside (County) began considering applications from the property owner to develop two “high-cube” warehouse buildings that currently encompass approximately 1,823,260 square feet (sf). This project was called San Gorgonio Crossing. From this project’s inception, the Yucaipa Valley Water District was identified as the project’s potable water purveyor and wastewater management agency. Under the County’s direction an Environmental Impact Report (EIR No. 534, SCH#2014011009) was prepared, considered and certified by the County for the proposed project to comply with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. The proposed development was approved by the County originally in October 2017 (the County’s Notice of Determination (NOD), refer to Appendix 1, was filed on October 24, 2017). The EIR concluded that the proposed project would cause unavoidable significant adverse impacts and the County also compiled and adopted a set of facts, findings and a Statement of Overriding Consideration to support its rationale for approving the proposed project.

Subsequent to the October 2017 County approval of the San Gorgonio Crossing Project, litigation was filed challenging the certified EIR. On February 7, 2019, in the case entitled *Cherry Valley Pass Acres and Environmental Planning Group v. the County of Riverside*, the Court ordered the Respondent County of Riverside as follows:

1. County shall address in its FEIR Southern California Air Quality Management District’s recommendation to maximize the use of solar panels and provide an explanation as to why the mitigation measure was not adopted.
2. County shall include in the FEIR a further analysis of the project’s projected transportation energy use requirements and, in particular, its overall use of efficient transportation alternatives.

The Court further ordered that (1) the remainder of the Final EIR certified on October 24, 2017, is in compliance with CEQA and remains certified, and (2) the project approvals are valid and shall remain in place. Therefore, the County prepared a Supplemental EIR and addressed the two issues summarized above. The County certified the “San Gorgonio Crossing Supplemental EIR No. 534 (SEIR) on May 21, 2020 and no subsequent litigation was filed after the NOD was filed on that date. Additional mitigation was required in this SEIR for implementation in conjunction with the proposed project. Hereafter, the preceding environmental documents will be referred to as the Final EIR (FEIR) used by the Commission in its CEQA Responsible Agency role to consider LAFCO 3251.

In addition to the FEIR, this document relies upon all supporting technical studies and staff reports prepared in compliance with the CEQA for the proposed project, which encompassed the approximate 246 acres proposed for Annexation to the Yucaipa Valley Water District. The total action that may be implemented by Commission approval will be to authorize permanent water and wastewater management services being extended to the project site. The evaluation that follows summarizes the adverse environmental effects of the proposed project, including the change of organization encompassed by LAFCO 3251 and ultimate development of the property with the industrial uses consistent with the approvals by the County.

These Facts, Findings and this Statement are based upon the entire record before LAFCO, including the above referenced environmental documents, staff reports, and other information presented to the Commission and prepared for the proposed project. These environmental documents were prepared by the County of Riverside and the LAFCO for San Bernardino County Staff. The County was the Lead Agency under CEQA for the FEIR and the Commission is acting as a CEQA Responsible Agency for the District’s change of organization considered in this document. LAFCO is identified as a responsible agency for the proposed Annexation (LAFCO 3251) as defined above. The Commission will consider the proposed Annexation while taking this action as a CEQA Responsible Agency.

B. PROJECT SUMMARY

The project evaluated in the environmental document that encompasses the project area proposed for Annexation, LAFCO 3251, is summarized below.

B.1 Project Location

The proposed San Gorgonio Crossing Project is located in Township 2 South, Range 1 West, Section 30 of the San Bernardino Base and Meridian (SBBM). The project site encompasses 246 acres (based on the County Surveyor’s calculations) along the north side of Cherry Valley Boulevard and east of the Interstate 10 Freeway (I-10), between the cities of Calimesa and Beaumont, Riverside County. This site consists of three parcels, Assessor Parcel Numbers (APNs) 407-220-18, 407-220-019, and 413-270-022). The District will provide water and wastewater management services and will extend water delivery (both potable and recycled) and sewer

collection pipelines to the project site by extending all pipelines along Calimesa Boulevard, south to Cherry Valley Boulevard, and then east on Cherry Valley Boulevard to the project site.

B.2 Project Summary

The project entitlements considered and approved by the County of Riverside include a General Plan Amendment (No. 1079); a Change of Zone (No. 7799); Tentative Parcel Map No. 36564; and Plot Plan No 25337. A General Plan Amendment is proposed as part of the project entitlements to change the Land Use designation from RM and VLDR to RM, Open Space Recreation (OS-R), Public Facility (PF) and Light Industrial (LI). The area of the project site designated as RM would remain designated as RM, and would not be developed as part of this project. Similarly, the new OS-R area would not be developed as part of this project. The area re-designated as PF may contain the two proposed water tanks in the future for use by the District, who would obtain all necessary approvals and undertake the installation, operation and maintenance of the tanks as separate actions from this project.

Change of Zone No. 7799 changes the current zoning on the Project site from Controlled Development (W-2) to Industrial Park (IP), to be consistent with the General Plan Amendment for the approximately 115.2 acres to be designated LI. The northern portion of the Project would remain as open space and would remain zoned W-2, and the current zoning for that portion of the Project within the City of Calimesa would remain zoned RL. With approval of General Plan Amendment No. 1079, Change of Zone No. 7799 would not result in any inconsistency with the General Plan.

Tentative Parcel Map No. 36564 would create four parcels: Parcel 1 (44.39 acres for development) and Parcel 2 (89.34 acres for development); Parcel 3 (84.80 acres Open Space); and Parcel 4 (1.50 acres for potential future Yucaipa Valley Water District water storage tanks). Tentative Parcel Map No. 36564 would also create associated easements and dedications for public streets and right-of-way. Tentative Parcel Map No. 36564 is not located within a boundary of an existing Specific Plan. Tentative Parcel Map No. 36564 is associated with General Plan Amendment No. 1079, which would change the subject site's General Plan Land Use Designation from Rural Mountainous (RM) and Very Low Density Residential (VLDR) to RM, Open Space Recreation (OS-R), Public Facility (PF) and Light Industrial (LI). General Plan Amendment No. 1079 does not involve any change to the existing Community Development Foundation Component. Therefore, Tentative Parcel Map No. 36564 is consistent with the property's General Plan land use designation, as amended by proposed General Plan Amendment No. 1079.

Furthermore, the proposed Tentative Parcel Map No. 36564, together with the provisions for its design and improvement, is consistent with the County's General Plan. The General Plan's Vision Statement encourages a balanced mixture of land uses, including commercial, office, industrial, agricultural, and open space, as well as a variety of residential product types, densities, and intensities in appropriate locations that respond to a multitude of market segments. (General Plan at LU-5). The Project is appropriately located within the Community Development Foundation Component of the General Plan, and will preserve 84.8 acres of the Project site as Open Space. The Project is also consistent with the General Plan Vision Statement in that it will

improve the relationship between jobs and housing opportunities in order to allow residents to both work and live in the county; will promote commercial and industrial development to grow and/or relocate to the county; will develop employment generating land uses where most appropriate (i.e., with convenient access to multi-modal transportation options such as the I-10 Freeway, on underutilized and/or vacant parcels in close proximity to workers), thereby reducing vehicle miles traveled.

Furthermore, pursuant to Section 66418 of the Subdivision Map Act, "design" of a map refers to street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of way; fire roads and firebreaks; lot size and configuration; traffic access grading; land to be dedicated for park or recreational purposes; and other such specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. The design and layout of Tentative Parcel Map No. 36564 are consistent with the design standards established by the Subdivision Map Act and the Subdivision Regulations of the Riverside County Code. Several public agencies have reviewed the originally submitted map. Those comments have been included as conditions of approval. Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the intent and purpose of the General Plan.

The site for Tentative Parcel Map No. 36564 is physically suitable for the proposed type and density of development because it consists of lightly rolling terrain, and is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan (MSHCP). Further, the site is sufficient in size, length, and width and meets the minimum development standards of the Industrial Park zoning district. Also, the Project site's location in close proximity to the I-10 Freeway will provide direct and convenient access for trucks serving the proposed warehouse use, which will serve to reduce vehicle miles traveled and minimize trucks from traveling on local streets. In addition, the Project will incorporate extensive buffers and open space that will preserve the rural character of and ensure compatibility with the surrounding area, as more particularly described herein under CEQA Land Use Finding G.2 (impacts determined to be less than significant in consideration of existing regulations and Project Design Features, with no need for mitigation). Finally, the site is not identified as having hazardous waste or past contamination. The site is not within a Flood Zone. The site is not in a Methane Zone or a landslide or liquefaction area, a tsunami-inundation zone, flood-prone area, or a High Wind Erosion Susceptibility Area.

The design of Tentative Parcel Map No. 36564 will not cause serious public health problems. EIR No. 534 was prepared for the Project, which includes General Plan Amendment No. 1079, Change of Zone No. 7799, Tentative Parcel Map No. 36564 and Plot Plan 25337. EIR No. 534 analyzed the Project's potential significant effects on the environment and made the required findings in compliance with the State CEQA Guidelines and Riverside County Rules to Implement CEQA. Based on the findings and conclusions in EIR No. 534, SEIR No 534 and the Project's conditions of approval, the design of Tentative Parcel Map No. 36564 is not likely to cause serious public health problems.

The design of Tentative Parcel Map No. 36564 and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. EIR No. 534 and SEIR No. 534 analyzed the Project's potential significant effects on the environment and made the required findings in compliance with the State CEQA Guidelines and Riverside County Rules to Implement CEQA. Based on the findings and conclusions in these two EIRs and the Project's conditions of approval, the design of Tentative Parcel Map No. 36564 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of Tentative Parcel Map No. 36564 will not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed development. Existing residences to the north of the Project site will have continued access via public street "A". The proposed buildings will contain multiple loading bay doors that will provide passive ventilation of fresh air. In addition, the Project is required to meet Title 24, of the California Building Code which incorporates passive heating and cooling standards. The Project has also committed to attaining LEED Silver Certification or implementing necessary measures to meet the equivalent of such certification. The Project will provide solar voltaic panels to supply a minimum of 100 percent of the electrical power needs of the Project based on additional mitigation established in the SEIR No. 534. This, as well as other Project design features, conditions and mitigation measures, will ensure that the project provides for future passive and/or natural heating and/or cooling opportunities.

Environmental Impact Report No. 534 (the County EIR reference number) provides an environmental analysis of the potential impacts of the project, which includes the following component, Plot Plan No. 25337. The San Geronio Crossing Project site totals approximately 229 acres. The project includes an additional 16 acres located within the City of Calimesa that would be used for project infrastructure purposes. Approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space (approximately 36 percent of the project site). The project consists of two high-cube warehouse buildings¹ that would be designed to be eligible for Leadership in Energy and Environmental Design (LEED) Silver Certification. Building 1 would cover approximately 811,000 square feet and Building 2 would cover approximately 1,012,760 square feet, for a total of approximately 1,823,760 square feet of floor area. The two warehouses would include approximately 30,000 square feet of office space.

Custodian and Location of the Record

The documents and other materials which constitute the record of proceedings for LAFCO's approval of the LAFCO 3251 are located at the Local Agency Formation Commission's office at 1170 West Third Street, Suite 150, San Bernardino, CA 92415-0481.

Independent Judgement

These facts, findings and statement were developed for the Commission's independent decision by the Commission's environmental consultant, Tom Dodson & Associates (TDA), utilizing the County's environmental facts, findings and statement as a baseline document. The FEIR was prepared under the supervision and direction of the County. The Commission has independently

reviewed these Candidate Facts, Findings and Statement of Overriding Consideration and concurs with them.

The reliance on all of the above-referenced environmental documents reflects the Commission's independent judgment exercised in accordance with CEQA Section 21082.1(c) by reviewing and considering the findings of the FEIR which reflects the independent judgement of the Commission as a CEQA Responsible Agency.

Overview of the Remaining Sections of this Document

The County's staff reports, the FEIR, written and oral testimony at public hearings, and a set of facts, findings and statements of overriding consideration and other information in the administrative record served as the basis for the County's environmental determination. The environmental documents considered by the Commission include the Draft EIR No. 534 and technical appendices, the Mitigation Monitoring and Reporting Program, comments on the Draft EIR, responses to comments, and revisions to the Draft EIR (constituting a final EIR). It also includes the Supplemental EIR (SEIR, Draft and Final), the Supplemental Mitigation Monitoring and Reporting Program, responses to SEIR comments and the Final SEIR No. 534. The detailed analyses of potential environmental impacts and proposed mitigation measures for LAFCO 3251 are contained in the collective documents referenced above that constitute the FEIR and supporting material. The Mitigation Monitoring and Reporting Programs (MMRPs) is provided as a part of the administrative record to the FEIR.

Presented below are the environmental findings made by the Commission after its review of the documents referenced above, as well as the written and oral comments received at the public hearing before the Commission for LAFCO 3251. Factual discussion in this document summarizes the information contained in the FEIR and the administrative record upon which this Commission bases its decision to consider the FEIR and related documents summarized above as a CEQA Responsible Agency. These findings provide a summary of the information contained in the environmental documents, related technical documents, and the public hearing record that have been referenced by the Commission in making its decision to approve LAFCO 3251 to include annexation to the District.

- Section C of these Findings discusses the potential environmental effects that have no adverse impact
- Section D of these Findings discusses the potential environmental effects of the proposed project that were determined to be less than significant (insignificant).
- Section E of these Findings discusses
- The significant unavoidable environmental effects of the proposed project that cannot be feasibly mitigated to a level of insignificance are addressed in Section F of these Findings.
- Section G discusses the cumulative impacts associated with the proposed project.
- Section H discusses the growth-inducing impacts of the proposed project.
- Section I addresses irreversible and irretrievable commitment of resources.
- Section J addresses the alternatives to the proposed project discussed in the Final EIR.
- Section K of these Findings addresses the Mitigation Monitoring/Reporting Program for the proposed project.

- Section L, sets forth the required CEQA Section 15091 and 15092 Findings.
- The Statement of Overriding Considerations is contained in Section M of these Findings.

Each section provides substantial evidence for the findings set forth herein, as provided in the administrative record of the proposed project. The MMRPs for the proposed project are included in the Final EIR.

This Commission concurs with the conclusions in the FEIR that the topics and subtopics discussed in the following sections below, either are less than significant without mitigation or can be mitigated below a level of significance. For the impact topics and subtopics discussed in the following sections, the Commission acknowledges that there are remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance, and that overriding considerations exist which make these potential impacts acceptable to this Commission. These overriding considerations are discussed in the following text.

C. ENVIRONMENTAL ISSUES DETERMINED TO HAVE NO ENVIRONMENTAL IMPACTS

The following environmental impacts associated with EIR No. 534 are determined to have no environmental impacts in consideration of existing regulations and Project Design Features, with no need for mitigation. The Commission concurs with these findings. Please note that the acronym RDEIR refers to the Recirculated Draft EIR in published for peer review in 2017.

A. Agricultural and Forest Resources

Impact: Zoning of Forest Land

Threshold: Project construction and implementation would not 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)).

1. No Impact: The Project site and surrounding area is not zoned for forestland. Therefore, the Project would not conflict with existing zoning for forest land uses or timberland zoned Timberland Production. The Project would not conflict with any existing zoning for forest land or timberland. No mitigation is required. (RDEIR, p. 3.2- 15.)

Impact: Loss or Conversion of Forest Resources.

Threshold: The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

2. No Impact: The Project will not involve the conversion of forest land because the Project site does not contain any forest land. Additionally, the use of the Project site for warehouse uses will not cause any conversion of forest land to a non-forest use in another location. The Project site will be

used for warehouse and shipping activities, neither of which will have any direct or indirect impacts on forest lands. The Project site is not used for forest use and is not zoned for forest uses. (RDEIR, p. 3.2-15.)

B. Biological Resources

Impact: Wildlife Movement/Wildlife Corridors

Threshold: Project construction and implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

1. No Impact: According to the MSHCP Consistency Analysis prepared for the RDEIR, the Project does not occur within a corridor or linkage as identified by the MSHCP, and as a result will not have a significant impact regarding interfering 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 wildlife nursery sites. The Project site is not located in any Criteria Cells under the MSHCP. Additionally, because the Project site was previously used for agricultural purposes, the presence of Cherry Valley Boulevard along the southern boundary of the Project site and residences located to the west, north, and east, the Project site would not likely function as an established native resident or migratory wildlife corridor. The Project does not propose the construction of any new roadways, and will utilize existing roadways in the Project area. Since these roadways are already traveled by vehicles (particularly Cherry Valley Boulevard), the Project is not likely to result in any new interference with a wildlife corridor or increased wildlife mortality due to vehicle strikes, beyond what already occurs as a result of the existing roadways in the area. Thus, the Project is anticipated to have no related impact. (RDEIR at 3.4-37; refer also to Final EIR Section 03-00, Responses to KRANTZ comments).

Impact: Conflict with Ordinances Protecting Biological Resources

Threshold: Project construction and implementation would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

1. No Impact: The Project site contains scrub oak chaparral. Scrub oak chaparral is a dense, evergreen chaparral that can grow to 20 feet tall. It is dominated by scrub oak (*Quercus berberidifolia*) at this location. Most of the scrub oak chaparral on-site is fairly open, and numerous trees exhibit stress, possibly from past drought conditions; these areas of sparse shrubs were identified as disturbed. This habitat is found on the slope adjacent to

Cherry Valley Boulevard and other slopes throughout the site. Approximately 2.9 acres of scrub oak chaparral and 9.8 acres of disturbed scrub oak chaparral occur on the site. No scrub oak chaparral is located within the off-site study area. Species occurring within the Project site include scrub oak, spiny redberry (*Rhamnus crocea*), sugar bush (*Rhus ovata*), miner's lettuce (*Claytonia perfoliata*), fiesta flower (*Pholistoma racemosum*), black sage, American bowlesia (*Bowlesia incana*), and wild cucumber (*Marah macrocarpa*). The Pass Area Plan contains the following policy regarding Oak tree preservation:

PAP 15.1: Protect viable oak woodlands through adherence to the Oak Tree Management Guidelines and Best Management Practices adopted by Riverside County.

Because of the lack of oak woodlands on the Project site (as the site contains scrub oak chaparral), as well as the amount of disturbed scrub oak chaparral on the Project site, the Project will not conflict with The Pass Area Plan policy regarding oak tree and viable oak woodland preservation. No impact would occur. (RDEIR at 3.438).

C. **Geology and Soils**

Impact: Soils Incapable of Supporting Septic Tanks

Threshold: The Project site would not 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 wastewater.

1. No Impact: Under the existing setting, the Project site is undeveloped and does not currently contain any subsurface sewage disposal systems. Thus, any grading associated with the Project would not affect subsurface sewage disposal systems on the project site. The Project will dispose of sewage through collection and treatment of wastewater at a municipal wastewater treatment plant (District). No septic tanks or alternative wastewater disposal systems are proposed. Therefore, the Project will have no impact. (RDEIR, p. 3.6-27.)

D. **Hazards and Hazardous Materials**

Impact: Hazards within 1/4 mile of a school

Threshold: Project construction and implementation would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one- quarter mile of an existing or proposed school.

1. No Impacts: The nearest school, Tournament Hills Elementary School, is located approximately 1.10 miles south of the Project site. No existing or

proposed schools are located within 0.25 mile of the Project site. Therefore, implementation of the Project will not produce hazardous emissions or otherwise cause hazardous materials impacts upon school facilities located within 0.25 mile of an existing or proposed school. The Project would not emit significant levels of hazardous emissions either during construction or operations, including emissions related to air quality. No impact would occur, and no mitigation is required. (RDEIR, p. 3.8-13.)

Impact: Hazardous Materials Sites

Threshold: The project would not 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 not create a significant hazard to the public or the environment.

1. No Impact: The Project site is not listed on the State's list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (CalEPA 2012). Further, there are no onsite storage tanks and prior uses at the site would not be typical uses likely to cause hazardous onsite conditions. Thus, the Project would have no impact. (RDEIR at 3.8-13).

Impact: Airports

Threshold: The Project is not 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, and the Project would not result in a safety hazard for people residing or working in the Project area.

1. No Impact: The nearest airport from the Project is the Banning Municipal Airport, located approximately 9.6 miles southeast of the Project site. Additionally, the Redlands Municipal Airport is located approximately 9.7 miles northwest of the Project site. The Project site is not located within a compatibility zone for the Banning Municipal Airport. Furthermore, according the Riverside County TLMA Geographic Information System, the Project is not located in an airport influence area or an airport compatibility zone. The Project is a typical warehouse project that will not have any unique operations or features that would place a higher safety risk for the site than would be typical throughout the region. The Project does not include any habitable structures that would put people at risk of safety hazard related to a nearby airport. The Project will not result in an inconsistency with an Airport Master Plan.

The Project is not located in the vicinity of an airport. A review of the Banning Municipal Airport Master Plan Update shows that the Project site does not fall within the boundaries of the plan. The Project will not require review by the Riverside County Airport Land Use Commission because it is

not located in the vicinity of an airport. Additionally, the buildings proposed on the Project site would be approximately 41 feet in height, will not create any substantial glare or have operations that would cause a risk to air traffic, and would not interfere with inflight patterns for aircraft or helicopters. Thus, the Project would have no impact. (RDEIR at 3.8-14).

Impact: Private airstrips

Threshold: For a project within the vicinity of a private airstrip, or heliport, the Project would not result in a safety hazard for people residing or working in the Project area.

1. No Impact: There are no private airstrips or helipads in the vicinity of the Project site. The nearest heliport to the Project site is Riverside County Regional Medical Center Heliport, located approximately 10.5 miles southwest. As discussed, the Project is a typical warehouse project that will not have any unique operations or features that would place a higher safety risk for the site than would be typical throughout the region. Therefore, the Project will not present a safety hazard for people residing or working in the Project area related to private airstrips or helipads. (RDEIR at 3.8-15).

E. Noise

Impact: Airport Noise Impacts

Threshold: 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, the Project would not expose people residing or working in the Project area to excessive noise levels.

1. No Impact: The proposed Project is not located within an airport land use plan or within two miles of a public airport or public use airport. The nearest airport from the Project is the Banning Municipal Airport, located approximately 9.6 miles southeast of the site. Additionally, the Redlands Municipal Airport is located approximately 9.7 miles northwest of the Project site. As adopted by the Riverside County Airport Land Use Commission (ALUC), the Riverside County Airport Land Use Compatibility Plan Policy Document establishes policies applicable to land use compatibility planning in the vicinity of airports throughout Riverside County. As shown in this document, the Project site is not within a compatibility zone for the Banning Municipal Airport. Furthermore, according the Riverside County TLMA Geographic Information System, the Project is not located in an airport influence area or an airport compatibility zone. Therefore, the proposed Project Would not expose people residing or working in the Project area to excessive noise levels related to airports. (RDEIR, p. 3.12-36.)

Impact: Private Airstrip Noise Impacts

Threshold: For a project within the vicinity of a private airstrip, the Project would not expose people residing or working in the Project area to excessive noise levels.

1. No Impact: There are no private airstrips or helipads in the vicinity of the Project site. The nearest heliport to the Project site is Riverside County Regional Medical Center Heliport, located approximately 10 miles southwest. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels related to private airstrips or helipads. (RDEIR, p. 3.12-37.)

F. Population and Housing

Impact: Displace Substantial Numbers of People

Threshold: Project construction and implementation will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

1. No Impact: There are no residences on-site, and access to adjacent homes would not be impacted by the Project. Additionally, no one lives on the Project site. Thus, development of the Project would not displace anyone, and no impact would occur. (RDEIR, p. 3.13- 8.)

G. Transportation and Circulation

Impact: Air Traffic Patterns

Threshold: The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

1. No Impact: The Project is not expected to affect air traffic patterns either in terms of operations or passenger use, because additional trips associated with the Project will consist of vehicle trips, and will not impact air traffic. The closest airport to the Project site is the Banning Municipal Airport, which is located approximately 9.6 miles southeast of the Project site. There are no private airfields located within two miles of the Project site. Because of the Project's distance from the nearest airport, the Project would not have an impact on air traffic patterns. Additionally, the Project would not directly involve waterborne or rail traffic. Although the Project may involve the storage and/or distribution of goods that have traveled by either rail or by water at some point, it is not expected to alter such traffic as it would merely accommodate existing consumer demand for such goods, and would not create or contribute to such demand. No impact would occur. (RDEIR, p. 3.16-101.)

SECTION D of these Findings discusses the potential environmental effects of the proposed project that were determined to be less than significant (insignificant) in consideration of existing regulations and Project Design Features, with no need for mitigation. The Commission concurs with the following findings.

A. Aesthetics, Light and Glare

Impact: Scenic Vista

Threshold: Project construction and implementation would not have a substantial adverse effect on a scenic vista.

1. Project Impact(s): The Project would not obstruct any scenic vistas, as the hills and mountains north of the Project site would not be obstructed by the Project. Furthermore, the Project would conserve approximately 84.8 acres as open space, thereby preventing future development from encroaching on the scenic areas north of the Project area. The location and design of the Project buildings would not have a substantial adverse effect on any scenic vista. (RDEIR, p. 3.1-18.)

Impact: Scenic Highway

Threshold: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

2. Project Impact(s): The I-10 Freeway, listed by the State as eligible for designation as a state Scenic Highway, is located approximately 0.35 mile southwest of the Project site. As described in The Pass Area Plan, three highway segments are designated as Potentially Eligible County Scenic Highways; State Route 79 (SR-79), Beaumont Avenue from Beaumont city limits 4 miles north to the San Bernardino County line; and the San Timoteo Canyon Scenic Corridor between SR-60 and San Timoteo Road; and then along San Timoteo Canyon Road between Redlands Boulevard and I-10 into San Bernardino County. No roads within the Project site or in the Project vicinity are designated as a State or County Scenic Highway. The status of the I-10 Freeway as an eligible State Scenic Highway only means it is eligible to be designated when a local governing body applies to Caltrans for such an approval and adopts a Corridor Protection Plan. The "eligibility" itself provides no additional distinction or requirements that need to be analyzed under CEQA. The nearest Officially Designated State Scenic Highway is SR-243, between Idyllwild and the Banning city limits, located approximately 9 miles southeast of the Project site. For these reasons, the Project would not have a substantial effect upon a State Scenic Highway. Impacts would be less than significant. (RDEIR, p. 3.1-19.)

B. Agricultural and Forestry Resources

Impact: Convert Farmland to a Non-Agricultural Use

Threshold: Project construction and implementation would not 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.

1. Project Impact(s): The Project site contains lands classified as Farmland of Local Importance (approximately 137 acres), even though it is not currently used for agriculture, and other land (approximately 92 acres). Therefore, the Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. According to the California Department of Conservation, the farmland map category Farmland of Local Importance is considered land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. The Project site does not meet the County of Riverside's definition of Farmland of Local Importance for the following reasons: the site has not been used for farming (including dry farming) since the 1980s, and does not contain lands planted to dryland crops; the Project site has not produced 1 million or more dollars in agricultural income for at least 36 years; the site does not contain dairy lands or associated uses; and the Project site does not contain lands identified by the County as agricultural zones or contracts, such as Proposition R Lands or lands planted to jojoba. The loss of potential farmland of local importance on-site is not significant because the site has not been used for farming for more than 30 years, and there is not a sufficient supply of irrigation water to serve such an intensive type of agricultural use on-site. Furthermore, although the site is considered Farmland of Local Importance, the Project site is currently zoned W2 (Controlled Development Area). Allowed uses for this zoning designation include: One-family dwellings, light agriculture, aviaries, apiaries, grazing of farm animals, and animal husbandry. Significant agriculture uses are not permitted within the W2 zone. The fact that the County has not designated the Project site under any of the zoning designations that would allow for larger-scale agricultural use-such as CN (Citrus Vineyard), AP (Light Agriculture with Poultry), A-D (Agriculture- Dairy), A-2 (Heavy Agriculture) or A-1 (Light Agriculture)-is indicative of the County's policy decision that the site would not be suitable for the types of use that would meet the County's definition of Farmland of Local Importance. Additionally, the Project site is designated as Very Low Density Residential (VLDR), Rural Mountainous (RL), and Residential Low (RL) by the County of Riverside General Plan, rather than Agriculture (AG) designation. Although the current zoning and land use designation allow for small-scale agricultural activities such as grazing, the site has not been used for agricultural purposes in more than

30 years. Potential future use of the site for small-scale agriculture would not provide any of the benefits currently proposed by the Project, and would likely not be a financially viable endeavor given the size of the Project site. Lastly, the site is not considered suitable for agricultural uses from a water-usage standpoint given the significant irrigation demand associated with such uses, and a zone change and General Plan Amendment would be required to allow for larger-scale agricultural uses on the site. Additionally, the greater Project area is anticipated to undergo development in the future. For example, the Sunny Cal Egg Ranch Specific Plan that includes the construction of 497 single-family homes was approved by the nearby City of Beaumont. The Holbert Ranch (TTM 3054) project would also establish 131 single-family homes adjacent to the Project site. Additionally, the City of Calimesa General Plan designates land adjacent to the Project site to the west as Commercial Retail. Thus, the Project will not cause a significant impact to agricultural resources, and no mitigation is necessary. (RDEIR, p. 3.2-12 to 3.2-13).

Impact: Williamson Act Contract.

Threshold: Project construction and implementation would not conflict with existing agricultural zoning, agricultural use or with land subject to a Williamson Act contract.

1. Project Impact(s): The Project site is vacant and is not currently being used for agricultural land uses. In addition, neither the Project site or Project vicinity is under a Williamson Act contract; the nearest property under a Williamson Act contract is located approximately 3,000 feet to the east of the Project site. The Project site is not located within a Riverside County Agricultural Preserve. Although the Project would develop non-agricultural land uses within 300 feet of agriculturally zoned property, it would have a less than significant impact because the land surrounding the Project site consists of rural residential land uses and is not used for commercial agricultural purposes (such as crop farming). Land to the east of the Project site is currently used for grazing, and land to the west, adjacent to the Project site, is currently a horse ranch. Additionally, while the Project site will be used for warehouse purposes, ongoing operations at the site would not impact surrounding agricultural uses, including any future agricultural uses that may occur within 300 feet of the Project site. Warehouse developments are typically able to coexist with nearby agricultural operations. Therefore, impacts to existing agricultural use or a Williamson Act contract would be less than significant because the Project will not conflict with existing agricultural zoning, agricultural use, or with land subject to a Williamson Act contract, or land within a Riverside County Agricultural Preserve. (RDEIR, p. 3.2-13 to 3.2-14.)

Impact: Other Changes to Farmland or Forest Land

Threshold: The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

1. Project Impact(s): The land surrounding the Project site consists of rural residential land uses and is not being used for agricultural purposes. The Project area is anticipated to undergo development in the future. For example, the Sunny Cal Egg Ranch Specific Plan was approved by the City of Beaumont. Additionally, the City of Calimesa General Plan designates land adjacent to the Project site to the west as Commercial Retail. In addition, the location and configuration of the Project will not cause other changes to existing agricultural operations. It will not impede the current use of such operations in terms of access, or limit the continued use of such properties for agriculture in any other way. Thus, development of the Project's warehouse buildings is not anticipated to have a significant impact involving other changes in the existing environment that could result in conversion of Farmland to non-agricultural use. The Project site does not contain, and will not involve the conversion of forest land. Additionally, the use of the Project site for warehouse uses will not cause any conversion of forest land to a non-forest use in another location. The Project site will be used for warehouse and shipping activities, neither of which will have any direct or indirect impacts on forest lands. The Project site is not used for forest use and is not zoned for forest uses. Therefore, the Project will have no impact on forestry resources. (RDEIR at p. 3.2-16).

C. **Air Quality**

Impact: Air Quality Standards/Violations

Threshold: The Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

1. Project Impact(s): Two criteria are used to assess the significance of this impact: (1) the localized construction and operational significance analysis; and (2) the local traffic intersection CO hot spot analysis. Localized air quality impacts are evaluated through the use of localized significance thresholds (also referred to as a LST analysis). LSTs represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. As shown in RDEIR Table 3.3-7, unmitigated emissions during construction would not exceed the South Coast Air Quality Management District (SCAQMD) localized construction significance thresholds. Likewise, as shown in RDEIR Table 3.3-8, operational emissions would not exceed the SCAQMD operational localized significance thresholds. Additionally, the Project would utilize electric trailer movers in

place of traditional diesel-powered movers to move trailers throughout the Project site, which would further reduce the amount of emissions generated during operations. As shown in RDEIR Table 3.3-9, the estimated 1-hour and 8-hour average CO concentrations at build-out in combination with background concentrations from non-Project-related emission sources are below the state and federal standards. No CO hot spots are anticipated to occur due to Project traffic-generated emissions in combination with other anticipated development in the area. The mobile emissions of CO from the Project are not anticipated to contribute substantially to an existing or projected air quality violation of CO. Therefore, according to this criterion, air pollutant emissions during operation of the Project would result in a less than significant impact related to CO hot spots. In addition, none of the interim traffic improvements identified in RDEIR Section 3.19, Transportation would result in CO hot spots or exceed air quality significance thresholds. (RDEIR at 3.3-41 to 3.3-47).

Impact: Sensitive Receptors

Threshold: The Project would not expose sensitive receptors to substantial pollutant concentrations.

1. Project Impact(s): The closest sensitive receptors are existing residences located to the east of the Project along Cherry Valley Boulevard and proposed residential developments (e.g., Sunny Cal Specific Plan) located across Cherry Valley Boulevard, approximately 50 meters south of the Project. The localized construction analysis demonstrated that the Project would not exceed localized thresholds for CO, NO_x, PM₁₀, or PM_{2.5}. Therefore, during construction, the Project would not expose sensitive receptors to substantial pollutant concentrations of CO, NO_x, PM₁₀, or PM_{2.5}. Further, the operation of the Project would not exceed any of the SCAQMD's operational localized significance thresholds for CO, NO_x, PM₁₀, or PM_{2.5} or create a localized CO hot spot. Since the relevant localized significance thresholds would not be exceeded, then sensitive individuals would not be significantly impacted. Therefore, according to this criterion, air pollutant emissions during operation would result in a less than significant impact. With regard to toxic air contaminants (TACs), the greatest potential for TAC emissions during construction are diesel particulate emissions associated with heavy equipment operations during construction activities. The SCAQMD does not consider diesel-related cancer risks from construction equipment to be an issue because of the short-term nature of construction activities. Construction activities associated with the Project would be short term (approximately 2 years). The assessment of cancer risk is typically based on a 70-year exposure period. Because exposure to diesel exhaust would be well below the 70-year exposure period, construction of the Project is not anticipated to

result in an elevated cancer risk to exposed persons due to the short-term nature of construction. Furthermore, the operational health risk analysis captures applicable emissions from construction and amortizes it over the exposure period. Since the Project involves the construction of a warehouse approximately 25 to 50 meters from the nearest sensitive receptor, a more detailed site-specific Health Risk Assessment was prepared. The Health Risk Assessment quantifies the cancer risk from Project operational toxic air pollutant emissions, primarily from delivery truck exhaust from traffic and truck idling emissions at loading docks. The results of the Health Risk Assessment for cancer risks are provided in **RDEIR Table 3.3-17**. These results reflect emissions from on-site vehicle travel and idling, as well as traveling along Cherry Valley Boulevard to and from the Project. The methodology used to estimate the cancer risks are based on the current CEQA guidance from the SCAQMD that assumes an exposure over a 70-year lifetime. As shown in RDEIR Table 3.3-17, the operation of the Project would not exceed the SCAQMD's cancer risk significance threshold of 10 in one million at any of the locations identified in the analysis. The maximum cancer risk at any existing or planned sensitive receptor is 1.1 in one million and is across Cherry Valley Boulevard in area of the Sunny Cal Specific Plan. The highest cancer risk is estimated as 1.2 in one million near the Project's future driveway #1 at 'Cherry Valley Boulevard, where no sensitive receptors are located. The maximum chronic and acute non-cancer hazard indices from the operation of the Project are estimated to be less than 0.002 and 0.02, respectively, values less than the SCAQMD's significance threshold of 1.0. Therefore, the Project's health risks and hazards are less than significant. Likewise, since the Project's maximum cancer risk (1.1 in a million) does not exceed the 10 in one million threshold, the Project's health risk impacts are determined to be less than significant on a project level, and would not result in a considerable contribution to the existing cumulatively significant TAC impact. Likewise, a supplemental cancer risk assessment was completed to reflect recent updated Office of Environmental Health Hazard Assessment (OEHHA) guidance for estimating cancer risks. As shown in **RDEIR Table 3.3-18**, the maximum cancer risk is 6.0 in one million at any existing or forecasted sensitive receptor, less than the 10 in one million health risk significance threshold. Therefore, under the OEHHA/SCAQMD guidance, the Project's construction and operational emissions would have a less than significant health risk impact on a project-level basis and cumulative basis. (RDEIR at 3.3-54 to 3.3-59; Refer also to Final EIR Section 03-00, Responses to SCAQMD-5, -8, -9 and -11, and SIERRA-22).

Impact: Objectionable Odors Affecting a Substantial Number of People

Threshold: Project construction and implementation would not create objectionable odors affecting a substantial number of people.

1. Project Impact(s): Land uses typically associated with odors include wastewater treatment facilities, waste disposal facilities, or agricultural operations. The Project does not contain land uses typically associated with emitting objectionable odors. The Project would involve the use of diesel construction equipment and diesel trucks during construction, as well as asphalt paving and application of architectural coatings, which would be temporary and short-term in nature. Emissions from these sources would rapidly disperse in the atmosphere and not be noticeable to the nearby public. Likewise, during operations, the Project would not be anticipated to emit any objectionable odors. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with County solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisance odors. Therefore, odors associated with the Project construction and operations would be less than significant and no mitigation is required. (RDEIR, p. 3.3-60.)

D. Hazards and Hazardous Materials

Impact: Routine Use, Transport or Disposal of Hazardous Materials.

Threshold: Project construction and implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

1. Project Impact(s):

Construction Activities

Grading and construction activities may involve the limited transport, storage, usage, or disposal of hazardous materials, such as the fueling/servicing of construction equipment. However, such activity is short-term in nature and is subject to federal, state, and local health and safety requirements. While no impacts are anticipated due to contaminated soils or from the existing rubbish and burned motor homes located on-site, if such soils or rubbish are later determined to be hazardous, all standard hazardous materials remediation and removal procedures will be adhered to. Thus, with adherence to federal, state, and local health and safety requirements, potential impacts associated with construction activities creating a significant hazard to the public or the environment during the routine transport, use, or disposal of hazardous materials would remain less than significant. (RDEIR at 3.8NII).

Operational Impacts

The Phase I Environmental Site Assessment (Phase I ESA) conducted for the Project site indicated no significant evidence of recognized

environmental conditions pertaining to the Project site, and no additional environmental investigation was recommended. Therefore, potential impacts from the routine transport, use, or disposal of hazardous materials would be less than significant. The Project site is not listed on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Project is not anticipated to create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Although a limited amount of cleaning supplies and other potentially hazardous cleaning-related supplies may be stored on-site, they are not anticipated to be of sufficient quantity to pose a significant hazard to the public or environment. Additionally, the Project would comply with all applicable laws regarding the use, storage, and disposal of hazardous materials, including provision of spill prevention kits in accordance with CalOSHA standards. Therefore, impacts would be less than significant. (RDEIR, pp. 3.8-11 to 3.8-12.)

Impact: Upset or Accident Conditions

Threshold: The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of 'hazardous materials into the environment.

1. Project Impact(s): The Project would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions related to the release of hazardous materials into the environment. The operations on-site would comply with all applicable federal, state, and local laws regarding warehouse land uses, and there are no uses contemplated that would involve the use of hazardous materials. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Although a limited amount of cleaning supplies and other potentially hazardous cleaning-related supplies may be stored on-site, they are not anticipated to be of sufficient quantity to pose a significant hazard to the public or environment. Additionally, the Project would comply with all applicable laws regarding the use, storage, and disposal of such materials. Thus, the Project is anticipated to have a less than significant impact. No mitigation is required. (RDEIR, p. 3.812.)

Impact: Emergency Response or Evacuation Plan

Threshold: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

1. Project Impact(s): The Project will not impair the implementation of, or physically interfere with, an emergency response plan and/or emergency evacuation plan. The County of Riverside has an established Emergency Operations Plan, which this Project is not anticipated to interfere with.

During construction, traffic management plans will be in place to ensure that no impacts or delays to emergency response occur along Cherry Valley Boulevard. Once operational, the Project would not impede emergency response access on any area roadway. The Project will include adequate access for emergency response vehicles and personnel, as developed in consultation with County Fire Department personnel. Project roadway frontage improvements will provide adequate access for emergency vehicles. Therefore, the Project would have a less than significant impact. (RDEIR, p. 3.8-15.)

Impact: Wildland Fire Hazards

Threshold: The Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wild/ands are adjacent to urbanized areas or where residences are intermixed with wildlands.

1. Project Impact(s): Fire hazard severity zones are delineated at a state level, via the State Responsibility Area (SRA), and at a local level, via the Local Responsibility Area (LRA). The area is not listed as a Very High Fire Hazard Severity Zone for Local Response Areas by Cal Fire. The Project site falls within the State Responsibility Area (SRA), which is defined in Section 4102 of the Public Resources Code as "areas of the State in which the financial responsibility of preventing and suppressing fires has been determined by the board pursuant to Public Resources Code Section 4125, to be primarily the responsibility of the State." CAL FIRE determines fire hazard areas based on the severity of fire hazard expected to prevail there. These areas, or "zones," are based on factors such as fuel, slope, and weather. There are three zones, based on increasing fire hazard: medium high, and very high. The Project site is located within a "High Fire Area" as depicted in the Riverside County Transportation Land Management Agency Geographic Information System. Therefore, the Project may have potential risks related to wildland fire hazards. The Project will be designed to provide required fire flow (flow rate and pressure) for the Project site. Development of the Project could reduce the potential for a fire because the site would be developed with buildings and would not remain in its current state. Additionally, the proposed buildings and site improvements could act as a fire break. Impacts would therefore be less than significant. (RDEIR at 3.8-16).

E. Hydrology and Water Quality

Impact: Housing Within a 100-Year Flood Hazard Area

Threshold: Project construction and implementation would not place housing within a 100- year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

1. Project Impact(s): No housing is proposed as part of the Project. The Project would construct warehouse buildings that are not within a 100-year flood hazard area and will not impede flows as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map (RDEIR Exhibit 3.9-1). As shown in The Pass Area Plan's Figure 11, Flood Hazards, some portions of the Pass Area, including large areas of Cabazon, are flood-prone. However, the Project site is not located in an area of The Pass that is within either a 100-Year or 500-Year Flood Zone (The Pass Area Plan). Thus, impacts would be less than significant. (RDEIR, p. 3.9-41 to 3.9-42.)

Impact: Altered Drainage Patterns - Course of Stream or River/Increase Rate or Amount of Erosion

Threshold: Project construction and implementation would not 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 that would result in erosion or siltation on- or off-site.

1. Project Impact(s): Development of the Project will increase runoff from the site by increasing the amount of impervious surfaces and decreasing the pervious surfaces that could allow infiltration of precipitation. Impervious and paved areas for the site include Project streets, curbs, sidewalks and gutters, concrete ribbon, terrace and down drains, parking areas, driveways and the impervious roofs of each building and the top of the two potential future water tanks. However, the Project includes pervious areas throughout the site, including stormwater detention basins, landscaped areas, and the conserved riparian zone that will be maintained along the Project frontage. These areas shall include native/drought tolerant plant species. All private landscaping shall be maintained by the owner. Landscaping located in the public areas will be owned and maintained by the County of Riverside through Cherry Valley #27 County Service Area. As included in the Off-site Hydrology Report for Tentative Parcel Map 36564 (RDEIR Appendix G) prepared for the Project, there are two drainage areas in the existing condition: Drainage Area "A" and "B" (RDEIR Exhibit 3.9-2). Drainage Area "A" comprises approximately 903.3 acres, with peak stormwater discharge rates of approximately 739.7 cubic feet per second (cfs) and 1171.4 cfs, for 10-year and 100-year storms, respectively. Drainage Area "B" comprises approximately 258.1 acres, with peak discharge rates of 359.4 cfs and 563.2 cfs, for 10-year and 100-year storms, respectively. The Project would not result in a substantial increase in water erosion or siltation either on-site or off-site. The drainage system includes a number of features that will prevent erosion and protect water quality, as identified on RDEIR page 3.9-24. Additionally, off-site drainage improvements are required to capture and direct flows. The east side drainage improvements would include a rock protection berm (RDEIR Exhibit 3.9-3). This berm would capture the off-site runoff and drain into a

concrete wingwall structure. This inlet structure will be connected to a concrete culvert and will discharge into the trap channel on site. This water will eventually drain from the outlet structure on the Calimesa side (western side) of the Project. Improvements within the City of Calimesa consist of drainage channels and appurtenances, including a concrete trap channel, a concrete box culvert, two concrete outlet structures, and riprap rock energy dissipaters. The Applicant has also agreed to construct and maintain a rock-lined berm to protect the adjacent property owners (see RDEIR Exhibit 3.9-3). Under the proposed post Project conditions, Drainage Area "A" would comprise approximately 917.2 acres, with peak stormwater discharge rates of approximately 729.0 cfs and 1,165.1 cfs, for 10-year and 100-year storms, respectively. Drainage Area "B" would comprise approximately 244.2 acres, with peak discharge rates of 344.5 cfs and 537.4 cfs, for 10-year and 100-year storms, respectively. To minimize the increase of the runoff due to the site development, two onsite extended detention basins (one for each sub-watershed) are proposed for water quality treatment and hydro-modification. Although the mitigation for 100-year storm events is not required, the proposed development (with its storm drain and detention facilities) will not cause adverse impacts to the downstream properties at either exit point. A watercourse flows westerly through the southerly portion of the site that is delineated by the Department of Water Resources and is governed by County Ordinance No. 458. The proposed site will replace this natural channel with an improved channel that will convey the off-site runoff and treated on-site flows to the west toward the basin west of Roberts Street. The northerly off-site flows will be conveyed to the west by a channel and will not enter the site. All flows will continue to reach San Timoteo Creek, and impacts would be less than significant. Furthermore, the intent of Ordinance No. 458 is to (1) ensure that any new construction and/or substantial improvement within a mapped floodplain is done in a manner that reduces damage to the public and property; and (2) discourage any new development within floodways. The Project would not damage the public or property. Additionally, the Project would not substantially alter the existing flows through this channel. However, because the watercourse would be channelized as part of the Project, the County's Environmental Programs Department (EPD) will review and approve the planned channelization of the area. Project compliance with Ordinance No. 458 would reduce any impacts to drainage patterns to less than significant. Thus, no mitigation is required. Building 1 with associated parking, loading docks, drive aisles, and landscaped areas will drain to Extended Detention Basin A. Building 2 with associated parking, loading docks, drive aisles and landscaped areas will drain to Extended Detention Basin B. The runoff will be conveyed to each basin by surface flow and an onsite storm drain system. Each basin will outlet to a storm drainpipe, which discharges to the on-site channel along the southern property boundary and conveys off-site

flows through the site. The proposed detention basins will reduce the 2-year, 10-year, and 100-year, 24-hour duration stormwater runoffs to less than existing conditions for applicable storm events. As provided in the Preliminary Water Quality Management Plan, the proposed detention basins have been sized to incorporate hydromodification requirements by limiting the increase in runoff during a 2-year storm event to less than or equal to existing conditions. Basin A and Basin B will include a low-flow trench and collector trenches to convey runoff to the bottom stage and outlet structure, which will be located in the middle of the basin on the east and west sides, respectively. The outlet structure has been designed to mitigate the 2-year, 24-hour and 1-year, 24-hour events with orifices, and the 100-year event will spill over the top of the outlet structure. Under existing conditions, water flow is erosive. As designed, the detention basin in conjunction with infiltration best management practices (BMPs) will limit the 2-year, 24-hour storm runoff, reducing the potential for off-site erosion. Thus, the Project would have a less than significant impact with regard to erosion. (RDEIR, p. 3.9-23 to 3.9-28,)

Impact: Groundwater Supplies

Threshold: Project construction and implementation would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (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).

1. Project Impact(s): Implementation of the Project will increase the amount of impervious surfaces on-site. The conversion of permeable land to impervious surfaces could reduce groundwater recharge. The Project includes BMPs, such as maximizing permeable area, minimizing the use of impervious surfaces (such as decorative concrete in the landscape design and increasing the use of vegetated drainage swales in lieu of underground piping or imperviously lined swales) that promote infiltration of water from the Project site and reduce impermeable surfaces on site. Thus, the Project would not interfere substantially with groundwater recharge. The Water Supply Assessment (WSA) prepared for the Project concludes that there would be sufficient water resources (of which 51 percent is groundwater, according to the 2012 Water Source Portfolio in the WSA prepared by the Yucaipa Valley Water District (YVWD)) to support the Project in addition to existing and projected demands. As discussed further in RDEIR Section 3.17, Utilities, the 2003 California Department of Water Resources Bulletin 118-2003 identified the Yucaipa Basin as being in overdraft. Although the basin is defined in an overdraft state, water levels are at or near historic highs. Moreover, the YVWD has decreased groundwater pumping dramatically since 2007, attributable to the

supplemental supply of State Water Project water and the use of recycled water. Prior to importing State Water Project water, YVWD pumped 3,585 million gallons per year. Incorporating supplemental water has reduced pumping by 50 percent. YVWD has initiated an annual groundwater monitoring program that calculates the change in storage of the seven primary subbasins in the Yucaipa Groundwater Basin. The groundwater levels have increased in the Crafton Subbasin, Gateway Subbasin, and Wilson Creek Subbasin by 32,280 acre-feet when comparing groundwater conditions of 2005 with groundwater conditions in 2015. During the same period of time, the change in storage of the Calimesa Subbasin, Oak Glen Subbasin, Triple Falls Creek Subbasin and the Western Heights Subbasin decreased by 9,349 acre-feet. Therefore, comparing the groundwater conditions of 2005 with those of 2015, the subbasins of the Yucaipa Groundwater Basin have improved, with a net increase in groundwater storage of 22,931 acre-feet. Additionally, the Project will use a piped domestic water system, so it will not have a demonstrable effect on groundwater supplies or quality. Thus, impacts associated with ground water supply and recharge would be less than significant. (RDEIR, p. 3.9-22 to 3.9-23.)

Impact: Risk of Flooding: Levee or Dam

Threshold: Project construction and implementation would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

1. Project Impact(s): Although the Project site has been identified outside of the FEMA 0.2 percent annual chance floodplain, the California Department of Water Resources has delineated a major watercourse/floodplain as flowing westerly through the southern portion of the Project site. In response to this delineation, Riverside County is a participating community in the NFIP, which requires participating agencies to adopt floodplain management ordinances. The intent of the County's Ordinance No. 458 is to ensure that new construction and/or substantial improvements within mapped floodplains is done in a manner that reduces damage to the public and property. Any development or substantial improvement within a regulatory floodplain may require floodplain review by the County. This includes the submittal of a floodplain application permit form to Riverside County Building and Safety along with corresponding fees and attachments. Ordinance No. 458 requires the review of permit applications, including a determination of whether proposed building sites will be reasonably safe from flooding and that new structures or construction shall be designed or modified to adequately prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads. Whenever an application for a permit involves land that lies within special flood hazard area, the Floodplain Administrator shall

determine if the permit would allow the location of any structure, new construction, or substantial improvement. Each application filed with the Floodplain Administrator must include the method by which the applicant proposes to comply with requirements of the ordinance, including proposed elevations of any structures or fills, floodproofing, erosion protection, flow through area, any proposals to modify existing flow of stormwaters and any other relevant information. All application plans must be prepared and certified by a California registered civil engineer. Within 30 days of receipt, the Riverside County Flood Control and Water Conservation District (RCFC&WCD) shall determine if any further information is required in order to process the application. Within 30 days after determining that all required information has been received, the RCFC&WCD shall issue an approval with conditions or modifications, or deny the proposed plan. Proposed developments located within special flood hazard areas shall be required to meet construction standards as outlined in Ordinance No. 458. For example, new structures, construction, and substantial improvements to existing structures are to be constructed with flood-resistant material. Service facilities and utilities are required to be designed or located to prevent water from entering or accumulating within the components during flooded conditions. Whenever a watercourse or mapped floodplain is to be altered or relocated, the flood carrying capacity of the altered or relocated portion of the watercourse or mapped floodplain must be maintained. Prior to grading and inspection for occupancy, a Letter of Map Revision issued by FEMA for areas shown as floodplain on the effective Flood Insurance Rate Map is required. Thus, compliance with Ordinance No. 458 would render any flooding impacts less than significant. Additionally, the nearest dam (Perris Dam) is approximately 10 miles southwest of the Project site. Because of the dam's location, there is no risk associated with dam failure. There are no levees located anywhere in the Project vicinity. Therefore, impacts due to flooding from failure of a dam or levee will be less than significant. (RDEIR, p. 3.9-43 to 3.9-44.)

Impact: Sources of Runoff

Threshold: Project construction and implementation would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

1. Project Impact(s): A water quality basin would be constructed to the west of Building 1. A rectangular concrete channel would be located north and south of Buildings 1 and 2. Additionally, a grouted riprap berm and a water quality infiltration trench would be located north of Building 2. Riprap is a foundation or sustaining wall of stones or chunks of concrete, which can be used to line channels. Riprap berms would also be located east of

Building 2, and a water quality basin is planned west of Building 2. Additionally, a publicly maintained trapezoidal concrete channel would be located between the building sites and Cherry Valley Boulevard. Under the proposed post Project conditions, Drainage Area "A" would comprise approximately 917.2 acres, with peak stormwater discharge rates of approximately 729.0 cfs and 1,165.1 cfs, for 10-year and 100-year storms, respectively. Drainage Area "B" would comprise approximately 244.2 acres, with peak discharge rates of 344.5 cfs and 537.4 cfs, for 10-year and 100-year storms, respectively; refer to RDEIR Exhibit 3.9-3 through Exhibit 3.9-5, and Exhibit 3.9-6. The proposed detention basins will reduce the 10-year and 100-year, 24-hour duration stormwater runoff in each area to less than existing conditions. The proposed detention basin will include a low-flow channel, with perforated underdrain, sand and gravel layers, weir for 100-year/1-hour overflows, as well as orifices. Furthermore, 2-year, 24-hour flows would be reduced to achieve Hydrological Conditions of Concern requirements, and proposed detention basin orifices would reduce these flows to no more than 10 percent beyond existing conditions. Pursuant to the Clean Water Act, the Project will comply with the National Pollutant Discharge Elimination System (NPDES) requirements and employ source control BMPs to reduce water quality impacts. Construction of the Project will comply with Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) requirements. Thus, any runoff will be treated before it is released into the existing storm drain system. This Project is designated as a Priority Project. Therefore, bio-treatment control BMPs are required to remove pollutants typically associated with urban runoff. The Design Capture Volume will be treated by two extended detention basins. In general, each building with associated parking, loading docks, drive aisles, and landscaped areas would drain to its respective extended detention basin. Both basins are located in fill material and treat very large areas, so infiltration and bio-retention were not feasible options for this Project. The Project is required to mitigate these increased flows. Runoff will be dispersed to the extended detention basins as described at RDEIR page 3.9-32. Landscaped areas on the north and south will be self-treating pervious areas that will convey the flows generated by the respective areas directly off-site. Additionally, the Project proponent shall be responsible for the detention basins as well as the private area landscaping. Landscape maintenance shall include all maintenance and replacement of dead vegetation, erosion rills, proper disposal of green wastes, etc. Irrigation systems shall be tested regularly to ensure that all systems are functioning optimally. Thus, odors will be controlled via removal of dead vegetation and proper disposal of green wastes. Vectors are not anticipated to be an issue because irrigation systems will be tested regularly to ensure optimal function, which will reduce pooling of water, thus reducing areas that have the potential to be used by mosquitoes. Onsite BMPs will be maintained during operation,

ensuring that there are no issues associated with vectors or odors. In summary, the Project will not substantially increase the rate or amount of surface runoff or result in flooding either on-site or off-site, and Project runoff will not exceed the capacity of existing or planned stormwater drainage systems. Therefore, impacts are less than significant. (RDEIR, p. 3.9-31 to 3.9-41.)

Impact: Seiche, Tsunami or Mudflow

Threshold: The Project would not expose people or structures from inundation by seiche, tsunami, or mudflow.

1. Project Impact(s): A seiche is defined as a standing wave in an enclosed or partially enclosed body of water. The nearest large body of surface water is Lake Perris, which is approximately 10 miles southwest of the Project site. Because of the Project site's distance from Lake Perris, the Project will not be subject to impacts associated with a seiche. Likewise, the Project site's distance from the Pacific Ocean will preclude any impacts associated with tsunamis. Existing drainage flows from off-site areas, including the hilly undeveloped portions of the site to the north, would be conveyed through the site and would ultimately be conveyed off-site to the west side of the Project site. Setbacks will be substantial; thus, any potential of mudflow affecting the Project would be less than significant. Project runoff flows will discharge to the west and the southwest Project boundary and sheet flow to the west, southwest approximately 2.7 miles via existing storm drain improvements to San Timoteo Creek Channel, thence northwesterly approximately 15 miles to its confluence with the Santa Ana River. Thus, development of the Project could change the amount of surface water in the San Timoteo Creek Channel and the Santa Ana River. However, the increase in amount of surface water in these water bodies is anticipated to be less than significant, as the increase in 2-year storm flow caused by the Project will be limited to less than 10percent beyond existing conditions. Thus, the Project will have a less than significant impact regarding changes in the amount of surface water in San Timoteo Creek Channel and the Santa Ana River, and will not increase or reduce the volumes of these water bodies to an extent that would cause an impact to downstream habitat. Impacts will remain less than significant. (RDEIR at 3.9-44).

Impact: Structure Placement: Flood Hazard Area.

Threshold: The Project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows.

1. Project Impact(s): The Project is not within a 100-year flood hazard area and will not be placed within an area where structures would impede flows according to the federal Flood Hazard Boundary or the Flood Insurance

Rate Map. The California Department of Water Resources has delineated a major watercourse/floodplain as flowing westerly through the southern portion of the Project site. In response to this delineation, Riverside County is a participating community in the National Flood Insurance Program (NFIP), which requires participating agencies to adopt floodplain management ordinances. The intent of the ordinance, Ordinance No. 458, is to ensure that new construction and/or substantial improvements within mapped floodplains are done in a manner that reduces damage to the public and property. Any development or substantial improvement within a regulatory floodplain may require floodplain review by the County. This includes the submittal of a floodplain application permit form to Riverside County Building and Safety along with corresponding fees and attachments. Project compliance with Ordinance No. 458 would render any impacts to structures due to a flood hazard area less than significant. (RDEIR at P. 3.9-42).

Impact: Otherwise Degrade Water Quality

Threshold: The Project would not otherwise substantially degrade water quality.

1. Project Impact(s): The Project has the potential to degrade local water quality. Development of the Project site will introduce a number of urban pollutants into the area, most notably oil, grease, rubber residue, brake shoe dust, and other vehicular fluids and materials. However, the Project applicant shall prepare a SWPPP and WQMP that conforms to the California State Water Resources Control Board (SWRCB) NPDES permit and the Regional Board's MS4 water quality management requirements. The SWPPP shall identify BMPs to prevent construction related pollutants from reaching stormwater and all products of erosion from being released outside of the Project boundaries. Mitigation Measure HYD-1 requires that a WQMP be prepared to control post-construction urban runoff from the Project. Therefore, impacts to water quality will be less than significant. (RDEIR at P. 3.9-41).

F. Land Use

Impact: Division of Established Community

Threshold: The Project would not disrupt or divide the physical arrangement of an established community.

1. Project Impact(s): The Project site is surrounded by lands under the jurisdictions of Calimesa, Beaumont, and Riverside County. Properties to the north and west are within the City of Calimesa and have land use designations that include: RR "Residential Rural," to the north of the Project site, and RLM "Residential Low/Medium/" RL "Residential Low" and CR "Commercial Regional." To the south and east within Riverside County,

the land uses include "VLDR-Very Low Density Residential (Community Development Foundation)," "VLDR-RC-Very Low Density Residential-Rural Community Foundation" (with 1 DU/AC in both Foundations), and "Rural Mountainous" (1 DU/AC), as well as some land that is designated "CR-Commercial Retail." The City of Calimesa designates a small portion of the Project area to the west as RL, which would remain RL. The County of Riverside General Plan designates the proposed Project site as Rural Mountainous (RM), Very Low Density Residential (VLDR). The County's Zoning Ordinance classifies the site as W-2. Controlled Development Area. The current land use designation and zoning classification for the Project site do not allow industrial uses on the site, so implementation of the Project would not be consistent with existing permitted land uses on site. However, as a part of the entitlement process, a General Plan Amendment from VLDR to Light Industrial (LI,) Open Space Recreation (OS-R), and Public Facility (PF), and a zone change from W-2 to Industrial Park (1-P) have been submitted to the County. The area proposed for PF would also retain its existing zoning of W-2. The land designated RM will remain RM. The General Plan Amendment and zone change requests encompass the southern portion of the site, south of the hillside areas that will include the two warehouse buildings and site improvements. The northern portion of the Project site that is currently VLDR will be re-designated Open Space-Recreation, (OS-R) north of the developable area within the Project limits. The OS-R designation would occupy approximately 70.18 acres and be retained as open space, thereby precluding future residential development. An additional 14.62 acres would be left undisturbed under the RM designation. A portion of land (Assessor's Parcel Numbers (APNs) 413-270-012 and 413270-013) will be used for an earthen trail along the western side of the Project that will lead to existing trail features in the northern portion of the Project site. This land is located in the City of Calimesa. The General Plan Land Use Map for the City of Calimesa designates this land Residential Low (RL), which allows for 2-4 dwelling units per acre. The area in which the earthen trail would be placed for the Project is vacant and undeveloped. The surrounding areas contain a variety of land uses, including residences to the north, east, and west of the Project site (although not immediately adjacent to the Project site). Access to these residences will be improved with construction of the main entrance drive into the Project between the two warehouse buildings that will extend northerly to the residences. Additionally, an easement is proposed in the northwest corner of the site that would provide additional access to residents to the north. Furthermore, the existing neighborhoods in the surrounding Project area are physically separated from each other by distance, vacant lands, topography, and major roads. Therefore, the proposed Project would not divide any established community. (RDER at 3.10-21 to 3.10-22; refer also to Final EIR Section 03-00, Response to CVAN-13).

Impact: Consistency with General Plan Land Use Designations and Policies

Threshold: Project construction and implementation would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

1. Project Impact(s): A consistency analysis was completed to determine the Project's consistency with the land use designations and policies of the County of Riverside Comprehensive General Plan, applicable City of Calimesa General Plan (with respect to the portion of the Project site that is located within the City of Calimesa), the Cherry Valley Gateway Policy Area, and the Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The rule of general plan consistency is that a project must at least be compatible with the objectives and policies of the general plan. (*Naraghi Lakes Neighborhood Preservation Association v. City of Modesto* (2016) 1Cal.App.5th 9, citing *Sequoyah Hills Homeowners Assn. City of Oakland* (1993) 23 Cal.App.4th 704). To be consistent with a general plan, a project is required to be in agreement or harmony with the terms of the general plan, not in rigid conformity with every detail. (*Naraghi Lakes Neighborhood Preservation Association, supra*, 1 Cal.App.5th at p. 18, citing *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App.4th 656).

County General Plan /Cherry Valley Gateway Policy Area Consistency

The proposed General Plan Amendment would not require an amendment to the General Plan Community Development Foundation Component. The Project's consistency with Riverside County General Plan Land Use Policies is demonstrated in **RDER Table 3.10-3**; refer also to **Final EIR at p. 4-5 to 4-6**. The Gateway Policy Area, in which the Project site is located, is distinct from the Cherry Valley community area, located to the east of the Project site, because the hills located to the east of the Project site provide a visual and physical community separator from Cherry Valley proper. The Gateway Policy Area is also distinct in that, unlike Cherry Valley proper to the east, it is largely undeveloped, although there are several proposed and approved development projects within the Gateway Policy Area. In addition, to a large degree the Gateway Policy Area orients to the west, including direct regional access from the Cherry Valley Boulevard/I-10 Freeway interchange, as well the burgeoning cities of Calimesa and Beaumont to the west and south. Therefore, development of the Project at this location, which has direct regional access to the I-10 Freeway, would represent a logical extension of the pattern of development that is already emerging in the Gateway

Policy Area. (RDEIR at 3.10-24). Because of the evolving nature of the Gateway Policy Area, the General Plan acknowledges the potential for higher intensity uses for undeveloped parcels by stating explicitly that "[h]igher densities may be allowed through a general plan amendment . . ." This evolution can be seen in the history of higher-intensity uses located on and around the Project site, and in the various higher-intensity developments proposed for neighboring parcels. The Gateway Policy Area has historically accommodated a variety of industrial and commercial uses. Therefore, the Project is not anticipated to result in substantial alteration of the present or planned land use of the area. The Project will be compatible with the several uses and planned developments to be located on the properties immediately surrounding the Project site, including the SunnyCal Egg Ranch project to the south, the residential projects planned adjacent to the Project site to the east and southeast, the regional commercial uses planned to the west, and the rural/open space area to the north. (RDEIR at 3.10-24). The Project includes extensive measures to buffer potential impacts to and from nearby residents, including providing robust landscaping between the Project buildings and Cherry Valley Boulevard. The location, configuration and design of the Project will allow it to blend into the existing landscape, despite the large size of the proposed buildings. The two buildings would be set back approximately 375 to 575 feet from Cherry Valley Boulevard, approximately 300 feet from the east Project boundary, and approximately 400 feet from the west Project boundary, allowing for generous buffers with extensive landscaping, a berm, a meandering equestrian and pedestrian trail, and a 5-foot-wide meandering sidewalk, separated by a three-railed fence. Given the number of buffering features proposed by both the Sunny-Cal project and the proposed Project, no building or structure between the two projects is expected to be closer than 600 feet, providing substantial open space between the two projects, and thereby ensuring minimal impacts between the two projects. Building 1 would be located approximately 29.8 feet above the centerline of Cherry Valley Boulevard, and Building 2 would be located approximately 48.3 feet below the centerline of Cherry Valley Boulevard. Although the Project's buildings rise 41 feet in height, neither building would be visible from motorists or pedestrians traveling along Cherry Valley Boulevard, as their line of sight would be directed above the building. A berm, water tower, barn, and landscaping would further screen views of the buildings. Because of the berm and the fact that the proposed buildings would not break the ridgeline silhouette of the hills behind them to the north, the Project site would not be visible from the residents located north of the site. All of these factors, combined with the proposed tree planting and other landscape and screening elements, will make the Project visually unobtrusive and in accordance with the existing visual characteristics of the surrounding areas. The property located to the east of the Project,

adjacent to SunnyCal and within unincorporated Riverside County, is proposed to be developed as a 209-unit, medium density, single-family home detached residential community. This development is located approximately 552 feet east from, and 64 to 104 feet above grade of, the closest Project building (Building 2). **(RDEIR at 3.10-25)**. Further, the easterly side of Building 2 has been specifically designed so as not to include any bay doors or loading areas. As a result, this area of the Project site will not create significant impacts on the easterly residential uses in terms of truck activity, noise, odors, visual impacts, or up-lighting. Additionally, the area between Building 2 and the eastern property boundary will primarily include employee parking, employee car circulation, a generously landscaped slope and two 1-million-gallon water tanks, which are all lower-intensity uses commonly found near residential uses. Similar to the SunnyCal development, the substantial distance and extensive buffering between the proposed residential development and the Project buildings ensures that any impacts between the two uses will be minimal. Immediately west of the Project site is a large (mostly) undeveloped property zoned by the City of Calimesa as "Commercial Regional," which allows for developments with FAR up to 0.75:1. As specified by the City of Calimesa's General Plan, Commercial Regional properties allow for the development of commercial uses "that will cater to a wide market, including a full range of retail shops and services within a shopping center environment" Such a development is thoughtfully located near a major transportation thoroughfare (along the I-10 Freeway) to ensure efficient and adequate access, and to assist in attracting persons and visitors from 5 to 50 miles of the site. Located about 500 feet to the west of Building 1, this Regional Commercial development is both distant and screened from the Project to provide a buffer between the two properties. These buffering features include a three-railed equestrian fence, pedestrian/equestrian trails, flood control facilities, and a generously landscaped slope/berm topped by a 14-foot block sound wall. The various factors that could result in land use incompatibility (noise, aesthetics, etc.) have been determined to be less than significant, or less than significant with the imposition of mitigation. Specifically, compliance with various mitigation measures and regulatory requirements will further reduce the Project's impact on the surrounding uses. These measures include (i) enforcement of strict truck idling time limits; (ii) requirements that all fleet vehicles accessing the site during operation must have cleaner burning (year 2010 or newer) engines; (iii) participation in Riverside County's Rideshare Program; (iv) amenities to encourage alternative transportation options (e.g. electric vehicle charging stations, bike storage and shower/changing facilities, and preferred parking for low-emitting vehicles); and (v) strict noise reduction procedures and regulation specifically designed to reduce impacts on neighboring properties during construction. Based on the Traffic Impact

Analysis prepared for the Project, 100 percent of the truck traffic and 80 percent of passenger car traffic generated by the Project would access the site from the west along Cherry Valley Boulevard. This underscores the importance of the Project's connection and proximity to the I-10 Freeway, versus using roadways in the community of Cherry Valley to the east. Areas located directly west of the Project site are designated within the City of Calimesa General Plan as Residential Low (2-4 dwelling units per acre), Residential Low Medium Rural (4 to 7-dwelling units per acre), and Commercial Regional (FAR 0.75:1). Separate approval is required from the City of Calimesa for off-site drainage and flood improvements. Upon approval, these proposed improvements would be considered consistent with the City's land use plans. (RDEIR at 3.10-26). Areas northwest of the Project site along the I-10 Freeway include areas designated Light Industrial and Business Park, with the nearest Light Industrial-designated land located in the City of Calimesa, approximately 0.40-mile northwest of the Project site. Residential uses are proposed to the immediate south (SunnyCal Specific Plan) and north (Holbert Ranch) of the Project site within the unincorporated community of Cherry Valley. Thus, the surrounding area is experiencing development along the I-10 Freeway. Construction of the Project would be consistent with the industrial designations within the City of Calimesa and Beaumont. Construction of the Project near the I-10 Freeway would also provide a strategic destination for the movement of goods within the region. The Project design will include roadway improvements extending northerly through the site to the existing residential units. In addition, the northerly portion of the site will remain open space, providing a buffer between the existing residential units to the north and the two warehouse buildings. Moreover, the Project will develop 1,823,760 square feet of warehouse uses that will be designed to be eligible for Leadership in Energy and Environmental Design (LEED) Certification. LEED is an internationally recognized certification system that measures how well a building or community performs across all the metrics that matter most: energy savings, water efficiency, carbon dioxide emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. The Project will comply with applicable requirements of LEED, and will therefore result in reduced Project emissions, which is consistent with the County of Riverside General Plan. (RDEIR at 3.10-27). Although the Cherry Valley Gateway Policy Area is silent as to non-residential development, the Project meets the goals and policies of the Cherry Valley Gateway Policy Area in the following ways:

1. *Preserving Rural Character.* Approximately 84.8 acres of the Project site, primarily running along the northern property line (in the rural mountainous and open space zone areas), will be preserved as natural open space, protecting habitat and ridge-line equestrian

trails running through the site. The clustering of the development footprint will help preserve the rural character of the area, and will provide a substantial buffer for any future developments to the north. The Project will preserve community uses and access to an informal equestrian and pedestrian trail network running throughout the undeveloped northern section of the site; The Project will also be set back from the street and landscaped in such a manner as to be visually unobtrusive, thereby espousing the rural character of the surrounding environment consistent with the Cherry Valley Gateway Policy Area. Specifically, the two Project buildings will be located up to 48.3 feet below grade, and will rise only 41 feet in height, ensuring an unobstructed view towards the foothills located north of the Project site. Additionally, the Project's setback from the mountain ridge and the street will also protect the scenic values of the ridgeline and the landscape, providing continued natural visual relief to the nearby communities. Project buildings would be set back approximately 300 to 575 feet from Cherry Valley Boulevard; approximately 300 feet from the east Project boundary; and approximately 400 feet from the west Project boundary; allowing for generous buffers with extensive landscaping, a berm, a meandering equestrian and pedestrian trail, and a three-railed fence. Additionally, the Project's architecture is purposefully and thoughtfully designed to evoke a rural character, with earth-tone colors and ranch-inspired architectural features. Landscape architecture features will further soften the Project's impact by shielding the site with meandering ranch-inspired fencing, shrubs and trees along the site's western, southern, and eastern elevations and a decorative barn and water tower in recognition of the area's long history of agricultural and equestrian uses. The decorative barn and water tower features would not be functional, but they would screen views of the Project site and provide a focal point to viewers along local roadways, while maintaining and enhancing the rural character of the area. In addition, the barn will serve as a shade structure and trail head for the equestrian and recreation trails. Combined with the Project's overall rural theme featuring western and agricultural architectural elements, these two monuments serve as a visible focal point and welcoming gateway to the Cherry Valley community. The Project would feature on-site trails that connect with existing trails in the northern portion of the site to contribute to the development of the City of Calimesa's trail system. A trailhead would also be constructed in the southwest corner of the site near the water tower and barn, which ties into the trails. The trail along the western margin of the Project site would consist of decomposed granite to accommodate hikers and equestrians, and would connect to the existing trails in the northern portion of the Project site. As a result, the Project will help

enhance the County's Conservation and Open Space Resource System, which seeks to preserve a multi-purpose open space system for habitat protection and recreational purposes. The extensive landscaping will soften the Project's look and minimize the visual appearance of the buildings. Specifically, the Project will feature extensive native and drought-tolerant landscaping, including shrubs and trees along the project site's western, southern, and eastern elevations. The landscaping is designed with pockets, rolling terrain, and irregularity to mimic the site's natural setting. (RDEIR at 3.10-33 to 3.10-34).

2. *Community Separator.* The Cherry Valley Gateway Policy Area was established to serve as a buffer between the communities of Beaumont and Calimesa, and to plan for the development of clustered dwelling units as compared to the neighboring Cherry Valley Policy Area. The large size of the Project site furthers this goal by allowing for vast amounts of open space. The site is approximately 229 acres; 84.8 of those acres (36 percent of the site) will remain undeveloped. with approximately 70.14 of those acres to be dedicated as open space recreation. The open space area would serve as a community separator. The importance of the Project site as a community separator is especially pronounced given the recent annexation of the SunnyCal site into the City of Beaumont. In addition to preserving the natural setting and unobstructed views, the large size of the Project site preserves the area's function as a community separator between the cities of Calimesa and Beaumont. Thus, the Project site, with its large open spaces and visual buffering, serves as a transition between the hard borders of the two cities' districts terminating at the proposed regional commercial center to the west in Calimesa, and the SunnyCal development to the south in Beaumont. The location, configuration and design of the Project will allow the Project to blend into the existing landscape despite the large size of the proposed buildings, helping to advance the vision and goals of the Cherry Valley Gateway Policy Area. The natural setting and unobstructed views allow the Project site to serve as a community separator between the cities of Calimesa and Beaumont and as a scenic gateway or "approach" to the Cherry Valley community. Additionally, foothills on the northerly portion of the site and the San Bernardino Mountains serve as a natural southwest-to-northeast divide between Calimesa and Beaumont. The proposed dedication of open space would further enhance this already existing natural constraint and separator. As discussed above, the Project buildings will be set below grade and will be largely obscured by landscaping, so as not to be visible from Cherry Valley Boulevard. (RDEIR at 3.10-35).

3. *Clustering.* The Gateway Policy Area encourages clustering of structures as a means of preserving open space and maintaining the rural character of the area. The Project plans to cluster Buildings 1 and 2 as close as reasonably possible to increase the space that will serve as the Project's natural buffer. Additionally, the 84.8-acres north of the Project's buildings that will remain undeveloped will serve as a buffer between the Project and the scattered, low-density housing in the hills, while also preserving the view of neighboring developments and travelers along Cherry Valley Boulevard of the ridgeline looking north. (RDEIR at 3.10-35).
4. *Visible Entrance.* The Project's architecture, buffer, and landscaping features discussed above help to ensure Cherry Valley Boulevard continues to function as a community separator between Calimesa and Beaumont, and as a scenic gateway or "approach" to the Cherry Valley community. In summary, the Project will help advance the vision of the Cherry Valley Gateway Policy Area, preserve open space, and evoke the rural character of the area by ensuring that buildings are clustered, set back, buffered and generously landscaped. The Project will also further the goals of the Cherry Valley Gateway Policy Area by preserving the natural setting, serving as a buffer and separator between the communities of Calimesa and Beaumont and a "visible entrance" to the Cherry Valley Community, providing architecture that is rural in character and nature, and maintaining existing views of nearby undeveloped area and hillsides. As discussed, the Project would also provide a barn and water tower structure in the southwest corner of the site. Combined with the Project's overall rural theme featuring western and agricultural architectural elements, these two monuments serve as a visible focal point and visible entrance to the Cherry Valley community. The Project will help advance the vision of the Cherry Valley Gateway Policy Area by evoking the rural character and history of the area through contextually appropriate architecture and gateway features, by preserving open space, and by providing generously landscaped buffers and clustering of the buildings. Further, by maintaining the natural setting on this large site, the Project will advance the goal of the Cherry Valley Gateway Policy Area to be separator between the communities of Calimesa and Beaumont, maintaining existing views of nearby undeveloped area and hillsides. (RDEIR at 3.10-35).

The Project will also be consistent with all Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities as discussed at RDEIR pages 3.10-36 to 3.10-39.

City of Calimesa General Plan Consistency

RDEIR Table 3.10-4 contains only those policies from the City of Calimesa General Plan that are relevant to the drainage/water quality facilities that would be installed on the parcels located within the City of Calimesa. As shown within RDEIR Table 3.10-4, the Project will be consistent with all applicable City of Calimesa General Plan policies. (RDEIR at 3.10-32).

SCAG Regional Comprehensive Plan

As indicated in RDEIR Table 3.10-5, the Project will be consistent with all applicable SCAG Regional Comprehensive Plan policies related to preservation of open space, protection of biological and cultural resources, hydrology and water quality, water efficiency, energy efficiency, air quality, and siting of developments to reduce vehicle miles traveled. (RDEIR at 3.10-39 to 3.10-41).

SCAG 2016 Regional Transportation Plan/Sustainable Communities Strategy

As shown in RDEIR Table 3.10-6, the Project will be consistent with all SCAG policies related to the goals of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The Project will generate jobs and will include numerous building efficiency measures, and will facilitate efficient regional goods movement by concentrating such goods along the I-10 Freeway, a major travel corridor. The proposed Project would make various improvements to Cherry Valley Boulevard, and would make financial contributions to the regional and local transportation system through payment of DIF and TUMF fees, as well as fair share contributions to such improvements. Combined, these actions will sustain and improve the regional and local transportation system. (RDEIR at 3.10-42 to 3.10-43). Therefore, the Project will not conflict with any applicable land use plan or policy; and impacts will be less than significant. Refer also to Final EIR Section 03-00, Responses to CVAN-7, -9, -12, and SIERRA-33.

Impact: Habitat or Natural Community Conservation Plans

Threshold: The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

1. Project Impact(s): As discussed in RDEIR Section 3.4, Biological Resources, the Project site is located within the Pass Area Plan of the MSHCP; however, it is not located within any Criteria Cell. A July 2015 MSHCP

Consistency Analysis was conducted for the Project. Based on the results of the MSHCP Consistency Analysis, the Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of wildlife nursery sites. Therefore, the Project would not conflict with any applicable habitat conservation plan or natural community conservation plan. (RDEIR at 3.10-45).

G. Mineral Resources

Impact: Loss of Known Mineral Resource

Threshold: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State.

1. Project Impact(s): The Project site does not contain any known mineral resources. The County of Riverside 2015 General Plan's Multipurpose Open Space Element (Figure OS-6) identifies most of western Riverside County, where there are no known mineral resources, as being within MRZ-3. Areas with this designation are described as areas where the available geologic information indicates that mineral deposits are likely to exist; however, the significance of the deposit is undetermined. The County of Riverside General Plan provides no specific policies regarding property identified as "MRZ-3" and does not designate the Project site for mineral resource-related uses (for example, MRZ-2b, which comprises areas where the available geologic information indicates that there is a likelihood of significant mineral deposits). There is no indication that the Project site contains any mineral resources that would be of value to the region or residents of the State. The proposed Project site is also not located adjacent to a state-classified or designated area or existing surface mine. The land adjacent to the Project site to the north, south, east and west does not have an Open Space-Mineral Resource (OS-MIN) land use designation, which allows for mineral extraction and processing facilities. Further, in no way will either the construction or operation of the Project impact any ongoing mining operations. The Project does not propose any quarries or mines on-site. There are no existing quarries or mines on-site that were identified in any of the technical reports prepared for the Project site. Additionally, the County of Riverside does not designate the site as having mineral resources in either the General Plan land use or zoning designation for the Project site. The Project site does not have an Open Space-Mineral Resource (OS-MIN) land use designation, which would allow for mineral extraction and processing facilities. The Project would not expose people or property to hazards from proposed, existing or abandoned quarries or mines. Therefore, impacts are considered less than significant (RDEIR at 3.11-3 to 3.11-4).

Impact: Loss of Mineral Resource Recovery Site

Threshold: The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

1. Project Impact(s): There are no known aggregate resources within the surrounding region, nor is the Project area designated as a resource recovery site. Furthermore, there is no evidence

H. **Noise**

That the Project site or Project area contain significant resources, which is demonstrated by its MRZ-3a classification in the County of Riverside General Plan. Therefore, the Project would not result in the loss of availability of a locally important mineral resource recovery site. (RDEIR at 3.11-4).

Impact: Groundborne Vibration

Threshold: The Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

1. Project Impact(s): During construction, the most vibration-causing piece of equipment that will likely be used on-site is the large vibratory roller. Because of the proximity of the homes located adjacent to the site to the west and southeast of the Project site, construction activities may result in groundborne vibration that is annoying, but is not expected to result in building damage, pursuant to FTA damage criteria. The nearest residences are located approximately 110 feet from the construction area footprint. At this distance operation of even the heaviest equipment that would be operating on the Project site would result in maximum groundborne vibration levels of up to 0.023 PPV. This is well below the FTA's damage threshold criteria of 0.12 PPV for even the most fragile structures. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB. Residences are included under Land Use Category 2 (as defined by FTA) and infrequent vibration events are considered acceptable up to 80 VdB at the receiving use. Large vibratory rollers used during construction would be expected to generate 94 VdB within 25 feet of the equipment. The nearest residences are located approximately 110 feet from the construction area footprint where the heaviest construction equipment would potentially operate. At this distance, vibration levels could range up to approximately 74 VdB. These levels are below the FTA's 80 VdB threshold that is considered to be acceptable for infrequent events. Furthermore, an annoyance would only occur during site grading and preparation activities, and would therefore be intermittent and temporary in nature. Also, the VdB level would decrease as site grading operations move further away from the closest residences. The restriction on permissible hours of construction would

further ensure that perceptible vibration does not occur within the most sensitive nighttime hours. Therefore, construction activities would not result in exposure of persons to or generation of excessive groundborne vibration levels. (RDEIR at 3.12-27). Based on the data shown in RDEIR Table 3.12-2, loaded trucks are not anticipated to exceed 0.076 in/sec peak particle velocity (PPV) or 86 VdB at 25 feet. These vibration levels are below the normal perception level and well below the possible FTA damage criteria thresholds. In addition, all off-site structures are located more than 25 feet from proposed Project travel ways. Therefore, Project operation vibration levels would not exceed groundborne noise or groundborne vibration thresholds. Impacts associated with construction and operational vibration would not be considered less than significant (RDEIR at 3.12-28).

Impact: Permanent Increase in Ambient Noise Levels

Threshold: The Project would not cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.

1. Project Impact(s): As shown in RDEIR Tables 3.12-9, Table 3.12-10, Table 3.12-11, and Table 3.12-12, noise modeling results show that Project-generated vehicle noise on area-wide roadways would result in a maximum increase of up to 1.6 dBA in traffic noise levels with implementation of the Project, compared to traffic noise levels existing without the Project. This increase would occur under Horizon (year 2040) plus Project traffic conditions. The County of Riverside considers a permanent increase of 5 dBA or greater to be a substantial increase. Typically, any value less than 3 dBA is considered imperceptible. Therefore, an increase of 1.6 dBA is not considered substantial, and Project-generated traffic noise would result in a less than significant impact on off-site sensitive receptors along area-wide roadways. (RDEIR at 3.12-28 to 3.12-31).

I. Population and Housing

Impact: Population Growth

Threshold: The Project would not 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).

1. Project Impact(s): The Project proposes the construction of two warehouse buildings, totaling approximately 1.8 million square feet of floor area. The Project would generate approximately 518 full-time direct equivalent employees, 116 indirect employees, and 115 induced employees for a total of 748 permanent, full-time employees. Construction would also generate approximately 577 short-term employees (direct,

indirect, and induced). Most of the new jobs would be filled by local residents, due to the current economic climate of the region. The Pass Area had an 11.5 percent unemployment rate in 2013. Since existing and planned residential development included in the County of Riverside General Plan would be capable of accommodating growth from the Project, no cumulative impacts are expected with respect to potential population increases that may result from the employment generated by the Project. Furthermore, the population growth from the Project's employees would be below the 2020 and 2035 SCAG projections for unincorporated Riverside County of 43,500 and 58,100, respectively. Potential impacts would not be deemed cumulatively considerable, and therefore, would be less than significant. The Project is not located in a Redevelopment Area. Accordingly, the Project would not impact any County Redevelopment project area. Additionally, planned operations from the site will not cause off-site impacts to any Redevelopment Areas. Impacts related to population growth would, therefore, be less than significant. {RDEIR, p. 3.13-5.)

Impact: Housing Displacement/Replacement Housing

Threshold: The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

1. Project Impact(s): Existing housing near the Project site consists of a few residences north and west of the Project site. A mobile-home park is located approximately 0.26 mile west of the site, off Calimesa Boulevard. East of the Project site is a mix of properties used for agricultural purposes and large-lot, rural single-family development. The Project would not result in the displacement of housing because no housing exists on the Project site. Additionally, the Project would not restrict access for local residents, as the Project includes the construction of a public right-of-way ("A Street") that would allow existing residents north of the site to access their homes. Thus, housing north of the site would not be impacted. During the construction phase, the Project is estimated to create approximately 577 jobs in Riverside County, including direct indirect, and induced jobs. The City of Calimesa would capture approximately 18 of these construction jobs. These jobs would be temporary in nature, and primarily filled by local residents; thus, the Project construction phase would not create a demand for any additional housing. The Fiscal and Economic Benefits Study estimated the potential range of direct, indirect, and induced (permanent) jobs that would be created by the operation of the Project during operation. Job estimates are based on Project square footage, local comparable industry employee-per-square-foot assumptions, and fiscal analysis in the 2015 Kosmont Report prepared for this Project. As shown in RDEIR Table 3.13-3, the Project would create a substantial number of direct, permanent jobs, as well as additional indirect

and induced jobs. The creation of approximately 748 new jobs (including 507 permanent on-site, full-time-equivalent (FTE) jobs, and 241 off-site indirect and induced jobs) is not anticipated to have a significant impact regarding demand for additional housing, particularly affordable housing. Furthermore, most of the new jobs would be filled by local residents, due to the current economic climate of the region. The jobs in question do not require unique or special skills that would need employees to relocate from other areas. According to the Economic Impact Report, the Pass Area had an 11.5 percent unemployment rate in 2013, down from 17.6 percent in 2010. Additionally, the Pass Area's jobs-to-housing ratio is approximately 0.598, which reflects the availability of local jobs for each occupied home in a community. The Pass Area is far below the 1:2 ratio for the Inland Empire or the 1.168 ratio for all of Southern California. The Project would provide local jobs to the surrounding area and would help improve the existing jobs-to-housing ratio. Thus, any local housing needs would be met by existing housing stock. Therefore, it is anticipated that a large portion of the permanent jobs created would be filled by persons already living in the Project area, and housing would be sufficient. Thus, a less than significant impact to housing demand is anticipated. (RDEIR, p. 3.13-7.)

J. **Public Services**

Impact: Fire Protection

Threshold: Project construction and implementation will not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the 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 fire protection.

1. Project Impact(s): County Fire Station 21 (the closest fire station to the Project at 2.65 miles to the northwest) currently has a response time of 7 minutes and 5 seconds. County Fire Station 22, located 2.75 miles from the Project site, has a total response time of 7 minutes and 43 seconds. All other local fire stations are located at greater distances from the site and would have longer response times. None of the engines/truck(s) required would be able to reach the site in under 6 minutes and 30 seconds, and would therefore not meet the suburban response time goal. This existing response time deficit would exist even without development of the Project. Thus, the Project would potentially contribute to existing cumulative impacts to response times within the area. The Project will be required to pay its "fair share" contribution into the County's development impact fee program. The current County development impact fee (DIF) rates for Fire Protection Facilities within the Pass Area Plan are \$1.77 per acre of industrial development. Based on the Project's planned 1,823,760

square feet, the Project would be assessed approximately \$291,743 in development impact fees, with additional Fire Mitigation Fees set at \$0.25 per square foot of non-residential development. Fire Mitigation Fees are estimated at approximately \$455,940, and would ultimately be finalized during the land development review process by RCFD Emergency Services Engineering and Planning Staff located TLMA Permit Assistance Centers. Total Project fees related to fire protection and related infrastructure would be approximately \$747,683. The Applicant would be required to submit payment of such fees prior to issuance of occupancy permits. Payment of these fees is mandatory and is therefore not included as mitigation. The Project would not require the provision of new or physically altered fire protection facilities on its own. Based on the adopted Riverside County Fire Protection Master Plan, one new fire station and/or engine company is recommended for every 2,000 new dwelling units and/or 3.5 million square feet of commercial/industrial occupancy. The Project's square footage would not meet this threshold, and therefore would not trigger the need to create new or physically altered fire protection facilities, based on County standards. Although the Project would generate an incremental increase for fire and emergency service, the Project's contribution to the existing response time deficiency would be rendered less than cumulatively considerable with the payment of development impact and mitigation fees. In addition, the Project will be developed in conformance with all applicable RCFD and building code standards to meet fire flow/pressure requirements and emergency access requirements. The two Project buildings would include internal sprinkler systems for additional fire suppression. Furthermore, the Project would indirectly contribute to the RCFD's ability to improve response times by contributing to the County's DIF and Transportation Uniform Mitigation Fee (TUMF) fee programs and by constructing interim improvements at the Cherry Valley Boulevard/I-15 Freeway interchange. Such program contributions and improvements would aid in reducing existing traffic impacts. Therefore, impacts to fire services are considered less than significant and no mitigation is required. (RDEIR at 3.14-10 to 3.14-12).

Impact: Police/Sheriff Protection

Threshold: Project construction and implementation will not result in substantial adverse physical impacts associated with the provision of new or physically altered government 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 police/sheriff protection.

1. Project Impact(s): During some of the construction period, construction fencing will be placed along the perimeter of the property, and full-time security personnel will monitor the site and its contents. The completed

Project will include permanent fencing, and all of the truck parking areas will be gated. During ongoing operations, the center and its occupants may choose to use in-house or third-party security personnel to monitor the perimeter and interior of the grounds. Security cameras, alarms and other systems may be implemented. In addition, the deployment of high security check-in and checkout procedures may be used to ensure the security of the goods kept within the center. Those procedures may include screening, metal detectors and or inspections of personnel and or visitors. The Riverside County Sheriff's Department (RCSD) provides law enforcement services. To maintain adequate funding for law enforcement facilities, the County has implemented the Development Impact Fee Program. This fee can be used to pay for one-time capital improvements, such as the purchase of land and equipment or the construction of new facilities. The Project will be required to pay the established development mitigation fee prior to issuance of a certificate of occupancy for the Project buildings. Warehouse uses typically do not generate a substantial number of law enforcement service calls, compared with residential or commercial uses. Based on the nature of the Project and the security measures described above, the Project is not anticipated to impact service ratios or response times such that additional RCSD facilities would need to be constructed. RCSD was provided with a copy of the January 6, 2014 Notice of Preparation and did not indicate any concerns with respect to increased service calls, service call response times, or the need to construct additional RCSD facilities as a result of the proposed Project. The County of Riverside requires the Project to pay Development Impact Fees that will be used to obtain additional staffing and/or equipment in order to offset any of the potential increases in enforcement service calls. The current County DIF rate for Criminal Justice Public Facilities is \$1,925 per acre of industrial development. Thus, the Project would be required to pay approximately \$315,686 to offset incremental impacts to police protection services. Payment of these fees is mandatory and is therefore not included as mitigation. The Project will not require new construction or physical alteration of existing law enforcement facilities, and impacts to Sheriff services are anticipated to be less than significant. (RDEIR at 3.14-12 to 3.14-13).

Impact: Schools

Threshold: Project construction and implementation will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

1. Project Impact(s): The Project does not propose land uses that would directly generate new student enrollment at existing schools. However, the Project could indirectly add students by creating new employment opportunities that may entice new residents to move into the area. However, it is anticipated that the vast majority of the new positions will be filled from existing residents in the area, as opposed to creating positions that require a specific skill-set that necessitates the hiring of individuals from outside the region. At present, there is capacity for additional students at Beaumont Unified School District (BUSD) facilities; however, the BUSD anticipates that this capacity will be insufficient to accommodate expected student growth over the next several years. The pace of home construction in the BUSD is expected to increase significantly, where several projects are in the preliminary and active planning stages and are awaiting approval to begin construction. No homes are proposed as part of the Project, and as detailed below, school impact fees will be paid by the Project to offset potential impacts. Further, as addressed above, it is anticipated that the vast majority of the new positions will be filled from existing residents in the area. Thus, it is not expected that a substantial quantity of new school-aged children will relocate within the BUSD boundary as a result of the Project, as a majority of future employees will already reside within the area and will not have to relocate. The Project site falls within the boundaries of the BUSD. The BUSD currently imposes fees of \$0.54 per square foot for commercial/industrial projects. Additionally, SB 50 mandates that school-related impacts are covered by lawful payment of required school impact fees. Based on the Project's planned 1,823,760 square feet, the Project would be assessed approximately \$984,830 in school impact fees (1,823,760 square feet multiplied by \$0.54 per square foot of commercial square footage). Payment of these fees is mandatory and therefore is not included as mitigation. The Project will be required to pay these fees, which shall serve to reduce any impacts to school facilities to less than significant. (RDEIR at 3.14-14).

Impact: Parks

Threshold: Project construction and implementation will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities. need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

1. Project Impact(s): There is a potential for the Project to draw new residents to the Project area because, of the new employment opportunities. Although the exact number of new residents is speculative, the increase is not expected to substantially increase demands at existing

neighborhood or regional parks, because it is not anticipated that a substantial number of new residents would be drawn to the Project area for the new jobs. Further, since most positions would be filled by employees already living within the local region, it is assumed that these employees would already be utilizing local recreational opportunities and parks. Regardless, even if all new position generated by the Project were filled with out-of-area employees, it would not be sufficient to negatively impact any parks. Employees of the Project would not be expected to utilize park facilities during the workday. Therefore, the Project would have a less than significant impact with respect to parks. (RDEIR at 3.1415).

Impact: Other Public Facilities

Threshold: Project construction and implementation will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities, such as libraries or health services.

1. Project Impact(s): It is anticipated that the vast majority of the new jobs generated by the Project will be filled from existing residents in the area. Thus, it is not expected that a substantial quantity of people will relocate within the County Library system's service area as a result of the Project, as a majority of future employees will already reside within the area and will not have to relocate. Furthermore, employees of the Project would not be expected to utilize library services during working hours. Based on the current ratio of residents to library facilities, the Project's modest increase in new residential population will represent only a nominal shift in square foot of library space per capita in the County. Therefore, the Project is anticipated to have a less than significant impact related to library services. There are approximately 18 hospitals in the overall County area. As previously addressed, it is anticipated that the vast majority of the new positions will be filled from existing residents in the area. Thus, it is not expected that a substantial quantity of people will relocate within these hospitals' general service area as a result of the Project, as a majority of future employees will already reside within the area and will not have to relocate. Based on the current ratio of residents to hospitals, the Project's modest increase in new residential population will represent only a nominal shift in hospital facilities per capita in the County. Therefore, the Project is anticipated to have a less than significant impact with regard to health services. (RDEIR at 3.14-16).

K. **Recreation**

Impact: Physical Deterioration of Recreation Facilities

Threshold: The Project would not include 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

1. Project Impact(s): The Project is located within the unincorporated community of Cherry Valley within Riverside County. The Project is located within a Community Service Area (CSA) for lighting only, and does not lie within a CSA for recreation. The Beaumont-Cherry Valley Recreation and Park District operates within the Cherry Valley/Beaumont area. The District does not have a Community Parks and Recreation Plan. Thus, the Project will have a less than significant impact regarding a CSA for recreation, or a recreation and park district with a Community Parks and Recreation Plan. As shown in The Pass Area Plan, Trails and Bikeway System, there are no County trails located on the Project site. However, the City of Calimesa has a Proposed Multi-Use Trail System that includes several trailheads and trails categorized as "Unknown" within the Project site. Once developed, the Multi-Use Trail System will offer a variety of recreational options. The trails will be designed to incorporate the existing historic trails while preserving sensitive open space using linear strips of open space, public easements, and floodplains. Various types of trails will be provided for walkers, joggers, bicyclists, and equestrians. Currently, the Project site contains some informal trails that traverse the Project site. The Project would feature on-site trails that connect with existing trails in the northern portion of the site to contribute to the development of the City of Calimesa's trail system. Employees associated with the Project are not anticipated to have a significant impact on recreational trails, because the Project is not expected to significantly increase the local population, and employees would not be expected to utilize these trails during the workday. Currently, the closest recreational resources to the Project site are the athletic fields at Beaumont High School located approximately 2 miles east. Residents in the Project area use parks, recreational facilities, and programs provided by the County of Riverside and surrounding communities, including Beaumont and Calimesa. The Riverside County Regional Park and Open-Space District does not expect a significant use impact from the Project on the area's recreational facilities. Furthermore, the Project would feature on-site trails that connect with existing trails in the northern portion of the site, to contribute to the development of the City of Calimesa's trail system. Easements for these trails would be donated/dedicated to a responsible entity to be determined prior to Project approval. A Memorandum of Understanding has been entered into for this purpose between the Project applicant and the Rivers and Land Conservancy (formerly the Riverside Land Conservancy). (See Final EIR,

Section 03-00, Response to SIERRA-46). A 10-foot-wide decomposed granite trail section would be constructed along the Project frontage on the northern side of Cherry Valley Boulevard to accommodate pedestrians and equestrians. A trailhead would also be constructed in the southwest corner of the site, near the decorative water tower and barn features. Another decomposed granite trail would be provided along the western margin of the Project site to accommodate hikers and equestrians, and would connect to the existing trails in the northern portion of the Project site. Development of trail access is not anticipated to have a significant impact on the environment, due to the limited nature of the improvements. The Project would not otherwise include 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. Thus, impacts would be less than significant. (RDEIR at 3.15-S to 3.15-6).

Impact: Construction or Expansion of Recreational Facilities

Threshold: The Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

1. Project Impact(s): There are ample park facilities in the vicinity of the Project site; therefore, the Project would not include any recreational facilities. Because no parks or parkland are proposed as part of the Project, it is not anticipated that the Project would result in substantial adverse physical impacts associated with the development of new park facilities. The closest park to the Project area is Noble Creek Park, which is located on Oak Valley Parkway, west of Beaumont Avenue, approximately 2.2 miles southeast of the Project site. There is also a small natural park (Edgar Canyon Nature Park), approximately 2.4 miles east of the Project site, located northeast of the intersection of Cherry Valley Boulevard and Beaumont Avenue. There is a potential for the Project to draw new residents to the Project area because of the new employment opportunities. Although the exact number of new residents is speculative, the increase is not expected to substantially increase demands on existing neighborhood or regional parks or other recreational facilities, because it is not anticipated that a substantial number of new residents would be drawn to the Project area for the new jobs. Further, since most positions would be filled by employees already living within the local region, it is assumed that these employees would already be utilizing local recreational opportunities and parks. Regardless, even if all new positions generated by the Project were filled with out-of-area employees, it would not be sufficient to negatively impact any parks. Employees of the Project would not be expected to utilize recreational facilities during the workday. Therefore, the Project would not require the construction or expansion of

recreational facilities, which might have an adverse physical effect on the environment. (RDEIR at 3.15-6 to 3.15-9).

L. Transportation and Circulation

Impact: Conflict with Congestion Management Program

Threshold: The Project would not 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.

1. Project Impact(s): According to the 2011 Riverside County Congestion Management Program (CMP), Table 2-1, CMP System of Highways and Roadways, the roads adjacent to the Project site (Cherry Valley Boulevard and Calimesa Boulevard) are not listed as part of the CMP System of Highways and Roadways. The I-10 Freeway is located approximately 0.35 of a mile west of the Project site. However, that portion of I-10 within the vicinity of the Project site is not listed as being part of the CMP System of Highways in Riverside County. Therefore, the Project would not conflict with the Riverside County CMP, and potential impacts would be less than significant. (RDEIR at 3.16-95).

Impact: Public Transit, Bikeways or Pedestrian Facilities

Threshold: The Project would not conflict with adopted policies, plans or programs regarding public transit, bikeways or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities.

1. Project Impact(s): There are no existing public transit stops, bikeways, or pedestrian facilities at the Project site or in the area. The Project will not impact any local or regional bike trail, as is demonstrated by Figure C-6, Bikeways and Trails Plan, of the County of Riverside General Plan, and Figure 8 in The Pass Area Plan. The Pass Transit System provided by the City of Beaumont includes Routes 3, 4, 7, and 9, which come within 2 miles of the Project site at closest approach. As this Project and the surrounding area develop, the Riverside Transit Authority (RTA) and the Pass Transit System may reassess the potential demand for these facilities in the area, and may establish new or extended routes near the Project area. Development coordination with RTA and the Pass Transit System will determine the need for future bus turnouts. The design of the Project includes curbs and sidewalks where required, thereby encouraging alternate methods of transportation for future development. Development of the Project will comply with the development standards for the County of Riverside. These standards require sidewalks, and all access will be in compliance with Americans with Disabilities Act (ADA)

standards for accessibility. (RDEIR at 3.16-105). Therefore, potential impacts would be less than significant.

M. Utilities and Service Systems

Impact: Water or Wastewater Treatment Facilities

Threshold: Project construction and implementation will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

1. Project Impact(s): As determined in the WSA prepared for the Project, the Project's average daily drinking water demands are estimated at 42,840 gallons per day (gpd) (61 Equivalent Dwelling Units), although this calculation will be updated prior to issuing occupancy permits in order to determine the exact number of fixture units constructed. Recycled water for landscape irrigation was estimated to be 12.35 million gallons per year, based on similar landscaped areas of commercial projects. However, it is important to note that the WSA was prepared using different calculations that were based on a larger project with approximately 736,240 more square feet of buildings onsite. Thus, the WSA provided very conservative estimates relative to the currently proposed Project. The updated Air Quality and Greenhouse Gas Analysis Report contained in RDEIR Appendix B estimates water consumption for outdoor use of approximately 8.99 million gallons per year (compared to the 12.35 million gallons per year estimated by the WSA), and indoor water consumption of 11.36 million gallons a year, for a total of 20.35 million gallons per year. This represents a more realistic estimate of water usage than is contained in the WSA, because it is based on the currently proposed, smaller project size. The estimated quantity of recycled water used for irrigation purposes is expected to be even further reduced, based on the application of Riverside County Ordinance No. 859, which requires efficient use of water for landscaped areas. The WSA determined that through buildout, YVWD can provide a reliable supply to serve the community, including the proposed Project, despite growing demands. In the near term, YVWD will stabilize its demands on the groundwater basins, continue developing recycled water, and use surface waters for direct delivery and conjunctive use programs. Based on the WSA, the proposed Project and its associated fixtures will be equivalent to 61 "Equivalent Dwelling Units." Based on the current General Plan designations of Rural Mountain and Very Low Density Residential, up to 216 single-family residences could be constructed on the Project site (based on gross acreage). Therefore, the water usage from buildout of the Project site was already indirectly accounted for within the 2015 San Bernardino Valley Regional Urban Water Management Plan (RUWMP), based on current General Plan assumptions for the site, which

would likely result in greater water demand than the currently proposed Project. Water demand (and consequently sewer demand) of warehouse uses is also usually much less than residential uses, since employees in such facilities are not typically using water for household applications such as cooking, bathing, laundry, dishes, etc. A 24-inch-diameter water pipeline has been installed in Calimesa Boulevard from Singleton Road to approximately 2,700 feet south, where the 24-inch-diameter pipe turns west crossing under the I-10 Freeway. A connection is proposed at the angle point where the 24-inch-diameter water pipeline turns. An 8-inch-diameter water pipeline will have sufficient capacity to serve the equivalent of 61 dwelling units. However, the fire flow needed for the building will exceed the water pipeline capacity. Thus, the needed pipe size is 16-inch-diameter with maximum velocity of 6.38 feet per second. In addition, two water storage tanks, each with a capacity of 1 million gallons are proposed on the northeastern portion of the Project site. The Project would provide the concrete pads and access to the future water tanks to the Water District. While it is speculative if or when the YVWD would develop the water tanks, and the on-site water tanks would not serve the Project directly, it would potentially serve other properties within the YVWD service area, and therefore would be considered a public benefit. As new development is proposed, YVWD will require capital-funding contributions through impact fees, which offset development's demands for groundwater and surface water supply infrastructure. Ultimately, YVWD will be able to serve its customers' drinking water needs through groundwater or surface water, a strategy known as conjunctive use. This allows YVWD to insulate itself from periodic drought by using available surface waters in wetter years and relying more on groundwater in dryer years when surface water is scarce. Surface supply availability from the State Water Project, San Bernardino Basin Bunker Hill Pressure Zone, Seven Oaks Dam, Mill Creek, and Santa Ana River can be used interchangeably, depending upon local and statewide hydrology, to supplement a stable local groundwater yield. Additionally, the YVWD will incorporate recycled water delivery systems into new development to meet irrigation demands with recycled water. Recycled water will give YVWD a new local source of water of high reliability, thereby lessening the dependence on imported sources and increasing reliability of total supply. Overall, as noted in the 2015 RUWMP, there are sufficient water resources to meet YVWD's current and projected growth in demands, including the proposed Project and other projected development through 2040. Based on the conservative determination by the YVWD in the WSA for the larger, previously considered project, the currently proposed Project's water needs will be adequately met by existing and future supplies. The Project would be required to comply with all requirements of the YVWD, as outlined in the Preliminary Project Service Evaluation (RDEIR Appendix G). The proposed Project will be required to connect with existing water mains

currently serving the Project area; however, the Project's water needs will not result in the construction of new YVWD water treatment facilities or expansion of existing facilities. With regard to stormwater treatment, the Project includes two water quality basins that are included as part of the Site-Specific Water Quality Management Plan. The primary function of these basins is to mitigate the stormwater impacts caused by developing the Project site. The Henry N. Wochholz Regional Water Recycling Facility (WRWRF) has a current overall capacity of 8.0 million gallons per day, based on the 2015 RUWMP. Currently, an average of approximately 4 million gallons per day of wastewater is treated by the WRWRF. The estimated wastewater generation of the proposed Project is 8.91 million gallons per year. According to YVWD records, there is an existing 8-inch diameter gravity sewer main and a 6-inch-diameter sewer force main that turn easterly approximately 2,250 feet south of Singleton Road intersection. The Project would utilize this connection point if the slope were feasible for the off-site sewer main, which will be verified as development plans are finalized. There is also an existing sewer within Calimesa Boulevard near the Calimesa Country Club (Trailer Park). However, the size, slope, and condition of this existing sewer are unknown at this time. If the existing sewer within Calimesa Boulevard has capacity, the connection point may be moved southerly in front of the Trailer Park. An 8-inch-diameter gravity sewer main has sufficient capacity to serve the equivalent of 61 dwelling units. Upon completion of further feasibility studies, either the existing 8-inch-diameter connection or the existing connection near the Trailer Park within Calimesa Boulevard would be utilized, and either connection would sufficiently serve the site. As discussed, one (or both) of the sewer main connections has sufficient capacity to serve the Project, and the Project is not anticipated to generate wastewater in quantities such that a new wastewater treatment facility would need to be constructed. Therefore, the Project would have a less than significant impact. (RDEIR at 3.17-21 to 3.17-23).

Impact: New or Expanded Storm Water Drainage Facilities

Threshold: The Project would not 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.

1. Project Impact(s): The proposed Project will include on-site stormwater drainage facilities designed to convey and capture on-site surface flows, as well as those off-site flows that would traverse the Project site. As included in the Off-site Hydrology Analysis for Tentative Parcel Map 36564, two drainage areas exist on-site: Drainage areas "A" and "B." The proposed Project includes a number of drainage facilities designed to limit the storm flow resulting from Project activities, as discussed at RDEIR page 3.17-24. Off-site drainage improvements and on-site detention basins will be

incorporated as described on RDEIR pages 3.17-24 to 3.17-25. As designed, the detention basins in conjunction with infiltration BMPs will limit the 2-year, 24-hour storm runoff, reducing the potential for off-site erosion. Thus, although the proposed Project will require development of new stormwater drainage facilities on the Project site, these improvements will be located within the Project's development footprint, and, therefore, impacts associated with the construction and operation of these facilities are analyzed as part of the environmental impact analysis contained within the RDEIR. No additional off-site stormwater drainage facilities, the construction of which could cause significant environmental effects, will be required to convey and contain on-site and adjacent surface flows. (RDEIR at 3.17-25).

Impact: Water Supply

Threshold: The Project would have sufficient water supplies available to serve the Project from existing entitlements and resources, and new or expanded entitlements would not be required.

1. Project Impact(s): The WSA prepared for the Project concluded that YVWD can provide a reliable water supply to serve the community, including the Project, despite growing demands. In the near term, YVWD will stabilize its demands on the groundwater basins, continue developing recycled water, and use surface waters for direct delivery and conjunctive use programs. Based on the WSA, the Project and its associated fixtures will be equivalent to 61 "Equivalent Dwelling Units," far fewer than the number of dwelling units that could be constructed on the Project site based on current General Plan designations. Therefore, water usage for buildout of the Project site was already indirectly accounted for in the RUWMP, which concluded that YVWD will have adequate supplies for years 2016 to 2040 under multiple-dry-year conditions. Warehouse land uses typically use less water than residential land uses. The proposed Project's average daily indoor water demands are estimated at 11.36 million gallons a year, although this calculation will be updated prior to issuing occupancy permits in order to determine the exact number of fixture units constructed. Recycled (outdoor) water for landscape irrigation is estimated to be 8.99 million gallons per year for a total of 20.35 million gallons a year of water required to serve the Project. The estimated quantity of recycled water used for irrigation purposes is expected to be further reduced' based on the application of Riverside County Ordinance No. 859, which requires efficient use of water for landscaped areas. In light of the recent statewide drought conditions, the proposed Project would also be required to comply with any future mandates by the YVWD pursuant to its Water Shortage Contingency Plan, which serves to maintain essential public health and safety and minimize adverse impacts from water shortages on economic activity, environmental resources and the

region's lifestyle. The YVWD's Water Shortage Contingency Plan consists of advisory, voluntary, mandatory, and emergency curtailment stages with a variety of potential water conservation restrictions, with which the Project would be required to comply in order to avoid fines, surcharges, or rate increases. Based on the determination by the YVWD in the WSA, the proposed Project's water needs will be met by existing and future supplies. YVWD would have sufficient water supplies available to serve the Project from existing entitlements and resources, and no new or expanded entitlements will be needed. (RDEIR at 3.17-25 to 3.17-26).

Impact: Wastewater Treatment Provider

Threshold: The Project would result in a determination by the wastewater treatment provider that serves or may service the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

1. Project Impact(s): Development of the proposed Project would not generate wastewater that would exceed the capacity of the YVWD in combination with the provider's existing service commitments. Implementation of the proposed warehouse Project would introduce building space and an employee population that does not currently exist on-site. This would result in the generation and discharge of additional wastewater requiring treatment by the YVWD. Currently, an average of approximately 4 million gallons per day of wastewater is treated by the WRWRF, which has a current capacity of 8.0 million gallons per day (RUWMP 2015). The anticipated additional estimated 24,410 gallons per day generated by the proposed Project can be adequately treated by the YVWD. The proposed Project's contribution to the wastewater flow would constitute less than 1 percent of the remaining current 8.0-million-gallon-per-day capacity at the WRWRF. Thus, related impacts would be less than significant. (RDEIR at 3.17-26).

Impact: Landfills

Threshold: The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.

1. Project Impact(s): Implementation of the Project would include the construction of approximately 1,823,760 square feet of warehouse land use. No demolition would occur on-site because there are no existing structures on-site. Using construction debris waste generation rates published by the United States Environmental Protection Agency, implementation of the Project is estimated to generate approximately 3,547 tons of construction debris. This tonnage would be spread out over the length of construction activities, and the actual volumes of construction waste disposed of at any one time are not expected to be

more than several tons of debris. Regional landfill capacity would be available to accommodate this amount of solid waste (each landfill has a remaining capacity of over 14,000,000 cubic yards). Additionally, the Project should have no substantial impact on the anticipated closure of the Lamb Canyon Landfill. Once operational, the Project is estimated to generate a total of approximately 4.7 tons of solid waste on a daily basis, and approximately 1,714 tons on an annual basis. Regional landfill capacity would be available to accommodate this amount of solid waste (each landfill has a remaining capacity of over 14,000,000 cubic yards). Thus, the Project is anticipated to have a less than significant impact regarding operational waste disposal because there is adequate regional landfill capacity to meet the disposal needs of the Project. (RDEIR at 3.17-27 to 3.17-28).

Impact: Solid Waste Regulations

Threshold: The Project will comply with federal, state, and local statutes and regulations related to solid waste.

1. Project Impact(s): AB 939 requires that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. The Countywide Integrated Waste Management Plan (CIWMP) was prepared in accordance with the California Integrated Waste Management Act of 1989, Chapter 1095 (AB 939). The proposed Project is not anticipated to conflict with the Riverside County policies, other mandatory policies such as AB 341, or the Countywide Integrated Waste Management Plan because it will comply with requirements regarding solid waste disposal, and the Project site will be served by a solid waste disposal provider. Thus, the proposed Project will have a less than significant impact. (RDEIR at 3.17-28).

SECTION E of these Findings discusses the potential environmental effects of the proposed project that were determined to be potentially significant, but each of these impacts will be avoided or substantially lessened to a level of less than significant through existing regulations, Project Design Features, and or mitigation measures specified in Attachment A (Mitigation Monitoring and Reporting Program) which is incorporated herein by this reference. Accordingly, the County made the following findings as to each of the following impacts pursuant to State CEQA Guidelines Section 15091(a): Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. The Commission concurs with the following findings.

A. Aesthetics

Impact: Visual Character

Threshold: Project construction and implementation will not substantially degrade the existing visual character or quality of the site and its surroundings with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project site is predominantly covered by brush and low-lying vegetation, and has been previously disturbed by grazing and active agricultural uses. Therefore, the Project would not obstruct any outcroppings or impact any landmark features, as none exist on the Project site. The Project will be constructed with high-quality building design and aesthetic features such as on-site landscaping. The Project would utilize neutral earth tones and architectural features to provide a rural design scheme that is in keeping with the existing character of the surrounding area. The elevations would generally include rural, western, and agricultural elements. For example, the Project would utilize shades of brown with natural accent colors for the majority of the building elevations. The Project buildings would also include decorative metal canopies, appropriate signage, and barn-style facades. Ultimately, the design features utilized by the proposed Project would complement the rural nature of the area. Thus, the Project would not degrade the existing visual character of the site. The Project area has a long history of agricultural and equestrian uses. Therefore, the Project will include a rural water tower and a wooden barn structure in the Project's southwest corner that are designed to evoke a rural theme and honor the history of Cherry Valley. In addition, the barn will functionally serve as a shade structure and trail head for an equestrian and recreation trail proposed as part of the Project. Combined with the Project's overall rural theme featuring western and agricultural architectural elements, these two monuments serve as a visible focal point and welcoming gateway to the Cherry Valley community. Additionally, these structures (tower and barn) would screen views of the Project site and provide a focal point to viewers along local roadways, while maintaining and enhancing the rural character of the area. The water tower would be of a scale similar to the industrial buildings, at 40 feet in height. The barn would be approximately 800 square feet and approximately 19 feet in height at the ridge. The proposed trailhead and associated parking area would enhance access to the foothills to the north of the Project site. Furthermore, the proposed riparian areas along the Project frontage would provide additional screening and natural views to the motorists and pedestrians along Cherry Valley Boulevard. The Project would be set back from Cherry Valley Boulevard up to 575 feet, further removing the site from public view. Therefore, the Project would be consistent with the existing rural aesthetic

of the area and would also provide a welcoming gateway to the Cherry Valley Community. Construction of the Project will create short-term aesthetic impacts, including construction equipment and machinery, and potential nighttime security lighting and fencing of the property during the construction phase. However, these aesthetic impacts are anticipated to be less than significant because they are limited to the short-term construction phase of the Project. Development of the Project will convert vacant land into industrial land uses, and the visual character of the Project site will change. Current views of the site consist of disturbed vacant land, with a limited number of trees and natural vegetation. The Project will remove existing vegetation and create an industrial development in an area that is predominantly developed with scattered rural residential lots. (RDEIR at 3.1-19 to 3.1-20). Visual simulations of the Project are provided in RDEIR Exhibit 3.1-3 and Exhibits 3.1-3a through 3.1-3m. As shown in these visual simulations, implementation of the Project would substantially change the existing undeveloped visual character of the site but would not degrade it. The proposed logistic warehouse buildings will generally incorporate similar architectural elements, including a neutral, complementary color palette and a variety of building materials. The buildings have also been designed to include vertical and horizontal elements and features to break up the massing of the structures and provide visual interest. In addition, substantial landscaping along the site perimeter and building fades will soften views into the site and further enhance the visual character of the Project. The Project proposes to construct berms and landscaping extending up to 18 feet along the Cherry Valley Boulevard frontage, which would screen motorist and pedestrian views of the site. An additional berm would be located along east side of the site, further screening views. In recognition of the fact that the perimeter landscaping will take time to mature to achieve the intended screening effect, Mitigation Measures AES-3 has been added to the Final EIR Section 04-00, Errata, which requires landscape plantings along the Cherry Valley Boulevard frontage to be installed prior to the issuance of Project building permits. This will allow the plantings time to mature during the construction period, rather than waiting until occupancy to install landscaping. **(Final EIR at p. 4-1 to 4-2)**. Ultimately, the buildings would not be visible to viewers along the adjacent roadway. In addition to the features outlined in the preceding paragraph, the placement and design of the Project allows the buildings to blend with the existing landscape, despite their relatively large size. As previously discussed, the two buildings would be set back approximately 375 to 575 feet from Cherry Valley Boulevard, approximately 300 feet from the east Project boundary, and approximately 400 feet from the west Project boundary, allowing for generous buffers with extensive landscaping, a berm, a meandering equestrian and pedestrian trail, and a three-rail fence. In addition, the Project includes substantial grade separation between the developments.

Specifically, Building 1 would be located approximately 29.8 feet above the centerline of Cherry Valley Boulevard, and Building 2 would be located approximately 48.3 feet below the centerline of Cherry Valley Boulevard. Neither of the Project buildings would be visible from motorists or pedestrians traveling along Cherry Valley Boulevard. As demonstrated in RDEIR Visual Simulations (RDEIR Exhibit 3.1-3 and Exhibits 3.1-3a through 3.1-3m), Project buildings would not be visible from any of the surrounding uses, with the exception of the I-10 Interchange area. However, as designed, the proposed buildings would blend in with the foothills behind the site. Although the Project's buildings rise 41 feet in height, the Project would not be visible to residents of adjacent developments or motorists traveling along Cherry Valley Boulevard, as their line of sight would be directed above the building. The aforementioned berm, water tower, barn, and landscaping would further screen views of the buildings. The Project site would not be visible from the residents located north of the site, as shown in RDEIR Exhibits 3.1-4a and 3.1-4b. As discussed, both buildings are also set back at least 375 feet from Cherry Valley Boulevard, which is the main thoroughfare from which the public would view the buildings. The southwest corner of Building 1 would be set back 377 feet from the Cherry Valley Boulevard right-of-way. Further, the proposed landscaping would reduce the prominence of the buildings and provide a more subtle transition. The prominence of the buildings is further reduced by the hills immediately to the north because views of the buildings from Cherry Valley Boulevard do not break the silhouette of the ridgeline of these hills. These factors all combine to make the Project visually unobtrusive and attractive. (RDEIR at 3.1-29). The Project would also include the construction of two concrete pads for water tanks for potential future use by the Yucaipa Valley Water District (YVWD). YVWD would be responsible for obtaining necessary approvals to construct and operate the water storage tanks. The water tanks would not be visible from any applicable vantage points, including Cherry Valley Boulevard. However, the top portion of the tanks would likely be visible from the properties west of the site. Such impacts would be generally negligible. It should also be noted that the applicant would only be responsible for installing the concrete pads. The proposed water tanks are not required to serve the Project site. Therefore, if warranted, the YVWD would be responsible for conducting necessary environmental review as CEQA lead agency, and implementing any potential mitigation relating to views of the tanks from properties to the west. Furthermore, the Project would conserve approximately 84.8 acres as open space, thereby preventing future development from encroaching on the scenic areas north of the Project area. This open space area would also generally connect with other open space areas in the region, since the Project would feature on-site trails that connect with existing trails in the northern portion of the site, to contribute to the development of the City of Calimesa's trail system. The open space area

also prevents suburban sprawl within the County of Riverside and furthers the County's goals to provide continuity in open space areas as well as contribute to the desired "community separator." Therefore, the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (RDEIR at 3.1- 30).

2. Mitigation: To minimize potential effects related to the visual character of the site, Mitigation Measure AES-3 will be required. Mitigation Measure AES-3 will require landscaping along the Project's Cherry Valley Boulevard frontage to be installed prior to the issuance of building permits, to give the plantings ample time to become established and mature during the construction period, thereby providing greater screening once the Project becomes operational. With implementation of Mitigation Measure AES-3, any potential for the Project to substantially degrade the existing visual character or quality of the site and its surroundings will be reduced to a less than significant impact level. (Final EIR at p. 4-1to 4-2).

Impact: Light and Glare

Threshold: Project construction and implementation will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project area currently contains minimal lighting around its perimeter, and no lighting within its interior. Implementation of the Project would result in a new light source for the area at night, and the windows of the structures may create a glare during the day. The lighting for Buildings 1 and 2, nearby streets, and outdoor parking lots would be a potential source of glare if not properly designed, creating a new source of light and glare to residences in the Project vicinity. This overall increase in lighting is referred to as "sky glow," and would incrementally degrade existing "dark sky" conditions in the Project area. The Project does not propose any new roadways, and all Project traffic would utilize existing roadways in the area. (RDEIR at 3.1-30). These existing roadways currently facilitate nighttime traffic with associated light from vehicle headlights. Therefore, intermittent headlights from nighttime Project traffic on area roadways would not represent a significant increase beyond existing conditions. Headlights from trucks pulling into the Project site at night would not shine into nearby sensitive uses, and would be shielded by intervening Project structures and features when accessing internal loading docks. The Project is approximately 43 miles northwest of the Mt. Palomar Observatory, within Zone B. The Project site is currently regulated by Riverside County Lighting Ordinance No. 655 regarding the appropriate lighting methods to be used to reduce light and glare within 45 miles of the Mt. Palomar Observatory as areas develop. The Project will comply with

Ordinance No. 655, which includes regulations for the type of lighting, lamp source, and shielding of light emissions for outdoor light fixtures intended to minimize effects of lighting on the viability of the observatory, as demonstrated in the Project-specific Photometric Plans (RDEIR Exhibit 3.1-Sa and 3.1-Sb). County policy requires that lighting associated with new development projects be designed in a manner that prevents the direction or reflection of annoying light and glare onto nearby uses, including residential uses. Development of the Project would require new lighting fixtures to be installed on-site, including on the building exterior, in parking areas, and in the loading areas; As demonstrated in the Project-specific Photometric Plans (RDEIR Exhibit 3.1-Sa and 3.1-Sb), the Project would not cause light spillage onto adjacent properties, including the Cherry Valley Boulevard right-of-way or the residential properties to the north and west. Nonetheless, mitigation is proposed that would require the Project applicant to submit the photometric plan to the County for review and approval. With the implementation of this mitigation, the Project would minimize the amount of light it would add to the ambient environment. The implementation of Mitigation Measure AES-4 will ensure that a photometric plan that details the type of lighting fixtures and their location will be provided to the County for their review prior to building permit approval. Furthermore, the mitigation measure will ensure that sources of lighting are designed in order to prevent light spillage onto adjoining properties. Therefore, with mitigation incorporated, impacts related to light sources would be less than significant. Potential sources of glare from the Project include windows, exterior light fixtures, and solar panels. All building windows will be glazed in order to reduce heat and energy use from cooling, which would also reduce the incidence of glare. In relation to the overall size of the buildings, there are very few windows; therefore, the Project would create only minimal amounts of glare producing features. In addition, the proposed fencing and landscaping, including trees, would act as a visual barrier for much of the building features, including that of windows and light fixtures. These additional design features would help soften the visual impact of the buildings and reduce the incidence of glare within the surrounding area. The proposed solar panels would be predominately oriented south, creating a low visibility from both Cherry Valley Road and adjacent properties. Further, the roof of the buildings would be flat, providing an added decrease in the visibility of the solar panels and any potential glare they may emit. Glare from solar panels for airplane and airport operation is typically a consideration on or adjacent to airports, or near the landing approach for airplanes. Since the closest airport is the Banning Municipal Airport, which is over 10 miles southeast of the Project site, glare from solar panels would not be a consideration for airport or airplane operation. In addition, Chapter 17.296, Solar Energy Systems of the County Municipal Code requires that applications to install these types of systems must be approved by the

Director of the Department of Building and Safety, or if found to have a specific adverse effect, be subject to a plot plan approval. Therefore, the proposed solar panels would be subject to further review. Based on the above considerations, impacts related to glare would be less than significant. (RDEIR at 3.1-31 to 3.1-32).

2. Mitigation: To minimize potential effects related to light and glare, Mitigation Measure AES-4 will be required. Mitigation Measure AES-4 will require approval of a photometric plan prior to issuance of building permits, which will ensure compliance with County Ordinance No. 655 and ensure that light spillage onto adjacent properties does not occur. With implementation of Mitigation Measure AES-4, any potential for the Project to result in light or glare impacts due to new sources of lighting will be reduced to a less than significant impact level.

B. Biological Resources

Impact: Endangered or Threatened Species and Sensitive or Special Status Species Threshold: Project construction and implementation will not 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 Game or U.S. Fish and Wildlife Service, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Sensitive or listed animal species with potential to occur within the Project site are listed in RDEIR Table 3.4-4, and impacts to vegetation communities within the Project site are listed in RDEIR Table 3.4-5. The Project would not result in impacts to NEPSSA, listed or sensitive plant species. (RDEIR at 3.4-29). No impacts to federal or state listed animal species will result from Project implementation. Three MSHCP covered sensitive animal species (orange-throated whiptail, northern harrier, and Bell's sage sparrow) were observed or detected onsite and would be directly impacted by the Project because their habitats would be adversely affected. Impacts to these species are not considered significant, as they are covered under the MSHCP. The other species with the potential to occur noted in RDEIR Table 3.4-4 either have low potential to occur on-site because of the lack of appropriate habitat, or if they have a moderate potential to occur, their presence on the site would not result in significant impacts because they are generally wide-ranging species, most are covered species under the MSHCP, and they have a low sensitivity rating. The Project will not result in any "edge effects," which are defined by the MSHCP as adverse direct and indirect effects to species, Habitats and Vegetation Communities along the natural urban/wildlands interface. May

include predation by mesopredators (including native and nonnative predators), invasion by exotic species, noise, lighting, urban runoff and other anthropogenic impacts (trampling of vegetation, trash and toxic materials dumping, etc.)." The development footprint does not abut MSHCP conserved lands, nor lands that are targeted for conservation under the MSHCP, and adherence to Section 6.1.4 of the MSHCP is therefore not required. The Project will not introduce any new species of predators or exotic species. The Project area is already developed with roadway infrastructure, as well as residential and commercial development, which result in existing vehicular noise and sources of light. Lighting and noise impacts of the Project are discussed in RDEIR Sections 3.1 and 3.12, respectively, and mitigation measures are proposed to ensure that all associated impacts are mitigated to a less than significant level. The Project will be required to comply with all regulations related to stormwater and wastewater, trash disposal, and safe handling of hazardous materials. Implementation of the Project would directly impact raptor foraging habitat. Additionally, if Burrowing Owl are observed during pre-construction surveys, Mitigation Measure BIO-1a would be required to reduce impacts in this regard to a level of less than significant. Furthermore, the eucalyptus trees on-site have potential to support nesting raptor species such as the red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*B. lineatus*), or great-horned owl (*Bubo virginicus*), and there is potential to directly or indirectly impact raptor nests during construction. These impacts are considered potentially adverse, but will be reduced to less than significant with Mitigation Measure BIO-1b. Direct impacts to an active raptor nest are not allowed under the federal MBTA, and direct take of active raptor nests would be considered significant. Therefore, surveys shall be required prior to any disturbance of the Project site by construction activities. Mitigation Measures BIO-1a and BIO-1b were refined based on written communication from CDFW dated January 18, 2017. (RDEIR at 3.4-30 to 3.4-33).

2. Mitigation: To minimize potential effects to burrowing owl and nesting birds, Mitigation Measures BIO-1a and BIO-1b will require pre-construction surveys and relocation, if necessary. Impacts to breeding birds (including noise impacts) shall be avoided through clearing of habitat outside the breeding season and conducting surveys, and, if so required, relocation of burrowing owls (if present) prior to any disturbance of the Project site by construction activities. With implementation of Mitigation Measures BIO-1a and BIO-1b, any potential for the Project to result in impacts to nesting birds and burrowing owls will be reduced to a less than significant impact level.

Impact: Riparian Habitat and Wetlands.

Threshold: The Project would not have a substantial adverse effect on 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, and would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project site encompasses 1.25 acres of unvegetated, ephemeral drainage courses that are considered riverine under MSHCP Section 6.1.2. An additional 0.04 acre of disturbed wetland occurs on-site and is considered riparian under Section 6.1.2. An additional 0.12 acre of ephemeral drainage occurs in the off-site study area. The functions of the unvegetated riverine streams and disturbed wetland on the property are primarily water conveyance, sediment transport, and energy dissipation (hydrologic regime and flood attenuation). The Project would impact approximately 1.07 acres of streambed habitat considered riverine, and 0.04 acre of disturbed wetland that is considered riparian. The Project avoids impacts to the riverine resources in the northwestern portion of the site. Impacts to 0.30 acre (23 percent) of the riverine resources have been avoided to the maximum extent practicable. Impacts to United States Army Corps of Engineers (USACE) jurisdictional areas total 0.40 acre, all of which are ephemeral drainage (**RDEIR Table 3.4-6**). No impacts to USACE jurisdictional wetlands would occur. The impacts to the non-wetland ephemeral drainages are considered potentially significant. In order to reduce impacts to the non-wetland ephemeral drainages to less than significant, mitigation is proposed that would result in preservation of the functions and values of Riparian/Riverine sources impacted by the Project. The Project has been designed to avoid impacts to 0.30 acre of Riparian/Riverine resources in the northwestern portion of the site. In addition, the Project will replace Riparian/Riverine habitat at a 2: 1 ratio for the 1.11 acres of impacts to Riparian/Riverine sources, resulting in 2.22 acres of Riparian/Riverine habitat creation/restoration. (**RDEIR at 3.4-34**). A Determination of Biologically Equivalent or Superior Preservation (DBESP) was prepared for the Project and was approved by the County May 2016. The goal of the DBESP process is to determine if an alternative project configuration would result in biologically equivalent or superior preservation. The first priority for sensitive habitats under CEQA and the MSHCP is avoidance of direct impacts however, the proposed land use requires large pads that cannot be effectively reshaped to avoid Riparian/Riverine resources. Complete avoidance of Riparian/Riverine resources would eliminate the viability of development on the site because

of the distribution of the drainages across the site. Total avoidance can be achieved only by minimal or no development, which would render the Project infeasible. The Project does avoid impacts to 0.30 acre of Riparian/Riverine resources in the northwestern portion of the site. Impacts to 0.30 acre (23 percent) of the riverine resources have been avoided to the maximum extent practicable. Mitigation Measures BIO-2a and BIO-2b would result in equivalent or superior preservation of the functions and values of Riparian/Riverine resources impacted by the Project. Minimization measures for the Project will include the use of standard BMPs to minimize the impacts during construction. Equipment will be stored in upland areas, outside drainages except as required by Project design (restoration, trash removal, etc.). Removal of trash located throughout the property will decrease the potential of pollutants entering the Riparian/Riverine areas downstream. The removal of the pollutants will increase the functions and values of the Riparian/Riverine areas proposed to be restored, thus replacing a portion of functions and values that will be lost within the Project footprint. Source control and treatment control BMPs will be implemented to minimize the potential contaminants generated during construction and operations. Source control BMPs include landscape planning, roof runoff controls, trash storage areas, use of alternative building materials, and education of future tenants. Treatment control BMPs include detention basins, vegetated swales (bio-swales), drain inlets, and vegetated buffers. Water quality BMPs will be implemented throughout the Project to capture and treat contaminants. (RDEIR at 3.4-35). Mitigation for impacts to Riparian/Riverine resources will occur through on-site creation at a 2:1 ratio for the 1.11 acres of impacts to Riparian/Riverine resources. In total, the proposed mitigation will result in 2.22 acres of Riparian/Riverine habitat creation/restoration. The on-site creation of 2.22 acres of Riparian/Riverine habitat will occur at two locations on-site along the southern boundary (RDEIR Exhibit 3.4-5). Combined, these areas will offset losses of Riparian/Riverine functions and values by providing high-quality Riparian/Riverine habitat, as well as other functions and services such as water quality benefits, groundwater recharge, and nutrient cycling. A detailed restoration plan for the on-site mitigation sites will be prepared and submitted to the County for review and approval prior to implementation of the restoration effort. The amount of mitigation required by the regulatory agencies for impacts to 0.40 acre of USACE jurisdictional areas (RDEIR Exhibit 3.4-6) and 1.11 acres of CDFW jurisdictional area (RDEIR Exhibit 3.4-7) will be determined during the permitting process, as required by Mitigation Measure BIO-2b. The Applicant will be required to comply with all requirements set forth by the USACE and CDFW during the permitting process. (RDEIR at 3.4-36 to 3.4-37).

2. Mitigation: To avoid impacts to riparian habitat and wetlands, Mitigation Measure BIO-2a will require payment of the MSHCP LDMF of \$6,645 per acre, which will mitigate impacts to sensitive habitats. Impacts to USACE and CDFW jurisdictional habitats, along with impacts to MSHCP riverine areas, will be mitigated to below a level of significance by Mitigation Measure BIO-2b, which requires on-site creation or restoration at a 2:1 ratio (2.22 acres); and impacts to riparian habitat and federally protected wetlands will be mitigated through the Section 1602 Streambed Alteration Agreement Permit and Clean Water Act Sections 401 and 404 permitting processes, which will require mitigation and habitat replacement at levels deemed acceptable by the permitting agencies. With implementation of Mitigation Measures BIO-2a and BIO-2b, any potential for the Project's impacts to riparian habitat and wetlands will be reduced to a less than significant impact level.

Impact: Habitat Conservation Plan/Natural Conservation Community Plan.

Threshold: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The San Geronio Crossing property lies outside any Criteria Cells; therefore, the Project is not required to conserve habitat on-site with respect to Criteria Cells, and is not required to be reviewed through the Habitat Acquisition and Negotiation Strategy (HANS) process or the RCA's Joint Project Review to demonstrate MSHCP compliance. MSHCP Section 6.1.2 focuses on protection of Riparian/Riverine and Vernal Pool habitat types. The Project will comply with the policies of Section 6.1.2 that protect species associated with vernal pools and Riparian/Riverine habitats. Vernal pools do not exist on the Project site; therefore, vernal pool species do not occur. The definition of Riparian/Riverine habitats is based on the potential for the habitat to support Riparian/Riverine covered species *Least Bell's vireo*, southwestern willow flycatcher, and western yellow-billed cuckoo). The ephemeral drainages/streambed on-site are not suitable for any of these species; however, the drainages have potential to support downstream Riparian/Riverine habitats, and are therefore considered Riparian/Riverine habitats under the MSHCP. Twenty-four plant species are identified in the MSHCP as potentially occurring in Riparian/Riverine and vernal pool habitats, and are described at RDEIR page 3.4-45. As discussed on RDEIR page 3.4-46, on-site conditions are not appropriate to support most of these species. Consistency with Section 6.1.2 of the MSHCP as well as mitigation measures to replace the function and values of the riverine area on-site are detailed in the DBESP analysis. The Project is within an area

designated as a NEPSSA area for two plant species: Yucaipa onion and many-stemmed dudleya. A total of 20 bulb clusters of Yucaipa onion with 91 flowering heads were observed on-site. The entire population of Yucaipa onion observed on the property is within an approximately 200-square-foot area in the northeast corner of the site, outside the proposed impact area. Other sensitive plant surveys were conducted and were negative; therefore, the Project is consistent with MSHCP Section 6.1.3. MSHCP Section 6.1.4 addresses potential indirect impacts to MSHCP preserve lands such as the Criteria Cells located 0.5 mile north of the Project site. The proposed development is designed to leave open space between the development and the northern property border; as a result, the development will occur more than 0.5 mile from MSHCP Conservation Areas and is therefore not subject to Section 6.1.4. Since the Project does border open space, it will implement the best management practices listed on RDEIR page 3.4-47 to minimize potential indirect impacts. In addition, Mitigation Measures BIO-Sa and BIO-Sb, which were refined and developed based on written communication from CDFW dated January 18, 2017, will reduce impacts to Riparian/Riverine resources to less than significant.

2. Mitigation: To ensure consistency with the MSHCP, Mitigation Measures BIO-Sa and BIO-Sb will require impacts to MSHCP riverine areas to be mitigated to below a level of significance by on-site creation or restoration at a 2:1 ratio. With implementation of Mitigation Measures BIO-5a and BIO-5b, any potential for the Project's impacts to riparian or riverine resources to result in inconsistency with the MSHCP will be reduced to a less than significant impact level.

C. Cultural Resources

Impact: Historic Resources

Threshold: Project construction and implementation would not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): There are no historic resources located within the Project site. (RDEIR at 3.5-8). Although there are no observable historic cultural resources within the Project area, the potential exists for encountering unknown buried historic resources during Project construction. As such, Mitigation Measure CUL-I and CUL-1b are proposed to reduce impacts related to potential inadvertent discovery of historic resources to a level of less than significant. (RDEIR at 3.5-9).

2. Mitigation: Mitigation Measure CUL- 1a and CUL-1b will ensure that any previously unknown cultural resources inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary. With implementation of Mitigation Measures CUL-1a and CUL-1b, any potential impacts to historic resources will be reduced to a less than significant impact level.

Impact: Archaeological Resources

Threshold: Project construction and implementation would not alter or destroy an archaeological site or cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Research on the Project area shows that the flatter portions of the Project area were plowed in the 1920s or 1930s for dryland farming. Examination of topsoil during the field survey of the Project area suggested that plowing had not taken place for at least 20 years in any part of the Project site. The primary drainage has been heavily eroded to points about 20 feet deep in the southeast quadrant and vegetation that appears on the ridges in the period from 1940 to 1960 has declined. Exposures of Pleistocene alluvial fan soils crop out at the western edge of the property in the low ridges between the Holocene alluvium. This material has the potential for fossils. Prehistoric deposits were expected on the unplowed finger ridges and were expected on the flats due to historical plowing in the 1920s or 1930s. However, no cultural resources were observed during the survey on the finger ridges or on the flat areas. The Cultural Resource Assessment prepared for the Project indicates the Project would have no impact regarding alteration or destruction of an archaeological site because no prehistoric-era resources were found in the Project area during the field survey and the potential for impacts to such resources is considered "low." However, to ensure that the Project has a less than significant impact on archaeological sites, Mitigation Measures CUL-1a and CUL-1 b shall be implemented in the event that any resources are found on-site. (RDEIR at 3.5-10 to 3.5-11).
2. Mitigation: Mitigation Measure CUL-1a and CUL-1b will ensure that any previously unknown archaeological resources inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary. With implementation of Mitigation Measures CUL-1a and CUL-1b, any potential impacts to archaeological resources will be reduced to a less than significant impact level.

Impact: Paleontological Resources

Threshold: Project construction and implementation would not alter or destroy paleontological site or unique geologic feature, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project area has a determination of high paleontologic sensitivity at or slightly below the modern ground surface. Therefore, a monitoring program is recommended to mitigate impacts to potentially significant paleontological resources beginning at the modern ground surface in areas that have not been subjected to plowing in the past, such as the finger ridges within the Project area. If detailed geologic borings are available, the specific depths of the highly sensitive areas could be refined. The Project area has a high probability of containing paleontological resources potentially at the surface along the ridge margins of the Project site. Therefore, a monitoring program to mitigate impacts to paleontologic resources is warranted, as set forth in Mitigation Measures CUL-3a through CUL-3d. (RDEIR at 3.5-11).
2. Mitigation: Mitigation Measures CUL-3a to CUL-3d will ensure monitoring for paleontological resources during construction, as well as procedures to be followed in the event that any such resources are discovered. With implementation of Mitigation Measures CUL-3a to CUL-3d, any potential impacts to paleontologic resources will be reduced to a less than significant impact level.

Impact: Inadvertent Discovery of Human Remains

Threshold: The Project would not disturb any human remains, including those interred outside of formal cemeteries, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Based on a Sacred Lands Search, no human remains are known to exist within the Project area. The Project site is not currently utilized for cemetery uses and, based on a records search, is not known to contain human remains. No archaeological resources, including human remains or burial plots, were located as part of the detailed pedestrian survey conducted for the Project site. However, there is always the possibility that subsurface construction activities associated with the Project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, implementation of Mitigation Measure CUL-4 would reduce this potential impact to a less than significant level. (RDEIR at 3.5-13).

2. Mitigation: Mitigation Measure CUL-4 will ensure that any human remains discovered during the construction process will be handled in accordance with state law. With implementation of Mitigation Measure CUL-4, any potential impacts to undiscovered human remains will be reduced to a less than significant impact level.

Impact: Tribal Cultural Resources

Threshold: The Project would not cause a substantial adverse change in the significance of a tribal cultural resources, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): No cultural resources, including existing religious or sacred sites, were located as part of this detailed survey, and none of the tribal representatives contacted identified the existence of such sites within the Project area. (RDEIR at 3.5-14). The Project would have no impact regarding alteration or destruction of an archaeological site because no prehistoric-era resources were found in the Project area during the field survey and the potential for impacts to such resources is considered "low." A review of the California Register of Historical Resources, local registers of historic resources, and the NAHC sacred lands file failed to identify any listed tribal cultural resources (TCRs) that may be adversely affected by the proposed Project. As such, no recorded TCRs will be adversely affected by the proposed Project. Therefore, the Project would not cause a substantial adverse change in the significance of TCR 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). In addition, Tribal consultation efforts conducted by the County of Riverside pursuant to AB-52 failed to identify significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. As such, no significant TCRs will be adversely affected by the proposed Project. Therefore, the Project would not cause a substantial adverse change in the significance of a TCR 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. Furthermore, on November 29, 2016, the County of Riverside circulated a Draft EIR evaluating the San Geronio Crossing Project for public review. Various comments were submitted during the public review period relative to the Draft EIR, including a comment letter from the Soboba Band of Luiseno Indians dated January 18, 2017. According to their response, the Project area falls within the bounds of their Tribal Traditional Use Areas, and although the area is considered culturally sensitive by the people of Soboba, no Tribal Cultural Resources were identified in the letter. However, to ensure that the Project has a less than significant impact on archaeological sites, Mitigation

Measures CUL-1a and CUL-1b shall be implemented in the event that any TCRs are found on-site. (RDEIR at 3.5-15). Mitigation Measure CUL-1b was further revised at the request of the Soboba Band of Luiseno Indians (see Final EIR at p. 4-2).

2. Mitigation: Mitigation Measures CUL-1a and CUL-1b will ensure that any previously unknown TCRs inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary. With implementation of Mitigation Measures CUL-1a and CUL-1b, any potential impacts to TCRs will be reduced to a less than significant impact level.

D. **Geology and Soils**

Impact: Seismic-Related Ground Failure and Liquefaction

Threshold: Project construction and implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The site is not located within an Alquist-Priolo Earthquake Fault Zone. However, the northern portion of the site is located within a County of Riverside designated Earthquake Fault Zone, based on the Riverside County GIS Fault Zone Map. (RDEIR at 3.6-15). The North Branch of the Cherry Valley Fault runs through the Project site; however, this fault is located over 200 feet north of the development footprint of the proposed Project. The Project site plan shows Buildings 1 and 2 located south of the South Branch of the Cherry Valley Fault. However, this branch of the Cherry Valley Fault runs through the parking lot area north of Building 2. As typically recommended for structures within or near an Alquist-Priolo Earthquake Fault Zone, on-site structures for human occupancy are not placed upon the fault and are set back from the trace by at least 50 feet or more. Thus, the proposed buildings would not be constructed across a fault line. (RDEIR at 3.6-16). To ensure that proposed development is adequately set back from existing fault lines, Mitigation Measure GEO-1a shall be implemented. The Project will be designed in conformance with applicable building standards, such as the Uniform Building Code, and County of Riverside standards regarding structure design such that the Project will not expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death. (RDEIR at 3.6-17). Mitigation Measure GEO-1b, regarding reassessment of the structural setback and Restricted Use Zone (RUZ), would reduce impacts related to strong seismic ground shaking to a less than

significant level. (RDEIR at 3.6-18). Because of the absence of groundwater less than 50 feet below ground surface and the 200- to 300-foot depth of the regional groundwater table, the potential for liquefaction is considered low. Although settlement may occur on-site because of ground shaking from earthquakes, a less than significant impact after mitigation is anticipated, because settlement monuments will be placed at key locations on-site in the deep fill areas, and monitoring will occur until primary settlement has stabilized. The Project would not create cut or fill slopes greater than 2:1. Although the Project will result in slopes that are higher than 10 feet, less than significant impacts are anticipated because the Project will be designed in conformance with recommendations made in the Grading Plan Review, which include design and construction measures that will stabilize the onsite soils and reduce the Project's exposure to landslide risk. Additionally, compliance with the Grading Development Standards of the County of Riverside would be assured through County review of grading plans. The Project would be required to conform to County design standards for grading and site design, which would result in a safe design of stable slopes for the Project. Mitigation Measure GEO-1c will further reduce impacts from landslides to a less than significant level. (RDEIR at 3.6-19).

The Project site has a mild to high potential of hydroconsolidation. Therefore, impacts from hydroconsolidation are considered potentially significant. Mitigation Measures GEO-1c to GEO-1e would reduce potential impacts from soil collapse to a less than significant level, by ensuring that all recommendations related to grading, engineered fill, and cut slope are implemented prior to issuance of grading and/or building permits. The Project site is within an area with low to locally moderate susceptibility to seismically induced landslides and rockfalls. The Project would have a less than significant impact regarding rockfall hazards because the proposed warehouse buildings are sited away from the steep terrain located in the northern portion of the Project site. (RDEIR at 3.6-20).

2. Mitigation: Implementation of Mitigation Measures GEO-1a to GEO-1e would ensure that habitable structures are adequately set back from fault lines and restrictions are in place to create a restricted use zone to limit the creation of habitable facilities in inappropriate locations. As with other similar development projects within the Southern California region and the State as a whole, the Project would be designed and constructed to meet the specifications contained within the 2013 California Building Code (CBC), Chapter 16, Section 1613-Earthquake Loads. The building and safety standards set forth by the CBC have been established to address structural integrity and to prevent substantial loss and injury during a seismic event. Mitigation Measure GEO-1c will ensure that potential landslide impacts are reduced to less than significant. Mitigation Measures GEO-1d and GEO-1e

will ensure the implementation of design and construction measures that will stabilize the on-site soils and reduce the Project's exposure to hydroconsolidation and landslide risk. With implementation of Mitigation Measures GEO-1a to GEO-1e, any potential impacts related to geologic hazards will be reduced to a less than significant impact level.

Impact: Erosion or Loss of Topsoil

Threshold: Project construction and implementation would not result in substantial soil erosion or the loss of topsoil with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): As detailed in the County's General Plan, the Project area has a moderate wind erodibility rating. On-site soils are subject to erosion by wind and water. The potential for erosion is greatest during grading and construction of the site. Project development will require extensive grading operations including excavation and fill throughout the Project site in order to provide adequate support for the Project. Since erosion is greatest during construction, the Project is anticipated to have a short-term impact related to soil erosion. (RDEIR at 3.6-II). Installation of the Project's drainage features would control surface drainage and help mitigate the potential erosion and debris flows during storm events. The slopes should be planted as soon as possible upon completion of grading with drought-resistant plants to help mitigate surficial erosion. With incorporation of mitigation, potential impacts from soil erosion are anticipated to be reduced to a less than significant level. The on-site slope safety factors will conform to the County of Riverside standards and are acceptable as planned. Similarly, the factors for safety for the surficial stability conditions also meet the required minimum safety factor of 1:5. (RDEIR at 3.6-22). With regard to water erosion, the rate of runoff from the Project site would not increase by more than 10 percent above pre-development conditions, and the drainage improvements installed by the Project will ensure that the Project does not result in an increase in water erosion on-site or off-site. (RDEIR at 3.6-23 to 3.6-24). Construction activities including but not limited to grading and soil transport have the potential to result in short-term, construction-related impacts associated with wind erosion, and, thus the Project could have a potentially significant related short-term impact. A Storm Water Pollution Prevention Plan is required to be prepared for the Project that would reduce impacts from soil erosion during construction that could potentially cause an increase in blowsand or mineral erosion. During Project implementation, potential impacts from wind erosion and blowsand would be less than significant because the Project would be developed with landscaping and impervious surface (e.g., parking lots and buildings) such that soils or sand would not be exposed and subject to blowing off-site. Further, the proposed

operation of the Project as a warehouse will not involve the exposure of land that would increase this potential impact. Thus, the proposed Project would have a less than significant impact related to an increase in wind erosion or blowsand during construction or operations. (RDEIR at 3.6-25).

2. Mitigation: Mitigation Measures GEO-2a and GEO-2b will ensure the implementation of design and operational measures will stabilize the on-site soils and reduce the opportunity for erosion impact. With implementation of Mitigation Measures GEO-2a to GEO- 2b, any potential impacts related to erosion or loss of topsoil will be reduced to a less than significant impact level.

Impact: Unstable Geologic Units

Threshold: Project construction and implementation would not 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, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Impacts from subsidence are considered potentially significant, and Mitigation Measures GEO-1b and GEO-1d, and GEO-3 are required to mitigate this potential impact. The site, as with all of southern California, is within a zone of seismic activity. Strong ground motion from an earthquake generated along active faults should therefore be anticipated at this site. The Project will be built in conformance to applicable California Building Code and Uniform Building Code standards, which will reduce potential impacts from ground subsidence and unstable soils. (RDEIR at 3.6-25 to 3.6-26).
2. Mitigation: Implementation of Mitigation Measures GEO-1b, GEO-1d and GEO-3 would ensure the Project site would contain suitable soils and compaction, as well as appropriate controls related to landscaping and irrigation management, to reduce impacts from subsidence and unstable soils to less than significant.

Impact: Expansive Soil

Threshold: The Project could 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, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The site sub-grade soils are granular with very low soil expansion potential and specialized construction procedures to resist expansive soil forces are not anticipated at this time. Further, the Grading

Plan Review document did not identify the Project site as susceptible to expansive soils impacts; however, to ensure that expansive soils are absent from the Project and would otherwise not affect the Project, incorporation of Mitigation Measure GEO-1b will require preparation of a design-level geotechnical study that complies with the applicable requirements of the latest adopted edition of the California Building Standards Code. A design-level geotechnical study would identify grading and soil engineering practices to ensure that expansive soil conditions are abated. As such, after implementation of mitigation, impacts related to expansive soils would be reduced to a level of less than significant. (RDEIR at 3.6-26 to 3.6-27).

2. Mitigation: Mitigation Measure GEO-1b will ensure that the Project site's soil expansion potential is thoroughly evaluated and addressed prior to operation of the Project. With implementation of Mitigation Measure GEO-1b, any potential impacts related to expansive soils will be reduced to a less than significant impact level.

E. **Greenhouse Gas Emissions**

As directed by the State CEQA Guidelines Appendix G, the EIR evaluated whether the Project would: (a) generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or (b) conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. In order to determine this, and consistent with the considerations identified in the State CEQA Guidelines section 15064.4 and the California Supreme Court decision in *Center for Biological Diversity v. California Department of Fish and Wildlife*, the EIR evaluated the Project against the two thresholds to determine the significance of impacts from GHG. The County has further determined that each one of these thresholds is a separate and independent basis upon which to substantiate the significance of the Project's GHG impact. (RDEIR, p. 3.7-29 to 3.7-32.)

Impact: Generation of Greenhouse Gas Emissions (GHGs)

Threshold: Project construction and implementation would not generate greenhouse gas emissions ("GHGs"), either directly or indirectly, that may have a significant impact on the environment, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The RDEIR analyzed the Project's compliance with the County of Riverside's Climate Action Plan (CAP). The CAP is a geographically specific plan adopted by the County of Riverside for reducing GHG emissions under the control or influence of the County consistent with AB 32 and subsequent state legislation and state agency action to address climate change. This threshold is also consistent with the

SCAQMD's draft interim threshold Tier 2, which consists of determining whether a project is consistent with a qualified GHG reduction plan. The Scoping Plan GHG reduction goal is to reduce statewide emissions to 1990 levels by 2020. The Riverside County CAP includes strategies that will achieve this target. The CAP target is to reduce County emissions by the amount recommended in the Scoping Plan for local government of 15percent below 2008 levels by 2020. This was roughly equivalent to the 28.4 percent overall reduction in statewide emissions from BAU in 2020. (RDEIR at 3.7-36). The County's CAP meets the requirements for a climate action plan as set forth in the State CEQA Guidelines section 15183.5(b). (RDEIR at 3.7-37 to 3.7-38). As summarized in Table 2, in Appendix A: Methodology for The Development and Application of the Screening Tables of the Riverside County GHG Plan, 1,302,569 MT CO₂e will be reduced from new development as a result of the County strategies. Within the 1,302,569 MT CO₂e of new development reductions afforded County strategies, 619,336 MT CO₂e of emissions reduced is accomplished through new Commercial and Industrial Projects, and 683,233 MT CO₂e of emissions reduced is accomplished through new residential projects. The next step in allocating point values is to determine the number of new homes and commercial buildings that are anticipated by year 2020. The County predicts that a total of approximately 195,547,000 square feet of new commercial and industrial buildings within the unincorporated County area is needed to accommodate anticipated job growth. This estimate is based on the relationship between past growth in employment to the average growth in commercial/industrial building area for Riverside County. (RDEIR at 3.7-39). Because commercial/industrial land uses are typically described in thousand square feet of building space, the point value was calculated as 0.031 MT CO₂e per 1,000 square feet of gross Commercial/Industrial building area. RDEIR Table 3.7-4 shows the requisite points afforded each measure. Pursuant to the CAP, projects that achieve at least 100 points based on the County's screening tables are determined to be consistent with the reduction quantities anticipated in the County's GHG Technical Report. As such, further project-specific GHG quantification is not required. Consistent with CEQA guidelines, such projects are determined to have a less than significant individual and cumulative impact for GHG emissions. RDEIR Table 3.7-4 displays the points (as in the March 2015 Riverside County GHG Emissions Screening Tables for Commercial Development and Public Facilities, Table 2) that are anticipated to be achieved by the Project. Since the Project will incorporate at least 100 points from the screening tables as required by Mitigation Measure GHG-1, the Project's impact related to greenhouse gas emissions would be less than significant. (RDEIR at 3.7-40 to 3.7-45).

2. Mitigation: Mitigation Measure GHG-1 will ensure that the Project is consistent with the County of Riverside's CAP; since the Project will

incorporate at least 100 points from the screening tables, the Project's impact on greenhouse gas emissions would be less than significant.

Impact: Conflict with Greenhouse Gas Plan, Policy or Regulation

Threshold: The Project would not conflict with the ARB Scoping Plan and regulations adopted for the purpose of reducing the emissions of greenhouse gases.

1. Project Impact(s): The RDEIR conducted a qualitative analysis of the project's consistency with the ARB's Scoping Plan and GHG emission reducing regulations. The Scoping Plan (and its adopted regulations) is a statewide plan, policy, or regulation adopted by a public agency to reduce GHG emissions that may be used to assess consistency with AB 32 under CEQA (State CEQA Guidelines §§ 15064.4(a)(2), (b)(3), 15064(h)(3)). The RDEIR demonstrates that the Project is consistent with AB 32 and the Scoping Plan designed to achieve the AB 32 target by 2020. Specifically, the RDEIR assessed the Project's consistency with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions for each of the Project's emission sectors: transportation (approximately 90% of Project emissions), energy consumption from electricity and natural gas (approximately 7% of Project emissions), water consumption (less than 1% of Project emissions) and waste diversion (approximately 3% of Project emissions). Under each emission sector, the RDEIR analyzed the Project's compliance with the State Scoping Plan and adopted regulations as well as with regional and local measures. Finally, the EIR evaluated the Project's design features and mitigation measures that go beyond the Scoping Plan requirements and would further minimize GHG emissions. With respect to the Transportation sector, the RDEIR determined that the project is consistent with State transportation regulations to reduce GHG emissions, including light-duty vehicle standards, low- carbon fuel standards, and heavy-duty vehicle and tractor-trailer regulations that will apply to all vehicles accessing the Project site. (RDEIR at 3.7-48 to 3.7-49). Further, the Project's mobile source GHG emissions, including with respect to the vehicle miles traveled, are covered under the Cap-and-Trade Program, which assures that such emissions will not exceed the AB 32's 2020 statewide emission limit. (RDEIR at 3.7-17 to 3.7-19, 3.7-48 to 3.7-49). Finally, the Project is also consistent with the Riverside County Climate Action Plan (CAP) and County General Plan Policies that reduce automobile use and consequently GHG emissions; these measures go above and beyond the regulatory requirements of AB 32. Specifically, the Project is consistent with *CAP Measure R2-TJ: Employment Based Trip and VMI' Reduction*, which implements General Plan Policies AQ 3.3, AQ 10.1, AQ 10.3, and AQ 10.4 through the adoption of a voluntary trip reduction program for new commercial and industrial development that promotes commuter choices, employer transportation management, guaranteed

ride home programs and commuter assistance and outreach type programs intended to reduce commuter vehicle miles traveled. *CAP Measure R2-T4: Preferential Parking* implements General Plan Policies AQ 3.3 and AQ 10.3 by encouraging proposed development projects to incorporate a comprehensive parking program to facilitate carpooling and alternate transportation. The Project will be required to participate in Riverside County's Rideshare Program pursuant to MM AQ-I h(a); it is therefore consistent with *CAP Measure R2-T4*. The Project will be required, pursuant to MM AQ-I h(a) and MM AQ-Ih(b), to install a minimum of two electric-vehicle charging stations per building, and each building shall provide preferred parking for low-emitting and fuel-efficient vehicles equivalent to 5 percent of the required number of parking spaces. *CAP Measure R2-T5: Roadway Improvements Including Signal Synchronization and Transportation Flow Management* implements General Plan Policies AQ 12.1 and AQ 12.3. The Project is consistent with this measure as it will implement any required traffic signal synchronization or construction of new traffic signals as identified in the Project's traffic impact analysis. The Project will also comply with *CAP Measures R2-E5: Commercial/Industrial Energy Efficiency Program and Commercial/Industrial Renewable Energy Program*, because it will exceed the Title 24 Standards by a minimum of 5 percent pursuant to the Riverside County CAP Checklist, and will use solar panels to provide approximately 100 percent of the Project's power needs. (RDEIR at 3.7-53 to 3.7-54). Lastly, the Project will incorporate several design features and mitigation measures that will further reduce the Project's GHG emissions from transportation (MM AQ-Ib, M:M AQ-Ig, and MM AQ-Ih). These measures further support the AB 32/Scoping Plan reduction goals. With respect to the Energy sector, the RDEIR describes that the Project is consistent with State energy efficiency standards and renewable energy requirements, including Title 24/CalGreen, California's Renewable Portfolio Standard and the Million Solar Roofs Program. The Project is also consistent with the Riverside County CAP and County General P1a.o Policies that reduce energy use beyond the regulatory requirements of AB 32. Finally, the Project will construct buildings that will also be designed to meet CalGreen Standards with Leadership in Energy and Environmental Design (LEED) to be eligible for a Silver Certification level. This includes design considerations related to the building envelope, HVAC, lighting, and power systems. A complete description of the Project's energy efficiency features and other measures to reduce GHG emissions is contained in RDEIR Table 3.7-4; refer also to Final EIR at p. 4-4. With respect to the water consumption and waste diversion sectors, the RDEIR describes that the Project is consistent with Scoping Plan Measures/State regulations and regional and local measures to reduce GHG emissions. In addition, the Project will incorporate design features and mitigation measures that will further reduce the Project's GHG emissions from these sectors, which

support the AB 32/Scoping Plan reduction goals. Finally, regarding goals for 2050 under Executive Order S-3-05, it is not possible at this time to quantify the emissions savings from future regulatory measures, as they have not yet been developed. However, the Project will comply with future regulatory measures enacted by state lawmakers that would lead to an 80-percent reduction below 1990 levels by 2050. Note again that the Project already includes several Project design features that exceed regulatory requirements and reduce vehicle miles traveled. Thus, based on the proposed Project's emission reductions, Project design features, standard mitigation measures and the progress being made by the State towards reducing emissions in key sectors (such as transportation, industry, and electricity generation), the Project furthers the State's goals of reducing greenhouse gas emissions to 1990 levels by 2020. The Project also obtains an 80-percent reduction below 1990 levels by 2050, and does not obstruct the attainment of these GHG levels. Therefore, the Project does not conflict with any plans to reduce GHG emissions and furthers the State's goals relative to this impact. (RDEIR, p. 3.7-45 to 3.7-60; Refer also to Final EIR, Section 03-00, Responses to SIERRA 24-27.)

F. Hydrology and Water Quality

Impact: Water Quality Standards

Threshold: Project construction and implementation would not violate water quality standards or waste discharge requirements, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Implementation of the Project would result in construction activities that could have the potential to contribute to pollutants in off-site surface waters, potentially impacting the water quality of the Santa Ana River Watershed. Generally, construction-phase activities could generate pollutants such as increased silts, debris, chemicals, and dissolved solids during grading, construction, painting and vehicle maintenance activities. Indirect impacts associated with water quality shall be mitigated to below a level of significance through compliance with NPDES requirements. (RDEIR at 3.9-17). Prior to the issuance of grading or construction permits, the Project applicant will prepare a SWPPP that conforms to the SWRCB NPDES permit. The SWPPP shall identify BMPs to prevent construction-related pollutants from reaching stormwater and all products of erosion from moving off-site. Therefore, temporary construction impacts would be considered less than significant. (RDEIR at 3.9-18).

The Project is designated as a Priority Project. Therefore, treatment control BMPs are required to remove pollutants typically associated with

urban runoff. In addition to the drainage and water quality features that will be installed by the Project, the final WQMP shall provide detailed descriptions and instructions for implementing the various BMPs for the Project. Long-term stormwater quality concerns will be managed pursuant to a County-approved WQMP and SWPPP. Conformance with the mandatory requirements of a SWPPP and a WQMP for the Project would ensure that no substantial degradation of water quality associated with long-term activities would occur. In addition, the Project will need to apply for an Industrial Storm Water General Permit 2014-0057- DWQ (Industrial General Permit), which is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities. (RDEIR at 3.9-20). Industrial General Permit 2014-0057-DWQ became effective July 1, 2015 and shall expire June 30, 2020, and the Project would be subject to this new permit. The General Industrial Permit requires implementation of management measures to achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). Additionally, the General Industrial Permit requires the development of a SWPPP and a monitoring plan. The SWPPP facilitates the identification of pollutant sources and the means by which to manage pollutant sources to reduce stormwater pollution. With implementation of Mitigation Measure HYD-1, potential impacts regarding water quality would be reduced to a less than significant level. (RDEIR at 3.9-21).

2. Mitigation: Mitigation Measure HYD-1 will require the submittal of a WQMP and a SWPPP to identify sources that could affect the quality of stormwater discharges from the Project site during both construction and operations. A series of BMPs would also be included for effective treatment of target pollutants in stormwater discharges anticipated from Project construction. With implementation of Mitigation Measure HYD-1, impacts related to water quality would be less than significant.

Impact: Alteration of Drainage Pattern: Flooding

Threshold: Project construction and implementation would not 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 that would result in flooding on- or off-site., with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Development of the Project will increase runoff from the site by increasing the amount of impervious surfaces (e.g., asphalt, concrete, water tanks, rooftops, etc.) and decreasing the pervious surfaces that could allow infiltration of precipitation. As part of Project implementation, grading of land surfaces will occur prior to construction. On-site

grading has the potential to alter existing drainage patterns; however, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding. (RDEIR at 3.9-28). The Project's detention basins will reduce the 10-year and 100-year, 24-hour duration stormwater runoffs to less than existing conditions. The Project's detention basins will include a low-flow channel, and basin function as a flow-by detention basin for low-flow conditions. Therefore, implementation of the Project would not increase the amount or rate of surface runoff in a manner that could produce flooding on- or off-site. (RDEIR at 3.9-29). As described at RDEIR page 3.9-30, both site design and source control BMPs will be used to reduce runoff and improve water quality. Thus, with implementation of the BMPs described above, impacts from flooding are anticipated to be less than significant. There are no streams or rivers on-site that would be impacted by the Project, but direct impacts to USACE jurisdictional areas would result from development of the Project. Impacts to USACE jurisdictional areas total 0.46 acre, all consisting of ephemeral drainages. Direct impacts to CDFW jurisdictional areas would also result from development of the Project. Areas under CDFW jurisdiction exist in the same areas as those that are USACE jurisdictional, but they are slightly wider. Approximately 1.37 acres of the CDFW drainages are ephemeral, along with 0.04 acre of disturbed wetland. Although Project construction could alter the existing drainage pattern (including these ephemeral drainages and disturbed wetland), it would not result in an increase in the amount or rate of runoff that could result in flooding on or off-site with implementation of Mitigation Measure HYD-1, which requires preparation of a WQMP and a SWPPP. Channels, basins and trenches, storm drain facilities, and detention basins that will be part of the post-development drainage system will reduce stormwater runoff to less than existing conditions. Likewise, any changes in absorption rates or the rate or amount of surface runoff would be less than significant. (RDEIR at 3.9-30 to 3.9-31).

2. Mitigation: Mitigation Measure HYD-1 requires preparation of a WQMP and a SWPPP. Channels, basins and trenches, storm drain facilities, and detention basins that will be part of the post-development drainage system will reduce stormwater runoff to less than existing conditions, such that the Project will not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off- site.

G. Noise

Impact: Noise Levels in Excess of Standards

Threshold: Project implementation would not result in 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, with the

implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): As shown in RDEIR Table 3.12-9, the reasonable worst-case construction noise level expected at the City of Calimesa home located adjacent to the western Project boundary is 54 dBA Leq. The reasonable worst-case analysis considers the loudest pieces of construction equipment all operating simultaneously at full power at the closest potential locations to off-site receptors. This worst-case noise level is below the City's noise level limit for construction activities and can be expected to lower as construction moves away from the property line. In addition, such worst-case construction noise levels would not occur for eight continuous hours, because equipment would not remain operating all day at the nearest construction limits. Thus, the Project is not anticipated to exceed applicable construction noise standards. However, Mitigation Measures NOI-4a through NOI-4e are included to reduce potentially substantial temporary increases related to construction noise. (RDEIR at 3.12-20). With regard to traffic noise, the highest traffic noise levels on segments of Cherry Valley Boulevard adjacent to the Project site would occur under horizon (year 2040) traffic conditions with implementation of the Project. Based on the traffic noise modeling results shown in Noise Impact Analysis, the Project site would be exposed to traffic noise levels ranging up to approximately 73.1 dBA CNEL at 50 feet from the centerline of the nearest travel lane of Cherry Valley Boulevard, under Horizon (year 2040) plus Project traffic conditions. At the nearest facade of the proposed warehouse buildings, located approximately 465 feet from the centerline of Cherry Valley Boulevard, these traffic noise levels would attenuate to below 56 dBA CNEL. Therefore, the proposed Project use is compatible with the noise land use compatibility standard of 75 dBA CNEL for new warehouse land use development; and traffic noise levels would result in a less than significant impact on the proposed land use. Project-generated traffic noise would result in a less than significant impact on off-site Sensitive receptors along areawide roadways. (RDEIR at 3.12-.20). Implementation of the interim traffic improvements could result in temporary noise impacts from construction activities associated with the lane additions and shoulder improvements. These potential impacts would be similar to construction noise impact discussed above. The reasonable worst-case combined construction noise level expected for these types of proposed interim traffic improvements would be 85 dBA Lmax as measured at 50 feet from an active construction site. Based on typical operational usage factors, these reasonable worst- case noise levels could result in reasonable worst-case hourly average of 82.9 dBA Leq as measured at 50 feet from the operating equipment. The nearest receptor to these roadway improvements is the residential land use located northeast of the Cherry Valley Boulevard and Calimesa Boulevard

intersection. This receptor is located approximately 300 feet from the nearest construction footprint where heavy equipment would be operating in order to construct these roadway improvements. At this distance, reasonable worst-case construction noise levels would attenuate up to approximately 74.4 d.BA Lmax and 67.3 dBA Leq. These reasonable worst-case noise levels are well below the City of Calimesa's noise level limit for construction activities. In addition, such construction noise levels are unlikely to continue for eight continuous hours, because equipment would not remain operating all day at the nearest construction limits. Construction noise impacts from the proposed interim traffic improvements would be less than significant with Mitigation Measures NOI-4a to NOI-4e. **(RDEIR at 3.12-21)**. Potential long-term on-site stationary noise impacts would be associated with operations at the proposed warehouse land uses. The Project would generate noise from truck delivery, loading/unloading activities at the loading areas, and other noise-producing activities at the parking lot such as customers conversing, doors slamming, engine startup, and slow-moving vehicles. These activities are potential point sources of noise that could affect noise-sensitive receptors near the loading areas and parking lots, including single-family residences located to the west, north, east, and southeast. Of these noise sources, noise from truck delivery loading/unloading would result in the highest noise levels at offsite sensitive receptors. Representative parking activities, such as vehicles cruising at slow speeds, door slamming, cars starting, would generate approximately 60 dBA to 70 dBA Lmax at 50 feet. Conversation between two persons at a distance of 4 to 5 feet apart would generate a noise level of 60 dBA Leq at 5 feet, or approximately 40 d.BA Leq as measured at 50 feet. Truck delivery, loading/unloading activities at the loading areas of the proposed warehouse facility would be expected to produce the highest stationary source noise levels. Typical noise levels from larger delivery truck loading and unloading activities can range from 75 dBA to 85 dBA Lmax as measured at 50 feet. The typical truck unloading process takes an average of 15 to 20 minutes. Loading and unloading areas associated with the Project face the northern, western, and southern Project property lines. The closest residential land use to the west of the Project site is located approximately 870 feet from the closest Project truck bays and loading areas. At this distance, activity at the Project's western truck bays of multiple trucks loading/unloading simultaneously could result in a reasonable worst-case noise level of up to 60 dBA Lmax and a reasonable worst-case combined hourly average noise level of 54 dBA Leq. The closest residence to the Project's south facing loading area is located over 1,000 feet to the southeast across Cherry Valley Boulevard. At this distance, activity at the Project's southern truck bays of multiple trucks loading/unloading simultaneously could result in a reasonable worst-case noise level of up to 59 dBA Lmax and a reasonable worst-case combined hourly average noise level of 51 dBA Leq. Project operational noise

associated with loading/unloading and other parking lot noises would not be audible at the Rancho Calimesa Mobile Home Ranch or at the homes located north and east of the Project site due to distance from the site and intervening topography. Noise associated with loading/unloading activities would potentially affect the residences located west and southeast of the Project site. (RDEIR at 3.12-22). Project operational noise that can be expected at these residences are summarized in RDEIR Table 3.12-9. The existing residence adjacent to and to the west of the Project site is located within the City of Calimesa and zoned Commercial Regional (CR). The applicable noise level limits for Project operational noise projected to property in the City zoned CR is 52.5 dBA Leq between the hours of 7:00 p.m. and 7:00 a.m. and 65 dBA Leq between the hours of 7:00 a.m. and 7:00 p.m. As shown in RDEIR Table 3.12-9, projected operational noise levels could range up to 54 dBA Leq when multiple truck loading/unloading operations occur simultaneously at the nearest loading areas of the Project site. The applicable noise level limit for Project noise projected to adjacent land within the CR zone in the City is 52.5 dBA Leq between the hours of 7:00 p.m. and 7:00 a.m. and 65 dBA Leq between the hours of 7:00 a.m. and 7:00 p.m. These loading/unloading operations could, therefore, exceed the City's nighttime operational noise level standard unless mitigation is incorporated. Inclusion of loading bay doors equipped with sealed gaskets would be expected to reduce loading/unloading maximum operational noise levels by at least 10 dBA. This would effectively reduce loading/unloading operational noise levels to below a combined hourly average noise level of 44 dBA Leq, well below the City of Calimesa's nighttime operational noise standard of 52.5 dBA Leq. With implementation of this measure, loading/unloading operational noise impacts would be reduced to less than significant. The County of Riverside prohibits noise levels from exceeding 45 dBA Leq, between the hours of 10:00 p.m. and 7:00 a.m. (nighttime standard) and from exceeding 65 dBA Leq between the hours of 7:00 a.m. and 10:00 p.m. (daytime standard) at residential properties. These standards apply to operational noise projected to the homes located southeast of the site. As noted previously, the closest residence to the south of the Project site could experience a reasonable worst-case combined average noise level of 51 dBA Leq from loading/unloading of multiple trucks simultaneously. These loading/unloading operations could, therefore, result in an exceedance of the County's nighttime operational noise level standard unless mitigation is incorporated. Inclusion of loading bay doors equipped with sealed gaskets would be expected to reduce loading/unloading maximum operational noise levels by at least 10 dBA. This would effectively reduce loading/unloading operational noise levels to below a combined reasonable worst-case average noise level of 41 dBA Leq, meeting the County of Riverside's nighttime operational noise standard of 45 dBA Leq. With implementation of this measure, loading/unloading

operational noise impacts would be reduced to less than significant (RDEIR at 3.12- 25). Noise from the Project's rooftop heating, ventilating, and air conditioning (HVAC) equipment units would attenuate to below 37 dBA Leq based on distance to the nearest sensitive receptor. This is below the existing measured ambient noise level in the vicinity of this receptor, and well below both the daytime and nighttime operational noise standards of the City of Calimesa and County of Riverside. Therefore, noise from operation of proposed rooftop HVAC units would not result in violations of County of Riverside Code or City of Calimesa Municipal Ordinance, and would result in a less than significant impact. (RDEIR at 3.12-25 to 3.12-26).

Because of the location of the Project in a predominantly rural area, there are no land uses in the vicinity of the Project site (such as refineries, landfills) or other similar land uses that could generate excessive noise levels that would result in impacts to the proposed land use development. Based on the documented ambient noise levels, there are no existing stationary noise sources that would expose persons working on the Project site to noise levels in excess of these normally acceptable land use compatibility standards for the proposed land use. (RDEIR at 3.12-26; Refer also to Final EIR Section 03-00, Responses to SIERRA 3744 and CVAN 36-37).

2. Mitigation: Mitigation Measure NOI-1 will ensure that operational noise impacts are less than significant, by requiring inclusion of loading bay doors with sealed gaskets that would effectively reduce loading/unloading operational noise levels to below a combined hourly average noise level of 44 · dBA Leq, as measured at the nearest receptor within the City of Calimesa, thus meeting the City's nighttime operational noise standard of 52.5 dBA Leq. In addition, this measure would effectively reduce loading/unloading operational noise levels to below a combined hourly average noise level of 41 dBA Leq, as measured at the nearest receptor within the County. of Riverside, thus meeting the County of Riverside's nighttime operational noise standard of 45 dBA Leq. With implementation of Mitigation Measure NOI-1 (as well as Mitigation Measures NOI-4a to 4e, discussed *infra*), impacts related to exposure of persons to noise in excess of standards would be less than significant.

Impact: Temporary Increase in Ambient Noise Levels

Threshold: Project construction and implementation would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): Project construction activities have the potential to cause short-term noise impacts to the rural single-family homes in the Project area. Construction noise may also be audible at the Rancho Calimesa Mobile Home Park, located west of the Project site near the I-10 freeway. (RDEIR at 3.12-32). As shown in RDEIR Table 3.12-13, Project construction activities would result in temporary increases in ambient noise levels at nearby sensitive receptors. These are reasonable worst-case noise levels that can be expected to be lower at sensitive receptors as construction moves away from the property line. A ridgeline breaks the line of sight between the Project site and the Calimesa Mobile Home Ranch. Combined with the distance between the noise sources on the Project site and the sensitive receptor, the break in the line of sight afforded by the ridgeline would result in a 10-dBA deduction from construction noise calculations. Similarly, existing hills and ridgelines block the line of sight from the homes north of the Project site, thus a deduction of 10 dBA was taken into account. (RDEIR at 3.1233). The reasonable worst case construction noise level expected at the City of Calimesa home located adjacent to the western Project boundary is 64 dBA Leq for the loudest hourly average noise level. Such construction noise levels would not occur for eight continuous hours, because equipment would not remain operating all day at full power. In addition, construction activities would not occur continuously along the nearest Project property line, but would move around the Project site. The modeled operational usage factor for the type of equipment that would operate nearest the single-family home southeast of the Project site is 40 percent. Therefore, based on this operational usage factor averaged with the measured background ambient noise levels of 51 dBA Leq at this location, the resulting 8-hour average construction activity noise level is expected to be approximately 57 dBA Leq. This reasonable worst-case 8-hour average noise level is well below the City's noise level threshold of 75 dBA Leq (8-hour) for construction activities. The County of Riverside does not have an absolute noise level threshold for construction activities, but rather exempts construction noise from the noise ordinance standards provided such activities occur within the stated permissible hours of construction. However, in order to provide an equivalent (conservative) evaluation of construction noise impacts on all sensitive receptors in the Project vicinity, this analysis also applies the City of Calimesa threshold of 75 dBA Leq (8-hour) standard to the modeled receptor locations within the County of Riverside. As shown in RDEIR Table 3.12-12, the reasonable worst-case modeled construction noise levels could range up to 78 dBA Leq (loudest hourly average) at the nearest single-family residence located southeast of the Project site within the County of Riverside. However, similar to the discussion above, such construction noise levels would not occur for 8 continuous hours, because equipment would not remain operating all day at full power at the nearest construction limits. In addition,

construction activities would not occur continuously along the nearest Project property line but would move around the Project site. The modeled operational usage factor for the type of equipment that would operate nearest the single-family home southeast of the Project site is 40 percent. Therefore, based on this operational usage factor averaged with the measured background ambient noise levels of 69 dBA Leq at this location, the resulting 8-hour average construction activity noise level is expected to be approximately 73 dBA Leq. This reasonable worst-case 8-hour average noise level is below the City's noise level threshold of 75 dBA Leq (8-hour) for construction activities. As shown in RDEIR Table 3.12-12, construction activities would result in a potential maximum increase of up to approximately 13 dBA in the hourly average ambient noise levels at the home within the City of Calimesa immediately west of the site, when multiple pieces of heavy construction equipment operate simultaneously near the westernmost portion of the Project site. (RDEIR at 3.12-34). Similarly, the closest home located southeast of the Project site could experience a maximum increase of up to approximately 9 dBA in the hourly average noise levels when multiple pieces of heavy construction equipment operate simultaneously at the nearest Project construction limits. However, by restricting construction activities to the County's permissible hours of construction and by implementing best practices, these construction noise levels, when averaged over a 24-hour period with existing background noise levels, would be expected to be reduced so as not to result in a substantial increase (increase of 5 dBA CNEL or greater) in the ambient noise levels at any sensitive receptor in the Project vicinity. Therefore, to reduce this potential impact, Mitigation Measures NOI4a to NOI-4e would be implemented. (RDEIR at 3.12-35).

2. Mitigation: Implementation of Mitigation Measures NOI-4a through NOI-4e would ensure compliance with County standards, including construction hours restrictions, which have been established by the County in an effort to reduce the potential impact from construction noise on nearby sensitive receptors to acceptable levels of significance. Further, the implementation of Mitigation Measures NOI-4a through NOI-4e would also ensure that a variety of feasible measures are incorporated during Project construction to further reduce construction noise to acceptable levels, and would reduce construction noise levels to not result in a substantial increase in ambient noise levels at off-site sensitive land uses.

H. **Transportation and Circulation**

Impact: Hazards Due to Design Feature

Threshold: Project construction and implementation will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) with the implementation of mitigation

measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project involves the conversion of undeveloped land to an industrial development. The Project will include improved circulation of existing roads that will be designed in accordance with County standards. (RDEIR at 3.16-101). The Project would provide substantial improvements to Cherry Valley Boulevard along its frontage, and payment of TUMF and DIF fees would provide additional funding for improvements to the local road systems. The Project is consistent with the General Plan Circulation Element. In addition, state and federal gasoline sales taxes generated from the Project would further support ongoing County Road maintenance efforts, which would further reduce hazards from poorly maintained roadways. The roads in the Project vicinity are generally straight or include gentle vertical and horizontal curves, and do not have design feature hazards such as sharp curves such that the Project would substantially increase these hazards. However, the Project does propose site access improvements from Cherry Valley Boulevard to provide vehicles access to the Project site. Roadway improvements adjoining the Project site that are required as Mitigation Measures TRAN-4a to TRAN-4e, to ensure that hazardous conditions are not created, are assumed to be constructed in conjunction with site development. These improvements will be in place prior to occupancy. The recommended site-adjacent roadway improvements for the Project are described at RDEIR page 3.16-102. The Traffic Study for the Project recommends site access driveway improvements for the Project, which have been incorporated as mitigation measures to reduce potential impacts from the addition of site access driveways as part of the Project. In addition, improvements required pursuant to Mitigation Measures TRAN-4a to TRAN-4e shall ensure that necessary site access driveway improvements are constructed prior to the issuance of a certificate of occupancy for the Project.
2. Mitigation: Mitigation Measures TRAN-4a to MM TRAN-4e will ensure adequate sight distance and appropriate placement of driveways, stop signs, traffic signals, and pavement striping to ensure that the Project does not substantially increase roadway hazards due to a design feature.

Impact: Emergency Access

Threshold: Project construction and implementation will not result in inadequate emergency access) with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The Project will include improvements on streets adjacent to the Project site and will include three site access points for the Project site. Construction of the Project may cause temporary delays along Cherry Valley Boulevard; however, the County requires temporary road construction and traffic congestion management plans during construction to minimize delay. With the Project's required preparation of a traffic congestion management plan under Mitigation Measure TRAN-5, the Project is anticipated to have a less than significant impact regarding circulation during construction. Considering the temporary nature of Project construction, and established County and City requirements for traffic control on public roadways during construction, the Project is expected to have a less than significant impact on emergency access during construction. Emergency access to serve the operational Project site will be developed in accordance with applicable ordinances, standard conditions of approval, and permits related to emergency access. (RDEIR at 3.16- 104; refer also to Final EIR at 4-6 to 4-7).
2. Mitigation: Preparation of a traffic congestion management plan as required by MM TRAN-5 will ensure that construction traffic and activities do not adversely affect safe and efficient traffic flow during construction; therefore, impacts related to emergency access will be less than significant.

I. Utilities

Impact: Wastewater Treatment Requirements of Regional Board

Threshold: Project construction and implementation will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, with the implementation of mitigation measures (refer to Project Resolution Attachment "A", Mitigation Monitoring and Reporting Program).

1. Project Impact(s): The proposed Project will include on-site stormwater drainage facilities designed to convey and capture on-site surface flows, as well as those off-site flows that would traverse the Project site. The Project's drainage facilities designed to limit the storm flow resulting from Project activities are described at RDEIR page 3.17-19. Additionally, off-site drainage improvements are required to capture and direct flows. Although the proposed Project will require development of new stormwater drainage facilities on the Project site, these improvements will be located within the Project's development footprint, and, therefore, impacts associated with the construction and operation of these facilities are analyzed as part of the environmental impact analysis contained within the RDEIR. The Project will be required to prepare a SWPPP that conforms to the SWRCB NPDES permit. The SWPPP shall identify BMPs to prevent construction related pollutants from reaching stormwater and all products

of erosion from moving off-site. Compliance with the SWPPP and implementation of Mitigation Measure HYD-1 will ensure that construction activities do not result in violation of any water quality standard. The Project is designated a Priority Project. Therefore, treatment control BMPs are required to remove pollutants typically associated with urban runoff. The final Water Quality Management Plan shall provide detailed descriptions and instructions for implementing the various BMPs for the Project, as required by Mitigation Measure HYD-1. Long-term stormwater quality concerns will be managed pursuant to a County-approved WQMP or SWPPP. Conformance with the mandatory requirements of a SWPPP and/or a WQMP for the Project would ensure that no substantial degradation of water quality associated with long-term construction activities would occur. In addition, the Project will need to apply for an Industrial Storm Water General Permit 2014-0057- DWQ (Industrial General Permit), which is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities. Industrial General Permit 2014-0057-DWQ became effective July 1, 2015 and shall expire June 30, 2020, and the Project would be subject to this permit. The General Industrial Permit requires implementation of management measures to achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). Additionally, the General Industrial Permit requires the development of a SWPPP and a monitoring plan. The SWPPP facilitates the identification of pollutant sources and the means by which to manage pollutant sources to reduce stormwater pollution. With implementation of Mitigation Measure HYD-1, the Project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. (RDEIR at 3.17-21):

2. Mitigation: Mitigation Measure HYD-1 will require the submittal of a WQMP and a SWPPP to identify sources that could affect the quality of stormwater discharges from the Project site. A series of BMPs would also be included for effective treatment of target pollutants in stormwater discharges anticipated from Project construction sites.

SECTION F of these Findings discusses the potential environmental effects of the proposed project that were determined to be significant and unavoidable. The following impacts potentially resulting from the adoption of the EIR No. 534 cannot be fully mitigated and will be only partially avoided or lessened in consideration of existing regulations, Project Design Features or mitigation measures specified in Attachment A (Mitigation Monitoring and Reporting Program, incorporated by reference into this document). Accordingly, and as further explained below, the County makes the following findings to each of the following impacts as allowed by State CEQA Guidelines section 15091(a): "Changes or alterations [that might further reduce Project impacts] are within the responsibility and jurisdiction of another public agency and not the [County]. Such changes have been adopted by such other agency"; or Specific economic, legal, social,

technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the final EIR." Therefore, a statement of overriding considerations consistent with State CEQA Guidelines Sections 15093, 15216(b), and 15126.2(b) and discussed in the Final EIR Section 15132 is required and included herein. The Commission concurs with the following findings.

A. Air Quality

Impact: Conflict with Air Quality Plan

Threshold: Project operations would conflict with or obstruct implementation of the applicable air quality plan.

1. Project Impact(s): The Project's localized construction-source emissions would not exceed applicable LSTs. In addition, the Project would not exceed the applicable SCAQMD regional construction thresholds after application of mitigation. Therefore, the Project would not conflict with the AQMP according to this criterion during construction. Project operational-source emissions would not exceed applicable LSTs, and are, therefore, less than significant. However, the Project would exceed the applicable SCAQMD regional numeric thresholds for operational ROG and NOx emissions (which are ozone precursors) even after implementation of mitigation. Therefore, during Project operations, the Project would conflict with the AQMP according to this criterion. (RDEIR at 3.3-32). Development of the Project would also not be accounted for in the air quality management plan; the Project would impede attainment because the project is inconsistent with the current General Plan land use designation and the Project's emissions exceed the SCAQMD regional significance thresholds. The Project would comply with all applicable rules and regulations. However, the Project could impede attainment of the AQMP because its emissions will exceed the SCAQMD regional significance thresholds for NOx and ROG during operations, even after implementation of all feasible mitigation. The predominant source of operational emissions would be generated by Project truck traffic, and, at present, there are no additional feasible mitigation measures that would reduce these emissions to levels that are less than significant, even though the Project will require as mitigation the use of the cleanest heavy-duty diesel trucks under current regulations. Even if all passenger (employee) car trips to the site were eliminated, this would result in a negligible percentage reduction in NOx emissions. Federal and state agencies are charged with regulating and enforcing vehicle emission standards, which is not within the County's control. Requiring an accelerated phase-in for non-diesel-powered trucks would not be feasible, as it is not feasible for the County of Riverside or the Project applicant to effectively enforce a prohibition on trucks from entering the property that are otherwise permitted to operate in California and access other properties in the County, region, and State. Even if the

County or the Project applicant were to apply such a restriction it would merely cause warehouse operators using older truck fleets to locate in another area within in the SoCAB where the restriction does not apply, thereby resulting in no improvement to regional air quality. Furthermore, if a truck that did not meet this requirement were to attempt access to the site and be denied, there would be more idling emissions and travel emissions associated with that truck. Likewise, imposing a "trip cap" on the number of trucks that may access the site in a given day would also be infeasible to enforce, and would not avoid or substantially lessen the estimated NOx emissions; in fact, if trucks could be turned away for exceeding a trip cap, this measure could result in the unintended adverse effect of trucks queuing on surrounding streets in the vicinity of the Project until midnight of the following day. Reducing the number of loading docks provided by the Project would also likely result in similar unintended queuing impacts. The provision of additional electric vehicle charging stations and infrastructure that would be needed for future increase in the use of electrical and hybrid vehicles would likely not result in any demonstrable, quantifiable reduction in NOx emissions, and would therefore not avoid or substantially lessen the significant impact. Providing more extensive electric vehicle charging facilities for trucks, based on the assumption that commercial electrical trucks will be in common use in the future, is speculative because technology for commercial electrical trucks is not currently available on a widespread basis. It is possible that electrical infrastructure installed now would not support future, presently unknown technology for commercial electrical trucks. No mid- or long-range parking for trucks will be provided on the Project site, as trucks are expected to spend only a minimal amount of time on-site (enough time to unload/load their trailer and complete any necessary administrative tasks). It is not anticipated that trucks will spend enough time on-site to connect to a charging station and recharge a battery. Given the level of current existing technology, this is an infeasible and unrealistic requirement. SCAQMD, which is the agency charged with managing air quality for the SoCAB, has not adopted any sort of "indirect source rule" to reduce and mitigate emissions from large sources of indirect air pollution (e.g., operational vehicle emissions). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has adopted such a rule (Rule 9510), which requires implementation of certain measures or the payment of an in-lieu fee that the Air District must use to achieve pollution reductions elsewhere in the air basin. SJVAPCD's Rule 9510 contains a complex formula intended to achieve equivalent emission reductions off-site as would have occurred through direct compliance on-site, based on the average statewide cost of emission reductions. Because SCAQMD has not adopted any similar regulation or rule, there is no mechanism to require similar emissions reductions for this Project through the payment of fees. In conclusion, based on the mandatory regulatory changes, most heavy-duty trucks

entering the Project site will meet or exceed EPA 2010 (for construction haul trucks) and 2010 (for operational heavy-heavy and medium-heavy duty delivery trucks) emission standards after the Project becomes operational in 2018. Suggesting that the County of Riverside or the Project applicant require more stringent controls than required by either the federal government or State of California is neither practical nor feasible for the County to effectively enforce. Beyond these regulatory changes, which will serve to reduce emissions over time, there are no additional feasible mitigation measures, as it is not feasible to reduce the number of truck trips or associated emissions due to the logistics/warehouse nature of the Project. (RDEIR at 3.3-33 to 3.3-41; Errata at 4-3; Refer also to Final EIR Section 03-00, Responses to SIERRA-15 and SIERRA-16).

2. Mitigation: The Project will implement Mitigation Measures AQ-I a to AQ-Ih to reduce motor vehicle emissions to the greatest extent feasible. These measures include restrictions to reduce construction emissions, as well as operational requirements related to engine idling restrictions, ridesharing, promotion of use of electric vehicles, and the use of electric yard trucks, forklifts and trailer movers. However, despite implementation of all feasible mitigation, the proposed Project cannot be fully mitigated below a level of significance for this issue area and impacts would remain significant and unavoidable.

Impact: Air Quality Standards and Violations; Criteria Pollutants (Operations)

Threshold: Project construction and implementation would result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

1. Project Impact(s): The air basin is currently in nonattainment for PM₁₀, PM_{2.5}, and ozone. (RDEIR at 3.3-48). RDEIR Table 3.3-11 indicates that the SCAQMD regional emission thresholds would be exceeded for ROG emissions during Project construction. Mitigation Measures AQ-Ia through AQ-Ih are required (refer to Final EIR at p. 4- 2 to 4-3 for revisions to Mitigation Measures AQ-Ig and AQ-Ih). The mitigated construction emissions are shown in RDEIR Table 3.3-14. After mitigation, the construction activities would not exceed any daily threshold, and construction emissions would be less than significant. As shown in RDEIR Table 3.3-12 and Table 3.3-13, the Project's operational emissions would exceed the SCAQMD's regional thresholds for ROG and NO_x (which are ozone precursors). The Project would utilize electric trailer movers in place of traditional diesel-powered movers to move trailers throughout the Project site, which would reduce the amount of emissions generated during operation. (RDEIR at 3.3-49). However, even after implementation

of all mitigation, the Project's mitigated operational emissions would continue to exceed the SCAQMD's regional thresholds for ROG and NO_x, resulting in a significant and unavoidable impact. (RDEIR at 3.3-53).

2. Operational Mitigation: The Project would comply with all applicable rules and regulations, as well as Mitigation Measures AQ-1a through AQ-1h. However, the Project would exceed the SCAQMD's regional thresholds for ROG and NO_x, even after implementation of all feasible mitigation. The predominance of operational emissions are generated by Project truck traffic, and, at present, there are no additional feasible mitigation measures that would reduce these emissions to levels that are less than significant. Even if all passenger (employee) car trips to the site were eliminated, this would result in a negligible percentage reduction in NO_x emissions. Federal and state agencies are charged with regulating and enforcing vehicle emission standards, which is not within the County's control. Based on the mandatory regulatory changes that will be phased in over time, most heavy-duty trucks entering the Project site will meet or exceed EPA 2010 (for construction haul trucks) 2010 (for operational heavy-heavy and medium-heavy duty delivery trucks) emission standards after the Project becomes operational in 2018. Beyond these regulatory changes, which will serve to reduce emissions over time, there are no additional feasible mitigation measures, as it is not feasible to reduce the number of truck trips or associated emissions due to the logistics/warehouse nature of the Project. (RDEIR at 3.3-53; Errata at 4-3). Therefore, impacts would remain significant and unavoidable.

B. Transportation and Circulation

Impact: Projected Future Traffic

Threshold: The Project would conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and nonmotorized 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.

1. Project Impact(s): Under Existing Plus Project conditions, there are no additional intersections anticipated to operate at an unacceptable LOS, beyond those intersections which already operate at an unacceptable LOS under existing (2017) conditions. (RDEIR at 3.16-33). As shown in RDEIR Table 3.16-14, the I-10 Freeway ramp merge and diverge areas were found to operate at acceptable levels of service (i.e., LOS D or better) during the peak hours under Existing plus Project traffic conditions. (RDEIR at 3.16-42). Impacts under remaining scenarios are identified as follows:

Existing Plus Ambient Plus Project (2018) Freeway Ramps

The following intersections are currently operating at an unacceptable LOS (LOS E or worse) under Existing 2017 conditions, as well as under Existing plus Ambient plus Project 2018 conditions:

- I-10 EB Ramps/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- I-10 WB Ramps/Cherry Valley Boulevard (PM and PM Peak Hours) LOS F

No new deficiencies would occur due to the addition of 2.0 percent ambient growth along with Project traffic under EAP 2018 conditions. However, the Project would contribute more than 50 peak-hour trips to the existing deficiencies at the above freeway ramps, resulting in a cumulatively considerable contribution to the existing cumulatively significant impacts. (RDEIR at 3.16-83).

Existing Plus Ambient Plus Cumulative (2018) Local Intersections

The following intersections are anticipated to operate at an unacceptable LOS with addition of cumulative traffic from pending and approved, but not yet constructed known development projects in the area, in addition to the ramp deficiencies previously identified under EAP 2018 traffic conditions:

- Roberts Road/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- I-10 EB Ramps/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- I-10 WB Ramps/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Calimesa Boulevard/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Nancy Avenue/Cherry Valley Boulevard (AM Peak Hour only) LOS E (RDEIR at 3.16-83)

Horizon Year (2040) Freeway Ramps and Local Intersections

The Project would also result in a cumulatively considerable contribution to the existing cumulatively significant impact at the following intersections, which are anticipated to operate at an unacceptable LOS under Horizon Year (2040) with and without Project conditions:

- Roberts Road/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- I-10 Eastbound Ramps/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- I-10 Westbound Ramps/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- Calimesa Boulevard/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- Union Street/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- Nancy Avenue/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- Beaumont Avenue/Cherry Valley Boulevard-LOS F AM and PM Peak Hours

- Future Beckwith Avenue/Cherry Valley Boulevard-LOS F AM and PM Peak Hours

The addition of Project traffic is not anticipated to result in any intersection deficiencies beyond those identified for Horizon Year (2040) Without Project conditions. (RDEIR at 3.16-83)

1. Freeway Mainline Segments

There are 19 freeway mainline segments that are currently operating at an unacceptable LOS under Existing 2017 traffic conditions and are anticipated to continue to operate at unacceptable LOS through Horizon Year (2040) traffic conditions without and with the Project. In addition, under Opening Year Cumulative (2018) conditions, the Project would result in a worsening of the LOS for an additional six segments, in addition to the 19 segments that currently operate at an unacceptable LOS. As the Project is expected to contribute peak-hour trips to the existing deficiencies on the regional state highway system, the Project's incremental contribution to this impact is considered cumulatively significant and unavoidable. (RDEIR at 3.16-84).

Mitigation Measures TRAN-1a and MM TRAN-1b are required to mitigate impacts to the I-10 Eastbound and Westbound ramps at Cherry Valley Boulevard as well as impacts to the Cherry Valley Boulevard and Calimesa Boulevard intersection under the scenarios described above. MM TRAN-1c is required to reduce impacts to the other intersections listed below. However, some of the proposed improvements are not within the jurisdiction of the County of Riverside and/or are not specifically included within the TUMF or DIF fee programs at this time. Therefore, while the Project would contribute its fair share of fees to support the implementation of necessary improvements, the applicant and the County cannot fully control the timing or implementation of the improvements listed in other jurisdictions, and impacts would remain significant and unavoidable. (RDEIR at 3.16-84).

The widening of Cherry Valley Boulevard to its ultimate roadway classification as a 4-lane, 2-lanes of travel in each direction, divided arterial highway is currently included in the County's TUMF program. As such, additional eastbound and westbound through lane improvements at study area intersections along Cherry Valley Boulevard are recognized in the County's TUMF program. The installation and/or modification of traffic signals and turn lanes would be subject to payment of fair share fees. (RDEIR at 3.16-88). There are 19 freeway mainline segments that are currently operating at an unacceptable LOS under Existing traffic conditions and are anticipated to continue to operate at unacceptable LOS through Horizon Year (2040) traffic conditions, even without the Project. In addition, under Opening Year Cumulative (2018) conditions, the Project

would result in a worsening of the LOS for an additional six segments in addition to the 19 segments that currently operate at an unacceptable LOS under existing conditions. As the Project is expected to contribute peak-hour trips to the existing deficiencies on the regional State highway system, the Project's incremental contribution is considered cumulatively significant and unavoidable. (RDEIR at 3.16-9S; Refer also to Final EIR Section 03-00, Responses to CALIMESA 5-8).

2. Mitigation: The transportation impacts associated with the development of the Project were determined based on the Existing plus Ambient Growth plus Project Year 2018 Existing plus Ambient Growth plus Project plus Cumulative Year 2018 and Horizon Year 2040 Without and With Project analysis. As summarized in RDEIR Table 3.16-23, Table 3.16-24 and Table 3.16-25, the development of the Project would contribute to two (2) potentially significant cumulative impacts under Existing plus Ambient plus Project (2018) conditions, three (3) potentially significant cumulative impacts under Existing plus Ambient plus Project plus Cumulative (2018) conditions, and six (6) additional cumulatively significant impacts under Horizon Year 2040 traffic conditions, without mitigation. Implementation of Mitigation Measure TRAN-Ia through TRAN-I c requires the applicant to pay its fair share and to participate in the County's DIF and TUMF fee programs as applicable to fund the improvement costs for the impacted intersections. The fair share calculations are provided in RDEIR Table 3.16-28. However, as outlined within RDEIR Table 3.16-27, some of the proposed improvements are not specifically included within the TUMF or DIF fee programs at this time. Therefore, while the Project would contribute its fair share of fees to support the implementation of necessary improvements, the applicant and the County cannot fully control the timing or implementation of the improvements listed and impacts would remain significant and unavoidable for the following:

Opening Year (2018) EAP Plus Cumulative-Local Intersections

- Roberts Road/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Calimesa Boulevard/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Nancy Avenue/Cherry Valley Boulevard (AM Peak Hour only) LOS E

The above impact (Opening Year (2018) EAP Plus Cumulative) is considered a cumulative impact. (RDEIR at 3.16-88). Additionally, the Project would result in a cumulatively considerable contribution to the existing cumulatively significant impacts at the following intersections, which are anticipated to operate at an unacceptable LOS under Horizon Year (2040) without and with Project conditions:

- Roberts Road/Cherry Valley Boulevard. LOS F AM and PM Peak Hours (only partially identified in TUMF).
- Calimesa Boulevard/Cherry Valley Boulevard-LOS F AM and PM Peak Hours (only partially identified in TUMF)
- Union Street/Cherry Valley Boulevard-LOS F AM and PM Peak Hours (only partially identified in TUMF)
- Nancy Avenue/Cherry Valley Boulevard-LOS F AM and PM Peak Hours
- (only partially identified in TUMF)
- Beaumont Avenue/Cherry Valley Boulevard-LOS F AM and PM Peak Hours (only partially identified in TIJMF)
- Future Beckwith Avenue/Cherry Valley Boulevard (only partially identified in TUMF)

Mitigation Measure TRAN-1b further provides that, in the event a fair share program has not been established in the City of Calimesa for the Calimesa Boulevard/Cherry Valley Boulevard intersection, then the Project applicant is required to construct certain interim improvements to mitigate the Project's cumulative impacts, provided that the agencies with jurisdiction over the improvements allow for such construction. Thus, the implementation of recommended mitigation measures at the impacted intersections would mitigate the direct, cumulative, and long-term impacts of the Project on local roadway segments and intersections to a less than significant level. However, the Calimesa Boulevard/Cherry Valley Boulevard intersection is partially under the jurisdiction of the City of Calimesa, which the County of Riverside does not control. Moreover, the land necessary for the realignment is privately owned and not under the control of the applicant or County. Thus, even though the Project attempts to fully mitigate its impact to the greatest extent feasible as required by CEQA, the mitigation is technically infeasible because the County of Riverside cannot control the timing of the improvements. Other recommended improvements are not currently fully included as part of the TUMF program, as shown in RDEIR Table 3.16-28. For those reasons, the proposed Project would result in a significant unavoidable impact with respect to the three intersections identified above under Existing plus Project plus Ambient plus Cumulative (2018) conditions, and the six intersections identified above Wider Horizon Year (2040) conditions. (RDEIR at 3.16-93).

I-10 Freeway Ramps

Implementation of Mitigation Measures TRAN-1a and TRAN-1b require the applicant to pay its fair share by participating in a fair-share contribution program to fund the improvement costs. Mitigation Measures TRAN-1a and TRAN-1b further provide that, in the event a fair share contribution program has not been established for the I-10 at Cherry Valley interchange, then the Project applicant is required to construct certain

interim improvements to mitigate the Project's cumulative impacts, provided that the agencies with jurisdiction over the improvements allow for such construction. The installation of these interim traffic improvements contemplated in TRAN-1a(b) and TRAN-1b(b) would mitigate Project impacts to less than significant levels, significantly increasing the capacity of the I-10 at Cherry Valley interchange ramp intersections, such that even with the addition of Project traffic, delay and level of service will be improved to better than current conditions. However, the I-10 Interchange is located within the jurisdiction of Caltrans and the City of Calimesa---namely, I-10 Freeway Eastbound and I-10 Eastbound Ramps/Cherry Valley Boulevard and I-10 Westbound Ramps/Cherry Valley Boulevard within the jurisdiction of the City of Calimesa and Caltrans. Therefore, because the County of Riverside itself does not control these areas, neither the applicant nor the County can guarantee the provision or timing of the specified improvements. For example, the County cannot control when or whether WRCOG and/or the City of Calimesa establishes the Fair Share Contribution Program (under TRAN-1a and TRAN-1b, Option I), nor can the County grant the requisite permits for construction of the improvements that would be constructed on Caltrans' and Calimesa's property (under TRAN-1a, and TRAN-1b Option Z). Furthermore, the land necessary for the realignment within the City of Calimesa is privately owned and not under the control of the applicant or County. Thus, even though the Project attempts to fully mitigate its impact to the greatest extent feasible as required by CEQA, the mitigation is technically infeasible because the County of Riverside cannot control the timing of the improvements. Therefore, the proposed Project would have a cumulatively considerable contribution to the significant and unavoidable impact to I-10 Eastbound Ramps/Cherry Valley Boulevard and I-10 Westbound Ramps/Cherry Valley Boulevard and impacts will remain significant and unavoidable. **(RDEIR at 3.16-94).**

SECTION G of these Findings discusses the potential environmental effects of the proposed project that were determined to be impacts of the Project together with all other pending or approved projects within the affected for each resource area (Cumulative Impacts) and make the following findings. The Commission concurs with the following findings.

A. Aesthetics Cumulative Impacts

Cumulative Impact Finding: Not cumulatively considerable.

As described in the Draft EIR's Aesthetics Section (Section 3.1), potential impacts would be less than significant. The location and design of the Project places the proposed buildings well below the grade of Cherry Valley Boulevard (up to 48.3 feet some places), which would afford the most prominent public views of the Project. Because of their low profiles, views of the buildings would not break the ridgeline profile of the hills to the north of the buildings. Large building setbacks

from Cherry Valley Boulevard as well as substantial Project landscaping further facilitate the Project blending with the existing landscape. As indicated in RDEIR Section 3.1, the Project will not significantly impact scenic vistas or scenic resources, or substantially degrade the visual character or quality of the site or its surroundings, either from direct Project impacts or cumulative impacts. Therefore, the Project, in conjunction with other planned and approved projects, would not have cumulatively considerable aesthetic impacts. The Project consists of developing previously undeveloped land with two high-cube warehouse buildings on the Project site. Although historically rural and undeveloped in character, recent new and planned development is transitioning this area to be more urban. Such projects include the approved SunnyCal Specific Plan, with 497 dwelling units, and Holbert Ranch (TTM 3054) with 131 dwelling units. When developed, these two projects (which adjoin the Project site) would result in this area transitioning to an area with visual characteristics that are more urban as compared to existing conditions. These nearby cumulative developments, together with the proposed Project, will contribute to an overall change in the visual character of the area. However, compliance with County General Plan policies, design guidelines, Municipal Code and Zoning Ordinance will be required for the proposed Project and all other cumulative projects in the area, which will ensure cohesive and attractive development that is compatible with the surroundings. With mitigation, the Project would have a less than significant impact regarding impacts to the visual character of the site or creation of a new source of substantial light or glare. Other future projects would be required to implement similar mitigation measures in compliance with County standards. Therefore, the Project, in conjunction with other planned or approved projects, would not result in cumulatively significant light and glare impacts. (RDEIR at p. 4-5).

B. Agriculture and Forestry Resources

Cumulative Impact Finding: Not cumulatively considerable.

None of the area within the Project site is currently used for agriculture. Additionally, while historically rural in nature, the general Project area has more recently experienced urbanization and development activities, which has resulted in land use changes on formerly agricultural land. The unincorporated County area to the north of the Project site is zoned Residential Agriculture, one-acre minimum lot size (R- A-I) and W-2. Areas to the *east* and south are also zoned R-A-1 and W-2. The areas directly west of the Project site located within the City of Calimesa are zoned and designated by the General Plan as Residential Low (2-4 dwellings per acre) and Residential Low Medium (4-7 dwellings per acre). However, the area further to the west, near Cherry Valley Boulevard, is designated Commercial Regional. The area within the City of Calimesa that lies to the north and northwest of the Project site is zoned/designated as Rural Residential (RR) (0-2 dwellings per acre). Although the Project site and the surrounding areas were historically used for agriculture activities, currently none of the areas immediately surrounding the

Project site are used for agriculture. Rural residential land uses are currently located north, east, and west of the Project site. The land located south of the Project site contains an abandoned egg farm and is planned for residential development. Therefore, the Project, in conjunction with other planned or approved projects, would not result in cumulatively considerable impacts to Agriculture and Forestry Resources. (RDEIR at 4-6).

C. Air Quality

Cumulative Impact Finding: Cumulatively considerable.

In combination with carbon monoxide (CO) emissions from other regional emission sources, the Project would not result in an exceedance of the CO ambient air quality standard at Project-impacted intersections. Therefore, the Project would not result in cumulative health effects from CO exposure. The Project could impede attainment of air quality standards because its emissions exceed the SCAQMD regional significance thresholds. Even with implementation of all feasible mitigation, the Project would have a significant air quality impact during operation. Impacts would be less than significant during construction. Thus, the Project will have a cumulatively considerable impact regarding attainment of air quality standards. Additionally, after mitigation, the Project's operational emissions would exceed the SCAQMD's regional thresholds for reactive organic gas (ROG) and oxides of nitrogen (NOx). Therefore, operational impacts would be significant and unavoidable, and the Project would have a cumulatively considerable air quality impact due to operational ROG and NOx emissions. The Project would also result in cumulatively considerable net increase in ozone, because regional significance thresholds for ROG and NOx, (ozone precursors), are exceeded. Thus, the Project would result in cumulatively significant operational air quality impacts. This impact would be significant and unavoidable, even with implementation of all feasible mitigation. (RDEIR at p. 4-6, 4-9).

D. Biological Resources

Cumulative Impact Finding: Not cumulatively considerable.

The site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), but is not located within any Criteria Cells. Mitigation is proposed to reduce potential impacts on species to a less than significant level. Impacts to MSHCP Riverine areas shall be mitigated to below a level of significance by on-site creation or restoration at a 2: 1 ratio. It is reasonable to assume that other future development projects located within the MSHCP would be required to mitigate for impacts on species in a manner similar to the Project. In part, the MSHCP was enacted to offset and control cumulative impacts to biological resources within western Riverside County. Implementation of the Project would directly impact raptor foraging habitat and potentially could directly or indirectly impact raptor nests during construction. These impacts are considered potentially adverse, but will be reduced to less than significant with mitigation. Therefore, the

Project, in conjunction with other projects, would not result in cumulatively significant impacts to animal or plant species. The Project would not have any significant impacts on fish or wildlife movement and would not conflict with locally adopted biological policies and ordinances. Impacts to USACE jurisdictional areas total 0.40 acre, all consisting of ephemeral drainage. The Project would also impact 1.11 acres of CDFW jurisdictional area. The loss of these on-site waters would be mitigated and would not cumulatively increase impacts on other jurisdictional waters in the region. Other future development projects would be required to evaluate impacts on these issues and mitigate where necessary, including the payment of MSHCP fees. Therefore, the Project, in conjunction with other projects, would not result in cumulatively significant conflicts with wildlife movement or local biological ordinances and policies. **(RDEIR at 4-9).**

E. Cultural Resources

Cumulative Impact Finding: Not cumulatively considerable.

No cultural resources have been found on the Project site, and only three resources have been recorded within 0.5 mile of the Project site. Most of these are historic-era artifacts and/or historic features. The Project area has a determination of high paleontologic sensitivity at or slightly below the ground surface. Potential impacts to cultural resources will be mitigated to a less than significant level by ensuring appropriate measures are in place in case any such resources are located during ground disturbance. It is always possible that unknown historic, archeological, paleontological resources or human remains could be uncovered during grading. Therefore, the Project's potential impacts on unknown resources could contribute to potentially significant cumulative impacts. However, Mitigation Measures CUL-1a and CUL-1b, CUL-3a to CUL-3d, and CUL-4 would reduce any potential cumulative impacts to less than significant. In addition, given a lack of resources that have been found near the Project site, it is unlikely that additional historical or archaeological resources would be found, and even less likely that they would result in cumulative impacts by affecting nearby areas, since cultural resources impacts tend to be localized. In addition, other future development projects would be required to evaluate cultural resources impacts and provide mitigation as necessary. Therefore, the Project, in conjunction with other projects, would not result in cumulatively significant impacts to cultural resources. (RDEIR at 4-9 to 4-10).

F. Geology and Soils

Cumulative Impact Finding: Not cumulatively considerable.

As discussed in RDEIR Section 3.6, Geology and Soils, with Mitigation Measures GEO-1a to GEO-1e, GEO-2a to GEO-2b, and GEO-3 for earthquake faults, groundshaking, unstable soils, soil erosion, and landslides, the Project will result in a less than significant impact. In addition, all potential impacts are site-specific and limited to on-site conditions, and thus would not affect off-site locations or

projects. Similarly, other cumulative development within Cherry Valley would be required to provide mitigation as appropriate to address potential impacts with respect to geology and soils. Therefore, the Project, in conjunction with other projects, would not result in a cumulatively significant impact related to geology and soils. (RDEIR at 4-10).

G. **Greenhouse Gas Emissions**

Cumulative Impact Finding: Not cumulatively considerable.

Greenhouse gas emissions are inherently a cumulative impact, as no single project could produce a quantity of greenhouse gas emissions significant enough to influence global climate change. The County of Riverside's Climate Action Plan (CAP) is a geographically specific plan that was adopted by the County of Riverside for the purpose of reducing GHG emissions under the control or influence of the County consistent with AB 32 and subsequent state legislation and state agency action to address climate change. The CAP has adopted a target of reducing GHG emissions down to 15 percent below 2008 levels within the County of Riverside by 2020. This reduction target is compliant with AB 32, and is therefore consistent with the State's efforts to reduce GHG emissions globally and substantially lessen the cumulative contribution to GHG impacts. The CAP includes GHG screening tables with energy efficient implementation measures that would help to achieve the target reduction. Pursuant to the CAP, projects that achieve at least 100 points based on the County's screening tables are determined to be consistent with the reduction quantities anticipated in the County's GHG Technical Report. As such, further project-specific GHG quantification is not required. Consistent with State CEQA guidelines, such projects are determined to have a less than significant individual and cumulative impact for GHG emissions. (RDEIR at 4-10). As discussed in RDEIR Section 3.7, impacts related to GHG emissions are potentially significant. However, the Project will comply with the CAP, achieving at least 100 points from the Riverside County Greenhouse Gas Emissions Screening Tables by implementing reduction measures specified in the CAP and described in RDEIR Section 3.7, Table 3.7-3. The Project would also be consistent with the overarching goals of AB 32 and the strategies of ARB's Scoping Plan, as well as the regulatory measures adopted to further AB 32's goals. Accordingly, under either threshold, the Project's GHG emissions would not be cumulatively significant. (RDEIR at 4-11).

H. **Hazards and Hazardous Materials**

Cumulative Impact Finding: Not cumulatively considerable.

The Project area is mostly undeveloped with rural land uses in the vicinity. With the exception of potential soils contamination from previous use of chemicals associated with past agricultural uses, potential impact with respect to Hazards and Hazardous Materials were all found to be less than significant and, by their site-specific nature, will not cause cumulatively significant impacts. In addition,

the Project, as well as future development projects, would be required to comply with all applicable hazardous materials handling and storage requirements to ensure that potential impacts would be less than significant. Therefore, the Project, in conjunction with other future development projects, would not result in a cumulatively significant impact related to hazards and hazardous materials. (RDEIR at 4-11).

I. Hydrology and Water Quality

Cumulative Impact Finding: Not cumulatively considerable.

As discussed in RDEIR Section 3.9, proposed drainage improvements and retention basins would ensure that stormwater runoff does not exceed what occurs under existing conditions and would not result in an increase in erosion either on-site or off-site. With the proposed improvements, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, contribute to downstream flooding, or provide substantial additional sources of polluted runoff. The Project will also comply with County Ordinance 458, which requires special construction standards for new construction and/or substantial improvements within mapped floodplains, to reduce damage to the public and property. Development activities associated with the Project have the potential to impact water quality, potentially impacting the water quality of the Santa Ana River Watershed. The Project would prepare and submit a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP) to the County of Riverside for review and approval, and will implement BMPs to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges. With mitigation, the Project would not degrade water quality or violate waste discharge requirements. The Water Supply Assessment prepared for the Project indicated that there are adequate water supplies to serve the Project, and the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Other future development projects in the area would be required to implement similar mitigation and comply with state and county requirements related to hydrology and water quality. Therefore, the Project, in conjunction with other future development projects, would not result in cumulatively significant impacts related to hydrology and water quality. (RDEIR at 4-11 to 4-12).

J. Land Use and Planning

Cumulative Impact Finding: Not cumulatively considerable.

The Project requires the adoption of a General Plan Amendment and a Zone Change to facilitate the development of the Project, although such changes will not require a change to the General Plan Foundation Component, which currently identifies the Project site as within the Community Development Foundation.

Although the Project would change land use designations from large-lot residential to accommodate high cube warehouse distribution and public facilities on the southern portion of the site, this change reflects an ongoing trend toward urbanization along this part of Cherry Valley Boulevard. In addition, it is a logical extension of urban type uses already occurring to the west and the south of the Project and along the I-10 Freeway corridor. This trend, which is largely driven by the good freeway access afforded by Cherry Valley Boulevard and its interchange connection to the I-10 Freeway, is discussed in RDEIR Section 4.2, Cumulative Setting, as well as Section 3.10, Land Use and Planning. Because of this ongoing trend and the clear orientation of the Project site to the I-10 Freeway corridor (approximately one-third mile from the I-10 Freeway), a land use change is appropriate and consistent with this setting. The Project will be compatible with the several uses and planned developments to be located on the properties immediately surrounding the Project site, including the Sunny-Cal Egg Ranch residential ("Sunny-Cal") project to the south, the residential projects planned adjacent to the Project site to the east and southeast, the regional commercial uses planned to the west, and the rural/open space area to the north. As proposed, the Sunny-Cal project will include a substantial "buffer" to help reduce the risks of unwanted impacts to its residents. These "buffers" include (1) providing substantially larger lot sizes along Cherry Valley Boulevard (minimum lot sizes of 20,000 square feet); (2) including a 10-foot-high landscaped berm to be located on the south side of Cherry Valley Boulevard; (3) orienting homes away from the north side of Cherry Valley Boulevard, (4) including a minimum 50-foot-wide landscaped buffer, and (5) adding a 5-foot wall atop the landscaped berm to help further screen and reduce impacts between the Sunny-Cal property and all uses to its north, including the Project site. Like the approved Sunny-Cal development, the Project includes extensive measures to buffer potential impacts to and from nearby residents, including providing robust landscaping between the Project buildings and Cherry Valley Boulevard. The location, configuration, and design of the Project will allow it to blend into the existing landscape. (RDEIR at 4-12). The two buildings would be set back approximately 375 to 575 feet from Cherry Valley Boulevard; approximately 300 feet from the east Project boundary; and approximately 400 feet from the west Project boundary, allowing for generous buffers with extensive landscaping, a berm, a meandering equestrian and pedestrian trail, and a five-foot-wide meandering sidewalk, separated by a three-railed fence. Given the number of buffering features proposed by both the Sunny-Cal project and the San Geronio Crossings Project, no building or structure between the two projects is expected to be closer than 600 feet in distance, providing substantial open space between the two projects and thereby ensuring minimal impacts between the two projects. Building 1 would be located approximately 29.8 feet above the centerline of Cherry Valley Boulevard, and Building 2 would be located approximately 48.3 feet below the centerline of Cherry Valley Boulevard. Although the Project's buildings rise 41 feet in height, neither would be visible from motorists or pedestrians traveling along Cherry Valley Boulevard, as their lines of sight would be directed above the building. A

berm, water tower, barn, and landscaping would further screen views of the buildings. The Project site would not be visible from the residents located north of the site. The proposed buildings would not break the ridgeline silhouette of the hills behind them to the north. All of these factors, combined with the proposed tree planting and other landscape and screening elements, will make the Project visually unobtrusive and in accordance with the existing visual characteristics of the surrounding areas. With respect to the largely undeveloped areas to the east and south of the Project site, potential impacts that could affect land use compatibility have been addressed in other sections of the RDEIR. These include aesthetics, agricultural resources, noise, hazards, population and housing, and local air quality impacts, all of which have been evaluated in the respective sections of the RDEIR and have been found to be less than significant, or less than significant with mitigation. For example, the east side of Building 2 has been specifically designed so that it does not include any bay doors or loading areas. As a result, this area of the Project site will not create significant impacts on the easterly residential uses in terms of truck activity, noise, odors, visual impacts, or up-lighting. Additionally, the area between Building 2 and the eastern property boundary will primarily include employee parking, employee car circulation, a generously landscaped slope, and two 1-million- gallon water tanks, all of which are lower intensity uses commonly found near residential uses. The design and development of the Project site with the uses proposed will not restrict or constrain the existing land uses, or future land uses allowed by current zoning or general plan land use designations. As detailed in RDEIR Table 3.10 3, the Project is consistent with all County of Riverside General Plan land use policies, and as shown in RDEIR Table 3.10-4, the proposed Project is consistent with those City of Calimesa General Plan policies relevant to storm drainage and flood control infrastructure. The Project is also consistent with the Cherry Valley Gateway Policy Area policies of preserving open space and providing an "entrance" feature that evokes the rural identity of the community, by preserving approximately 84.8 acres of the Project site as natural open space, and providing western and agricultural architectural elements such as decorative barn and water tower features. Other development projects would also be required to demonstrate consistency with applicable General Plan, Zoning and Municipal Code requirements, and provide mitigation as necessary to avoid any significant land use impacts or incompatibility with adjoining land uses. Consequently, as addressed, the Project's individual impacts related to land use and planning will be less than significant, and the Project will be consistent with all applicable land use plans, policies, and regulations established by the County and other relevant local, regional, and state agencies. Additionally, other related cumulative projects would similarly be required to comply with all applicable standards that are intended to address and reduce land use and planning impacts. These other related cumulative projects would also be required to comply with all applicable land use plans, policies, and regulations, including those goals and policies set forth in the County's General Plan and the County's Municipal Code. Therefore, the Project's contribution to impacts associated with land use and planning are

not considered cumulatively considerable, and cumulative land use and planning impacts as a whole would be less than significant. (RDEIR at 4.12).

K. Mineral Resources

Cumulative Impact Finding: Not cumulatively considerable.

The County's General Plan does not identify any significant mineral resources on the Project site or in the Project vicinity. Other future development projects would be required to evaluate impacts on mineral resources and provide mitigation where necessary. Therefore, the Project in conjunction with other projects would not result in cumulatively significant impacts to mineral resources. (RDEIR at 4-14).

L. Noise

Cumulative Impact Finding: Not cumulatively considerable.

As discussed in Section 5.2 of the Noise Report and RDEIR Section 3.12, operation of the Project would not create any significant stationary noise impacts above existing levels, nor would they exceed residential noise standards; therefore, stationary noise impacts would not be cumulatively significant. Construction activities associated with the proposed Project have the potential to result in substantial sources of noise. As discussed in RDEIR Section 3.12, Noise, the construction activities for the proposed Project could potentially exceed the noise thresholds for certain receivers. Mitigation is proposed that would require the contractor to implement various sound control measures, including limitation of construction hours and using noise attenuation devices on heavy equipment. Implementation of these mitigation measures would reduce Project impacts to a less than significant level. Other planned and approved projects would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts pursuant to local regulations. In addition, the timing of construction activities associated with other development projects would overlap minimally, if at all, with the proposed Project. Furthermore, because noise is a highly localized phenomenon, even if construction activities did overlap in time with the proposed Project, distance would attenuate any additive effects. Construction noise would generally be limited to daytime hours and would be short-term in duration. Therefore, it is reasonable to conclude that construction noise from the proposed Project would not combine with noise from other development projects to cause cumulatively significant noise impacts. The proposed Project's construction and operational vibration levels would not exceed annoyance thresholds. Because vibration is a highly localized phenomenon, there would be no possibility for vibration associated with the Project to combine with vibration from other projects because of their distances from the project site. Therefore, the proposed Project would not contribute to or result in a cumulatively significant vibration impact. (RDEIR at 4-14). The cumulative roadway noise impacts were calculated in the Project-specific noise analysis for

the year 2040 scenarios (as shown in RDEIR Appendix H, Noise Impact Analysis). The 2040 scenarios are based on the Traffic Study, which included traffic that is expected to be generated by cumulative projects. The highest increase attributable to Project-related traffic, 1.6 dBA, is found on the road segment of Cherry Valley Boulevard-Driveway 1 to Street 2. As the noise level generated along this segment is less than 3 dBA, the impacts are considered less than cumulatively considerable, and thus a less than significant cumulative roadway noise impact for the year 2040 Project conditions would occur. Moreover, stationary noise and transportation noise are localized phenomena, and there is very limited potential for other projects to contribute to cumulative noise impacts beyond transportation-related noise, which would not be cumulatively significant. As such, the proposed Project, in conjunction with other projects, would not make a cumulatively considerable contribution to any permanent increase in ambient noise levels in the Project vicinity. (RDEIR at 4-12).

M. Population and Housing

Cumulative Impact Finding: Not cumulatively considerable.

The Project's creation of temporary and permanent jobs is not anticipated to have a significant impact regarding a demand for additional housing, because it is anticipated that a large portion of the permanent jobs created would be filled by persons already living in the Project area, due to current high rates of unemployment. Other planned and approved projects would be required to evaluate the potential for growth inducement and, if necessary, to mitigate such impacts. Therefore, the Project, in conjunction with other projects, would not result in a cumulatively significant impact related to population and housing. (RDEIR at 4-15).

N. Public Services

Cumulative Impact Finding: Not cumulatively considerable.

The Project would not create any significant impacts with respect to public services. The Project would not substantially increase the need for new or expanded facilities for fire, police, schools, and other public facilities. In addition, the Project would pay into established development impact fee programs to offset incremental increases in demand for fire, police, and school facilities from the Project. According to the provided statistics (refer to RDEIR Section 3.14), none of the engines/truck(s) required would be able to reach the site in under 6 minutes and 30 seconds, and would therefore not meet the suburban response time goal. This existing response time deficit would exist even without development of the Project. Thus, the Project would potentially contribute to existing cumulative impacts to response times within the area. The Project would impact RCFD's ability to provide an acceptable level of emergency services, which will be most effectively addressed through the Applicant's required participation in the County's development impact fee program. Participation in development impact

fees typically provides the flexibility necessary to RCFD to determine what capital expenditures/assets (e.g., new station, engine, equipment, etc.) are best suited to maintain acceptable service. Based on the Project's planned 1,823,760 square feet, the Project would be assessed approximately \$291,743 in development impact fees. (RDEIR at 4-15). Payment of these fees is mandatory and is therefore not included as mitigation. The Project will be required to pay its "fair share" contribution into the County's development impact fee program. Fire Mitigation Fees are estimated at approximately \$455,940, but would ultimately be finalized during the land development review process by RCFD Emergency Services Engineering and Planning Staff located at TLMA Permit Assistance Centers. Total Project fees related to fire protection and related infrastructure would be approximately \$747,683. Based on the adopted Riverside County Fire Protection Master Plan, one new fire station and/or engine company is recommended for every 2,000 new dwelling units and/or 3.5 million square feet of commercial/industrial occupancy. The Project's square footage would not meet this threshold (as it is less than 3.5 million square feet) and therefore would not trigger the need to create new or physical altered fire protection facilities, based on County standards. The Project will be developed in conformance with all applicable RCFD and building code standards to meet fire flow/pressure requirements and emergency access requirements. The two buildings would include internal sprinkler systems.

Thus, the Project is anticipated to generate an incremental increase for fire and emergency service. However, any Project impacts that could contribute to the existing need for improvements to fire and emergency services would be alleviated through the Project's fair-share contribution of development impact fees and mitigation fees. The Applicant would be required to pay such fees prior to the issuance of occupancy permits. Should the RCFD ultimately establish additional facilities to alleviate the existing response time deficit, appropriate environmental analysis as required by state law would be required. Located approximately 2.65 miles from the Project site, Station 21 (Calimesa) at 906 Park Avenue, Calimesa, California, 92320 is the nearest station with a total response time of 7 minutes and 5 seconds (7:05), and therefore does not meeting the response time standard for a "suburban" land use as defined by RCFD. Station 2/Truck 2 in Moreno Valley would have a response time of 21 minutes and 50 seconds, which would not meet the response time standard for a "suburban" land use. The Project will be designed to meet safety equipment standards, adequate emergency access, fire hydrants, water flows in compliance with the RCFD, and the payment of all applicable development impact fees. (RDEIR at 4-16). The Project will be required to pay its "fair share" contribution into the County's development impact fee. Fire Mitigation Fees are estimated at approximately \$455,940, but would ultimately be finalized during the land development review process by RCFD Emergency Services Engineering and Planning Staff located at TLMA Permit Assistance Centers. Total Project fees related to fire protection and related infrastructure would be approximately \$747,683. The Applicant would be

required to submit payment of such fees prior to issuance of occupancy permits. The Project would also facilitate the construction of or provide substantial fair share funding for interim improvements at the Cherry Valley Boulevard/I-10 interchange, which would improve existing traffic conditions and further alleviate existing and future response time deficits. Other future development projects would also increase demands for fire protection, police protection, schools, and library facilities. Similar to the Project, these projects would be required to pay development impact fees to offset incremental increases in service demand or provide additional mitigation as required. Therefore, the Project, in conjunction with other future development projects, would not have cumulatively significant impacts related to public services, with the required payment of development impact fees. (RDEIR at 4-17).

O. Recreation

Cumulative Impact Finding: Not cumulatively considerable.

There is a potential for the Project to draw new residents to the area. Although the exact number is speculative, the increase is not expected to substantially increase demands on existing neighborhood or regional parks or other recreational facilities. The Project does not provide on-site recreation amenities. Most of the new employment positions generated by the Project would be filled by individuals already residing in the region, who would already be utilizing existing recreation facilities. Furthermore, other planned and approved projects would be required to mitigate for potential impacts to recreational facilities, such as through dedication of parkland or payment of in lieu fees pursuant to County of Riverside requirements. Therefore, the Project, in conjunction with other projects, would not have a cumulatively significant impact related to parks and recreation facilities. (RDEIR at 4-17).

P. Traffic and Circulation

Cumulative Impact Finding: Cumulatively considerable.

Local Intersections

The Project would contribute to unacceptable LOS at the following intersections:

Existing Plus Ambient Plus Cumulative (2018) conditions:

- Roberts Road/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Calimesa Boulevard/Cherry Valley Boulevard (AM and PM peak hours) LOS F
- Nancy Avenue/Cherry Valley Boulevard (AM Peak Hour only) LOS E (RDEIR at 4-17)

Additionally, the Project would result in a cumulatively considerable contribution to the cumulatively significant impacts at the following

intersections, which are anticipated to operate at an unacceptable LOS under Horizon Year (2040) without and with Project conditions:

- Roberts Road/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Calimesa Boulevard/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Union Street/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Nancy Avenue/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Beaumont Avenue/Cherry Valley Boulevard (AM and PM Peak Hours) LOS F
- Future Beckwith Avenue/Cherry Valley Boulevard (AM and PM peak hours) LOS F

Freeway Ramps

The Project would result in a cumulatively significant impact to the following freeway ramps under the Existing Plus Ambient Plus Project (2018), Existing Plus Project Plus Ambient Plus Cumulative (2018) and the Horizon Year (2040) scenarios:

Existing Plus Ambient Plus Project (2018)

- I-10 EB Ramps/Cherry Valley Boulevard (AM Peak Hours) LOS F
- I-10 WB Ramps/Cherry Valley Boulevard (PM Peak Hours) LOS F

Existing Plus Project Plus Ambient Plus Cumulative (2018)

- I-10 EB Ramps/Cherry Valley Boulevard (AM, PM Peak hours) LOS F
- I-10 WB Ramps/Cherry Valley Boulevard (AM, PM Peak hours) LOS F

Horizon Year (2040)

These ramp locations because are anticipated to operate at an unacceptable LOS under Horizon Year (2040) Without Project conditions; therefore, the Project would contribute to this cumulatively significant impact that would exist even without the Project under Horizon Year 2040 conditions:

- I-10 Eastbound Ramps/Cherry Valley Boulevard (AM, PM Peak hours) LOS F
- I-10 Westbound Ramps/Cherry Valley Boulevard (AM, PM Peak hours) LOS F

Freeway Mainline Segments

There are 19 freeway mainline segments that are currently operating at an unacceptable LOS under Existing traffic conditions and are anticipated to continue to operate at unacceptable LOS through Horizon Year (2040) traffic conditions, even without the Project. In addition, under Opening Year Cumulative (2018) conditions, the project would result in a worsening of the LOS for an additional six segments, in addition to the 19 segments that currently operate at an unacceptable LOS. As the Project is expected to contribute peak-hour trips to the existing deficiencies on the regional state highway system, the Project's incremental contribution to this impact is considered cumulatively significant and

unavoidable. (RDEIR at 4-18). Mitigation may not fully mitigate these impacts because the County of Riverside and the Project applicant have no control over the provision of timing of certain improvements which are not within the jurisdiction of the County of Riverside and/or are not specifically included within the TUMF or DIF fee programs at this time. Therefore, these cumulative impacts are significant and unavoidable. (RDEIR at 4-19).

Q. **Utilities and Service Systems**

Cumulative Impact Finding: Not cumulatively considerable.

Water

The Project will be annexed into the Yucaipa Valley Water District (YVWD) service area for provision of water and sewer service. The YVWD prepared a Water Supply Analysis (Appendix G) for the Project, which estimated an average daily demand for potable water at 42,840 gallons per day (gpd), or 15.5 million gallons per year. In addition, the WSA estimated that the usage of recycled water for landscape irrigation would be approximately 12.35 million gallons per year. The WSA was based on a larger, previously proposed version of the Project with approximately 736,240 more square feet of buildings on-site. Thus, the WSA is very conservative relative to the currently proposed Project. Based on the currently proposed square footage, the proposed Project's water usage is more accurately estimated at 8.99 million gallons (27.58 acre-feet per year) for outdoor uses, and 11.36 million gallons (34.86 acre-feet per year) for indoor uses, for a total of 20.35 million gallons per year (62.45 acre-feet per year). The WSA concluded that YVWD would have adequate potable and recycled water to accommodate the Project, in addition to projected future demand within the YVWD. In addition, Riverside County Ordinance No. 859, which requires efficient use of water for landscaped areas, would further reduce the demand for recycled water. Additionally, the Project would potentially provide water storage for the local area by utilizing the proposed detention basins for groundwater recharge. Furthermore, the Project will provide a concrete pad for the potential future construction of two 1 -million-gallon YVWD reservoirs in order to provide the YVWD with additional storage capacity. The two water tanks potentially would be located on the eastern side of the Project site, and would not be utilized by the Project. Other cumulative development projects would also be required to demonstrate that potable water supply sources are available, and these projects may also be required to implement water conservation measures. Based upon the findings of the WSA and the system improvements that would be provided by the Project for the two new reservoirs, cumulative impacts to potable water supply would be less than significant. **(RDEIR at 4-19).**

Wastewater

Currently, an average of approximately 4 million gallons per day of wastewater is treated by the YVWD's Henry N. Wochholz Regional Water Reclamation Facility,

which has a current capacity of 8 million gallons per day. The estimated wastewater generation of the Project is 10,000 gallons per day, or 0.25 percent based on the WSA, which was calculated for a much larger project with approximately 736,240 more square feet than is currently proposed. Other projects within the Project area would also be required to demonstrate that adequate wastewater collection and treatment capacity would be available. The Project, in conjunction with other future development projects, would not result in cumulatively significant impacts related to wastewater, as there is available capacity to meet current and future wastewater needs. (RDEIR at 4-19 to 4-20).

Storm Drainage

The Project would create impervious surfaces on the Project site, but it is not anticipated to significantly increase the quantity of runoff from the site compared with pre-Project conditions and, therefore, would not increase storm drainage needs. The Project will not substantially increase the rate or amount of surface runoff or result in flooding; either on-site or off-site, and Project runoff will not exceed the capacity of existing or planned storm water drainage systems. Other projects within the Project area would likewise be required to install storm drainage infrastructure that is designed to detain runoff during peak storm events and prevent downstream flooding, pursuant to a: County-approved WQMP or SWPPP. Therefore, the Project, in conjunction with other future development projects, would not result in cumulatively significant impacts related to storm drainage. (RDEIR at 4-20).

Solid Waste

The Project is estimated to generate a total of approximately 3,547.2 tons of solid waste during construction. During operation, the Project would generate approximately 4.7 tons on a daily basis and approximately 1,714 tons on an annual basis. Landfill capacity in the region is available to serve the Project, as well as other planned projects, through 2021 and 2024 for the Lamb Canyon and Badlands Sanitary landfills, respectively. Regional landfill capacity would be available to accommodate this amount of solid waste (each landfill has a remaining capacity of over 14,000,000 cubic yards). Additionally, based on correspondence from CR&R Inc., the operator of both landfills, the Project should have no substantial impact on the expected closure of the Lamb Canyon Landfill. Thus, the Project is anticipated to have a less than significant impact regarding operational waste disposal because there is adequate regional landfill capacity to meet the disposal needs of the Project. Therefore, the Project, in conjunction with other future development projects would not result in cumulatively significant impacts related to solid waste. (RDEIR at 4-20).

Energy

The Project, in conjunction with future development in the Southern California Edison (SCE)-and Sempra Utilities (Sempra) service area, would increase demand for electricity and natural gas. SCE confirmed that the Project is located in SCE

service territory and that SCE will serve the Project's electrical requirements in compliance with California Public Utilities Commission and Federal Energy Regulatory Commission tariffs. Likewise, the Southern California Gas Company (SCGC) would provide natural gas service to the Project, and does not anticipate the need for new or expanded facilities to meet the service demands of the Project. In addition, the Project and other future projects would be required to implement energy-efficient measures in accordance with the most recent Title 24 standards to reduce energy demand. Therefore, the Project, in conjunction with other future development projects, would not result in cumulatively significant impacts related to energy. (RDEIR at 4-20).

SECTION H of these Findings considers the potential environmental effects of the following alternatives identified in RDEIR No 534 in light of the environmental impacts which cannot be avoided or substantially lessened and has rejected those alternatives as failing to meet most of the Project's objectives, as failing to reduce or avoid the Project's significant impacts, or as infeasible for the reasons hereinafter indicated. The Commission concurs with the following findings.

- A. Pursuant to Public Resources Code Section 21002 and the State CEQA Guidelines Section 15126.6(a), an EIR must assess a reasonable range of alternatives to the project action or location. Section 15126.6(a) places special emphasis on focusing the discussion on alternatives which provide opportunities for eliminating any significant adverse environmental impacts, or reducing them to a level of insignificance, even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. In this regard, the EIR must identify an environmentally superior alternative among the other alternatives. As with cumulative impacts, the discussion of alternatives is governed by the "rule of reason." The EIR need not consider an alternative whose effect cannot be reasonably ascertained, or does not contribute to an informed decision-making and public participation process. The range of alternatives is defined by those alternatives, which could feasibly attain the objectives of the project. As directed by State CEQA Guidelines Section 15126.6(a), an EIR shall include alternatives to the project that could feasibly accomplish most of the basic objectives of the project.
- B. The Project has been developed to achieve the following objectives:
- **OBJ-1:** Provide an industrial park that supports regional warehouse distribution and logistics tenants which benefit from the strategic location located in close proximity to the I-10 Freeway.
 - **OBJ-2:** Provide local employment and economic opportunities for residents of Cherry Valley and neighboring cities that would help reduce commute times and associated air pollution, in accordance with Riverside County 2015 General Plan Policies LU 8.12, LU 11.I and AQ 8.2.
 - **OBJ-3:** Provide new development that would assist the County in obtaining fiscal balance in the years and decades ahead through increased tax revenues.

- **OBJ-4:** Provide convenient freeway access to trucks that would use the warehouse distribution facilities in a manner that limits truck traffic disruption to residential areas within Cherry Valley and neighboring cities.
- **OBJ-5:** Locate industrial uses near existing roadways and freeways to reduce traffic congestion and air pollutant emissions.
- **OBJ-6:** Facilitate goods movement for the benefit of local, regional, statewide and nationwide economic growth.
- **OBJ-7:** Provide for a reasonable return on investment needed to develop the Project.
- **OBJ-8:** Create a high-quality design warehouse complex that maximizes the use of a site and promotes the efficient use of land while still providing natural open space consistent with the rural identity of the community.
- **OBJ-9:** Develop and operate a facility supporting regional warehouse distribution and logistics tenants that meets industry standards for operational design criteria.

These Project objectives (RDEIR at 2-24) were defined consistent with the development proposal for this location. As directed in State CEQA Guidelines Section 15126.6(a), an EIR shall include alternatives to the project that could avoid or substantially reduce one or more of the significant effects. Because not all significant effects can be substantially reduced to a less-than-significant level, either by adoption of mitigation measures, Project Design Features, existing regulations, or by standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project. As explained below, these findings describe and reject, for reasons documented in the Final EIR No. 534 and summarized below, each one of the Project alternatives. The evidence supporting these findings is presented in Chapter 5, *Alternatives*, of the RDEIR and elsewhere in the administrative record as a whole.

C. Alternative 1: No Project Alternative -No Build Alternative

1. This alternative evaluated the environmental impacts resulting from a hypothetical continuance of the existing land uses, under which the Project site would remain vacant and no development would occur.
2. With respect to the No Project Alternative-No Build Alternative, Project objectives are not attained because no development is included as a part of this alternative. With respect to the significant unavoidable impacts of the Project, this alternative would avoid all the unavoidable significant impacts of the Project; however, it would not generate substantial benefits to the County and local economy, by providing new jobs and additional tax revenues. None of the Project objectives would be met under this alternative.
3. The Commission rejects as infeasible Alternative 1, the No Project Alternative-No Build Alternative on the following ground, which individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 fails to meet any of the Project objectives. Therefore, Alternative 1 is eliminated from further consideration.

D. Alternative 2: No Project-Cherry Valley Gateway Policy Area Specific Plan CCVGPA SP) Alternative

1. This alternative would involve development of the Project site with 216 single-family homes on 110 acres, in the following configurations and under the following, existing General Plan land use designations:
 - Rural Mountainous: 1 custom lot/unit
 - Very Low Density Residential (VLDR): 39 custom lots/units
 - Low Density Residential (LDR): 176 units (7,000 sf lot minimum)

Internal street, sidewalk, and utility improvements would also be installed under the No Project CVGPA SP Alternative. The majority of the site is currently designated as Very Low Density Residential (VLDR), while a small portion of the site (approximately 20 percent) is designated as Rural Mountainous (RM). Single-family residential uses with a minimum 10-acre lot size are allowed under the RM land use designation, and single-family residential uses with minimum 1 to 2-acre lot sizes are allowed under the VLDR land use designation. The site is zoned Controlled Development Area (W-2), which allows for single-family residential uses consisting of lot sizes no less than 20,000 square feet, with a minimum average lot width of 100 feet and a minimum average lot depth of 150 feet, unless larger minimum lot area and dimensions are specified for a particular area or use. Therefore, the 176 proposed 7,000 square foot LDR lots under this alternative would not strictly comply with the current General Plan or zoning designations of the site, and a General Plan Amendment and Zone Change would be required in order to achieve compliance. However, this alternative also considers the requirement of the Pass Area Plan Cherry Valley Gateway Policy Area, which states that "Higher densities may be allowed through a general plan amendment provided such development meets the goals of the policy area." Policy PAP 4.1 states: "Clustering of dwelling units and lots is encouraged in order to preserve open space areas."

2. With respect to the No Project-CVGPA SP alternative, the No Project-CVGPA Alternative would result in similar impacts related to Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Land Use and Planning, and Mineral Resources as the proposed Project. The No Project-CVGPA SP Alternative would result in greater impacts to Aesthetics, Geology and Soils, Population and Housing, Public Services, Recreation, and Utilities and Service Systems than the proposed Project, although impacts would likely remain less than significant with mitigation, similar to the Project. The No Project-CVGPA SP Alternative would result in fewer impacts related to Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, and Traffic. However, the No Project-CVGPA SP Alternative would not eliminate the significant and unavoidable traffic impacts that would occur under the proposed Project. Furthermore, this alternative does not achieve any of the objectives of the Project,

and would not generate substantial benefits to the County and local economy, by providing new jobs and additional tax revenues,

3. The Commission rejects as infeasible Alternative 2, the No Project--CVGPA SP Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 2 fails to meet any of the Project objectives and would not generate substantial benefits to the County and local economy; and (2) Alternative 2 would not avoid the significant and unavoidable traffic impacts that would occur under the proposed Project. Therefore, Alternative 2 is eliminated from further consideration.

E. Alternative 3: Residential Alternative

1. Implementation of the Residential Alternative would involve the construction of 792 dwelling units on 140 acres, in the following configurations:
 - VLDR: 30 custom lots/units
 - LDR: 110 lots/units (minimum 7,000 sf lots)
 - Medium Density Residential (MOR): 191 (minimum 4,500 sf lots)
 - High Density Residential (HDR): 221 townhomes
 - Very High Density Residential (VHDR): 240 apartments

Internal street and sidewalk improvements would also be installed under the Residential Alternative. Two park/open space areas would be provided under the Residential Alternative, consisting of 3 acres towards the west of the site near the proposed townhomes, and 2.2 acres near the southeastern portion of the site. A private recreation area would also be provided for the proposed apartments. The majority of the site is designated as Very Low Density Residential (VLDR), while a small portion of the site (approximately 20 percent) is designated as Rural Mountainous (RM). Single-family residential uses with a minimum 10-acre lot size are allowed under the RM land use designation, and single-family residential uses with a minimum 1- to 2-acre lot sizes are allowed under the VLDR land use designation. The site is zoned Controlled Development Area (W-2), which allows for single-family residential uses consisting of lot sizes no less than 20,000 square feet, with a minimum average lot width of 100 feet and a minimum average lot depth of 150 feet, unless larger minimum lot area and dimensions are specified for a particular area or use. Therefore, the Residential Alternative would involve development of the project site at a unit yield that would exceed what is permitted under the existing zoning and General Plan Land Use Designations of VLDR and RM, and a General Plan Amendment and Zone Change would be required in order to achieve consistency. This alternative was analyzed based on the surrounding development patterns of the area and the feasibility restraints discussed under the No Project-CVGPA SP Alternative, above. As depicted in RDEIR Table 4-1: Cumulative Projects, several other larger scale residential projects have been approved for implementation. Examples include the Sunny-Cal Egg Ranch project to the south (497 dwelling units) and the residential projects planned adjacent to the Project site to the east and southeast. More specifically,

and discussed in greater detail in RDEIR Table 4-1 and Exhibit 4-1, additional projects in the vicinity include the Heartland project consisting of 988 dwelling units and 126,000 square feet of commercial uses; Noble Creek Vistas consisting of 648 dwelling units; the Sundance project consisting of 4,716 dwelling units; Jack Rabbit Trails consisting of 2,000 dwelling units; and Potrero Creek Estates consisting of 700 dwelling units, among many others. If the site is not ultimately developed as a warehouse or commercial use, it is likely that the Project site would be developed for residential uses of various densities. According to SCAG, unincorporated areas within the County of Riverside have an average of 3.9 persons per household. Therefore, the 792 housing units under the Residential Alternative could add an estimated 2,526 persons within the Project area. (RDEIR at 6-25).

2. The Residential Alternative would result in similar significant adverse and unavoidable impacts to Air Quality and Traffic as the Project, due to increased vehicle trips. The remaining 14 issue areas under the Residential Alternative would be less than significant, similar to the Project. When compared with the Project, five areas would have greater (but still less than significant) impacts under the Residential Alternative (in the areas of Geology and Soils, Population and Housing, Public Services, Recreation, and Utilities and Service Systems); one area would have fewer/reduced impacts compared with the Project (Hydrology and Water Quality), and the remaining seven issue areas would have similar or equal impacts to the Project. The Residential Alternative would not fully meet any of the Project Objectives, because it would not involve the development of an industrial park in support of regional warehouse distribution and logistics, and would not take advantage of the proximity to the I-10 Freeway to facilitate efficient goods movement. The Residential Alternative would also not improve the jobs-housing balance in the Cherry Valley/Calimesa area because it would not create any new jobs, and would not reduce commute times for residents. The Residential Alternative would partially meet Objective 2 in that it would create temporary construction jobs for the development of the single-family residences. The Residential Alternative may also meet Objective 7 by providing for a reasonable return on investment, although this is less certain given the current housing market, because the region is still recovering from the relatively recent economic downturn that caused local housing prices to drop sharply. The creation of new housing units is also less desirable than warehousing uses, because of the current jobs-to-housing ratio. This ratio identifies the number of jobs available in a given region compared with the number of housing units in the same region. For example, a region with a jobs-to-housing factor of 1.5 would indicate that 1.5 jobs exist for every housing unit within that region. The unincorporated area, on the other hand, shows a severe shortage of jobs with only 0.57 jobs per household in the western County and 0.77 jobs per household in the eastern County in 2010, a decline from 2007 job-household ratios, likely due to the economic recession and the incorporation of multiple cities where more of the jobs are located. This is below the current SCAG standard of 1.0 to 1.29 jobs for every household to be

balanced, which means the creation of new housing units will only further contribute to this imbalance.

3. The Commission rejects as infeasible Alternative 3, the Residential Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 would not fully meet any of the Project Objectives; and (2) Alternative 3 does not eliminate any of the significant impacts of the proposed Project. Therefore, Alternative 3 is eliminated from further consideration.

F. Alternative 4: Reduced Intensity Alternative

1. Under the Reduced Intensity Alternative, the proposed development of the site would be scaled down by reducing the building square footage development footprint. The Reduced Intensity Alternative would develop two equally sized buildings of approximately 651,266 square feet, for a total floor area of 1,302,532 square feet, or a 30 percent reduction in building floor area. In addition, on-site parking and truck loading areas would be proportionally reduced as part of the Reduced Intensity Alternative. This alternative assumes that access to the site would be identical to the Project, with access points provided off Cherry Valley Boulevard.
2. Because of the 30 percent reduction in building area, the impacts under the Reduced Intensity Alternative would be less than the Project for many issue areas. However, potential impacts with respect to transportation and traffic and air quality would remain significant and unavoidable under this alternative, similar to the Project. Although the Reduced Intensity Alternative's operational emissions would not exceed the SCAQMD significance threshold for ROG, it would still exceed SCAQMD significance threshold for operational NO_x emissions. Therefore, implementation of the Reduced Intensity Alternative will still result in an exceedance of operational emission thresholds for NO_x.
3. Impacts on transportation and traffic would be reduced under the Reduced Intensity Alternative. The buildable area of the site that would be occupied by the Project would be reduced by approximately 30 percent, and would result in a commensurate reduction in vehicle trips, for 3,433 net passenger car equivalent (PCE) trips per day compared with the 4,905 daily PCE trips that would be generated by the Project. Regardless, while the Reduced Intensity Alternative would create fewer trips, it would also be required to provide mitigation measures similar to the Project. Based on input from the County of Riverside Transportation Department, the Reduced Intensity Alternative could accommodate a loop road, thereby providing improved internal circulation and additional left-turn access from Cherry Valley Boulevard. Despite generating fewer trips, the Reduced Intensity Alternative would ultimately have cumulatively significant and unavoidable impacts (albeit somewhat lesser than under the Project) for the I-10

Freeway mainline, on- and off-ramps at Cherry Valley Boulevard, and other impacted intersections. This is due to the fact that these impacts would occur under 2018 Existing Plus Ambient Plus Project and 2018 Existing Plus Ambient Plus Project Plus Cumulative and Horizon Year :2040 conditions, even without the Project. Therefore, the Reduced Intensity Alternative would also result in cumulatively significant and unavoidable traffic impacts similar to the Project, although these impacts would be somewhat reduced under the Reduced Intensity Alternative.

4. This alternative does not meet all of the Project objectives to the same degree as the Project. For example, Objective 2 calls for providing additional employment opportunities to local residents of Cherry Valley and neighboring cities to provide local economic opportunities and reduced commute times. The Reduced Intensity Alternative would result in approximately 30 percent fewer jobs compared with the Project, due to the corresponding reduction in size. In addition, Objective 3 calls for providing new development that will assist the County in obtaining fiscal balance in the years and decades ahead. The reduction in the size of the Project will limit the attainment of this objective by generating less tax revenues. Ultimately, implementation of the Reduced Intensity Alternative would reduce building sizes compared with the Project, which narrows the range of warehouse tenants who could potentially occupy the site. This reduction would limit the range of users to those needing smaller square footage, because the Reduced Intensity Alternative would be less attractive to tenants/end users who require larger spaces. This alternative would meet Objective 4 and Objective 5, which relate to the location of the Project near the freeway and how proper siting could reduce the potential for truck traffic within residential areas and neighboring cities. It is unlikely, however, that this alternative would be required or able to (based on the return on investment) to implement all of the same traffic and air quality reduction strategies in place under the proposed Project. Furthermore, the Reduced Intensity Alternative would meet Objective 6, in that it would facilitate goods movement for local, regional, and nationwide economic growth. However, the Reduced Intensity Alternative would not meet it to the same extent as the Project, due to its smaller operational size. This may also limit the ability of the Reduced Intensity Alternative to fully meet Objective 7, which is to generate a reasonable return on the investment needed to develop the Project. Objective 8 also calls for maximizing use of the site, a goal that would not be fully realized under the Reduced Intensity Alternative due to the 30 percent reduction in building area. The Reduced Intensity Alternative would meet Objective 9 as well, but to a lesser extent because fewer design features may be feasible based on the return on the investment for a smaller use. Lastly, the Reduced Intensity Alternative would not meaningfully reduce any of the significant environmental impacts that would occur under the Project despite the smaller building footprint, since grading and new construction would be required under both scenarios.

5. The Commission rejects as infeasible Alternative 4, the Reduced Intensity Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 4 would not meet the Project Objectives to the same extent *as* the proposed Project; and (2) Alternative 4 does not eliminate any of the significant impacts of the proposed Project. Therefore, Alternative 4 is eliminated from further consideration.

G. Alternative 5: Mixed Use/Business Park Alternative

1. This alternative would replace Building 1 under the proposed Project with 14 smaller business park buildings, totaling 581,470 square feet. These buildings would consist of flex-type or incubator one- or two-story buildings served by a common roadway system. The tenant spaces would be flexible and would be designed to lend themselves to a variety of uses. The spaces may include offices, retail and wholesale stores, restaurants, recreational areas and warehousing, manufacturing, light industrial, or scientific research functions. Based on the average mix of tenants in business park settings, it is estimated that 20 to 30 percent would consist of office/commercial uses, and the remaining 70 to 80 percent would consist of a mix of industrial warehousing, general office building, corporate headquarters, single-tenant office building and research and development uses. The 1,012,760 square foot Building 2 proposed under the Project would still be constructed, for a total of 1,594,230 square feet, or an approximately 13 percent reduction in building floor area compared with the proposed Project. This alternative would occupy 152.76 gross acres. This alternative assumes that access to the site would be similar to the proposed Project, with access points provided off Cherry Valley Boulevard.
2. The Mixed Use/Business Park Alternative would not eliminate any significant adverse and unavoidable impacts compared with the Project, due to the need for site grading and new construction on the site, and the increase in vehicle trips for the Mixed Use/Business Park Alternative compared with the Project. In fact, due to the increase in vehicle trips, it would result in a worsening of these impacts with respect to air quality, greenhouse gas emissions and cumulative traffic impacts on the I-10 Freeway with respect to mainline segments and Cherry Valley Boulevard ramps. In addition, the Mixed Use/Business Park Alternative, similar to the Project, would exceed SCAQMD operational significance thresholds for ROG and NOx criteria pollutants. Although less than significant, the Mixed-Use Business Park Alternative would also generate greater GHG emissions than the proposed Project. This alternative would not result in significant adverse and unavoidable impacts in any of the 14 remaining issue areas, although it would result in increased impacts related to noise, public services and utilities and service systems. The remaining 11 issue areas would have impacts similar to the Project. The Mixed Use/Business Park Alternative would likely meet three of the Project objectives: Objective 2 (provide additional employment opportunities), Objective 3 (fiscal balance for the County) and Objective 7 (reasonable return on

investment). This alternative would also meet Objectives 6 (facilitate goods movement), and 9 (regional logistics warehouse that meets industry standards) but to a much lesser extent than the Project. Additionally, although this alternative would locate industrial uses near existing roadways and freeways (Objective 5), traffic and air pollutant emissions would actually increase under the Mixed Use/Business Park Alternative and this objective cannot be met. The Mixed Use/Business Park Alternative may provide more jobs than the Project because of its office, research, and development components, although the exact tenant mix is uncertain. In addition, fewer jobs would be available to adults with only a high school education under the Mixed Use/Business Park Alternative than under the Project. This is critical for the Pass Area and Riverside County, where it has been estimated that approximately 45 percent of adults have a high school education or less. This alternative would meet Objective 7 to a lesser degree than the proposed Project, because the Mixed Use/Business Park Alternative would reduce the size of the regional warehouse distribution and logistics component, and would not facilitate efficient goods movement by taking advantage of the site's proximity to the I-10 Freeway to the same extent as the proposed Project. Objectives 4 and 5 would also not be met to the same extent, which are to provide convenient freeway access in a manner that limits truck traffic disruption to residential areas within Cherry Valley and neighboring cities, and to locate industrial uses near existing roadways and freeways to reduce traffic congestion and pollutant emissions. If the site were partially developed for Mixed Use/Business Park uses, the opportunity to locate industrial uses in this prime location near a major freeway would be reduced, and traffic congestion and pollutant emissions would not be reduced.

3. The Commission rejects as infeasible Alternative 5, the Mixed Use/Business Park Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 5 would meet only three of the Project objectives (Objectives 2, 3 and 7), and would not meet the other Project Objectives to the same extent as the proposed Project; and (2) Alternative 5 does not eliminate any of the significant impacts of the proposed Project, and in fact would worsen them by resulting in increased vehicle trips. Therefore, Alternative 5 is eliminated from further consideration.

H. Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. This issue is evaluated in Section 6.7 of the RDEIR. Here, Alternative 1, the No Project Alternative is the environmentally superior alternative. Aside from the No Project Alternative, the No Project-CVGPA SP Alternative is the environmentally superior alternative. However, the No Project-CVGPA SP Alternative fails to meet any of the Project objectives, would not generate substantial

benefits to the County and local economy; and would not avoid the significant and unavoidable traffic impacts that would occur under the proposed Project.

The RDEIR also considered alternatives that were rejected from further analysis on grounds they were infeasible. First, an alternative site location was considered in the RDEIR, but then rejected from further analysis because the Project applicant does not own or control an alternative site, and because no other site was deemed sufficient to support the Project, based on considerations, such as size, configuration, and accessibility to the I-10 Freeway. Similarly, a larger, 2 million square foot project was first considered, but then rejected from further analysis after the applicant elected to redesign the Project to reduce environmental impacts, improve compatibility with surrounding and future land uses, and increase amenities, while still providing a feasible project that meets project objectives and is economically feasible. No other reasonable and feasible alternatives were identified during the environmental review process for consideration.

SECTION I of these Findings considers the Overriding Consideration as outlined in State CEQA Guidelines Section 15093. The Commission has considered the environmental effects outlined in the preceding analysis and considers the following project benefits as they balance the “economic, legal, social, technological and other benefits” of the proposed project. The Commission concurs with the findings of the Riverside County Board of Supervisors that each and every one of the following benefits individually outweigh and render acceptable each and every one of these adverse impacts, including those related to approval of LAFCO 3251, to allow annexation of the site to the Yucaipa Valley Water District to provide potable water, recycled water, wastewater collection and wastewater treatment to the San Geronio Crossing Project.

- A. The Project would place regional warehouse distribution and logistics uses in a strategic location located in close proximity to the I-10 Freeway. This location allows efficient and direct access by trucks that would visit the Project site, thereby reducing vehicle miles traveled and associated emissions, and preventing the need for trucks to travel on local roadways.
- B. The Project would provide local employment and economic opportunities for residents of Cherry Valley and neighboring cities, thereby serving to balance the jobs-to-housing ratio. The Pass Area had an 11.5 percent unemployment rate in 2013, down from 17.6 percent in 2010. Additionally, the Pass Area's jobs-to-housing ratio is approximately 0.598, which reflects the lack of availability of local jobs for each occupied home in the community. The Pass Area is far below the 1.102 ratio for the Inland Empire or the 1.168 ratio for all of Southern California. The Project would create 577 temporary construction jobs and 748 permanent jobs (including 507 permanent on-site full-time equivalent or "FTE" jobs and 241 off-site indirect and induced jobs), many of which would be available to adults with only a high school education. This is critical for the Pass Area and Riverside County, where it has been estimated that approximately 45 percent of adults have a high school education or less. The project's job creation is estimated to generate \$31.9 million in annual labor income, and \$67.9 million in annual economic output (including

approximately \$42.6 million in direct onsite output and approximately \$25.4 million in off-site indirect and induced industry output).

- C. The Project would assist the County in obtaining fiscal balance in the years and decades ahead through increased property tax revenues. Specifically, the Project is estimated to generate approximately \$463,300 annually in primary County fiscal revenues and approximately \$212,100 in primary fiscal expenditures, yielding an annual net fiscal revenue of approximately \$251,200. Project value at build-out and stabilization is estimated at approximately \$106 million. The 30-year present value of the net fiscal impact generated by the Project (discounted at 6.0%) is approximately \$3.9 million.
- D. The Project will contribute over \$1 million in development impact fire, police and school impact fees. The Project will also contribute its fair share toward traffic improvements, that, once completed, will significantly increase the capacity at the Cherry Valley Boulevard/I-10 Freeway ramps such that even with the addition of Project traffic, delay and level of service will be improved to better than current conditions.
- E. The Project will maximize the use of a currently underutilized site and promote the efficient use of land, while still providing natural open space consistent with the rural identity of the community. The Project will permanently preserve and protect 84.8 acres of the Project site as open space. The Project includes thoughtful design elements such as decorative fencing, enhanced landscaping, water tower and barn features, and equestrian/pedestrian trails. The Project site will feature an attractive design with earth-tone colors and ranch-inspired architectural features.
- F. The Project will include on-site trails that connect with existing trails in the northern portion of the site, to contribute to the development of the City of Calimesa's trail system, thereby improving regional hiking and recreational facilities. A Memorandum of Understanding has been entered into for this purpose between the Project applicant and the Rivers and Land Conservancy (formerly the Riverside Land Conservancy), to which these trails will be donated and dedicated.
- G. The project will establish roof top solar panels that would provide approximately 100 percent of the project's power needs on-site. The Project will also be designed to achieve the equivalency of Leadership in Energy and Environmental Design (LEED) Silver Certification. LEED is an internationally recognized certification system that measures how well a building or community performs across 811 metrics that matter most: energy savings, water efficiency, carbon dioxide emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. The Project will comply with applicable requirements of LEED, and will therefore result in reduced Project emissions, including from design considerations related to the building envelope, HVAC, lighting, and power systems.
- H. The Project will provide an easement and concrete pads for the future construction of Yucaipa Valley Water District (YVWD) water storage tanks, each with a capacity of

1 million gallons. These water tanks would not serve the Project, but would serve other properties within the YVWD service area, and would be considered a public benefit.

SECTION J of these Findings considers that the State CEQA Guidelines Section 15126(g) requires an EIR to discuss how a proposed project could directly or indirectly lead to economic, population, or housing growth. A project may be growth inducing if it removes obstacles to growth, taxes, community service facilities, or encourages other activities which cause significant environmental effect. The discussion is as follows. The Commission concurs with the findings presented below.

- A. The proposed Project involves the development of an industrial land use in a predominantly rural area of the unincorporated County of Riverside, and the construction of off-site water and sewer lines in Cherry Valley Boulevard and Calimesa Boulevard and the inclusion of future water storage tanks for development by YVWD have the potential to induce growth. However, this growth was already projected and accounted for by the 2015 RUWMP; which indicates that the population for YVWD's service area is anticipated to increase from 44,745 in 2015 to 69,207 in 2045. Therefore, any potential growth is actually planned growth, not new or "induced" growth. Further, the Project applicant would be responsible only for installing the concrete pads for the water storage tanks. The YVWD would be responsible for obtaining necessary approvals and conducting any necessary future environmental review as the CEQA lead agency prior to the ultimate installation of the water tanks, including analysis of growth inducing impacts, to the extent that this water supply capacity was not already accounted for by the 2015 RUWMP. The Project will be annexed into the YVWD service area for provision of water and sewer service. According to Figure 12-1 of the 2015 RUWMP, the Project site is located within the YVWD Sphere of Influence, and therefore extension of water and sewer infrastructure in this area has already been anticipated and would not serve to induce significant growth. The new public roadway that is proposed to provide access to the Project buildings would also continue to provide access to the four existing, single-family residences located to the north of the Project site, but otherwise will not induce growth. The main purposes of the roadway are to provide access to and between the Project buildings, to accommodate the turning movements and stacking requirements of the truck- trailer traffic, to provide a distinctive entrance to the Project site with a signalized intersection, and to provide alternate access to the existing residences to the north. Other roadway improvements are to reduce significant traffic impacts that would not be caused by the Project alone, but by the Project in combination with ambient growth and cumulative development, and therefore would merely accommodate existing and planned growth, rather than induce new growth. In addition, the Project area is already in the process of transitioning to higher-intensity uses, as discussed at RDEIR 5-2 to 5-3. Implementation of the Project would not likely induce growth that is inconsistent with historic trends in the area, or inconsistent with the policy of allowing higher densities with approval of a general plan amendment, which will be part of the Project entitlements. (See also Final EIR, Section 3.00, Response to SIERRA-57).

- B. While there is vacant agricultural land and rural residential land in the vicinity of the Project site, the proposed Project does not include any changes to the underlying land use designations on off-site properties. Thus, any future development proposed on adjacent or nearby lands would be required either to be consistent with the existing land use designations or to apply for approvals to alter land use designations. No growth beyond that which is provided for in the County and/or City land use policies and plans could occur without subsequent review, including a separate environmental analysis, of land use policy. To reiterate, any future development that might be proposed for the land in the vicinity of the proposed Project would require subsequent environmental review, including review for consistency with the General Plan. Similarly, any change in land use designations that might be proposed for land in the vicinity of the Project would require subsequent environmental review.
- C. The Project would not construct new dwelling units and would not be directly growth-inducing. Jobs created by the proposed Project are anticipated to be filled by the existing local workforce, and therefore would not create the need for new housing. (RDEIR at 3.13-7).

SECTION K of these Findings considers the findings by the Riverside County Board of Supervisors that the proposed Project will implement the following applicable elements of the Riverside County General Plan. The Commission concurs with the findings presented below.

A. Land Use Element

Analysis of applicable policies of the Land Use Element is presented throughout EIR No. 534, and concludes that the Project would not conflict with any applicable policy of the General Plan Land Use Element. Furthermore, the proposed Project complies with all design standards for the proposed land use designation and considers the unique characteristics and features of the Project site and surrounding community. The proposed Project is consistent with the General Plan Land Use Element, and is therefore consistent with the General Plan.

B. Circulation Element

The Project will construct or contribute its fair share of the costs associated with the improvement of roadways and certain intersections. The Project will implement mitigation measures that address Project-specific and cumulative transportation and traffic impacts, and based thereon, the Project is deemed consistent with the General Plan Circulation Element. All required improvements that are directly attributable to the Project would be constructed as part of the Project, and fair share costs would be contributed towards improvements to affected off-site roadways through payment of the TUMF, and the County's Development Impact Fee. The proposed Project is consistent with the General Plan Circulation Element, and is therefore consistent with the General Plan.

C. Multiple-Purpose Open Space Element

The Multipurpose Open Space Element of the General Plan describes an open space system which includes methods for the acquisition, maintenance, and operation of a variety of open spaces. The County's open spaces are utilized for Visual relief, natural resources protection, habitat protection, recreational use, and protection from natural hazards for public health and safety. The site is not within a MSHCP criteria cell, and is therefore not identified as important for conservation. However, the Plan requires that a project must comply with the MSHCP policies identified in Section 6 of the MSHCP. This Project must comply with the following policies: (1) Riparian/Riverine Areas Vernal Pools; (2) Narrow Endemic Plant Species; and (3) appropriate surveys set forth in Sections 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools), 6.1.3 (Protection of Narrow Endemic Plant Species), and 6.3.2 (Additional Survey Needs and Procedures).

Implementation of the Project will not result in cultural resource impacts (including paleontological resources) that will exceed the established thresholds of significance. Nonetheless, as part of mitigation for potential impacts to unknown cultural resources, all ground-disturbing activities would be monitored. The proposed Project would not create additional dwelling units or otherwise induce substantial population growth in the area, and therefore would not result in any significant adverse impacts to the area recreation resources.

The proposed Project would preserve 84.8 acres of the Project site (36 percent) as open space and is consistent with the General Plan's Multipurpose Open Space Element, and is therefore consistent with the General Plan.

D. Safety Element

The Project complies with all applicable building codes, County Ordinances, and State and Federal laws. The Project complies with all applicable provisions of the Alquist-Priolo Earthquake Fault Zoning Act, and as concluded by the Project geotechnical study, the Project site is not subject to significant hazards associated with earthquake induced liquefaction, landsliding, or settlement (assuming the implementation of mitigation). In addition, the proposed Project would not be subject to significant flood or dam inundation. The Project also would comply with all applicable standards for fire safety and be consistent with the Riverside County Fire Protection Master Plan. Furthermore, the proposed Project would not conflict with any disaster preparedness plans nor subject individuals to significant risk of loss, injury, or death involving wildland fires, erosion, seismic activity, blowsand, or flooding. The proposed Project is consistent with the General Plan Safety Element, and is therefore consistent with the General Plan.

E. Noise Element

The Project's operational stationary source impacts will not result in any significant adverse noise impacts; with implementation of Mitigation Measure NOI-1. Likewise, all construction noise impacts will be mitigated to less than significant with Mitigation Measures NOI-4a to NOI-4e. All other Project-related noise impacts would be less than significant. With implementation of the recommendations provided in the noise impact analysis and the required mitigation measures, the Project would be consistent with the General Plan Noise Element, and is therefore consistent with the General Plan.

F. Air Quality Element

The Project-specific evaluation of emissions demonstrates that even after implementation of the recommended mitigation measures, operation of the proposed Project would result in emissions that exceed applicable SCAQMD regional air quality thresholds, including reactive organic gases (ROG) and nitrogen oxides (NOx). No feasible mitigation measures have been identified that would reduce these emissions to levels that are less-than- significant. Thus, operational-source emissions are projected to result in an unavoidable significant adverse impact with respect to ROG and NOx emissions. Exceedances of applicable SCAQMD regional thresholds are considered significant and unavoidable. Implementation of the mitigation measures and recommendations provided in Section 3-3 of RDEIR No. 534, and in the air quality technical study, would ensure that the proposed Project would be consistent with the Air Quality Element and General Plan, by reducing potential air emissions to the lowest achievable level.

G. Housing Element

The purpose of the General Plan Housing Element is to meet the needs of existing and future residents in Riverside County through the establishment of policies to guide County decision-making and to establish an action plan to meet the County's housing goals in the next seven years. The proposed Project would not construct new dwellings and would not induce substantial population growth in the area. The Project and the new jobs it would create would help balance the housing/jobs ratio in the area, and the Project would be consistent with the General Plan Housing Element and General Plan.

H. Administration Element

The Administration Element contains information regarding the structure of the General Plan as well as general planning principles and a statement regarding the vision for Riverside County. The General Plan Amendment proposed by the Project would be consistent with the Administration Element policies governing Entitlement/Policy Amendments, as the proposed Project would help to achieve

the purposes of the General Plan through compliance with applicable General Plan policies.

I. Healthy Communities Element

The Healthy Communities Element provides a framework for translating the General Plan vision for a healthy Riverside County into reality by identifying policies to achieve that vision. The Healthy Communities Element addresses areas where public health and planning intersect, including transportation and active living, access to health care, mental health, quality of life, and environmental health. The Project would be consistent with the Healthy Communities Element policies governing Overall Health, Land Use and Community Design, Transportation System, Social Capital, Complete Communities, Parks, Trails, and Open Space, as the proposed Project would help to achieve the purposes of the General Plan through compliance with applicable General Plan policies.

SECTION L of these Findings considers the several additional findings by the Riverside County Board of Supervisors that the proposed project FEIR adequately addresses the following issues. The Commission concurs with the findings presented below.

1. The Final EIR also discusses, pursuant to State CEQA Guidelines sections 15126(c) and 15126.2(c), significant irreversible environmental changes and provides in RDEIR Section 5, the following:
 - A. An "Energy Analysis" of the proposed Project was prepared and is included in Section 5.5 of the RDEIR.
 - B. The following summary of findings relating to energy use and efficiency, was provided in the analysis in the RDEIR at pages 5-7 through 5-12. For new development such as that proposed, compliance with California Title 24 energy efficiency requirements is considered to demonstrate evidence of efficient use of energy. As discussed in the Energy Analysis, the proposed Project would provide for, and promote, energy efficiencies beyond those required under other applicable state or federal standards and regulations, and in so doing would meet or exceed all Title 24 standards.
 - C. Moreover, energy consumed by the proposed Project would be comparable to, or less than, energy consumed by other warehouse uses of similar scale and intensity. Further, the proposed Project would not cause or result in the need for additional energy producing facilities or energy delivery systems.
 - D. Accordingly, pursuant to State CEQA Guidelines Appendix F, this Project will not result in the wasteful or inefficient use or consumption of energy.
2. General Plan Amendment No. 1079, Change of Zone No. 7799, Tentative Parcel Map No. 36564 and Plot Plan No. 25337 are consistent with the Riverside County General Plan.

The Commission it has reviewed and considered RDEIR No. 534 as a CEQA Responsible Agency in evaluating General Plan Amendment No. 1079, Change of Zone No. 7799, Tentative Parcel Map No. 36564 and Plot Plan No. 25337, and LAFCO 3251 and that RDEIR No. 534 is an accurate and objective statement that complies with the California Environmental Quality Act and reflects the Commission's independent judgment, and that RDEIR No. 534 is incorporated herein by this reference.

3. Statement of Overriding Consideration

The Commission ADOPTS the statement of overriding consideration included in this Candidate document (Section I), and concurs with the implementation of the Mitigation Monitoring and Reporting Plans attached as Attachment A hereto for the 2017 RDEIR and the 2020 SEIR. The Commission has no responsibility for overseeing implementation of any of the mitigation measures contained within

4. The Commission hereby approves LAFCO 3251, the Annexation of the San Gorgonio Crossing project site to the Yucaipa Valley Water District.

ATTACHMENT "A"
MITIGATION MONITORING AND REPORTING PROGRAMS

DRAFT

Table 1: San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
3.1 Aesthetics					
MM AES-3: The applicant shall install all landscape plantings along the Cherry Valley Boulevard frontage (which are intended to serve a screening function) prior to the issuance of building permits.	Notes on construction plans; site inspection	Prior to issuance of building permits	Riverside County		
MM AES-4: Prior to issuance of building permits, the project applicant shall submit a photometric plan to the County of Riverside for review and approval. The photometric plan shall identify types of lighting fixtures and their locations on the project site, and demonstrate compliance with Riverside County Lighting Ordinance No. 655. All light fixtures shall be shielded, recessed, or directed downward to prevent unwanted illumination of neighboring properties or excessive light pollution. Lighting fixtures should employ the most energy-efficient technology available unless technical feasibility or safety concerns take precedent.	Completion of photometric plan; submittal of documentation	Prior to issuance of building permits	Riverside County		
3.3 Air Quality					
Implement Mitigation Measures AQ-1a through AQ-1h and AIR-1i below through adoption of a Mitigation Monitoring and Reporting Program (MMRP) that is designed to ensure compliance with mitigation measures during the project implementation. The MMRP shall be enforced through the preparation permit conditions, agreements, or other measures as a condition of development. Construction Mitigation Measures MM AQ-1a: During mass grading and building construction, all off-road diesel-powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards.	Notes on construction plans; site inspection	During mass grading and building construction	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AQ-1b: Require the use of 2010 and newer haul trucks (e.g., material delivery trucks and soil import/export). In the event that that 2010 model year or newer diesel haul trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. Additionally, consider other measures such as incentives, phase-in schedules for clean trucks, etc.	Notes on construction plans; site inspection	During mass grading and building construction	Riverside County		
MM AQ-1c: The following measures shall be applied to all projects during construction of the project: a) Use paints with a volatile organic compound (VOC) content 50 grams per Liter or lower for both interior and exterior surfaces, if painted. b) Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. c) Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. d) For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). e) Use compliant low-VOC cleaning solvents to clean paint application equipment. f) Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. g) Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable: and h) Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.	Notes on construction plans; site inspection	During project construction	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM AQ-1d: Prior to issuance of any grading permits, the developer shall provide a traffic control plan to the County of Riverside that describes in detail the location of equipment staging areas, stockpiling/storage areas, construction parking areas, safe detours around the project construction site, as well as provide temporary traffic control (e.g., flagperson) during construction-related truck hauling activities. The traffic control plan is intended to minimize traffic congestion and delays that increase idling and acceleration emissions. The applicant shall maintain one copy on-site in the construction trailer to the satisfaction of the County of Riverside.	Approval of traffic control plan	Prior to issuance of grading permits	Riverside County		
MM AQ-1e: During project construction, the following measures shall be implemented to the satisfaction of the County of Riverside. Construction equipment maintenance records and data sheets of equipment design specifications (including the emission control tier of the equipment) shall be kept on-site during construction and subject to inspection by the County of Riverside. a) Construction equipment shall be properly maintained according to manufacturer specifications. b) All contractors shall turn off all construction equipment and delivery vehicles when not in use, or limit on-site idling for no more than 5 minutes in any 1 hour. c) On-site electrical hook ups to a power grid shall be provided for electric construction tools including saws, drills, and compressors, where feasible, to reduce the need for diesel-powered electric generators. d) The project shall demonstrate compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 concerning fugitive dust and provide appropriate documentation to the County of Riverside.	Notes on construction plans; site inspection	During project operation (general)	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>e) Traffic speeds on all unpaved roads to be reduced to 15 miles per hour or less.</p> <p>f) Sweep streets at the end of the day if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).</p> <p>g) Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1.</p> <p>h) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>i) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour (mph); wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction; and vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>j) All trucks and equipment, including their tires, shall be washed off prior to leaving the site; site accesses to a distance of 100 feet from paved roads shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</p>					
<p>Operational Mitigation Measures</p> <p>MM AQ-1f: Prior to operation of each warehouse building, the applicant shall demonstrate to the County of Riverside that vehicles can access the building using paved roads and parking lots. Further, the applicant shall work with the County of Riverside and will provide signage to ensure that no trucks are queuing outside of the facility.</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to operation of each warehouse building	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AQ-1g: The project shall implement the following measures to reduce emissions from on-site heavy duty trucks prior to issuance of a certificate of occupancy or within six months after operations commence, whichever is applicable:</p> <p>a) Prior to issuance of a certificate of occupancy, post signs informing truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas.</p> <p>b) Prior to issuance of a certificate of occupancy, post signs in all dock and delivery areas containing the following: truck drivers shall turn off engines when not in use; trucks shall not idle for more than five minutes; telephone numbers of the building facilities manager and the California Air Resources Board to report violations.</p> <p>c) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the warehouses within the project are in good condition, and in proper tune pursuant to manufacturer's specifications. Tenants shall maintain records on its fleet equipment and ensure that all diesel-fueled Medium-Heavy Duty Trucks (MHDT) and Heavy-Heavy Duty Trucks (HHD) accessing the project site use year 2010 or newer engines. The records shall be maintained on-site and be made available for inspection by the County.</p> <p>d) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board-approved courses (such as the free, one-day Course #512).</p> <p>e) Require facility operator to become a SmartWay Partner.</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of a certificate of occupancy or within six months after operations commence, whichever is applicable	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>f) Require facility operator to incorporate incentives and requirements such that the maximum feasible number of truck trips will be carried by SmartWay 1.0 or greater carriers.</p> <p>g) Prior to issuance of occupancy permits, signs shall be installed at each exit driveway, providing directional information to the County's truck route. Text on the sign shall read "To Truck Route" with a directional arrow. Truck routes shall be clearly marked pursuant to the Municipal code.</p> <p>h) The site shall be designed such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside the facility.</p>					
<p>MM AQ-1h: The following measures shall be incorporated into each building to reduce motor vehicle emissions:</p> <p>a) All tenants shall participate in Riverside County's Rideshare Program. The purpose of the program would be to discourage single-occupancy vehicle trips and encourage alternate modes of transportation such as carpooling, transit, walking, and biking. The program shall provide employees with assistance in using alternate modes of travel, including carpooling encouragement, ride-matching assistance, and vanpool assistance.</p> <p>b) A minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building.</p> <p>c) Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided.</p> <p>d) Each building shall provide a minimum of two shower and changing facilities within 200 yards of a building entrance.</p> <p>e) Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to 5 percent of the required number of parking spaces.</p>	Notes on construction plans; submittal of documentation; site inspection	During project operation (general)	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>f) All on-site forklifts, yard trucks and trailer movers shall be electric, with the necessary electrical charging stations provided.</p> <p>g) Tenants shall be encouraged to apply for incentive funding (such as the Voucher Incentive Program [VIP], Carl Moyer, etc.) to upgrade their fleet.</p>					
MM AIR-1i: The applicant shall install a 1.25 MW DC system to generate an estimated 2 million kWh annually that would offset electricity consumption during project operations.	<u>Submittal of documentation; site inspection</u>	<u>Prior to issuance of a certificate of occupancy</u>	<u>Riverside County</u>		
3.4 Biological Resources					
MM BIO-1a: Pre-construction presence/absence surveys for burrowing owl shall be conducted on and off-site by a qualified biologist within 30 days prior to project disturbance activities, with the results summarized in a report submitted to the County Planning Department, Environmental Programs Division. If any burrowing owls are detected, a relocation plan shall be submitted to the Environmental Programs Division of the Planning Department, the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (USFWS) and the Western Riverside County Regional Conservation Authority (RCA) for review and approval. The relocation plan shall encompass both active and passive relocation activities and shall include the development of a conservation strategy prepared in consultation with the CDFW, the USFWS and the RCA. All surveys and relocation plans shall be conducted and prepared by a qualified biologist currently holding a Memorandum of Understanding with the County. The Relocation Plan must follow the most current CDFW-approved protocols/mitigation and must be in accordance with the "Burrowing Owl Species Objectives and Mitigation Measures" outlined in the MSHCP. The EPD, the CDFW, the USFWS, and the RCA shall be consulted to determine appropriate type of relocation (active or passive) and	Notes on construction plans; submittal of documentation; site inspection	30 days prior to groundbreaking activities	Riverside County		

Table 1 (cont.): San Gorgonio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of “active” nests is avoided, or, alternately, a grading permit may be issued once the species has been relocated.					
MM BIO-1b: Clearing and grubbing shall occur outside the bird breeding season (February 1 to August 31), unless a qualified biologist demonstrates to the satisfaction of the County that all nesting is complete through completion of a Nesting Bird Clearance Survey. A Nesting Bird Clearance Survey shall be completed no more than three (3) days prior to ground disturbance activities. A Nesting Bird Clearance Survey report shall be submitted to the Environmental Programs Division (EPD) for review and approval prior to initiating clearing and grubbing during the breeding season.	Notes on construction plans; submittal of documentation; site inspection	Outside the bird breeding season (February 1 to August 31)	Riverside County		
MM BIO-2a: The project applicant shall pay MSHCP Local Development Mitigation Fees (LDMF) as determined by the County. The fee schedule is adjusted annually by the Western Riverside County Regional Conservation Authority (RCA), and was last adjusted on July 1, 2016. The current fee is \$6,645 per acre for commercial or industrial uses.	Verification of payment of LDMF fees	Prior to issuance of grading permits	Riverside County		
MM BIO-2b: Prior to the issuance of any grading, construction or building permits by the County, the project Applicant shall consult with the California Department of Fish and Wildlife regarding a Section 1602 Streambed Alteration Agreement Permit, the United States Army Corps of Engineers (USACE) regarding a Clean Water Act Section 404 Permit, and the Regional Water Quality Control Board regarding a Clean Water Act Section 401 Certification. The project Applicant shall be required to obtain these permits prior to the commencement of any grading or construction activities.	Notes on construction plans; submittal of documentation; site inspection	Prior to the issuance of construction and building permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
The project shall mitigate impacts to waters of the United States and waters of the State, wetlands, and riparian habitats (pursuant to the Federal Clean Water Act and the California Fish and Game Code, Section 1600, et seq.) by replacement on an in-kind basis. Compensatory habitat-based mitigation will consist of preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Replacement shall be based on a ratio determined by the California Department of Fish and Wildlife and/or USACE in order to account for the potentially diminished habitat values of replacement habitat and reduce impacts to less than significant. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. Such replacement should occur on the original development site, whenever possible. Alternatively, replacement can be affected, subject to state and federal regulatory approval, by creation or restoration of replacement habitats elsewhere (off-site but preferably within the County), protected in perpetuity by provision for an appropriate conservation easement or dedication.					
<p>MM BIO-5a: To meet the criteria of a biologically equivalent or superior alternative, the applicant shall offset impacts to riverine resources through on-site creation at a 2:1 ratio for the 1.11 acres of impacts to riverine and limited riparian resources. In total, the proposed mitigation shall result in 2.22 acres of Riparian/Riverine habitat creation/restoration.</p> <p>The on-site creation of 2.22 acres of Riparian/Riverine habitat shall occur at two locations on-site along the southern boundary (see DBESP's Figure 8). The mitigation areas shall receive all upstream flows up to 100 cubic feet per second (cfs). Flows above 100 cfs shall bypass the mitigation area in a concrete-lined channel that will outlet at the eastern edge of the project. Flows up to 100 cfs will allow for creation of a</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of grading permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
braided streambed similar to the drainages that are being impacted. These areas shall be revegetated with primarily floodplain scrub vegetation. Scattered pockets of mule fat scrub shall also be planted to increase vegetative diversity. Combined, these areas shall offset losses of Riparian/Riverine functions and values by providing high-quality Riparian/Riverine habitat, and provide for other functions and services such as water quality benefits, groundwater recharge, and nutrient cycling. A detailed restoration plan for the on-site mitigation sites shall be prepared and submitted to the County for review and approval prior to implementation of the restoration effort.					
MM BIO-5b: Riparian/riverine areas not impacted by the project footprint shall be conserved in perpetuity by the recordation of a conservation easement or deed restriction in favor of a CDFW-approved local conservation entity; or transferred in fee title to a CDFW-approved local conservation entity. The avoided riparian/riverine areas shall be conserved prior to the issuance of a grading permit. The CDFW-approved local conservation entity shall manage the conservation areas to protect the long-term conservation, functions, and values of these areas in perpetuity.	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of a grading permits	Riverside County		
3.5 Cultural Resources					
MM CUL-1a: Archaeological monitoring: During grading and excavation activities, the project applicant shall retain an archaeological monitor meeting the Secretary of the Interior's Standards to monitor all ground-disturbing activities in an effort to identify and evaluate any unknown archaeological resources. The qualified archaeologist, the developer, and the Lead Agency shall develop a rotating or simultaneous schedule in coordination with the applicant and the project archaeologist for designated Native American Tribal Monitors	Approval of archaeological monitor and schedule	During grading and excavation activities	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with the project archaeologist.					
<p>MM CUL-1b: Treatment and disposition of cultural resources: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project, all of the following procedures shall be carried out for the treatment and disposition of the discoveries:</p> <ol style="list-style-type: none"> 1. Temporary curation and storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process. 2. Treatment and final disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains, as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Lead Agency with evidence of same: <ol style="list-style-type: none"> a. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed. b. Execute a curation agreement with an appropriate qualified repository in Riverside County that meets federal standards pursuant to 36 CFR Part 79 so that cultural resources would 	Notes on construction plans; submittal of documentation; site inspection	During grading and excavation activities	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility in Riverside County, to be accompanied by payment of the fees necessary for permanent curation. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default.</p> <p>c. At the completion of grading, excavation, and ground-disturbing activities on the site, submit a Monitoring Report to the Lead Agency documenting monitoring activities conducted by the project archaeologist and Native American Tribal Monitors within 60 days of the completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pregrade meeting; and in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the Lead Agency, the Eastern Information Center, and consulting tribes.</p>					

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM CUL-3a: During grading and excavation activities, full-time monitoring of excavation activities shall occur, except in the flatter areas where extensive plowing has churned deposits up to depths of 2 feet. Paleontologic monitors shall be equipped to salvage fossils, as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.</p> <p>If the principal paleontologist determines that the sediments present within the subsurface have low potential to contain paleontologic resources and low paleontologic sensitivity, then the full-time monitoring program shall cease and a program of periodic monitoring shall occur.</p>	Notes on construction plans; site inspection; submittal of documentation	During grading and excavation activities	Riverside County		
<p>MM CUL-3b: If specimens are found, the applicant shall ensure the preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils shall occur and are essential to fully mitigate adverse impacts to the resources.</p>	Notes on construction plans; submittal of documentation; site inspection	During grading and excavation activities	Riverside County		
<p>MM CUL-3c: If specimens are found, the applicant shall ensure the identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist shall have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented.</p>	Notes on construction plans; submittal of documentation; site inspection	During mass grading and building construction	Riverside County		

Table 1 (cont.): San Gorgonio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM CUL-3d: The paleontologist shall prepare a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.	Notes on construction plans; submittal of documentation; site inspection	During grading and excavation activities	Riverside County		
MM CUL-4: In the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate	Notes on construction plans; notification of County Coroner; submittal of documentation; site inspection	During grading and excavation activities	Riverside County		

Table 1 (cont.): San Gorgonio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. 					
3.6 Geology and Soils					
<p>MM GEO-1a: Upon the development of a grading plan, the County of Riverside shall verify that consistent with Section 8.0, Future Work, in the Neblett & Associates' 2008 Fault Investigation, the grading plans shall reflect the re-positioning of the structural setback zone based on the proposed grades for the proposed project.</p> <p>It is recommended that a structural setback zone shall be located 50 feet south and 100 feet north of the trace of the South Branch of the Cherry Valley Fault Zone that transgresses the proposed development envelopes. Additionally, a Restricted Use Zone (RUZ) shall be located north and northeast of the South Branch to the north and northeast property boundary. The RUZ shall be utilized for non-habitable facilities, such as horse stables, soccer fields, etc., that will have fewer than 1,000 hours of human occupancy per year. Future fault investigation in the RUZ area shall be required and approved by</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to the issuance of grading permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
the controlling agencies to remove any portions of the RUZ for construction of potential habitable structures. The footprint of the proposed project shall then be analyzed for conformance with the re-positioned structural setback and the restricted use zone.					
MM GEO-1b: Prior to the issuance of building permits for each structure, the project applicant shall submit a design-level Geotechnical Investigation to the County Engineering Geologist for review and approval. The investigation shall be prepared by a qualified engineer and identify necessary grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code geologic, soils, and seismic requirements. The measures identified in the approved report shall be incorporated into the project plans.	Notes on construction plans; submittal of documentation; site inspection	Prior to the issuance of building permits	Riverside County		
MM GEO-1c: To mitigate potential landside impacts from the proposed cut slope north of Building 2, the County of Riverside shall ensure that during project construction a stabilization fill prism shall be established for this cut slope as depicted in the January 7, 2013 Grading Plan Review by Ginter & Associates, Inc. Additionally, the County of Riverside shall ensure that during construction, conditions will be observed by a qualified individual and additional recommendations will be provided, as appropriate.	Notes on construction plans; submittal of documentation; site inspection	During mass grading and building construction	Riverside County		
MM GEO-1d: Recommendations contained within the November 24, 2014 Ginter & Associates Grading Plan (contained in Appendix E of this RDEIR) shall be implemented in the design of the project to the satisfaction of the County, prior to issuance of grading and/or building permits.	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of grading permits	Riverside County		

Table 1 (cont.): San Gorgonio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM GEO-1e: To mitigate for hydroconsolidation, prior to issuance of a construction permit, the project applicant shall ensure the complete removal of the younger alluvium (Qya) approximately 20 feet in depth and replacement with compacted engineered fill to the design grades.	Notes on construction plans; submittal of documentation; site inspection	During mass grading and building construction	Riverside County		
MM GEO-2a: As stated in the January 7, 2013 report by Ginter & Associates (RDEIR Appendix E), after the completion of on-site grading, and prior to the issuance of a final certificate of occupancy for the project, the owner shall ensure that the manufactured slopes on-site shall be planted with drought-resistant plants to help mitigate surficial erosion.	Notes on construction plans; submittal of documentation; site inspection	Prior to the issuance of grading permits, and prior to the issuance of a final certificate of occupancy for the project	Riverside County		
Implementation of Mitigation Measure GEO-1b, and the following: MM GEO-2b: Prior to the issuance of grading permits, all grading procedures shall comply with County Grading Standards, including requirements for erosion control during rainy months. This measure shall be implemented to the satisfaction of the County of Riverside Planning Department Director.	Notes on construction plans; submittal of documentation; site inspection	Prior to the issuance of grading permits	Riverside County		
MM GEO-3: As recommended in the January 7, 2013 report by Ginter & Associates, Inc., after completion of project construction (or sooner, regarding item “a.” below) and during project operation, the owner of the proposed project shall do the following: a. Plant landscape planting materials that consist of appropriate drought resistant vegetation as recommended by the Landscape Architect and in compliance with Riverside County Ordinance No. 859. Landscaping should be completed as soon as possible and properly maintained. b. Conduct proper irrigation and maintenance and repair of installed irrigation systems to minimize ground saturation. Leaks should be repaired immediately. Sprinklers should be	Notes on construction plans; submittal of documentation; site inspection	After completion of project construction (or sooner, regarding item “a.” below) and during project operation	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>adjusted to provide maximum coverage with a minimum of water usage and overlap. Overwatering with consequent excessive runoff and ground saturation must be avoided.</p> <p>c. If automatic sprinkler systems are installed, their use must be adjusted to account for natural rainfall conditions.</p> <p>d. Maintain and clean all drainage devices that have been installed.</p>					
3.7 Greenhouse Gas Emissions					
<p>Implement Mitigation Measures AQ-1g and AQ-1h, which serve to reduce mobile source emissions, and the following:</p> <p>MM GHG-1: Prior to issuance of building permits, the applicant shall provide documentation to the County of Riverside Building Department as part of the plan check process, demonstrating that the project will implement the project features described in Table 3.7-4 above that will achieve at least 100 points from the Riverside County Greenhouse Gas Emissions Screening Tables. The project may also achieve equivalent emission reductions from other measures approved by the County of Riverside. Implementing these mitigation measures shall be verified by the County of Riverside Building Department prior to the issuance of the final Certificate of Occupancy.</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of building permits	Riverside County		
3.9 Hydrology and Water Quality					
<p>MM HYD-1: Prior to the issuance of grading permits for any portion or phase of the project, the developer shall prepare and submit a WQMP and a SWPPP to the County for review and approval. The WQMP and SWPPP shall contain specific Best Management Practices (BMPs) to prevent stormwater pollution from construction sources. These BMPs shall identify a practical sequence for site restoration, implementation, contingency measures, responsible parties, and agency</p>	Approval of WQMP and a SWPPP; notes on construction plans	Prior to the issuance of grading permits for any portion or phase of the project	Riverside County		

Table 1 (cont.): San Gorgonio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>contacts. The developer shall include conditions in construction contracts requiring the plans to be implemented and shall have the ability to enforce the requirement through fines and other penalties. The plans shall incorporate control measures in the following categories:</p> <ul style="list-style-type: none"> • Soil stabilization practices • Dewatering practices (if necessary) • Sediment and runoff control practices • Monitoring protocols • Waste management and disposal control practices <p>Once approved by the County, contractors working on the site shall be responsible throughout the duration of the project for installing, constructing, inspecting, and maintaining the control measures included in the WQMP and SWPPP.</p> <p>The WQMP and SWPPP shall identify pollutant sources that could affect the quality of stormwater discharges from the construction site. Control practices shall include those that effectively treat target pollutants in stormwater discharges anticipated from project construction sites. To protect receiving water quality, the WQMP and SWPPP shall include but is not limited to the following elements:</p> <ul style="list-style-type: none"> • Temporary erosion control measures (such as fiber rolls, staked straw bales, detention basins, temporary inlet protection, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) shall be employed for disturbed areas. • No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (September 30–March 30). • Sediment shall be retained on-site by one or more basins, traps, or other appropriate improvements. Of critical 					

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>importance is the protection of existing catch basins that eventually drain to the Santa Ana River.</p> <ul style="list-style-type: none"> The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. BMPs performance and effectiveness shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure. Native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance. 					
3.12 Noise					
<p>MM NOI-1: All project loading bays shall be equipped with sealed gasket bay doors. The project applicant shall ensure that these sealed gasket bay doors are used for all nighttime loading/unloading operations. Inclusion of loading bay doors equipped with sealed gaskets would be expected to reduce loading/unloading maximum operational noise levels by at least 10 dBA. This would effectively reduce loading/unloading operational noise levels to below a combined hourly average noise level of 44 dBA L_{eq}, as measured at the nearest receptor within the City of Calimesa, thus meeting the City's nighttime operational noise standard of 52.5 dBA L_{eq}. In addition, this measure would effectively reduce loading/unloading operational noise levels to below a combined hourly average noise level of 41 dBA L_{eq}, as measured at the nearest receptor within the County of Riverside, thus meeting the County of Riverside's nighttime operational noise standard of 45 dBA L_{eq}.</p>	Notes on construction plans; submittal of documentation; site inspection	Prior to issuance of occupancy permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM NOI-4a: During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. This would result in an estimated 5 dBA reduction (perceived as half as loud) in equipment operational noise levels compared to operations without such devices.	Notes on construction plans; site inspection	During all project site excavation and grading on-site	Riverside County		
MM NOI-4b: Whenever feasible, 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. This would result in an estimated 5 dBA reduction (perceived as half as loud) in operational noise levels compared to operations with noise emitted toward a receptor.	Notes on construction plans; site inspection	During all project site excavation and grading on-site	Riverside County		
MM NOI-4c: 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.	Notes on construction plans; site inspection	During all project site excavation and grading on-site	Riverside County		
MM NOI-4d: All on-site producing construction activities (including haul truck deliveries) shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Mondays through Fridays, and 10:00 a.m. to 5:00 p.m. on Saturdays and Sundays, on holidays, and on the Monday following each holiday that falls on a Sunday. To the extent feasible, haul routes should not pass sensitive land uses or residential dwellings.	Notes on construction plans; site inspection	During all project site excavation and grading on-site	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM NOI-4e: For the duration of construction activities, the construction manager shall serve as the disturbance coordinator, should noise levels become disruptive to local residents. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The construction manager shall conspicuously post a telephone number for the disturbance coordinator at all entrances to the construction site.	Notes on construction plans; site inspection	During all project site excavation and grading on-site	Riverside County		
3.16 Transportation and Traffic					
MM TRAN-1a (a) Prior to the issuance of building permits, and provided that a fair share contribution program has been established that provides for full funding and a schedule for construction of the future new interchange at the I-10 eastbound and westbound intersections at Cherry Valley Boulevard, the project applicant shall pay the project's fair share toward the construction of such improvements. The traffic impact report determined the project's contribution to the impact is 5.8 percent at the I-10 eastbound ramps/Cherry Valley Boulevard and 10.1 percent at I-10 westbound ramps/Cherry Valley Boulevard. The County shall determine whether a fair share program exists at the time the applicant submits for building permits and, if one does exist, the payment shall be made as determined in the applicable fee program. (b) If a fair share contribution program has not been established at the time the applicant submits for building permits, and provided that both Caltrans and the City of Calimesa authorize construction within their respective jurisdictional control and sufficient interest in the land which will permit	Approval of fair share contribution program; and receipt of fees	Prior to the issuance of building permits, and provided that a fair share contribution program has been established for such improvements	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>the improvements to be made is acquired prior to the issuance of building permits, the project applicant shall construct the following interim improvements prior to the issuance of final occupancy permits:</p> <ul style="list-style-type: none"> (i) install traffic signals at I-10 eastbound and westbound ramp intersections at Cherry Valley Boulevard, (ii) restripe to provide eastbound and westbound left turn pockets within the existing width of the Cherry Valley Boulevard bridge. The limit line striping for the westbound left turn pocket shall be adjusted to ensure adequate space for southbound left turn movements by large trucks. (iii) add a southbound right turn lane on the off ramp at the intersection of I-10 eastbound ramps at Cherry Valley Boulevard, and (iv) add a westbound right turn lane at the intersection of I-10 westbound ramps at Cherry Valley Boulevard. <p>The project applicant shall endeavor to secure, at the applicant's expense, sufficient title or interest in the land. The project applicant shall negotiate in good faith with the appropriate property owner, as reasonable, in order to obtain the right-of-way necessary to permit construction of the improvements. The applicant shall be required to construct the referenced improvements only if: (1) the City of Calimesa and Caltrans authorize construction of the improvements; and (2) sufficient title or interest in land for the right-of-way necessary to permit construction of the improvements is secured; and (3) the improvements contemplated under MM TRAN-1b(b) below are required to be constructed.</p>					

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRAN-1b</p> <p>(a) Prior to the issuance of building permits, and provided that a fair share contribution program has been established that provides for full funding and a schedule for construction of the future new interchange at the I-10 eastbound and westbound intersections at Cherry Valley Boulevard intersection improvements for this intersection. The project applicant shall pay the project's fair share costs to realign Calimesa Boulevard approximately 550 feet east of the I-10 westbound ramps and construct an eastbound left turn lane at the intersection of Calimesa Boulevard and Cherry Valley Boulevard. The traffic impact report determined the project's contribution to the impact is 11.7 percent. The County shall determine whether a fair share program exists at the time the applicant submits for building permits and, if one does exist, the payment shall be made as determined in the applicable fee program.</p> <p>(b) If a fair share contribution program has not been established at the time the applicant submits for building permits, and provided that the City of Calimesa authorizes construction within its jurisdictional control and sufficient interest in the land which will permit the improvements to be made is acquired prior to the issuance of building permits, the project applicant shall construct the following improvements prior to the issuance of final occupancy permits:</p> <ul style="list-style-type: none"> (i) realign Calimesa Boulevard approximately 550 feet east of the I-10 westbound ramps; and (ii) construct an eastbound left turn lane at the intersection of Calimesa Boulevard and Cherry Valley Boulevard. <p>The project applicant shall endeavor to secure, at the applicant's expense, sufficient title or interest in the land. The project</p>	Receipt of fees	Prior to the issuance of building permits, and provided that a fair share contribution program has been established for such improvements	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
applicant shall negotiate in good faith with the appropriate property owner, as reasonable, in order to obtain the right-of-way necessary to permit construction of the improvements. The applicant shall be required to construct the referenced improvements only if: (1) the City of Calimesa authorizes construction of the improvements; and (2) sufficient title or interest in land for the right-of-way necessary to permit construction of the improvements is secured; and (3) the improvements contemplated under MM TRAN-1a(b) above are required to be constructed.					
<p>MM TRAN-1c: Prior to the issuance of occupancy permits, the project applicant shall participate in the County's DIF and TUMF Fee programs as applicable for the following improvements. For improvements not included in a fee program, the project applicant shall participate in the payment of a fair share contribution towards future improvements.</p> <p>I-10 Eastbound Ramps/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> • Install a traffic signal. • Construct a westbound left turn lane. • Construct a southbound right turn lane. • Modify the intersection to provide free flow movement for the southbound right turn lane. • Construct a second eastbound through lane. • Construct an eastbound right turn lane. • Construct a second westbound through lane. <p>I-10 Westbound Ramps/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> • Install a traffic signal. • Construct an eastbound left turn lane. • Construct a westbound right turn lane. • Construct a northbound left turn lane. • Construct a second eastbound left turn lane. • Construct a second eastbound through turn lane. 	Receipt of fees	Prior to issuance of occupancy permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> Construct a second westbound through lane. Construct a westbound right turn lane. <p>Calimesa Boulevard/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Install a traffic signal. Construct an eastbound left turn lane. Construct a second eastbound through lane. Construct a southbound right turn lane. Construct a westbound right turn lane. Construct a second westbound through lane. Modify the traffic signal in order to provide overlap phasing for the westbound right turn lane. <p>Street 2/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Install a traffic signal. Construct a westbound left turn lane. Construct a second eastbound through lane. Construct a second westbound through lane. Construct a southbound left turn lane. Construct a southbound right turn lane. Construct a northbound left turn lane. Construct a northbound through lane. <p>Union Street/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Install a traffic signal. Construct a northbound left turn lane. Construct a southbound left turn lane. Construct an eastbound left turn lane. Construct a second eastbound through lane. Construct a westbound left turn lane. Construct a second westbound through lane. <p>Nancy Street/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Install a traffic signal. 					

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> Construct an eastbound left turn lane. Construct a second eastbound through lane. Construct a westbound left turn lane. Construct a second eastbound through lane. <p>Beaumont Avenue/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Construct a second eastbound through lane. Construct a second westbound through lane. Modify traffic signal in order to provide overlap phasing for the EB right turn lane. <p>Future Beckwith Avenue/Cherry Valley Boulevard</p> <ul style="list-style-type: none"> Install a traffic signal. Construct a southbound left turn lane. Construct an eastbound left turn lane. Construct a second eastbound through lane. Construct a second westbound through lane. Construct a westbound right turn lane. <p>The County shall ensure that the improvements specified will be constructed at that point in time necessary to avoid identified impacts.</p>					
<p>In conjunction with adjacent project development activity or as needed for project access purposes, the project applicant shall ensure that the following site access driveway improvements are constructed prior to the issuance of a certificate of occupancy for the project:</p> <p>MM TRAN-4a: Driveway 1 at Cherry Valley Boulevard—Install a stop control on the southbound approach and construct the intersection with right-in/right-out access only in conjunction with the following geometrics:</p> <ul style="list-style-type: none"> Northbound Approach: not applicable. Southbound Approach: One right turn lane. Eastbound Approach: One through lane. Westbound Approach: One shared through-right turn lane. 	Notes on construction plans; site inspection	Prior to certificate of occupancy final inspection	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRAN-4b: Street 2 at Cherry Valley Boulevard—Install a traffic signal and construct the intersection with the following geometrics: <ul style="list-style-type: none"> • Northbound Approach: not applicable. • Southbound Approach: One left turn lane and one right turn lane. • Eastbound Approach: One left turn lane with a minimum of 250 feet of storage and one through lane. • Westbound Approach: One shared through-right turn lane. 	Notes on construction plans; site inspection	Prior to certificate of occupancy final inspection	Riverside County		
MM TRAN-4c: Driveway 3 at Cherry Valley Boulevard—Install a stop control on the southbound approach and construct the intersection with right-in/right-out access only in conjunction with the following geometrics: <ul style="list-style-type: none"> • Northbound Approach: not applicable. • Southbound Approach: One right turn lane. • Eastbound Approach: One through lane. • Westbound Approach: One shared through-right turn lane. 	Notes on construction plans; site inspection	Prior to certificate of occupancy final inspection	Riverside County		
MM TRAN-4d: On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project site.	Notes on construction plans; site inspection	Prior to certificate of occupancy final inspection	Riverside County		
MM TRAN-4e: Sight distance at each project access driveway shall be reviewed with respect to Caltrans and County of Riverside sight distance standards at the time of preparation of final grading, landscape and street improvement plans.	Notes on construction plans; site inspection	Prior to certificate of occupancy final inspection	Riverside County and Caltrans		
MM TRAN-5: Prior to issuance of any grading permits, the developer shall provide a detailed construction traffic control plan to the County of Riverside for approval. A construction traffic control plan shall be prepared for all aspects of project construction, including physical improvements on the site itself, as well as any off-site traffic improvements required to be completed directly by the project applicant. The	Submittal of construction traffic control plan; site inspection	Prior to issuance of grading permits	Riverside County		

Table 1 (cont.): San Geronio Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
construction traffic control plan shall describe in detail the location of equipment staging areas, stockpiling/storage areas, construction worker and equipment parking areas, timing of construction trips, roadways that would be potentially affected, safe detours around the project and/or roadway construction site, as well as provide temporary traffic control (e.g., flag person) and appropriate signage during construction-related truck hauling activities. The traffic control plan shall ensure adequate and uninterrupted access to all nearby residences throughout the construction period. The purpose of these measures is to safely guide motorists, cyclists, and pedestrians, minimize traffic impacts, and ensure the safe and even flow of traffic during construction, consistent with County standards and requirements.					
5.0 Energy Conservation					
<u>MM ENER-1: Infrastructure for Electric Trucks/Transportation Refrigeration Units. The building shall be constructed with electrical conduits located at loading docks, and other suitable location(s), to facilitate installation of electrical wiring and charging stations or plugs, in anticipation of future technology that allows trucks to operate partially on electricity.</u>	<u>Submittal of documentation; site inspection</u>	<u>Prior to issuance of a certificate of occupancy</u>	<u>Riverside County</u>		

ENVIRONMENTAL DOCUMENTS RELATED TO THE COUNTY OF RIVERSIDE'S APPROVAL OF THE SAN GORGONIO CROSSING PROJECT

State Clearinghouse No. 2014011009

Environmental Impact Report No. 534
Riverside County, California

2020 Supplemental EIR Documents

- [Notice of Determination \(May 2020\)](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/NOD_2020.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/NOD_2020.pdf
- [Final Supplemental Environmental Impact Report \(SEIR\)](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Final_SEIR_2020.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Final_SEIR_2020.pdf
- [Mitigation Monitoring and Reporting Program \(MMRP\) for the SEIR](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/MMRP_SEIR_2020.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/MMRP_SEIR_2020.pdf
- [Draft SEIR](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_SEIR_2020.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_SEIR_2020.pdf
- [Draft SEIR Appendices](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_SEIR_Appdx_2020.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_SEIR_Appdx_2020.pdf

2017 EIR Documents

- [Notice of Determination \(October 2017\)](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/NOD_2017.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/NOD_2017.pdf
- [County of Riverside Resolution No. 2017-223](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Reso_2017.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Reso_2017.pdf
- [Final Environmental Impact Report \(EIR\)](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Final_EIR_2017.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Final_EIR_2017.pdf
- [Draft Recirculated EIR](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Recirc_2017.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Recirc_2017.pdf
- [Draft Recirculated EIR Appendices](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Appdx_2017.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Appdx_2017.pdf

2016 EIR Documents

- [Draft EIR](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_2016.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_2016.pdf
- [Draft EIR Appendices](http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Appdx_2016.pdf)
http://www.sbcounty.gov/uploads/lafco/Proposals/3251/Env/Draft_EIR_Appdx_2016.pdf

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3251

HEARING DATE: JANUARY 19, 2022

RESOLUTION NO. 3344

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3251 AND APPROVING THE ANNEXATION TO THE YUCAIPA VALLEY WATER DISTRICT (I-10 LOGISTICS OWNER, LLC). The annexation area comprises approximately 246 acres, consisting of three parcels (Assessor Parcel Numbers 407-220-018, 0407-220-019, and 413-270-022) located within Riverside County, generally north of Cherry Valley Boulevard, southeasterly of the Yucaipa Valley Water District boundaries and the I-10 Freeway, within the Yucaipa Valley Water District's southeastern sphere of influence.

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

WHEREAS, an application for the proposed annexation in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the 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 executed his certificate in accordance with law, determining and certifying 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 his 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 January 19, 2022, 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; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

RESOLUTION NO. 3344

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits “A” and “A-1” attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3251.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Yucaipa Valley Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The property owner, I-10 Logistics Owner, LLC, 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 proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

SECTION 2. The Commission determines that:

- a) This proposal is certified to be legally uninhabited;
- b) It has 100% landowner consent; and,
- c) No written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

- 1. The reorganization area is legally uninhabited containing zero registered voters as certified by the Riverside County Registrar of Voters as of September 2, 2021.

RESOLUTION NO. 3344

2. The Riverside County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$38,737,186 as of August 24, 2021.
3. The annexation area is within the sphere of influence assigned the Yucaipa Valley Water District.
4. Notice of this hearing has been advertised as required by law through publication in *The Press-Enterprise*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the annexation area (totaling 279 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. For the parcel within the City of Calimesa, the existing General Plan land use designation is RL (Residential Low; 2-4 DU/AC). For the parcels within unincorporated Riverside County, the County of Riverside assigned the following land uses as part of its approval of the Project: OS-R (Open Space Recreation), RM (Rural Mountainous), PF (Public Facilities), and LI (Light Industrial). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3251 has no direct impact on SCAG's Regional Transportation Plan. However, a number of SCAG's RTP projects are in close proximity to the annexation area. The Project site is adjacent to the proposed road widening of Cherry Valley Boulevard from 2 to 4 lanes. The Project site is just west of the proposed road widening of Calimesa Boulevard and its realignment with Cherry Valley Boulevard. Finally, the Project site is west of the existing I-10 curved overcrossing that is scheduled to be realigned/replaced.
8. Riverside County has a 2018 Multi-Jurisdictional Local Hazard Mitigation Plan that was adopted by the County of Riverside and all participating jurisdictions including the City of Calimesa. The multi-jurisdictional Plan identifies vulnerabilities, provides recommendations for prioritized mitigation actions, and provides future mitigation planning and maintenance of the existing plan.
9. An Environmental Impact Report (EIR) was prepared and certified as adequate by the County of Riverside for its approval of the San Geronio Crossing project (SCH No. 2014011009). The Commission, its staff, and its Environmental Consultant have independently reviewed the County's Complete Final EIR, which includes the

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complete Final (Recirculated) EIR, the complete Final Supplemental EIR, and other related environmental documents prepared for the Project, and found said documents to be adequate for the annexation decision.

The Commission certifies that it has reviewed and considered the County's Complete Final EIR and the effects outlined therein, and as referenced in the Facts, Findings and Statement of Overriding Considerations, prior to reaching a decision on the application proposal. By considering the Complete Final EIR adopted by the County of Riverside and adopting the revised Facts, Findings and Statement of Overriding Considerations, the Commission is reconfirming its position regarding the adequacy of the County's Complete Final EIR and originally-approved Statement of Overriding Considerations for purposes of its approval of LAFCO 3251 as a Responsible Agency under CEQA.

The Commission hereby acknowledges the mitigation measures and mitigation monitoring and reporting program contained in the County's Complete Final EIR and finds that no additional feasible alternatives or mitigation measures will be adopted by the Commission. The Commission finds that all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the County and other agencies, and not the Commission. The Commission finds that it is the responsibility of the County to oversee and implement these measures and the mitigation monitoring and reporting program.

The Commission hereby adopts the Facts, Findings and Statement of Overriding Considerations regarding the environmental effects of the annexation. The Commission finds that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the County and other agencies identified in the Facts, Findings and Statement of Overriding Considerations and the County's Complete Final EIR.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a Responsible Agency, also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the fees were the responsibility of the County of Riverside as CEQA Lead Agency.

10. The annexation area is served by the following local agencies: Beaumont-Cherry Valley Recreation and Park District, Beaumont Library District, City of Calimesa (portion), County of Riverside (County Flood Control, Flood Control - Zone No. 5, County Waste Resources Management Sanitation, and County Regional Parks and Open Space), County Service Areas 27 and 152, Inland Empire Resource Conservation District, San Geronio Memorial Healthcare District, San Geronio Pass Water Agency, and Summit Cemetery District. None of these agencies are directly affected by this proposal.
11. The Yucaipa Valley Water District submitted a plan for the provision of water and sewer service as required by Government Code Section 56653, which indicates that the District can, at a minimum, maintain the existing level of service delivery. The

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Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.

12. The annexation area can benefit from the availability and extension of water and sewer service from the District.
13. With respect to environmental justice, the annexation proposal – which is to provide water and sewer service to the annexation area – will not result in unfair treatment of any person based on race, culture or income.
14. The County of Riverside, acting on behalf of the Yucaipa Valley Water District, adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards.

SECTION 4. The primary reason for this annexation is to provide water and sewer service to the area which is being developed with two warehouse distribution facilities. The area is currently not within the Yucaipa Valley Water District's boundary; therefore, annexation to the District is required in order to receive water and sewer service from the District.

SECTION 5. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 6. The Commission hereby orders the territory described in Exhibits "A" and "A-1" reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 7. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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:

RESOLUTION NO. 3344

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 January 19, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: Review and Accept Audit Report for Fiscal Year Ended June 30, 2021

RECOMMENDATION:

Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2020-21.

BACKGROUND:

The public accounting firm of Davis Farr LLP has conducted the Commission's annual audit for the period July 1, 2020 through June 30, 2021 (copy attached to this staff report). The auditor has independently verified the financial documents prepared by LAFCO staff, outlined its professional responsibilities and findings, and disclosed its compliance with current *Government Auditing Standards*.

The auditor did not identify any deficiencies in internal control that it considers to be material weaknesses. However, the auditor identified a significant deficiency related to the year-end closing process. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control over financial reporting, that is less severe than a material weakness yet important enough to merit attention by those responsible for oversight of the agency's financial reporting. To remedy this circumstance, staff has (1) reviewed particular auditing requirements with the independent auditor, and (2) staff and its independent auditor met with the County Auditor to determine the mechanism and timing, and permission, for LAFCO staff to key in adjusting journal entries to the County's financial reporting system for approval and posting.

1. Meeting with Audit/Budget Committee

On January 4 the LAFCO Administrative Committee (composed of Chair Bagley, Vice-Chair Warren, and Commissioner McCallon), LAFCO management, and the auditor discussed the draft audit.

2. Additional Pension Payments

For the past three years, the Commission had made additional payments to SBCERA as a credit towards LAFCO's net pension liability (NPL). These payments will amortize as a percent of pay over twenty years, and it will credit with earnings based on the Plan's market value investment return every year.

The \$42,500 payment made during the last audit period, June 2020, is: (1) used to reduce the NPL in this audit (highlighted in the chart below) and (2) reflected in the employer contribution rates for FY 21/22.

In June 2021, the Commission made an additional payment of \$43,852. This payment will: (1) be used to reduce the NPL for the FY 21/22 audit and (2) reflect in the FY 22/23 employer contribution rates. Below is the yearly information:

<i>Pay Here</i> Measurement (Budget) Year	<i>Reflect NPL Here</i> Audit Year	Net Pension Liability			
		Begin NPL	Actuary Increase	LAFCO Payment	End NPL
2012/13	2013/14				581,103
2013/14	2014/15	581,103	3,628		584,731
2014/15	2015/16	584,731	96,716		681,447
2015/16	2016/17	681,447	87,726		769,173
2016/17	2017/18	769,173	95,787		864,960
2017/18	2018/19	864,960	20,287		885,247
2018/19	2019/20	885,247	273,317	(184,963)	973,601
2019/20	2020/21	973,601	273,739	(42,500)	1,204,840
2020/21	2021/22	1,204,840	TBD	(43,852)	

3. Net Position

The financial statements show a positive change of \$49,666 for Total Net Position. The primary reasons for the decrease in net position are:

- Increase in Cash and Investments by \$133,443.
- Depreciation of Capital Assets by \$76,915. The depreciation and note payable for repayment of the office improvement remains until June 2022.
- Increase of Net Pension Liability by \$231,238.

4. Fund Balance

On a cash basis:

- Total Expenditures were within appropriation authority (87%).
 - Salaries and Benefits were within appropriation authority (85%).
 - Services and Supplies were within appropriation authority (93%).
- Total Revenues were less than budgeted (97%). The budget projected the receipt of nine proposals; however, four proposals were received.
- Even though revenues were roughly three percent less than the budget, the year ended with a surplus of \$42,072 due to the net reduction of one employee and the receipt of two large proposals.

5. Adjustments Detected and Corrected by the Auditor

The following is from the Auditor's report regarding adjustments detected through the audit process.

An important element of control over financial reporting is for management to identify adjustments necessary for financial statements to be fairly stated. Whenever possible, adjustments should be reflected in the accounting records prior to the start of the audit. When this is not possible, management should identify and communicate to the auditors the potential areas of adjustment that may need to be address during the audit process.

Additionally, the LAFCO relies upon the County of San Bernardino to provide a majority of their accounting information, include the provision of a year-end trial balance based upon its account balances at year end. The entries provided by auditors for past audits were not recorded by the County and resulted in discrepancies in beginning fund balance amounts. As a result, there were material adjustments that were identified during the audit for the year ended June 30, 2021. These material adjustments detected by the audit process were to correct beginning fund balance.

Auditing standards require the reporting of material adjustments identified through the audit process as weaknesses in an entity's internal control structure. Management has the ability to provide adjusting journal entries to the County of San Bernardino for posting, and once approved by the County, can be reflected in the accounting records of the County. We recommend management work with the County for the appropriate time to key in adjusting journal entries to the County's financial reporting system for approval and posting.

Management's Response Regarding Corrective Action Taken or Planned

The auditor's report states that the entries provided by auditors for past audits were not recorded by the County and resulted in discrepancies in beginning fund balance amounts. As a result, there were material adjustments that were identified during the audit for the year ended June 30, 2021.

LAFCO lacks the ability to override the controls in the County's system over the year-end closing process. For example, the deadline to submit accrual packages and make adjustments to cash balances to reflect on the trial balance was July 9, 2021. To remedy this circumstance, staff has (1) reviewed particular auditing requirements with the independent auditor, and (2) staff and its independent auditor met with the County Auditor to determine the mechanism and timing, and permission, for LAFCO staff to key in adjusting journal entries to the County's financial reporting system for approval and posting.

6. Conclusion

The Administrative Committee and LAFCO management staff have discussed the draft audit with the independent auditors. Neither party have issues or concerns with the conduct of the audit or letters provided by the auditors. Per Commission policy, an auditor representative will present the audit at this hearing.

Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2020-21. Once accepted the audit will be posted on the LAFCO website under the "Open Government Portal".

Should you have any questions, LAFCO staff would be glad to answer them prior to or at the hearing.

SM/MT

Attachment

To the Board of Commissioners
Local Agency Formation Commission for San Bernardino County

We have audited the financial statements of the governmental activities, and each major fund of the Local Agency Formation Commission for San Bernardino County ("Commission") for the year ended June 30, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated October 27, 2021. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Commission are described in Note 1 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during the year. We noted no transactions entered into by the Commission during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the Commission's financial statements was allocations of the net pension liability and related amounts. These amounts were calculated by an actuary and audited by another firm.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was Footnote 9: Pension Plan.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following material misstatements detected as a result of audit procedures were corrected by management: An adjustment to correct beginning fund balance.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December xx, 2021.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the *Management's Discussion and Analysis*, the *Schedule of the Plan's Proportionate Share of the Net Pension Liability*, the *Schedule of Pension Plan Contributions*, and the *Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual* which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Restriction on Use

This information is intended solely for the use of Board of Commissioners and management of the San Bernardino County Local Agency Formation Commission and is not intended to be, and should not be, used by anyone other than these specified parties.

**Report on Internal Control Over Financial Reporting and on Compliance and Other
Matters Based on an Audit of Financial Statements Performed in Accordance with
*Government Auditing Standards***

The Commission Members
Local Agency Formation Commission
for San Bernardino County
San Bernardino, California

Independent Auditor's Report

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the basic financial statements of the Local Agency Formation Commission for San Bernardino County (the Commission), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated **January xx, 2022**.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. 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 entity's financial statements will not be prevented or detected and corrected on a timely basis. 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.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We consider the following deficiencies In internal control to be significant deficiencies:

(2021-001) Adjustments Detected Through the Audit Process:

An important element of control over financial reporting is for management to identify adjustments necessary for financial statements to be fairly stated. Whenever possible,

adjustments should be reflected in the accounting records prior to the start of the audit. When this is not possible, management should identify and communicate to the auditors the potential areas of adjustment that may need to be address during the audit process.

Additionally, the LAFCO relies upon the County of San Bernardino to provide a majority of their accounting information, include the provision of a year-end trial balance based upon its account balances at year end. The entries provided by auditors for past audits were not recorded by the County and resulted in discrepancies in beginning fund balance amounts. As a result, there were material adjustments that were identified during the audit for the year ended June 30, 2021. These material adjustments detected by the audit process were to correct beginning fund balance.

Recommendation

Auditing standards require the reporting of material adjustments identified through the audit process as weaknesses in an entity's internal control structure. Management has the ability to provide adjusting journal entries to the County of San Bernardino for posting, and once approved by the County, can be reflected in the accounting records of the County. We recommend management work with the County for the appropriate time to key in adjusting journal entries to the County's financial reporting system for approval and posting.

Management's Response Regarding Corrective Action Taken or Planned

The auditor's report states that the entries provided by auditors for past audits were not recorded by the County and resulted in discrepancies in beginning fund balance amounts. As a result, there were material adjustments that were identified during the audit for the year ended June 30, 2021.

LAFCO lacks the ability to override the controls in the County's system over the year-end closing process. For example, the deadline to submit accrual packages and make adjustments to cash balances to reflect on the trial balance was July 9, 2021. To remedy this circumstance, staff has (1) reviewed particular auditing requirements with the independent auditor, and (2) staff and its independent auditor met with the County Auditor to determine the mechanism and timing, and permission, for LAFCO staff to key in adjusting journal entries to the County's financial reporting system for approval and posting.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Commission's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Irvine, California
January xx, 2022

DRAFT

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

Basic Financial Statements

Year Ended June 30, 2021

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Basic Financial Statements

Year ended June 30, 2021

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Independent Auditor's Report

Board of Commissioners
Local Agency Formation Commission for San Bernardino County
San Bernardino, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and governmental fund of the Local Agency Formation Commission for San Bernardino County (the Commission) as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these basic financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the governmental fund of the Commission, as of June 30, 2021, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Report on Summarized Comparative Information

We have previously audited the Commission's 2020 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated January 4, 2021. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2020 is consistent, in all material respects, with the audited financial statements from which it has been derived.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the *Management's Discussion and Analysis*, the *Schedule of the Plan's Proportionate Share of the Net Pension Liability*, the *Schedule of Plan Contributions*, *Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – General Fund*, identified as required supplementary information (RSI) in the accompanying table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the RSI in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during the audit of the basic financial statements. We do not express an opinion or provide any assurance on the RSI because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated December xx, 2021 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control over financial reporting and compliance.

Irvine, California
December xx, 2021

MANAGEMENT'S DISCUSSION AND ANALYSIS

The following discussion and analysis of the financial performance of the Local Agency Formation Commission for San Bernardino County (Commission) provides an overview of the Commission's financial activities for the fiscal year ended June 30, 2021. Please read it in conjunction with the financial statements as outlined in the table of contents.

Using the Accompanying Financial Statements

This annual report consists of a series of financial statements. The Statement of Net Position and the Statement of Activities provide information about the activities of the Commission as a whole and present a longer view of the Commission's finances. Also included in the accompanying report are fund financial statements. For governmental activities, the fund financial statements tell how the services were financed in the short-term as well as what remains for future spending.

OVERVIEW OF THE FINANCIAL STATEMENTS

The annual report consists of two parts - management's discussion and analysis (this section), and the basic financial statements. The basic financial statements provide both long-term and short-term information about the Commission's overall financial status. The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The basic financial statements also include additional budgetary information.

Reporting the Commission as a Whole – Net Position

The accompanying Government-wide financial statements include two statements that present financial data for the Commission as a whole. An important question to be asked about the Commission's finances is, "Is the Commission as a whole better off or worse off as a result of the year's activities?" The Statement of Net Position and the Statement of Activities report information about the Commission as a whole and about its activities in a way that helps answer this question. These statements include all assets and liabilities using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the time of related cash flows.

The statements report the Commission's net position and changes in them. You can think of the Commission's net position – the difference between assets and liabilities - as one way to measure the Commission's financial health or financial position. Over time, increases and decreases in the Commission's net position are one indicator of whether its financial health is improving or deteriorating. You will need to consider other factors, such as changes in the Commission's revenues, to assess the overall health of the Commission.

The following table provides the Statement of Net Position for the past two fiscal years:

TABLE 1
NET POSITION – GOVERNMENTAL ACTIVITIES

	2021	2020
Assets:		
Cash and investments	\$ 415,526	282,083
Accounts receivable	14,233	4,840
Capital assets, net	76,916	153,831
Total assets	506,675	440,754
Deferred outflow of resources:		
Deferred outflows from pension plan	783,456	622,783
Liabilities:		
Accounts payable	25,421	2,694
Deposit payable	15,421	-
Other accrued liabilities	22,167	57,998
Unearned revenues	12,963	32,722
Long-term liabilities:		
Due within one year	77,418	80,913
Due beyond one year	101,783	143,738
Net pension liability	1,204,840	973,602
Total liabilities	1,460,013	1,291,667
Deferred inflow of resources:		
Deferred inflows from pension plan	68,424	59,842
Net position (deficit):		
Net investment in capital assets	43,120	86,242
Unrestricted	(281,426)	(374,214)
Total net position	\$ (238,306)	(287,972)

The following table provides the Statement of Activities for the past two fiscal years:

TABLE 2
CHANGE IN NET POSITION – GOVERNMENTAL ACTIVITIES

	2020-21	2019-20
Revenues:		
Charges for services	138,346	160,065
Apportionment	1,120,497	1,090,497
Interest	13,582	32,855
Total Revenues	\$ 1,272,425	\$ 1,283,417
Expenses	\$ 1,222,759	\$ 1,361,914
Change in Net Position	49,666	(78,497)
Net Position Beginning	(287,972)	(209,475)
Net Position Ending	\$ (238,306)	\$ (287,972)

Explanation of Change in Net Position

The tables presented above show an overall decrease in the receipt of revenues, as well as increase in expenditures. Some of the significant reasons for the changes in the revenues and expenses of the Commission's governmental activities are outlined as follows:

- On a cash basis:
 - Total Expenditures were within appropriation authority (87%).
 - Salaries and Benefits were within appropriation authority (85%).
 - Services and Supplies were within appropriation authority (93%).
 - Total Revenues were less than budgeted (97%). The budget projected the receipt of nine proposals; however, four proposals were received.
 - Even though revenues were roughly three percent less than the budget, the year ended with a surplus of \$42,072 due to the net reduction of one employee and the receipt of two large proposals.
- For the past three years, the Commission had made additional payments to SBCERA as a credit towards LAFCO's net pension liability (NPL). These payments will amortize as a percent of pay over twenty years, and it will credit with earnings based on the Plan's market value investment return every year.

The \$42,500 payment made during the last audit period, June 2020, is: (1) used to reduce the NPL in this audit (highlighted in the chart below) and (2) reflected in the employer contribution rates for FY 21/22.

In June 2021, the Commission made an additional payment of \$43,852. This payment will: (1) be used to reduce the NPL for the FY 21/22 audit and (2) reflect in the FY 22/23 employer contribution rates. Below is the yearly information:

<i>Pay Here</i>	<i>Reflect NPL Here</i>	Net Pension Liability			
Measurement (Budget) Year	Audit Year	Begin NPL	Actuary Increase	LAFCO Payment	End NPL
2012/13	2013/14				581,103
2013/14	2014/15	581,103	3,628		584,731
2014/15	2015/16	584,731	96,716		681,447
2015/16	2016/17	681,447	87,726		769,173
2016/17	2017/18	769,173	95,787		864,960
2017/18	2018/19	864,960	20,287		885,247
2018/19	2019/20	885,247	273,317	(184,963)	973,601
2019/20	2020/21	973,601	273,739	(42,500)	1,204,840
2020/21	2021/22	1,204,840	TBD	(43,852)	

Reporting the Commission's Fund Activity

The fund financial statements provide detailed information about the Commission's governmental fund as it operates under a single-program government fund. All of the Commission's basic services are reported in its General Fund. The fund is reported using the current financial resources measurement focus and the modified accrual basis of accounting. We describe the relationship or differences between governmental activities (reported in the Statement of Net Position and the Statement of Activities) in the reconciliation following the fund financial statements.

Long-Term Liabilities (Non-Pension)

The following table provides a summary of the Long-Term Liabilities (non-pension) for the past two fiscal years:

**TABLE 3
LONG-TERM LIABILITIES**

	2020-21	2019-20
Compensated Absences	145,405	157,062
Notes Payable	33,796	67,589
TOTAL	\$ 179,201	\$ 224,651

Compensated Absences is comprised of the year-end balances for administrative, holiday, vacation, and sick leaves. For sick-leave calculations, LAFCO's Benefits Plan Section 108 (E) – Retirement Medical Trust – states that those employees with more than five years of service shall receive 75% of their accumulated sick leave, up to a max of 1,400 hours, paid into the Trust at their current rate of pay upon leaving the employ of the Commission. The calculation within the financial statements of compensated absences accommodates this Benefit Plan determination. During Fiscal Year 2020-21 compensated absences decreased by \$11,657, and notes payable decreased by \$33,793, calculated as follows:

- Additions of \$78,117 comprised of natural balance accruals for five employees.

- Deletions of \$89,774 comprised of leave taken during the fiscal year for five employees, as well as mandatory leave cashouts for two separated employees.
- Deletions of \$33,793 comprised of payments made against the outstanding notes payable.

Contacting the Commission's Financial Management:

This financial report is designed to provide our citizen's, taxpayers, governments, and creditors with a general overview of the Commission's finances and to show the Commission's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the Executive Officer at 1170 W. Third Street, Unit 150, San Bernardino, CA 92415-0490, or 909-388-0480.

DRAFT

BASIC FINANCIAL STATEMENTS

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**Statement of Net Position**

June 30, 2021
(with comparative totals as of June 30, 2020)

	Governmental Activities	
	2021	2020
Assets:		
Cash and investments (note 3)	\$ 415,526	282,083
Accounts receivable	14,233	4,840
Capital assets, net (note 4)	76,916	153,831
Total assets	<u>506,675</u>	<u>440,754</u>
Deferred outflow of resources:		
Deferred outflows from pension plan (note 9)	<u>783,456</u>	<u>622,783</u>
Liabilities:		
Accounts payable	25,421	2,694
Deposit payable	15,421	-
Other accrued liabilities	22,167	57,998
Unearned revenues (note 5)	12,963	32,722
Long-term liabilities:		
Due within one year (note 6)	77,418	80,913
Due beyond one year (note 6)	101,783	143,738
Net pension liability (note 9)	1,204,840	973,602
Total liabilities	<u>1,460,013</u>	<u>1,291,667</u>
Deferred inflow of resources:		
Deferred inflows from pension plan (note 9)	<u>68,424</u>	<u>59,842</u>
Total Deferred inflow of resources:	<u>68,424</u>	<u>59,842</u>
Net position (deficit):		
Net investment in capital assets	43,120	86,242
Unrestricted	<u>(281,426)</u>	<u>(374,214)</u>
Total net position	<u>\$ (238,306)</u>	<u>(287,972)</u>

See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Statement of Activities

**Year ended June 30, 2021
(with comparative totals for the year ended June 30, 2020)**

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>			<u>Net (Expense) Revenue and Changes in Net Position - Governmental Activities</u>	
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>2021</u>	<u>2020</u>
Governmental activities:						
General government	<u>\$ 1,222,759</u>	<u>138,346</u>	<u>-</u>	<u>-</u>	<u>(1,084,413)</u>	<u>(1,201,849)</u>
Total governmental activities	<u>\$ 1,222,759</u>	<u>138,346</u>	<u>-</u>	<u>-</u>	<u>(1,084,413)</u>	<u>(1,201,849)</u>
General revenues:						
Apportionment						<u>1,120,497</u>
Investment income						<u>13,582</u>
Total general revenues						<u>1,134,079</u>
Change in net position						<u>49,666</u>
Net position (deficit), beginning of year						<u>(287,972)</u>
Net position (deficit), end of year						<u>\$ (238,306)</u>

See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Balance Sheet - Governmental Funds

**June 30, 2021
(with comparative totals as of June 30, 2020)**

		<u>General Fund</u>	
		<u>2021</u>	<u>2020</u>
	<u>Assets</u>		
Cash and investments		\$ 415,526	282,083
Accounts receivable		<u>14,233</u>	<u>4,840</u>
Total assets		<u>\$ 429,759</u>	<u>286,923</u>
	<u>Liabilities and Fund Balance</u>		
Liabilities:			
Accounts payable		\$ 25,421	2,694
Deposits payable		15,421	-
Salaries and benefits payable		22,167	57,998
Unearned revenues		<u>12,963</u>	<u>32,722</u>
Total liabilities		<u>75,972</u>	<u>93,414</u>
Deferred Inflow of Resources:			
Unavailable revenue		<u>700</u>	<u>-</u>
Total deferred inflow of resources		<u>700</u>	<u>-</u>
Fund balance:			
Nonspendable:			
Committed:			
Compensated absences		142,623	110,146
Assigned:			
General reserve		191,864	64,763
Contingency		<u>18,600</u>	<u>18,600</u>
Total fund balance		<u>353,087</u>	<u>193,509</u>
Total liabilities and fund balance		<u>\$ 429,759</u>	<u>286,923</u>

See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position

June 30, 2021

Fund balances of governmental funds \$ 353,087

Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets and accumulated depreciation have not been included as financial resources in governmental fund activity:

Capital assets	384,576	
Accumulated depreciation	<u>(307,660)</u>	76,916

Pension related deferred outflows of resources, net of accumulated amortization, have not been reported in the governmental funds:

Employer contributions subsequent to the measurement date	192,711	
Differences between actual and expected experience	14,775	
Changes in actuarial assumptions	141,141	
Changes in proportion and differences between employer contributions and the proportionate share of contributions	180,588	
Differences in projected and actual earnings on investments	<u>254,241</u>	783,456

Long-term liabilities are not available to pay for current-period expenditures and, therefore, are not reported in the governmental funds. Long-term liabilities consist of the following:

Net pension liability	(1,204,840)	
Notes payable	(33,796)	
Compensated absences	<u>(145,405)</u>	(1,384,041)

Revenues that are measurable but not available. Amounts are recorded as deferred inflows of resources under the modified accrual basis of accounting until they become available:

Unavailable revenue		700
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Pension related deferred inflows of resources, net of accumulated amortization, have not been reported in the governmental funds:

Differences in expected and actual experience	(11,431)	
Changes in proportion and differences between employer contributions and the proportionate share of contributions	<u>(56,993)</u>	<u>(68,424)</u>

Net position of governmental activities		\$ <u>(238,306)</u>
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See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Statement of Revenues, Expenditures, and Changes in Fund Balance

Year ended June 30, 2021

(with comparative totals for the year ended June 30, 2020)

	General Fund	
	2021	2020
Revenues:		
Apportionment	\$ 1,120,497	1,090,497
Charges for services	137,646	160,065
Investment income	13,582	32,855
Total revenues	<u>1,271,725</u>	<u>1,283,417</u>
Expenditures:		
General government:		
Salaries and employee benefits	717,115	847,658
Services and supplies	<u>395,032</u>	<u>418,903</u>
Total expenditures	<u>1,112,147</u>	<u>1,266,561</u>
Excess (deficiency) of revenues over (under) expenditures	159,578	16,856
Fund balances at beginning of year	<u>193,509</u>	<u>176,653</u>
Fund balances at end of year	<u>\$ 353,087</u>	<u>193,509</u>

See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

**Reconciliation of the Statement of Revenues, Expenditures and
Changes in Fund Balance to the Statement of Activities**

Year ended June 30, 2021

Net changes in fund balances - total governmental funds \$ 159,578

Amounts reported for governmental activities in the Statement of Activities are different because:

The governmental fund reports capital outlay as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. The following are the capital outlays, if any, and depreciation in the current period.

Depreciation expense (76,915)

Pension Expense reported in the governmental fund includes the actual contributions made in the fiscal year. Pension expense reported in the Statement of Activities includes the changes in the net pension liability and pension related deferred outflows/inflows of resources.

Change in net pension liability	(231,238)	
Change in notes payable	33,793	
Change in deferred inflow related to unavailable revenue	700	
Change in deferred outflows of resources related to pensions	160,673	
Change in deferred inflows of resources related to pensions	<u>(8,582)</u>	(44,654)

Accrued compensated absence expenses reported in the Statement of Activities do not require the use of current financial resources and therefore, are not reported as expenditures in the governmental fund.

11,657

Change in net position of governmental activities \$ 49,666

See accompanying notes to the basic financial statements

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

1. Summary of Significant Accounting Policies:

The accounting policies of the Local Agency Formation Commission for San Bernardino County (the Commission) conform to generally accepted accounting principles as applicable to governments. The following is a summary of the significant policies.

a. Reporting Entity

Following the end of World War II, California entered a new era of demographic growth and diversity, and economic development. With this growth came the need for housing, jobs and public services. To provide for these services, California experienced a wave of newly formed cities and special districts, but with little forethought as to how the new agencies should plan for services. The lack of coordination and adequate planning for future governance led to a multitude of overlapping, inefficient jurisdictional and service boundaries.

In 1963, the State Legislature created Local Agency Formation Commissions (Commissions) to help direct and coordinate California's growth in a logical, efficient, and orderly manner. Each county within California is required to have a Commission. The Commissions are charged with the responsibility of making difficult decisions on proposals for new cities and special districts, spheres of influence, consolidations, and annexations.

The Commission is composed of seven voting members, with four alternate members who vote only in the absence or abstention of a voting member. Two members are elected county supervisors and are selected by the Board of Supervisors. Two members are elected city council members and are selected by the mayors of the cities within San Bernardino County. Two members are elected members of a special district board of directors and are selected by the presidents of the independent special districts in San Bernardino County. These six elected officials select a "public" member who is not affiliated with county, city, or special district governments. Alternate members for the county, city, special district, and public categories are selected in the same manner. Each commissioner and alternate serve a four-year term.

b. Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Commission.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment.

Program revenues include charges for services that are restricted to meeting the operational or capital requirements of particular function or segment. Investment income and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for the governmental fund. The Commission operates under a single-program governmental fund.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

1. **Summary of Significant Accounting Policies (Continued):**

c. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the time of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, expenditures related to compensated absences are not recognized until paid.

Intergovernmental revenues, charges for services and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

Amounts reported as program revenues include charges for services and operating contributions from members.

d. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position and the governmental fund balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until that time. The Commission has five items that qualify for reporting in this category for the fiscal year ended June 30, 2021, all of which relate to pensions. These include pension contributions subsequent to the measurement date, net difference between projected and actual earnings on pension plan investments, differences between actual and expected experience, change in assumptions, and change in employer's proportion and differences between the employer's contributions and employer's proportionate share of contributions.

The first of these items will be amortized in full in the following fiscal year. The second item is a deferred outflow related to pensions for the net difference between projected and actual earnings on plan investments. This amount is amortized over a closed 5-year period. These last three items are amortized over a closed period equal to the average of the expected remaining service lives of all employees that are provided with pensions through the Plan.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

1. Summary of Significant Accounting Policies (Continued):

In addition to liabilities, the statement of net position and the governmental fund balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to future periods and will not be recognized as an inflow of resources (revenue) until that time. The Commission has three items that qualify for reporting in this category for the fiscal year ended June 30, 2021, two of which relate to pension and one for unavailable revenue. These include differences between expected and actual experience, and changes in employer's proportion and differences between the employer's contributions and the employer's proportionate share of contributions. These amounts are amortized over a closed period equal to the average of the expected remaining service lives of all employees that are provided with pensions through the Plan. Unavailable revenue is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues as an inflow of resources in the period the amounts become available.

e. Cash and Investments

Cash and investments include the cash balances of substantially all funds, which are pooled and invested by the County Treasurer to increase interest earnings through investment activities. Investment activities are governed by the California Government Code Sections 53601, 53635, and 53638 and the County's Investment Policy.

Interest income, and realized gains and losses earned on pooled investments are deposited quarterly to the Commission's accounts based upon the Commission's average daily deposit balances during the quarter. Unrealized gains and losses of the pooled investments are distributed to the Commission annually. Cash and investments are shown at fair value.

f. Fair Value Measurements

Certain assets and liabilities are required to be reported at fair value. The fair value framework provides a hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). The three levels of fair value hierarchy are described as follows:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

1. Summary of Significant Accounting Policies (Continued):

Level 2 - Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly and fair value is determined through the use of models or other valuation methodologies including:

- Quoted prices for similar assets or liabilities in active markets;
- Quoted prices for identical or similar assets or liabilities in markets that are inactive;
- Inputs other than quoted prices that are observable for the asset or liability;
- Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement. These unobservable inputs reflect the Commission's own assumptions about the inputs market participants would use in pricing the asset or liability (including assumptions about risk). These unobservable inputs are developed based on the best information available in the circumstances and may include the Commission's own data.

g. Capital Assets

Capital assets are reported as governmental activities in the government-wide financial statements. Capital assets are defined by the Commission as assets with an initial, individual cost of more than \$5,000 and have an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. Equipment of the Commission is depreciated using the straight-line method over a 5 to 7 year estimated useful life.

The cost of normal maintenance and repairs that does not add to the value of the asset or materially extend asset life is not capitalized.

h. Employee Compensated Absences

Liabilities for vacation, holidays, sick pay and compensatory time are accrued when incurred in the government-wide financial statements. Upon retirement or termination, an employee is compensated for 100% of unused accrued vacation and holiday time. Those with more than five years of LAFCO service receive 75% of their accumulated sick leave up to a maximum of fourteen hundred (1,400) hours. A liability for accrued leave is reported in the governmental fund financial statements only if it has matured. A matured liability may result from employees who terminate prior to year-end and are paid for their leave subsequent to year-end.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

1. **Summary of Significant Accounting Policies (Continued):**

i. Fund Balance

Nonspendable fund balances includes amounts that cannot be spent because they are either not spendable in form (such as prepaid expenses) or legally or contractually required to be maintained intact.

Restricted fund balance includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation. If the Commission action limiting the use of funds is included in the same action (legislation) that created (enables) the funding source, then it is restricted.

Committed fund balance includes amounts that can be used only for the specific purposes determined by a formal action of the Commission's highest level of authority. The governing board is the highest level of decision-making authority that can commit fund balances. Once adopted, the limitation imposed by the commitment remains in place until a similar action is taken to remove or revise the limitation.

Assigned fund balance includes amounts to be used by the Commission for specific purposes but do not meet the criteria to be classified as restricted or committed.

Unassigned fund balance includes the residual amounts that have not been committed or assigned to specific purposes.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balances are available, the Commission's policy is to apply restricted fund balance first. When an expenditure is incurred for purposes for which committed, assigned, or unassigned fund balances are available, the Commission's policy is to apply committed fund balance first, then assigned fund balance, and finally unassigned fund balance.

j. Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Commission's San Bernardino County Employees' Retirement Association (SBCERA) plan (Plan) and additions to/deductions from the Plan's fiduciary net position have been determined on the same basis as they are reported by SBCERA. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

GASB 68 requires that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

1. **Summary of Significant Accounting Policies (Continued):**

Valuation Date (VD)	June 30, 2019
Measurement Date (MD)	June 30, 2020
Measurement Period (MP)	July 1, 2019 to June 30, 2020

k. Use of Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

l. Comparative Data

Selected information regarding the prior year has been included in the accompanying financial statements. This information has been included for comparison purposes only and does not represent a complete presentation in accordance with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the government's prior year financial statements, from which this selected financial data was derived.

2. **Stewardship, Compliance and Accountability: General Budget Policies:**

In accordance with provisions of Section 56381 of the Government Code of the State of California, commonly known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), the Commission shall adopt a proposed budget by May 1 and a final budget by June 15 of each fiscal year.

Budgets are prepared on the cash basis of accounting. After adoption of a final budget, the County of San Bernardino Auditor shall apportion one-third of net operating expenses of the Commission to each of the following: the county, cities, and independent special districts. The legal level of budgetary control is the fund level.

Any deficiency of budgeted revenues and other financing sources over expenditures and other financing uses is financed by beginning available fund balance as provided for in the County Budget Act.

3. **Cash and Investments:**

Cash and investments as of June 30, 2021 consist of the following:

Petty cash	\$ 250
Investment in County of San Bernardino Investment Pool	<u>415,276</u>
Total Cash and Investments	<u>\$ 415,526</u>

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

3. **Cash and Investments (Continued):**

Investments Authorized by the Commission's Investment Policy

The Commission's investment policy authorizes investments only in the County of San Bernardino Investment Pool.

Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of the fair value to changes in market interest rates. As of June 30, 2021, the Commission's cash was voluntarily invested in the County of San Bernardino Investment Pool, and therefore was not exposed to any interest rate risk as described above.

The County of San Bernardino Investment Pool is a pooled investment fund program governed by the San Bernardino County Board of Supervisors, and is administered by the County Treasurer. Investments in the pool are highly liquid as deposits and withdrawal can be made at any time without penalty. The Commission's fair value of its share in the pool is the same value of the pool shares, which amounted to \$415,276. Information on the pool's use of derivative securities in its investment portfolio and the Commission's exposure to credit, market, or legal risk is not available.

Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The money pooled with the County of San Bernardino Investment Pool is not subject to a credit rating.

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Commission's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provision for deposits: The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

3. Cash and Investments (Continued):

California law also allows financial institutions to secure Commission deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial credit risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools (such as the money invested by the Commission in the County of San Bernardino Investment Pool).

The Commission is a participant in the San Bernardino County Investment Pool (SBCIP). The SBCIP is an external investment pool, is not rated and is not registered with the Securities Exchange Commission (SEC). The County Treasury Oversight Committee and the County Board of Supervisors conduct SBCIP oversight. Cash on deposit in the SBCIP at June 30, 2021, is stated at fair value. The SBCIP values participant shares on an amortized cost basis during the year and adjusts to fair value at year-end. For further information regarding the SBCIP, refer to the County of San Bernardino Comprehensive Annual Financial Report.

4. Capital Assets:

Capital asset activity for the year ended June 30, 2021 was as follows:

	Balance at July 1, 2020	Additions	Deletions	Balance at June 30, 2021
Capital assets:				
Office equipment	\$ 8,192	-	(8,192)	-
Leasehold improvements	384,576	-	-	384,576
Less accumulated depreciation for:				
Office equipment	(8,192)	-	8,192	-
Leasehold improvements	(230,745)	(76,915)	-	(307,660)
Total capital assets, net	<u>\$ 153,831</u>	<u>(76,915)</u>	<u>-</u>	<u>76,916</u>

5. Unearned Revenues:

At June 30, 2021, the Commission deferred recognition of \$12,963 from fee revenues and deposits that have been received but not yet earned.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

6. Long Term Liabilities:

The following is a summary of changes in long-term liabilities for the year ended June 30, 2021:

	Balance at July 1, 2020	Additions	Deletions	Balance at June 30, 2021	Due within one year
Compensated Absences	\$ 157,062	78,117	(89,774)	145,405	43,622
Notes Payable	67,589	-	(33,793)	33,796	33,796
Total long term debt	<u>\$ 224,651</u>	<u>78,117</u>	<u>(123,567)</u>	<u>179,201</u>	<u>77,418</u>

On October 5, 2015 (amended on July 17, 2017), the LAFCO entered into a lease agreement with the San Bernardino County Transportation Authority (SBCTA), which included provisions for certain leasehold improvements and a related note payable. The cost of the project was paid for by SBCTA, however \$268,967 of the costs would be repaid to SBCTA by the LAFCO. The repayment terms included a \$100,000 initial lump sum payment made during fiscal year 16/17, while the remaining balance of \$168,967 was secured by a note payable. The note payable bears no interest and is due in quarterly payments of \$8,448 until the note is fully repaid in June 2022.

Fiscal Year	Notes Payable
21/22	\$ 33,796
	<u>\$ 33,796</u>

7. Insurance:

The Commission is a member of the Special District Risk Management Authority, an intergovernmental risk sharing joint powers authority. The schedule of insurance coverage is as follows:

Coverage	Amount	Limit of Insurance
Property Coverage	\$ 1,000,000,000	Per Occurrence
Property - Boiler & Machinery	100,000,000	Per Occurrence
Property - Pollution Coverage	2,000,000	Per Occurrence
Property - Cyber Coverage	Limits on file	Per Occurrence
General Liability - Bodily Injury	2,500,000	Per Occurrence
General Liability - Property Damage	2,500,000	Per Occurrence
General Liability - Public Officials	500,000	Per Occurrence
Personal		
General Liability - Employment Benefits	2,500,000	Per Occurrence
General Liability - Employee/Public	2,500,000	Per Occurrence
Officials E & O		
General Liability - Employment Practices	2,500,000	Per Occurrence
Liability		
General Liability - Employee/Public	1,000,000	Per Occurrence
Officials Dishonesty		
Auto Liability - Auto Bodily Injury	2,500,000	Per Occurrence
Auto Liability - Auto Property Damage	2,500,000	Per Occurrence
Auto Liability - Uninsured Motorist	Limits on file	Per Occurrence
Employers Liability	5,000,000	Per Occurrence
Worker's Compensation	Statutory	Per Occurrence

The Commission is self-insured for unemployment insurance.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

8. Operating Lease:

On October 5, 2015 (amended on July 17, 2017) the LAFCO entered into non-cancelable operating lease agreements for the rental of office space and office equipment, expiring in June 2022 with a tenant option to extend up to 10 years. The lease agreements also provide for annual rental adjustments in the amount of the Consumer Price Index, not to exceed 103%. Total rent expense for the year ended June 30, 2021 amounted to \$33,858.

<u>Fiscal Year</u>	<u>Rent Expense *</u>
21/22	\$ 33,792
	<u>\$ 33,792</u>

* - these amounts do not consider annual CPI adjustments

9. Pension Plan:

a. General Information about the Pension Plan

Plan Description

The San Bernardino County Employees' Retirement Association (SBCERA) administers the SBCERA pension plan - a cost-sharing multiple-employer defined benefit pension plan (the Plan). SBCERA provides retirement, disability, death and survivor benefits to its members, who are employed by 17 active participating employers (including SBCERA) and 4 withdrawn employers. SBCERA publishes its own Comprehensive Annual Financial Report (CAFR) which is available on SBCERA's website at www.SBCERA.org.

Benefits Provided

SBCERA provides service retirement, disability, death and survivor benefits to eligible employees. Generally, any employee of the County of San Bernardino or participating employers who is appointed to a regular position whose service is greater than fifty percent of the full standard of hours required by a participating SBCERA employer (e.g. 20 hours per week or more) must become a member of SBCERA effective on the first day of employment. The retirement benefits the member will receive is based upon age at retirement, final average compensation, years of retirement service credit and retirement plan and tier.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

9. Pension Plan (Continued):

The Plan's provisions and benefits in effect at June 30, 2021, are summarized as follows:

	Prior to January 1, 2014	On or After January 1, 2014
Hire date		
Benefit formula	2%@55	2.5%@67
Benefit vesting schedule	5 years of service	5 years of service
Benefit payments	monthly for life	monthly for life
Retirement age	50 - 65	52 - 67
Monthly benefits, as a % of eligible compensation	1.49% - 3.13%	1.0% - 2.5%
Required employee contribution rates	10.74%	8.74%
Required employer contribution rates	34.53%	30.09%

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for both Plans are determined annually on an actuarial basis as of June 30. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The Commission is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

Actuarial Assumptions

The total pension liabilities were determined using the following actuarial assumptions:

Valuation Date	June 30, 2019
Measurement Date	June 30, 2020
Actuarial Cost Method	Entry-Age Actuarial Cost Method
Actuarial Assumptions:	
Discount Rate	7.25%
Inflation	2.75%
Payroll Growth	3.50%
Projected Salary Increase	4.55% - 12.75% (1)
Investment Rate of Return	7.25% (2)
Mortality	(3)

(1) Depending on age, service and type of employment

(2) Net of pension plan investment expenses, including inflation

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

9. Pension Plan (Continued):

- (3) Mortality rates are based on the Pub-2010 Amount-Weighted Above-Median Mortality Table projected generationally with the two-dimensional MP-2019 projection scale. For healthy Safety members, the Safety Healthy Retiree rates were used. For disabled General members, the Non-Safety Disabled Retiree rates were used. For disabled Safety members, the Safety Disabled Retiree rates were used. For beneficiaries, the General Contingent Survivor rates were used. For beneficiaries, the General Contingent Survivor rates increased by 10% were used. projected generationally with the dimensional MP-2016 projection scale.

Discount Rate

The discount rates used to measure the Total Pension Liability was 7.25% as of the June 30, 2020 measurement date. The projection of cash flows used to determine the discount rate assumed employer and member contributions will be made at rates equal to the actuarially determined contribution rates. For this purpose, only employee and employer contributions that are intended to fund benefits for current plan members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs for future plan members and their beneficiaries, as well as projected contributions from future plan members, are not included. Based on those assumptions, the Pension Plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments for current plan members. Therefore, the long-term expected rate of return on pension plan investments of 7.25% were applied to all periods of projected benefit payments to determine the Total Pension Liability as of June 30, 2020.

The long-term expected rate of return on Plan investments was determined using a building block method in which expected future real rates of return (expected returns, net of inflation) are developed for each major asset class. These returns are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage, adding expected inflation and subtracting expected investment expenses and a risk margin. These target allocations and projected arithmetic real rates of return for each major asset class, after deducting inflation but before deducting investment expenses are shown in the following table. This information was used in the derivation of the long-term expected investment rate of return assumption for the June 30, 2020 and 2019 actuarial valuations. This information will change every three years based on the actuarial experience study.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

9. Pension Plan (Continued):

Asset Class	Target Allocation	Long-term Expected Real Rate of Return
Large Cap U.S. Equity	11.00%	5.42%
Small Cap U.S. Equity	2.00%	6.21%
International Developed Equity	9.00%	6.50%
Emerging Market Equity	6.00%	8.80%
Core Bonds	2.00%	1.13%
High Yield Bonds	13.00%	3.40%
Global Bonds	1.00%	-0.04%
Emerging Market Debt	8.00%	3.44%
Real Estate	3.50%	4.57%
Cash	2.00%	-0.03%
Value Added Real Estate	3.50%	6.53%
Real Assets	5.00%	10.64%
Absolute Return	7.00%	3.69%
International Credit	11.00%	5.89%
Private Equity	16.00%	10.70%
Total	100%	

b. Pension Liabilities, Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions:

Allocation of Net Pension Liability

The Commission's net pension liability for the Plan is measured as the proportionate share of the net pension liability. The net pension liability of the Plan is measured as of June 30, 2020, and the total pension liability for the Plan used to calculate the net pension liability was determined by an actuarial valuation as of June 30, 2019 rolled forward to June 30, 2020 using standard update procedures.

The Commission's proportionate share of the net pension liability was based on a projection of the Commission's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined.

The following Table shows the Commission's proportionate share of net pension liability over measurement period:

Balance at June 30, 2019	\$ 973,602
Balance at June 30, 2020	1,204,840
Change - Increase (Decrease)	<u>\$ 231,238</u>

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

9. Pension Plan (Continued):

The Commission's proportionate share of the net pension liability for the Plan as of the June 30, 2019 and 2020 measurement dates was as follows:

Proportion - June 30, 2019	0.036%
Proportion - June 30, 2020	<u>0.030%</u>
Change - Increase (Decrease)	<u>(0.006%)</u>

For the year ended June 30, 2021, the Commission recognized pension expense of \$271,858. At June 30, 2021, the Commission reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions subsequent to measurement date	\$ 192,711	-
Differences between actual and expected experience	14,775	(11,431)
Change in assumptions	141,141	-
Change in employer's proportion and differences between the employer's contributions and the employer's proportionate share of contributions	180,588	(56,993)
Net Difference between projected and actual earnings on Pension Plan Investments	<u>254,241</u>	<u>-</u>
Total	<u>\$ 783,456</u>	<u>(68,424)</u>

The deferred outflows of resources related to contributions subsequent to the measurement date of \$192,711 will be recognized as a reduction of the net pension liability in the fiscal year ending June 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Fiscal Year Ending June 30,	Amount
2022	\$ 110,263
2023	155,168
2024	138,077
2025	110,534
2026	8,279
Thereafter	<u>-</u>
	<u>\$ 522,321</u>

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

9. Pension Plan (Continued):

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the Commission's proportionate share of the net pension liability for the Plan, calculated using the discount rate for the Plan, as well as what the Commission's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

1% Decrease		6.25%
Net Pension Liability	\$	1,778,285
Current Discount Rate		7.25%
Net Pension Liability	\$	1,204,840
1% Increase		8.25%
Net Pension Liability	\$	735,284

Pension Plan Fiduciary Net Position

Detailed information about each pension plan's fiduciary net position is available in the separately issued SBCERA financial reports.

10. Salary Savings Plans:

Benefit Plan Groups

For the purpose of the salary savings plans, employees shall be divided into the following groups:

- a. Group A Executive Officer
- b. Group B All Commission Employees not in Group A or C
- c. Group C Administrative Assistant

401(k) Plan

Bi-weekly contributions of Commission employees to the County's 401(k) Defined Contribution Plan will be matched by a Commission contribution on the basis of two times the employee's contribution. The bi-weekly contributions of employees in Groups A and B of up to four percent of bi-weekly base salary will be matched by a Commission contribution of two times the employee's contribution, not to exceed eight percent of an employee's bi-weekly base salary.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Basic Financial Statements

Year ended June 30, 2021

(Continued)

10. Salary Savings Plans (Continued):

The bi-weekly contributions of employees in Group C to the County's 401(k) Defined Contribution Plan of up to three percent of bi-weekly base salary will be matched by a Commission contribution of two times the employee's contribution. The Commission's contribution shall not exceed six percent of an employee's bi-weekly base salary.

The Commission contributed \$28,796 to this plan for the fiscal year ended June 30, 2021.

457 Deferred Compensation Plan

Bi-weekly contributions of Commission 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 Commission contribution on the basis of one (1) times the employee's contribution. The Commission contribution shall not exceed one percent of the employee's bi-weekly salary. The contribution shall be deposited in the County's 401(a) Plan.

Bi-weekly contributions of Commission 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 Commission contribution of one-half (1/2) times the employee's contribution. The Commission's 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.

The Commission contributed \$2,750 to this plan for the fiscal year ended June 30, 2021.

11. Excess Expenditures over Appropriations

For the fiscal year ended June 30, 2021, the Commission's service and supplies expenditures exceeded appropriations by \$27,521.

12. Commitments & Contingencies

In conducting its activities, the LAFCO, from time to time is the subject of various legal claims. Management is currently unable to determine the ultimate resolution of such legal claims, or the monetary impact on the financial statements.

REQUIRED SUPPLEMENTARY INFORMATION

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Schedule of the Plan's Proportionate Share of the Net Pension Liability

Last Ten Fiscal Years*

	Measurement Date						
	6/30/2020	6/30/2019	6/30/2018	6/30/2017	6/30/2016	6/30/2015	6/30/2014
Proportion of the Collective Net Pension Liability	0.030%	0.036%	0.035%	0.033%	0.031%	0.035%	0.034%
Proportionate Share of the Collective Net Pension Liability	\$ 1,204,840	973,602	885,247	864,960	769,173	681,447	584,731
Covered-Employee Payroll	\$ 492,258	478,224	475,010	369,541	359,294	341,542	289,935
Proportionate Share of the Collective Net Pension Liability as a Percentage of Covered-Employee Payroll	244.76%	203.59%	186.36%	234.06%	214.08%	199.52%	201.68%
Plan's Fiduciary Net Position	\$ 3,017,494	3,043,279	2,181,226	1,943,960	1,639,622	1,736,731	1,505,924
Plan's Total Pension Liability	\$ 4,222,334	4,016,881	3,066,474	2,808,921	2,408,795	2,418,178	2,090,655
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	71.47%	75.76%	71.13%	69.21%	68.07%	71.82%	72.03%

Notes to Schedule:

Benefit Changes:

There were no changes in benefits.

Changes in Assumptions:

There were no changes in Assumptions.

* - Fiscal year 2015 was the 1st year of implementation, therefore only seven years are shown.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Schedule of Plan Contributions

Last Ten Fiscal Years*

	Fiscal Year						
	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16	2014-15
Actuarially Determined Contribution	\$ 148,859	185,762	177,400	125,543	132,171	120,963	122,480
Contributions in Relation to the							
Actuarially Determined Contribution	(192,711)	(228,262)	(361,363)	(125,543)	(132,171)	(120,963)	(122,480)
Contribution Deficiency (Excess)	<u>\$ (43,852)</u>	<u>(42,500)</u>	<u>(183,963)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Covered-Employee Payroll	\$ 418,564	492,258	478,224	475,010	369,541	359,294	341,542
Contributions as a Percentage of Covered-Employee Payroll	35.56%	37.74%	37.10%	26.43%	35.77%	33.67%	35.86%

Notes to Schedule:

Valuation Date 6/30/2018

Methods and Assumptions Used to Determine Contribution Rates:

Cost sharing employers	Entry Age Actuarial Cost Method
Amortization method	Level percentage of payroll, closed
Remaining amortization period	20 years
Asset valuation method	5-year smoothed market
Inflation	3.00%
Salary increases	4.50 to 14.50%, including inflation of 3.00%
Investment rate of return	7.25%, net of pension plan investment expense, including inflation
Retirement age	50-70 years (2%@50 and 2.5%@67)
Mortality	Pub-2010 Amount-Weighted Above-Median Mortality Table

* - Fiscal year 2015 was the 1st year of implementation, therefore only seven years are shown.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Schedule of Revenues, Expenditures, and Changes in Fund Balances

Budget and Actual - General Fund

Year ended June 30, 2021

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Revenues:				
Apportionment	\$ 1,090,497	1,120,497	1,120,497	-
Charges for services	180,704	116,454	137,646	21,192
Investment income	18,000	19,000	13,582	(5,418)
Total revenues	<u>1,289,201</u>	<u>1,255,951</u>	<u>1,271,725</u>	<u>15,774</u>
Expenditures:				
General government:				
Salaries and benefits	894,700	838,641	717,115	121,526
Service and supplies	<u>442,754</u>	<u>350,981</u>	<u>395,032</u>	<u>(44,051)</u>
Total expenditures	<u>1,337,454</u>	<u>1,189,622</u>	<u>1,112,147</u>	<u>77,475</u>
Excess (deficiency) of revenues over (under) expenditures	(48,253)	66,329	159,578	93,249
Fund balances at beginning of year	<u>193,509</u>	<u>193,509</u>	<u>193,509</u>	-
Fund balances at end of year	<u>\$ 145,256</u>	<u>259,838</u>	<u>353,087</u>	<u>93,249</u>

See accompanying notes to the required supplementary information

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

Notes to the Required Supplementary Information


Year ended June 30, 2021

1. Budgetary Reporting

The Commission established accounting control through formal adoption of an annual budget for the Governmental Fund. The budget is prepared on a basis consistent with generally accepted accounting principles. The adopted budget can be amended by the Commission to change both appropriations and estimated revenues as unforeseen circumstances come to management's attention. Increases and decreases in revenue and appropriations require Commission's approval. Expenditures may not exceed total appropriations at the individual fund level. It is the practice of the Commission's management to review the budget monthly and provide quarterly updates to the Commission.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #12: Mid-Year Financial Review for Fiscal Year 2021-22 and
Consideration of Increasing Appropriation to Legal Counsel Account

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Note receipt of this report and file.
2. Approve the following amendments to the FY 2021-22 Budget:
 - a. Increase Revenue Account 9970 (Carryover of Fund Balance) by \$42,072 to \$96,575 to recognize the additional carryover into FY 2021-22.
 - b. Increase Expenditure Account 2400 (Legal Counsel) by \$42,072 to \$76,272 to increase appropriation related to unrecoverable legal costs.

SUMMARY:

1. Budget Markers

The second quarter of Fiscal Year 2021-22 has concluded and staff is presenting the Commission with its second financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (see Attachment) showing the line item expenditures and receipts during the period. The summary table below shows that Total Expenditures are on-track with Second Quarter markers. Revenues, Fees and Deposits are at 37%, below the 50% mark. The table below is a snapshot through the mid-year.

Expenditures		Revenues	
Salaries and Benefits	48%	Apportionment	100%
(below appropriations)		(met goal)	
Services and Supplies	46%	Fees and Deposits	37%
(below appropriations)		(below goal)	
TOTAL	47%	TOTAL	95%

2. Applications

The table below identifies the number of proposals and service contracts received. When taking activity that the Commission approves (proposals and one category of service contracts), six of nine have been received through the first half (67%).

Activity	Budget	Through December	
		No.	% of Budget
Proposals	7	1	14%
Service Contracts - Commission approval	2	5	250%
Service Contracts - Admin (E.O.) approval	2	5	250%

3. Cash in Treasury

As of December 31, the Commission's cash in the County Treasury was \$990,155. A breakdown of this amount is shown below. As shown in red font, roughly \$42,000 in additional funds carried forward into FY 2021-22. This report reviews this carryover with the Commission – staff's position is to recognize these funds and increase the legal counsel account to provide appropriation authority for legal costs that are not recoverable.

December 31, 2021 Balance		\$990,155
Cash Balance is composed of the following:		
<i>Committed (constrained to specific purposes)</i>		
Compensated Absences (Account 6030)		152,095
Salary for Extra Pay Period: Year 1 of 10 (Account 6035)		3,000
<i>Assigned (intended for specific purposes)</i>		
Contingency (Account 6000)		25,000
General Reserve (Account 6025)		175,000
<i>Remaining Expenditures</i>		679,812
<i>Remaining Revenues (shown as negative)</i>		(66,095)
<i>Accounts Payable/(Receivable)</i>		13,953
<i>Additional Carryover into FY 2021-22 (recommended to cover legal)</i>		42,072
Carryover (Deficit)		(\$34,682)

DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

1. Expenditures

Expenditures are comprised of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the mid-year, expenditures were at 47% of Approved Budget authority. At this time, no request is being presented by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

A. Salaries and Benefits (1000 series)

(1) Mid-Year Activity

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$350,177, representing 48% of Approved Budget authority.

(2) Anticipated Activity

At this time, no additional activity is anticipated outside of the budget.

B. Services and Supplies (2000 and 5000 series)

(1) Mid-Year Activity

For the mid-year, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$209,457, or 46% of the Approved Budget authority. The first half includes full-year and one-time payments, which are generally on target for the fiscal year.

Unrecoverable legal costs are extraordinarily high, over 200% of the budget. Currently, the Commission is engaged in three legal matters where costs are not recoverable. As shown in the Cash Balance figure on page 2 in red font, roughly \$42,000 in additional funds carried forward into FY 2021-22. Staff's position is to recognize these funds and increase the legal counsel account to provide appropriation authority for legal costs that are not recoverable. (See the Attachment for the line items in red font).

(2) Anticipated Activity

The three legal matters remain open. Staff will continue to monitor the Commission's finances closely. No other activity is anticipated to have a significant effect on the budget.

2. Reserves

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts. Reserve balances are shown in the Cash Balance figure on page 2.

3. Projects and Programs

The following provides an update on expenditures and progress on projects approved by the Commission.

A. Sustainable Agricultural Lands Conservation (SALC) Program

At the July 2020 meeting, the Commission authorized the Executive Officer to submit the SALC Program Planning Grant to the CA Department of Conservation (DOC). LAFCO finalized contracts with the DOC (grant contract with a start date of May 6) and Inland Empire Resource Conservation District (cooperative agreement setting terms for roles and reimbursement).

Staffs formulated the work plan and other documents. Staffs held a “SALC Kickoff” meeting on June 29 with interested stakeholders. The meeting was well attended with a variety of stakeholders from the Valley Region (the project area). Work continues on mapping agricultural lands as well as meeting with County and City representatives.

B. Service Reviews and Special Studies:

The schedule for service reviews and special studies is below:

- January 2022 - Special Study for the Morongo Valley Community Services District
- March 2022 – Service Review for the Twentynine Palms Community (at the request of the City of Twentynine Palms)
- April or May 2022 – Countywide Service Review for Park and Recreation

C. Governance Training Program

Due to the pandemic, the Governance Training Program was on hiatus. The FY 2021-22 budget resumes this program. Staff is coordinating with CSDA on a training program for March/April 2022.

D. New Website

The FY 2021-22 Budget allocates funds for a new website. The project is on-track and on-budget.

E. Fiscal Indicators Program

Portions of the website will be incompatible with the new website platform, including the Fiscal indicators. Once the new website is live, staff will assess the program's revival with the Commission.

4. Revenues

The Commission has received 95% of Adopted Budget revenues through the mid-year. The items below outline the revenue activity:

- Interest (Account 8500) – \$2,822 in interest revenue was earned from the Commission's cash in the County Treasury – a paltry amount. The bulk of LAFCO's revenues are received during the first half 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.
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the County, cities, and independent special districts billed by the County Auditor have been received.
- Fees and Deposits (Accounts 9545 – 9800) – The Fees and Deposits series of accounts have received 37% of its budgeted revenue (\$33,459). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery.
- Carryover from Prior Year (Account 9970) - Prior Year Contingency and Reserve funds of \$311,243 from FY 2020-21 carried forward into FY 2021-22.

CONCLUSION:

Through the mid-year, total expenditures are on track (although legal activity is high), 100% of the apportionment receipts were received, and proposal activity is less than anticipated. Staff recommends that the Commission take the actions on page 1.

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

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 21-22 (May 2021)	AMENDED FY 21-22 (Dec 2021)	Q1	OCT	NOV	DEC	TOTAL THRU DEC	PERCENT THRU DEC	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
	SALARIES AND BENEFITS											
1010	Earnable Compensation	437,906	437,906	95,749	31,877.37	33,288.39	49,933.65	210,848	48%	218,953	429,802	98%
1030	Auto and Cell Phone Allowances	9,275	9,275	2,100	700.00	700.00	1,050.00	4,550	49%	4,638	9,188	99%
1035	Overtime			-				-		-	-	
1045	Termination Payment			-				-		-	-	
1110	General Member Retirement	175,386	175,386	38,377	12,774.40	13,337.68	19,788.23	84,277	48%	87,693	171,970	98%
1130	Survivors Benefits	143	143	22	7.28	7.28	10.92	47	33%	72	119	83%
1135	Retirement Subsidy (no longer active)			-				-		-	-	
1200	Medical Premium Subsidy	48,373	48,373	9,954	3,350.68	3,350.68	5,026.02	21,682	45%	24,187	45,869	95%
1205	Long-Term Disability	988	988	220	75.38	75.75	113.97	485	49%	494	978	99%
1207	Vision Care Insurance	613	613	142	47.92	47.92	71.88	310	51%	306	616	101%
1215	Dental Insurance Subsidy	1,003	1,003	170	56.76	56.76	85.14	369	37%	501	870	87%
1222	Short-Term Disability	4,873	4,873	1,099	377.49	379.25	570.51	2,426	50%	2,437	4,863	100%
1225	Medicare	5,074	5,074	1,117	373.71	375.09	574.06	2,439	48%	2,537	4,977	98%
1235	Workers' Compensation	-	-	-				-		-	-	
1240	Life Insurance & Medical Trust Fund	14,182	14,182	2,580	1,030.60	1,036.27	1,563.18	6,210	44%	7,091	13,301	94%
1305	Medical Reimbursement Plan	5,212	5,212	566	190.76	190.76	286.14	1,234	24%	2,606	3,840	74%
1310	Annuitant Employee Medical (no longer active)			-				-		-	-	
1314	457/401a Contribution	3,009	3,009	668	225.25	226.01	340.19	1,460	49%	1,505	2,964	99%
1315	401k Contribution	31,082	31,082	6,324	2,133.48	2,145.58	3,237.10	13,840	45%	15,541	29,381	95%
	TOTAL SALARIES & BENEFITS	\$ 737,120	\$ 737,120	\$ 159,088	\$ 53,221.08	\$55,217.42	\$82,650.99	\$ 350,177	48%	\$ 368,560	\$ 718,737	98%
	Staffing (Full time equivalent units)	4.0	4.0									
	SERVICES AND SUPPLIES											
2031	Payroll System Services (County IT)	707	707	136	54.40	54.40	54.40	299	42%	354	653	92%
2032	Virtual Private Network (County IT)	158	158	26	13.20	13.20	13.20	66	42%	79	145	92%
2033	Network Labor Services (County IT)	-	-	-				-		-	-	
2037	Dial Tone (County IT)	2,381	2,381	510	255.06	255.06	255.06	1,275	54%	1,190	2,466	104%
2041	Data Line	8,400	8,400	2,743		1,349.08		4,092	49%	4,200	8,292	99%
2043	Electronic Equipment Maintenance (County IT)	-	-	-				-		-	-	
2075	Membership Dues	12,242	12,242	10,760			1,556.00	12,316	101%	6,121	18,437	151%
2076	Tuition Reimbursement	2,000	2,000	-	999.00			999	50%	1,000	1,999	100%
2080	Publications	3,180	3,180	789		538.02		1,327	42%	1,590	2,917	92%
2085	Legal Notices	18,000	18,000	1,393		862.40		2,255	13%	9,000	11,255	63%
2090	Building Expense	7,260	7,260	1,815	835.00	490.00	490.00	3,630	50%	3,630	7,260	100%
2115	Software	17,283	17,283	1,374		573.95		1,948	11%	8,642	10,589	61%
2135	Utilities	-	-	-				-		-	-	
2180	Electricity	6,000	6,000	1,358	394.73	278.56		2,031	34%	3,000	5,031	84%
2245	Other Insurance	18,340	18,340	12,637				12,637	69%	9,170	21,807	119%
2305	General Office Expense	2,564	2,564	890	18.27	157.00	2.08	1,067	42%	1,282	2,349	92%
2308	Credit Card Clearing Account	-	-	(1,381)	1,157.75	(1,157.75)	1,002.80	(378)		-	(378)	
2310	Postage - Direct Charge	5,316	5,316	838	266.16	559.92	217.88	1,882	35%	2,658	4,540	85%
2315	Records Storage	772	772	193	64.37	64.37	64.37	386	50%	386	772	100%
2322	Enterprise Printing (County IT)	86	86	18	7.14	10.71	7.14	43	50%	43	86	100%
2323	Reproduction Services	500	500	-				-	0%	250	250	50%
2335	Temporary Services	5,400	5,400	100	140.14			240	4%	2,700	2,940	54%
2400	Legal Counsel	34,200	76,272	47,250		12,678.31	9,693.80	69,622	91%	70,000	139,622	183%
2405	Auditing	11,500	11,500	2,320				2,320	20%	5,750	8,070	70%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 21-22 (May 2021)	AMENDED FY 21-22 (Dec 2021)	Q1	OCT	NOV	DEC	TOTAL THRU DEC	PERCENT THRU DEC	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
2410	IT Infrastructure (County IT)	586	586	1,668	556.00	556.00	556.00	3,336	569%	293	3,629	619%
2415	Countywide Cost Allocation Program (COWCAP)	14,049	14,049	864		863.50		1,727	12%	7,025	8,752	62%
2416	Enterprise Printing (County IT)	31	31	3				3	10%	16	19	60%
2417	Enterprise Content Management (County IT)	1,884	1,884	462	154.00	154.00	154.00	924	49%	942	1,866	99%
2418	Data Storage Services (County IT)	4,836	4,836	1,029	343.00	343.00	343.00	2,058	43%	2,418	4,476	93%
2420	Wireless Device Access (County IT)	211	211	35	17.59	17.59	17.59	88	42%	106	193	92%
2421	Desktop Support Services (County IT)	9,623	9,623	2,138	1,069.20	1,069.20	1,069.20	5,346	56%	4,811	10,157	106%
2424	Environmental Consultant	10,600	10,600	3,535	765.00	745.00		5,045	48%	5,300	10,345	98%
2444	Security Services	492	492	123		123.00		246	50%	246	492	100%
2445	Other Professional Services	78,068	78,068	9,013	2,403.54	2,897.60		14,314	18%	39,034	53,348	68%
2449	Outside Legal (Litigation & Special Counsel)	-	-	-				-		-	-	
2450	Application Development and Enhancements			1,165	3,364.40	1,294.00		5,823		-	5,823	
2460	Aerial Imagery (County IT)	14,500	14,500	-				-	0%	7,250	7,250	50%
2895	Rent/Lease Equipment (copier)	5,100	5,100	1,301	438.72	408.66		2,148	42%	2,550	4,698	92%
2905	Office/Hearing Chamber Rental	98,258	98,258	23,506	23,506.23			47,012	48%	49,129	96,142	98%
2940	Private Mileage	2,192	2,192	-				-	0%	1,096	1,096	50%
2941	Conference/Training	4,710	4,710	3,275	(3,275.00)			-	0%	2,355	2,355	50%
2942	Hotel	6,710	6,710	-				-	0%	3,355	3,355	50%
2943	Meals	1,000	1,000	-				-	0%	500	500	50%
2945	Air Travel	400	400	-				-	0%	200	200	50%
2946	Other Travel	150	150	-				-	0%	75	75	50%
5012	Trust Transfer to County (Staples & Microsoft)	6,689	6,689	3,159	152.24		17.30	3,329	50%	3,345	6,673	100%
TOTAL SERVICES & SUPPLIES		\$ 416,379	\$ 458,451	\$ 135,045	\$ 33,700.14	\$ 25,198.78	\$ 15,513.82	\$ 209,457	46%	\$ 261,089	\$ 470,547	103%
TOTAL EXPENDITURES		\$ 1,153,499	\$ 1,195,571	\$ 294,132	\$ 86,921.22	\$ 80,416.20	\$ 98,164.81	\$ 559,635	47%	\$ 629,649	\$ 1,189,284	99%
TRUST TRANSFERS												
9990	SBCERA Additional Payment	50,163	50,163							50,163	50,163	
TOTAL TRUST TRANSFERS		\$ 50,163	\$ 50,163	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ 50,163	\$ 50,163	100%
TOTAL APPROPRIATION		\$ 1,203,662	\$ 1,245,734	\$ 294,132	\$ 86,921.22	\$ 80,416.20	\$ 98,164.81	\$ 559,635	45%	\$ 679,812	\$ 1,239,447	99%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	INCREASES (DECREASES) FY 19-20	INCREASES (DECREASES) FY 20-21	ADOPTED Increases FY 21-22	TOTAL
	RESERVES (Increases)				
6000	Contingency (Assigned)			6,400	25,000
6025	General (Assigned)			25,000	175,000
6030	Compensated Absences (Committed)	12,769	32,477	9,452	152,095
6035	Salary for Extra Pay Period (Committed)			3,000	3,000
TOTAL RESERVES (Increases)		\$ 12,769	\$ 32,477	\$ 43,852	\$ 355,095


Attachment #1

Budget Spreadsheets

ACCT #	ACCOUNT NAME	ADOPTED FY 21-22 (May 2021)	AMENDED FY 21-22 (Dec 2021)	Q1	OCT	NOV	DEC	TOTAL THRU DEC	PERCENT THRU DEC	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
	Use of Money:											
8500	Interest	11,000	11,000	1,589	1,232.10			2,822	26%	3,000	5,822	53%
	Mandatory Contribution from Governments:											
8842	Apportionment	1,090,497	1,090,497	1,090,497				1,090,497	100%		1,090,497	100%
	Fees and Deposits (Current Services):											
9545	Individual Notice Deposit	9,000	9,000	3,000		2,000.00	1,000.00	6,000	67%	2,500	8,500	94%
9555	Legal Services Deposit	15,000	15,000	3,400		1,400.00	700.00	5,500	37%	8,000	13,500	90%
9595	Protest Hearing Deposit	4,500	4,500					-	0%	4,000	4,000	89%
9655	Digital Mapping Fee	595	595					-	0%	595	595	100%
9660	Environmental Deposit	8,400	8,400	2,400		1,400.00	700.00	4,500	54%	3,000	7,500	89%
9800	LAFCO Fee	54,019	54,019	14,219		2,160.00	1,080.00	17,459	32%	45,000	62,459	116%
	Total Fees and Deposits	91,514	91,514	23,019	-	6,960.00	3,480.00	33,459	37%	63,095	96,554	106%
	OTHER REVENUES											
9560	Indemnification Recovery											
9910	Prior Year Activity (refunds, collections)											
9930	Miscellaneous			542			700.00	1,242			1,242	
9970	Carryover of Fund Balance	54,503	96,575	54,503			42,072.00	96,575	100%		96,575	100%
9973	Stale-dated Checks							-				
	TOTAL OTHER REVENUES	54,503	96,575	55,045	-	-	42,772.00	97,817	101%	-	97,817	101%
	TOTAL REVENUES	\$ 1,247,514	\$ 1,289,586	\$ 1,170,151	\$ 1,232.10	\$ 6,960.00	\$ 46,252.00	\$ 1,224,595	95%	\$ 66,095	\$ 1,290,690	100%

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: LAFCO 3253 - Special Study for the Morongo Valley Community Services District

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions related to LAFCO 3253:

1. Review and accept the Special Study for the Morongo Valley Community Services District (LAFCO 3253).
2. Direct staff to work with the Morongo Valley Community Services District on presenting this special study to the Morongo Valley community.

BACKGROUND:

The recent inability to provide effective and efficient fire and emergency medical services by the Morongo Valley Community Services District ("MVCSD" or "CSD") reached a critical level. Historically, MVCSD has had challenges providing sustainable fire and emergency medical services to the Morongo Valley community. On December 15, 2021, the MVCSD Board appointed an interim Director of Operations (Fire Chief) and restructured its hiring practices and qualifications to hire more personnel.

SPECIAL STUDY:

This special study is designed as an educational document and is primarily intended for the Morongo Valley community. It does not include specific recommendations but instead provides information on the state of the MVCSD fire operations, as well as the challenges that many rural fire agencies are facing. The study does identify options for consideration which can be used by the community and the CSD to help shape a viable fire and emergency services operation in Morongo Valley.

This study does not necessitate a resolution or environmental determination by the Commission.

Staff recommends that the Commission take the actions outlined on page 1.

SM/MT

Attachment

***Special Study for the
Morongo Valley Community Services District***

LAFCO 3253



Accepted and Filed _____

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ABSTRACT

Recently, the Morongo Valley Community Services District (“MVCSD” or “CSD”) was unable to provide effective and efficient fire and emergency medical services. As early as December 2021, its structure was not operationally or financially capable of providing effective fire and emergency medical services to the Morongo Valley community.

This special study is designed as an educational document and is primarily intended for the Morongo Valley community. It does not include specific recommendations but instead provides information on the state of the Morongo Valley Community District’s fire operations, as well as the challenges that many rural fire agencies are facing. The study does identify options for consideration which can be used by the community and the CSD to help shape a viable fire and emergency services operation in Morongo Valley.

Morongo Valley CSD

In 1958, voters approved the formation of the Morongo Valley Community Services District. The CSD is an independent special district with a five-member board of directors, elected at large, and encompasses approximately 24 square miles. The major roadway in Morongo Valley is State Route 62. A high rate of accidents and fatalities on SR-62 has long been a concern and strains the fire and emergency medical response resources of the CSD.

Currently, LAFCO authorizes the CSD to provide the following functions: fire protection, park and recreation, and streetlighting. In 2001, the CSD transitioned from a volunteer staff to a mix of paid staff and reserve firefighters. In 2002, following approval of an assessment, the CSD’s fire function expanded to include advance life support (paramedic) services. Although there are industry guidelines, there are no mandatory federal or state regulations directing the level of fire service staffing, response performance, or outcomes. The level of fire protection and emergency medical services provided is a local policy decision, and communities have the level of services they desire or can afford. However, the body of regulations and guidelines on fire services provides that if services are provided at all, they must be done so with the safety of the firefighters and citizens in mind.

Previous Studies

LAFCO has conducted three reviews or studies related to the MVCSD since 2012. The most recent, the *Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch*, recommended that MVCSD District coordinate with the County to: (1) seek local, state and federal grants and funding to support the Morongo Valley Fire Department and maintain local control; (2) advocate to Caltrans to decrease traffic speeds on State Route 62 to 40 MPH through the Morongo Valley business district, and (3) work with the California Highway Patrol to increase law enforcement activities along State Route 62, including enforcing any reduced traffic speeds.

Recent MVCSD Actions

At its meeting of December 15, 2021, the MVCSD Board appointed an Interim Director of Operations. At that same meeting, the CSD President and one Director resigned from the CSD Board of Directors. To increase the applicant pool for vacant CSD fire vacancies, the Board also approved changes to the employment MOU which allows part-time employment

for firefighters and paramedics and permits the hiring of Emergency Medical Responders (EMRs). These recent actions came after a series of contentious Board meetings regarding the fire department's ongoing staffing, leadership and financial challenges.

Financial Challenges

LAFCO has long identified the CSD's severe fiscal constraints which continue to challenge the organization's short-term viability and limit organizational alternatives which could permanently address service shortfalls in the long-term. The margin for error in budgeting for the CSD remains thin. Should any of the following occur, then the district's short-term viability would be in jeopardy: (1) immediate replacement of the current fire truck, (2) OES cancels the contract or recalls the wild land fire truck, (3) any other major expense.

For example, the CSD gained \$60,042 in fund balance in FY 2017-18. If it were not for being able to send strike teams (and receive reimbursement from Cal Fire), expenditures would have exceeded revenues. According to the FY 2017-18 audit, this income covered many unanticipated expenses with repairs to aging buildings and fire equipment. It is LAFCO's understanding that Cal Fire no longer uses the CSD for strike teams.

Options

As stated previously, there are no recommendation in this report. For consideration, LAFCO has identified four options to restructure CSD operations. All will likely require some type of additional funding (beyond the current assessment) to ensure viability.

Options	Challenges
Assumption of fire and emergency medical services by San Bernardino County Fire Protection District and its South Desert Service Zone	Will require some type of additional funding (e.g., parcel tax, etc.). Will result in increased response times if service comes from Yucca Valley. Will cost much more if County Fire assumes the current CSD fire station.
Assumption of fire and emergency medical services by California Department of Forestry and Fire Protection (Cal Fire)	Will require some type of additional funding (e.g., parcel tax, etc.). Will result in increased response times if service comes from Yucca Valley.
Reduction of district fire protection level of service until it reaches a sustainable level financially, recognizing the requirement to have a full-time paid paramedic position to continue to receive its benefit assessment	Will likely continue to strain the CSD's limited resources, jeopardize the agency's ability to attract and retain employees, and compromise service levels over the long-term.
Provide the level of service desired by the community: paramedic and two crews, three shifts, with redundancy, proper training, and adequate equipment	Will require some type of additional funding (e.g., parcel tax, etc.)

SECTION 1: Purpose of Report

Report Authority and Objective

This special study is prepared by LAFCO in accordance with Government Code §56378 which permits LAFCOs to study agencies and their maximum service area and service capacities.

The recent inability to provide effective and efficient fire and emergency medical services by the Morongo Valley Community Services District (“MVCSD” or “CSD”) reached a critical level. Historically, MVCSD has had challenges providing sustainable fire and emergency medical services to the Morongo Valley community. On December 15, 2021, the MVCSD Board appointed an interim Director of Operations (Fire Chief) and restructured its hiring practices and qualifications to hire more personnel.

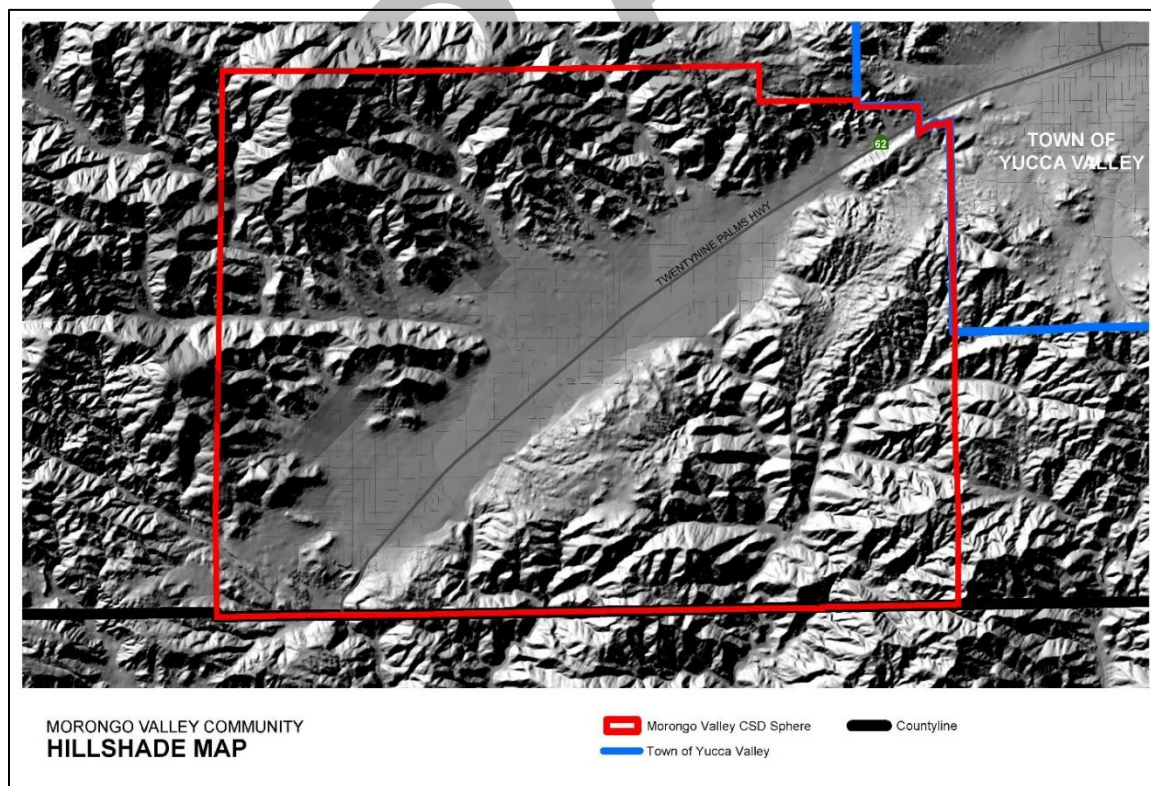
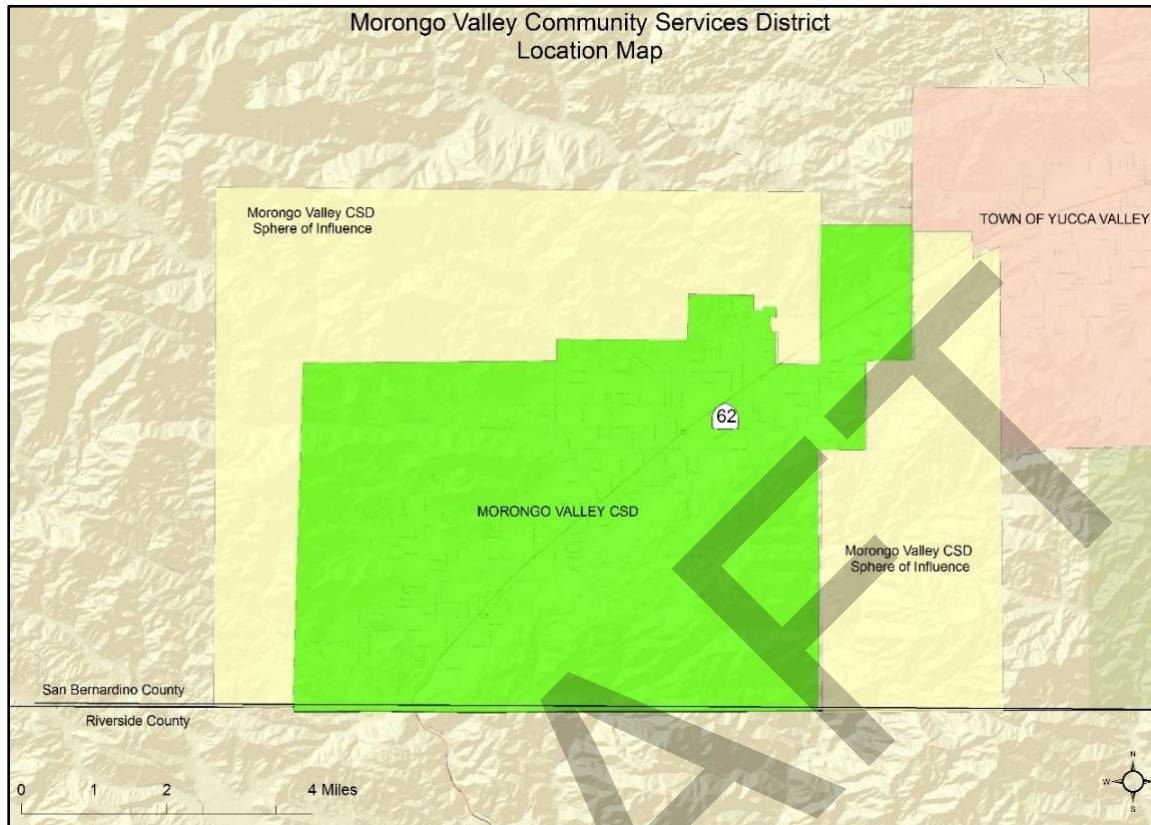
This special study is designed as an educational document and is primarily intended for the Morongo Valley community. It does not include specific recommendations but instead provides factual background and current information on the state of the CSD’s fire operations, as well as the challenges that rural fire agencies are facing. It also identifies potential options for providing fire and emergency services in the future. The information in this study can serve as a resource for discussions with the CSD and the Morongo Valley community toward the development of a long-term, fiscally sustainable solution to fire and emergency service provision within their community.

Location

The special study area is located within the Commission’s defined South Desert Region at the southwestern end of the Morongo Basin, north of Palm Springs, west of Yucca Valley, south of Pioneertown and east of the San Bernardino Mountains. Morongo Valley is mountainous with scattered development on large parcels of land. Wilderness and recreational areas surround the community. Development is primarily single-family homes (on large lots ranging from 10,000 square feet to five acres) with limited commercial development. The Morongo Valley has a current estimated population of 3,900. The community has attracted many retirement-aged residents.

The major roadway in Morongo Valley is State Route 62 (“SR-62” or “Twentynine Palms Highway”) which is a two-lane State Highway. This highway serves as the main thoroughfare for more than 60,000 residents of the High Desert, traversing the communities of Morongo Valley, Yucca Valley, Joshua Tree, and Twentynine Palms. The highway also is the primary route to the Twentynine Palms Marine Corps Air Ground Combat Center, a large military base that is home to more than 13,500 troops and trains another 40,000 each year, as well as the northern gateway to the Joshua Tree National Park. A high rate of accidents and fatalities on SR-62 has long been a concern of the region and strains the fire and emergency medical response resources of the Morongo Valley CSD.

A map of the district is shown below. The second map is a relief map which illustrates the topographic constraints that form the Morongo Valley.



SECTION 2: What is a CSD?

A community services district (commonly referred to as a “CSD”) is a legal subdivision of the State of California, like cities and counties. The principal act that governs CSDs is the Community Services District Law (California Government Code Sections 61000 et seq.). CSD law was initially adopted in 1951, with a major rewrite effective January 1, 2006.

Since its inception, in popular terms, a CSD was considered as a “junior city” since it closely approaches cityhood in terms of local autonomy (or “home rule”), its financial flexibility, and the diversity of its available services. However, in the 2005 rewrite of the CSD Act, the legislature broadened that definition to indicate that a CSD could be any of the following:

- (1) A permanent form of governance that can provide locally adequate levels of public facilities and services.
- (2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.
- (3) A form of governance that can serve as an alternative to the incorporation of a new city or,
- (4) A transitional form of governance as the community approaches cityhood.

Who Governs a CSD?

A CSD is governed by a five-member board of directors elected at-large, by divisions, or from divisions (§61021 & §61025). The board of directors must be divided to serve staggered four-year terms. Directors must be registered voters residing within the district, and if elected by divisions or from divisions, then directors must be a voter of that division or proposed division. A member of the board of directors shall not be general manager, the district treasurer, or any other compensated employee of the district (§61040 & §61041).

Who Manages a CSD?

The board of directors shall appoint a general manager who is directly responsible to the board of directors for the implementation of the policies established by the board of directors (§61050 & §61051).

What Services can a CSD Provide?

A CSD can provide one, or any combination of, the services depending on community needs, circumstances, and financial feasibility as outlined in Government Code Section 61100. The following provides a sampling of the 33 different types of services available for delivery through a CSD:

1. Supply water for beneficial uses in the same manner as a municipal water district;
2. Collect, treat, or dispose of sewage, waste water, recycled water, and storm water services;
3. Collect, transfer, and dispose of solid waste and provide solid waste handling services;
4. **Provide for fire protection services, rescue services, hazardous material emergency response services, and ambulance services;**
5. **Acquire, construct, improve, maintain and operate recreation facilities, including but not limited to, parks and open space;**
6. **Street lighting and landscaping on public property;**
7. Mosquito abatement and vector control services, and provide for animal control services;
8. Law enforcement;
9. Security services, including but not limited to burglar and fire alarm services;
10. Provide and maintain public airports and landing places;
11. Graffiti abatement;
12. Weed and rubbish abatement;
13. Acquire, construct, improve, maintain and operate hydroelectric power generating facilities and transmission lines, consistent with the district's water supply and wastewater operations;
14. Build, operate and maintain television transistor facilities;
15. Own, operate, improve, and maintain cemeteries and provide interment services;
16. Habitat mitigation or other environmental protection purposes; and.
17. Provision of broadband service with requirements on future sale.

Once a CSD is formed, the expansion or divestiture of a function or service identified above is processed through the Local Agency Formation Commission (Government Code Section 56824.12). In addition, CSD law (Government Code Section 61107(b)) also limits the Commission's ability to approve an expansion of a latent power noting that it is prohibited from authorizing such activation if an existing local agency "already provides substantially similar services or facilities to the territory where the CSD proposes to exercise the latent power".

SECTION 3:

Providing Fire Protection and Emergency Medical Services

Authorized agencies provide fire protection and emergency medical services in varying manners and degrees. The items below are excerpts from LAFCO's 2020 *Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch*.

1. The reach of a fire department extends throughout the community. Fire departments provide for the health and safety of its constituents, improve the quality of life, secure economic vitality, provide business opportunity, protect the environment, promote social stability, and increase resiliency. These efforts are accomplished by providing emergency and non-emergency services such as fire protection, EMS, hazmat, technical rescue, tactical response, community risk reduction, community engagement, public education, and emergency management programs etc...
2. There are no mandatory federal or state regulations directing the level of fire service staffing, response performance, or outcomes; though, there are industry guidelines. Thus, the level of fire protection services provided are a local policy decision, and communities have the level of services they desire or can afford. However, the body of regulations and guidelines on fire services provides that if services are provided at all, they must be done so with the safety of the firefighters and citizens in mind.
3. All agencies that provide structural fire protection also provide basic medical service, and many provide advanced medical service, which is generally a paramedic. Following the initial medical response, a patient may require transportation to a hospital; some fire protection agencies are authorized to provide ambulance services while others are not.
4. The heaviest demand on the fire/emergency system is emergency medical calls. In 2016, fire departments in the United States responded to 35.3 million calls, with fire incidents being less than 4% and medical emergencies accounting for 68%. A sampling of fire agencies in San Bernardino County reveals similar percentages.

Note that while medical calls account for most of the incidents, this does not reflect the amount of time a fire agency spends on these types of calls. A significant percentage of time is spent training, preparing to respond, preventing, responding, and mitigating fire incidents.

5. Fire departments are also the responder for homelessness, substance abuse, routine access to health care, and mental health.
6. The term "fire department" in reality has evolved to an "all-hazard" department. The workload of fire departments has grown substantially.
7. Fire agencies cannot be solely responsible for eliminating hazards and reducing risks to keep fire away from homes or keep homes from igniting. The job of the community is to keep itself safe and resilient. Risk reduction and prevention efforts led by the fire

service that engages a broad range of government services and community stakeholders lessen the adverse impacts of disasters and emergencies. With available land lessening, the community needs to balance development and fire risk.

8. Responsibility for, and delivery of, fire and emergency services in a county as large as San Bernardino County is complex. Some cities provide their own services. Some cities and unincorporated communities are included in fire districts, and some contract for services with other public and private providers. Most agencies utilize full-time staff using a variety of staffing models. Some remote agencies, however, are staffed by all or partial volunteer crews. The variety in type and scope of service delivery is due to many reasons, including funding availability and cost efficiency, maximizing staff resources, available apparatus and equipment, operational expertise, location and topography.
9. Districts rely primarily upon property tax, special taxes, fees for service, and development mitigation fees, and have little opportunity to increase fees. The most significant financing constraints for fire services are legal requirements that limit property taxes and require voter approval of new taxes and tax increases. Because agency financial resources are primarily tied to property taxes, districts continue to be greatly affected by the Great Recession. Several agencies are exploring additional revenue sources to sustain service levels.
10. Providing well-trained fire and emergency personnel in sufficient numbers to provide adequate protection for the public is a universal issue. Key factors affecting adequate staffing, include: (1) fire's evolving mission, (2) budget constraints; (3) hiring/retention/benefits for new hires; and (4) stress/demands of the job.

SECTION 4: Morongo Valley CSD History

In 1958, voters approved the formation of the Morongo Valley Community Services District. The CSD is an independent special district with a five-member board of directors, elected at large, and encompasses approximately 24 square miles. The CSD's original services included parks and recreation and street lighting. In 1962, the CSD assumed fire service responsibilities using an all-volunteer staff. Currently, LAFCO authorizes the CSD to provide the following functions: fire protection, park and recreation, and streetlighting - this is memorialized in LAFCO's *e (Special Districts), Chapter 3 (Listing of Special Districts within San Bernardino County LAFCO Purview – Authorized Functions and Services)*.

In 2001, the CSD transitioned from a volunteer to a mix of paid staff and reserve firefighters. In 2002, following approval of an assessment, the CSD's fire function expanded to include advance life support (paramedic) services.

The CSD has two fire stations:

- Station 461 (West Morongo Valley Station) – 11207 Ocotillo Street, Morongo Valley.

This station is the main fire station and command center for the CSD. It provides office space and living quarters for the firefighters, EMTs, and paramedics.

- Station 462 (East Morongo Valley Station) – 9492 Sundown Trail, Morongo Valley. This station is located in the eastern section of Morongo Valley. In the past, it was used for paid call response and provided a bay for the Sheriff's Citizen Patrol unit. At present, it is used for training purposes only.

MVCSD Agreements with Other Agencies

- Inland Counties Emergency Medical Agency

The CSD (through its Fire Department) and the Inland Counties Emergency Medical Agency ("ICEMA") entered into a non-financial agreement in 2008 authorizing the CSD to provide non-transport Advanced Life Support services within the district's boundaries and sphere of influence. The agreement automatically renews for successive two-year periods unless terminated or amended.

- County Fire

The CSD and County Fire have entered into an automatic aid/mutual aid agreement "to provide the most expeditious response to suppress fires and render other emergency services". The agreement identifies that neither party shall be obligated to reimburse the other for its response.

- Cal Fire and U.S. Forest Service

The entire Morongo Valley community is within a State Responsibility Area and is subject to the State Responsibility Area Fire Prevention Fee. Wildland fires are

under the jurisdiction of the California Department of Forestry and Fire Protection (“Cal Fire”) and the U.S. Forest Service, both not subject to LAFCO jurisdiction. The closest fire stations beyond the Morongo Valley community are CDF’s Yucca Valley Station (Station #121) and County Fire’s Station #41 (Yucca Valley Station). Other stations nearby that could also respond are County Fire’s Stations #36 (Joshua Tree Station) and #38 (Pioneer Town Station), the National Park Service Black Rock Interagency Fire Center (Station #608), and the Riverside County Fire Department Stations #36 and #37 (Desert Hot Springs Fire Stations).

Assessment (2002)

In 2002, in response to declining numbers of volunteer firefighters and community concerns regarding lengthy response times by the ambulance service assigned to the area, the district proposed, and the electorate approved, the *Morongo Valley Fire and Rescue Assessment* pursuant to Government Code Sections 50078 et seq. The total cost of the service is allocated to each property based on the relative benefit to a property in relation to a single-family home, the type of property, and its size, adjusted for inflation capped at three per cent each year. Each year the district’s contracted engineering firm conducts a “fire suppression count”, essentially auditing the parcel list for the assessment. According to the ballot measure, the assessment provides funding to:

- Ensure a minimum of two paid fire personnel on duty 24 hours a day, 7 days a week.
- Upgrade Emergency Medical Service from EMT/Firefighter (Basic Life Support) to Paramedic/Firefighter (Advance Life Support).
- Significantly improve response times for Advance Life Support.
- Guard against possible increases in fire and home insurance by protecting the district’s fire risk rating; and
- Work towards improving fire risk rating in areas with the highest insurance rates by establishing a water haul system.

Special Tax (2016)

The MVCSD placed a parcel tax measure on the June 7, 2016 ballot in an attempt to increase its revenues to support its existing service levels. The proposed parcel tax would have replaced the district’s three percent benefit assessment property tax with an annual \$350 parcel tax – a tax based on units, not assessed value. The measure was soundly defeated by district voters.

SECTION 5: Previous LAFCO Reviews and Studies

LAFCO has conducted three reviews or studies related to the CSD since 2012.

2012 Service Review

In 2012, LAFCO conducted a service review of the district and made the required determinations outlined in Government Code Section 56430. Given the information provided to LAFCO at that time, the financial ability of the agency was not a concern. As a part of the 2012 service review/sphere update, the Commission expanded the district's sphere to the west based upon discussion with the district that it provided fire and emergency response to the area under agreement with the County.

2015 Special Study

On August 18, 2014, LAFCO received a complaint from a director of the Morongo Valley Community Services District. The complaint was also distributed to the Grand Jury and the Third District Supervisor. The complaint stated that since LAFCO's service review/sphere update of November 2012, the district's expenses have increased dramatically. The director requested LAFCO's assistance to review the district's operations and determine the district's ability to preserve fire protection services and avoid bankruptcy.

At the January 21, 2015 LAFCO hearing, the Commission authorized a special study of the district. The special study had a narrow focus – determining the financial sustainability of the district to perform the minimum level of services. Interviews conducted by LAFCO staff in January and April 2015 revealed management issues related to the district's operations and finances going back many years during the tenure of previous general managers. This information was not made available to LAFCO staff during the preparation of the 2012 service review. It was determined that if no changes were made, the district would exhaust all funds within two years.

At the conclusion of the 2015 special study, the district took painful measures (reduction of the general manager's salary, and others) and received additional State reimbursement revenue to barely break-even for FY 2014-15. As a part of the special study, LAFCO staff provided a forecast for the next five fiscal years (through FY 2020-21). The forecast did not show even nominal annual revenue gains – a break-even scenario. Any deviation would force the razor-thin surplus to evaporate.

Because of the findings of the special study, the Commission directed staff to monitor and update the Commission biannually for the next three years regarding the district's financial position. Updates were completed by staff in February 2016, August 2016, March 2017, and August 2017. To illustrate the ongoing monitoring, the following is a portion of the conclusion section from the staff report dated March 14, 2017:

The district attempted to increase its revenues to accommodate its existing service levels; however, its measure for a special tax failed. The only option moving forward is to cut the expenses, thus the service level, for the delivery of fire protection and emergency medical response, is impacted. The district has worked hard to keep itself afloat and should be recognized for these efforts.

However, that position is tempered by staff's ongoing concern for its future. As a result of the failure of the special tax election by such a large margin, it appears to staff that the district realizes a need to move towards realistic expenditures and staffing. The current year budget appeared to be stable, but the mid-year data is indicating a return to expenditures exceeding revenues.

2020 Service Review

LAFCO made the following conclusions and recommendations related to the Morongo Valley CSD portion of LAFCO's *Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch* (the CSD's portion of the Countywide Service Review is included as Attachment #1 to this special study).

The Morongo Valley Community Services District is the agency responsible for non-transport emergency medical services along State Route 62 (Twentynine Palms Highway) within its boundary.

LAFCO concludes that the large number of traffic incidents along State Route 62 strains the resources of the Morongo Valley Community Services District.

LAFCO recommends that the Morongo Valley Community Services District coordinate with the County of San Bernardino to move on Action Statements C.3 and C.4 from the Morongo Valley Community Action Guide, part of the Countywide Plan, regarding traffic and law enforcement.

San Bernardino County's Countywide Plan

The County's proposed *Countywide Plan* is currently under development and will serve as an update to the County's current General Plan (2007). In May 2019, the County released a draft of the *Morongo Valley Community Action Guide* for public review. The *Action Guide*, developed with input from Morongo Valley residents, lays out "focus" and "action" statements to guide the long-term look and function of the community and will be incorporated into the *Countywide Plan*. The draft *Morongo Valley Community Action Plan* includes the following community focus statements that relate to the CSD's fire function and the community's ongoing concerns regarding SR-62:

- **Action Statement C.1:** *Coordinate local fund-raising efforts and seek local, state and federal grants and funding to support the Morongo Valley Fire Department (MVFD) and maintain local control of the MVFD.*
- **Action Statement C.3:** *Advocate to Caltrans to decrease traffic speeds on State Route 62 to 40 MPH through the Morongo Valley business district.*
- **Action Statement C.4:** *Work with the California Highway Patrol to increase law enforcement activities along State Route 62, including enforcing any reduced traffic speeds.*

SECTION 6: Current Conditions

Recent MVCSD Actions

At its meeting of December 15, 2021, the MVCSD Board appointed an Interim Director of Operations, with a termination date of January 19, 2022, replacing the former chief due to his pending retirement. At that same meeting, the CSD president and a director resigned from the CSD Board. These recent actions of the CSD Board came after a series of contentious Board meetings regarding the fire department's ongoing staffing, leadership and financial challenges. The CSD Board discussed the option of contracting with County Fire to take over fire and emergency medical services for a 90-day period, but opted instead to allow the interim chief to restaff the existing CSD fire department.

Staffing Challenges

Severe staffing shortages and fiscal constraints have plagued the MVCSD for many years. A December 12, 2021 staff report by former MVCSD Director of Operations Gary Yearsley (see Attachment #2) outlines the shifts worked by the CSD paramedic and engineer. He notes that a severe lack of department staffing has forced existing staff to work extraordinarily long hours which could compromise a worker's judgment, perception, reaction time and attention to detail. Overtime costs to cover these shifts continue to strain department finances.

MVCSD, like many other fire agencies, has struggled to hire and retain fire personnel. There are several reasons why recruiting and retention have grown more difficult. Hiring new firefighters can be a long process, complicated by local budget restrictions. Pay ranges and benefits for MVCSD fire personnel are generally below surrounding agencies which limit the number of applicants. Once hired, the department has suffered from a lack of employee retention as fire personnel become more experienced and look for employment with other fire agencies offering higher pay scales and increased benefits.

Hiring and retaining fire personnel remains a top issue facing most fire departments. The millennial generation (a prime age for potential recruits) generally has different life and work expectations. A desire for a work-life balance can be difficult to maintain with the hectic fire station work cycle. Additionally, working for the same company/agency for 30 years with a generous retirement plan does not have the same lure as with previous generations. The days of over 100 qualified applicants competing for open positions are history. Despite aggressive recruitment efforts, fire agencies today struggle to find qualified applicants to recruit and retain.

To increase the applicant pool for the vacant MVCSD fire vacancies, the Board has made changes to the employment MOU which allows part-time employment for firefighters and paramedics and permits the hiring of Emergency Medical Responders (EMRs). In a January 2022 phone interview with LAFCO staff, Interim Chief Brakebill indicated he has been successful in filling all MVCSD fire vacancies.

Financial Challenges

This study is not a state-mandated service review conducted by LAFCO. A typical service review includes a broad financial review. Such a review would analyze an agency's financial ability to provide services, debt obligations, pension obligations (if any), as well as evaluate if revenues adequate to provide services. Because the purpose of this study is for use as an educational document, an in-depth financial review typical of those found in LAFCO service reviews would not be appropriate for an educational document. Rather, this study provides brief historical context to the CSD's financial challenges.

The road to recovery from the Great Recession has been especially challenging for rural communities. Due to relatively low commercial activity and housing turnover, the Morongo Valley community experienced low increases to its assessed value. In the case of Morongo Valley CSD, it took ten years for property taxes to return to 2009 levels. The District has worked hard to keep itself afloat and should be recognized for these efforts.

Since the last LAFCO report in 2017, two factors have swung in favor for the CSD. First, assessed valuation has increased after five straight years of decreases. As a result, property tax revenue and the fire assessment experienced an increase. Second, the CSD has been used in strike teams of CalFire and the U.S. Forest Service, which provides much needed revenue to support operations.

The chart below shows that the CSD has experienced significant revenue gains beginning FY 2014-15. However, that position is tempered by LAFCO's ongoing concern for the CSD's future. As LAFCO staff has stated before, but must reiterate here, the margin for error in budgeting for the Morongo Valley CSD remains thin. For example, the CSD gained \$60,042 in fund balance in FY 2017-18. If it were not for being able to send strike teams, expenditures would have exceeded revenues. According to the FY 2017-18 audit, this income covered many unanticipated expenses with repairs to aging buildings and fire equipment.

The most recent audit available for this study, FY 2019-20, underscores the significance of the strike team deployment revenues to supplement the property tax and assessment revenues in order to fund operations and maintenance. The screen shot below is from the Management's Discussion and Analysis portion of the FY 2019-20 audit:

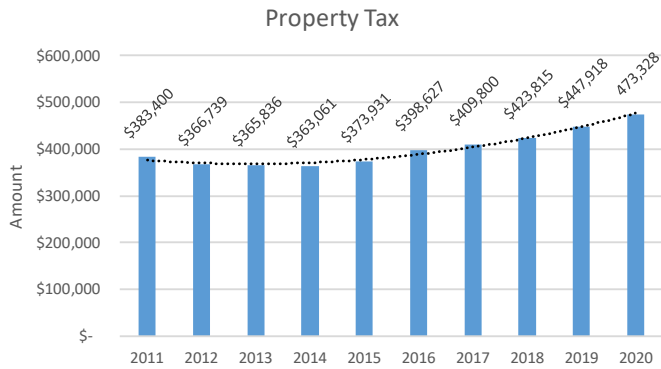
There were many factors contributing to the decrease in net position this year. The factors that contributed to the decrease in the net position in the current fiscal year are as follows:

- Program income decrease from the prior year by 63% for a total of \$127,138.
- Expenses increased from the prior year by 5% for a total of \$48,579.

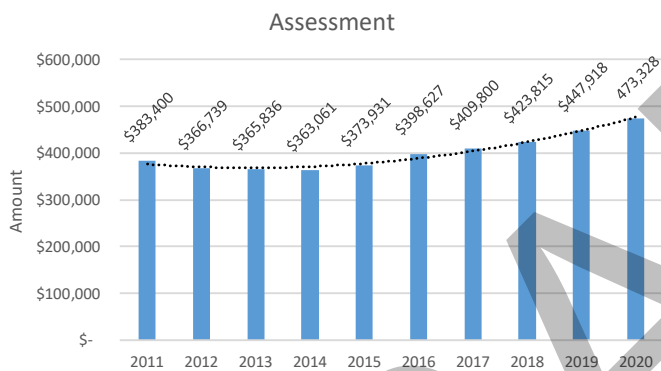
As of the writing of this study, the CSD's FY 2020-21 audit was not available.

January 2022
Morongo Valley Community Services District Special Study

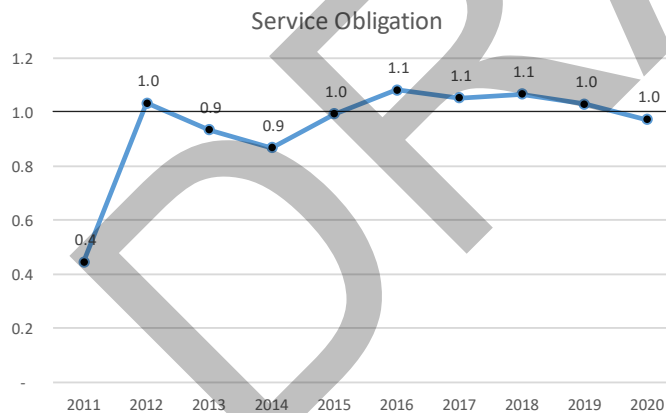
MORONGO VALLEY COMMUNITY SERVICES DISTRICT



This indicator is important for fire and related services as they are heavily reliant upon property tax revenues. As this revenue source is relatively stable and lags about two years behind changes in market conditions, this indicator can potentially depict the stability of an agency's revenue base.



In 2002, in response to declining numbers of volunteer firefighters and community concerns regarding lengthy response times by the ambulance service assigned to the area, the district proposed, and the electorate approved, the Morongo Valley Fire and Rescue Assessment pursuant to Government Code Sections 50078 et seq. The total cost of the service is allocated to each property based on the relative benefit to a property in relation to a single-family home, the type of property, and its size, adjusted for inflation capped at three per cent each year.



A Service Obligation ratio of one or more indicates if revenues were sufficient to pay for operations. It is calculated by operating revenues divided by operating expenditures.

Fiscal Year	Operating Revenues	Operating Expenditures	Ratio
2011	\$ 386,496	\$ 866,963	0.4
2012	\$ 712,401	\$ 689,498	1.0
2013	\$ 694,357	\$ 742,299	0.9
2014	\$ 738,663	\$ 851,053	0.9
2015	\$ 824,156	\$ 829,828	1.0
2016	\$ 941,276	\$ 869,505	1.1
2017	\$ 1,333,708	\$ 1,266,504	1.1
2018	\$ 965,924	\$ 905,882	1.1
2019	\$ 1,002,688	\$ 973,539	1.0
2020	\$ 969,987	\$ 997,048	1.0

SECTION 7: Options

There are no easy options to provide sustainable, long-term fire and emergency medical services to Morongo Valley. It is well documented that the existing fire agency, despite good intentions, has struggled for many years to provide adequate services but has fallen short due to staffing, financial and other issues.

LAFCO staff has listed, below, several options for consideration. However, all will likely require some type of additional funding (beyond the existing 3% tax) to ensure ongoing viability. As stated previously, this report is designed to inform and educate the Morongo Valley community regarding fire and emergency medical service options. LAFCO does not include recommendations in this report. It is hoped that the information in this report provides factual information that will lead to a larger conversation among community members, the CSD Board, and potential service providers.

Morongo Valley CSD Fire/Emergency Services Options:

Options	Challenges
Assumption of fire and emergency medical services by San Bernardino County Fire Protection District and its South Desert Service Zone	Will require some type of additional funding (e.g., parcel tax, etc.). Will result in increased response times if service comes from Yucca Valley.
Assumption of fire and emergency medical services by California Department of Forestry and Fire Protection (Cal Fire)	Will require some type of additional funding (e.g., parcel tax, etc.)
Reduction of district fire protection level of service until it reaches a sustainable level financially, recognizing the requirement to have a full-time paid paramedic position to continue to receive its benefit assessment	Will likely continue to strain the CSD's limited resources, jeopardize the agency's ability to attract and retain employees, and compromise service levels over the long-term.
Provide the level of service desired by the community: paramedic and two crews, three shifts, with redundancy, proper training, and adequate equipment	Will require some type of additional funding (e.g., parcel tax, etc.)

Attachments:

1. Morongo Valley CSD portion of LAFCO's 2020 *Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch*
2. December 12, 2021 staff report by former CSD Director of Operations

Sources:

LAFCO

Fiscal Indicators Program

LAFCO 3151 – Service Review and Sphere of Influence Update for Morongo Valley CSD (2012)

LAFCO 3189 – Special Study of Morongo Valley CSD (2015) and its subsequent updates

LAFCO 3231 – Countywide Service Review for Fire Protection/Emergency Medical Services/Dispatch

Morongo Valley Community Services District

Financial Statements, FYs 2008-09 through 2018-19

Interview, 5 January 2022

Meeting Staff Reports and Minutes for November and December 2021

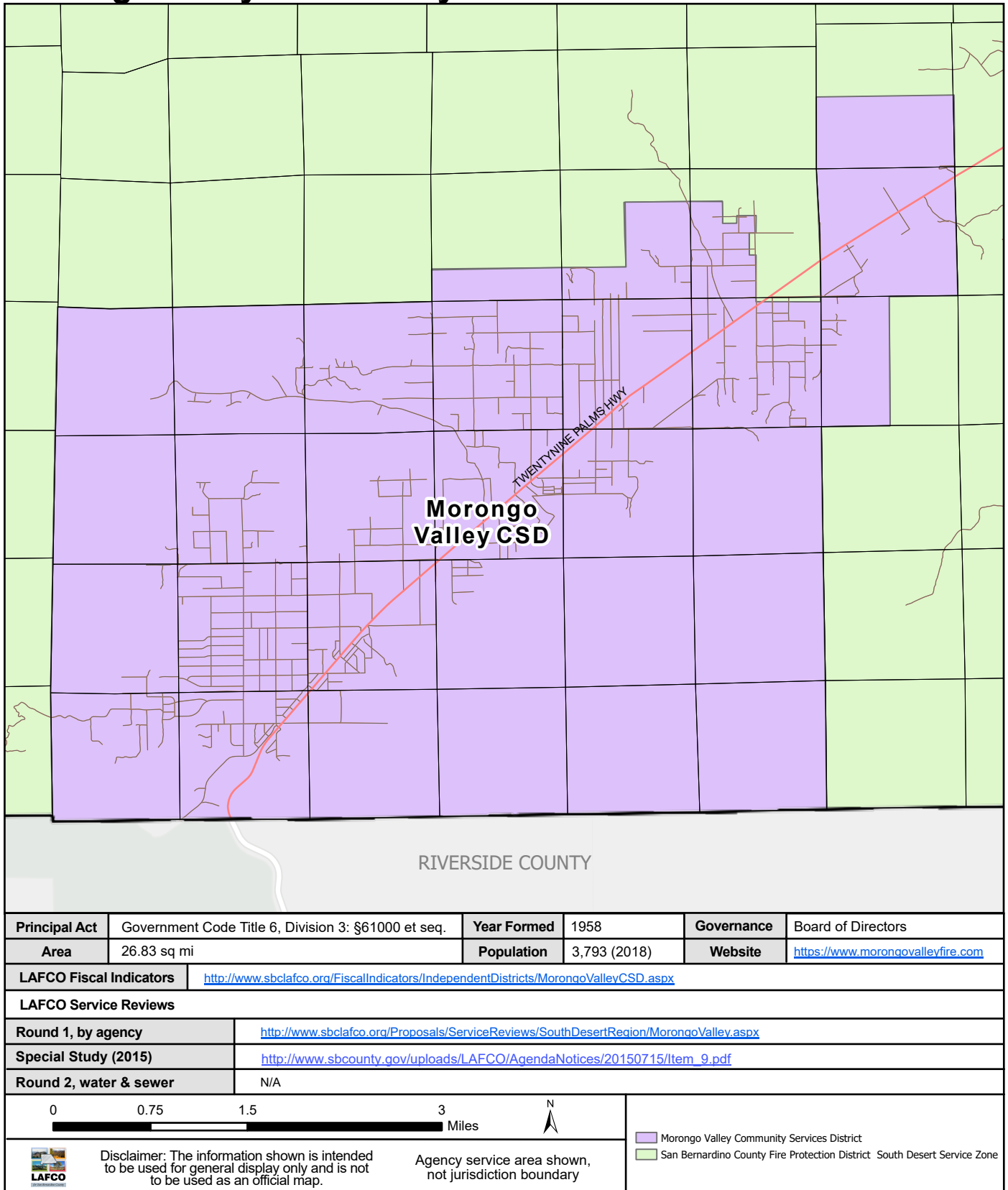
San Bernardino County

San Bernardino County. *Morongo Valley Community Action Guide*, Draft. Countywide Plan. May 2019.

San Bernardino County Fire Protection District

Interview, 27 December 2021

Morongo Valley Community Services District



1. LAFCO Conclusion and Recommendation

The Morongo Valley Community Services District is the agency responsible for non-transport emergency medical services along State Route 62 (Twentynine Palms Highway) within its boundary.

LAFCO concludes that the large number of traffic incidents along State Route 62 strains the resources of the Morongo Valley Community Services District.

LAFCO recommends that the Morongo Valley Community Services District coordinate with the County of San Bernardino to move on Action Statements C.3 and C.4 from the Morongo Valley Community Action Guide, part of the Countywide Plan, regarding traffic and law enforcement.

2. Overview and Brief History

Morongo Valley is located in the Commission's defined South Desert Region at the southwestern end of the Morongo Basin, north of Palm Springs, west of Yucca Valley, south of Pioneertown and east of the San Bernardino Mountains. Morongo Valley is mountainous with scattered development on large parcels of land. Wilderness and recreational areas surround the community. Development is primarily single-family homes (on large lots ranging from 10,000 square feet to five acres) with limited commercial development. The Morongo Valley has a current estimated population of 3,793. The community has attracted a number of retirement-aged residents.

In 1958, voters approved the formation of the Morongo Valley Community Services District ("CSD"). The CSD is an independent special district with a five-member board of directors, elected at large, and encompasses approximately 24 square miles. The CSD's original services included parks and recreation and street lighting. In 1962, the CSD assumed fire service responsibilities using an all-volunteer staff. In 2001, the CSD transitioned from a volunteer to a mix of paid staff and reserve firefighters. In 2008, following approval of a special tax, the CSD's fire function expanded to include advance life support (paramedic) services.

The CSD has two fire stations:

- Station 461 (West Morongo Valley Station) – 11207 Ocotillo Street, Morongo Valley

This station is the main fire station and command center for the CSD. It provides office space and living quarters for the firefighters, EMTs, and paramedics. The bay area houses Fire Engine 461, a Type III Bush Engine with a 500 gallon tank, and Command Vehicle. The fenced yard area holds a Water Tender, a Utility Vehicle, and an 8'x40' steel cargo container.

- Station 462 (East Morongo Valley Station) – 9492 Sundown Trail, Morongo Valley

This station is located in the eastern section of Morongo Valley. In the past, it was used for paid call response and provided a bay for the Sheriff's Citizen Patrol unit. At present, it is used for training purposes only. The bays are used to house Fire Engine 462 and a Water Tender, but no staffing is provided.

State Route 62

The major roadway in Morongo Valley is State Route 62 ("SR-62" or "Twentynine Palms Highway") which is a two lane State Highway. This highway serves as the main thoroughfare for more than 60,000 residents of the High Desert, traversing the communities of Morongo Valley, Yucca Valley, Joshua Tree, and Twentynine Palms. The highway also is the primary route to the Twentynine Palms Marine Corps Air Ground Combat Center, a large military base that is home to more than 13,500 troops, and trains another 40,000 each year. A high rate of accidents and fatalities on SR-62 has long been a concern of the region and strains the fire and emergency medical response resources of the Morongo Valley CSD.

San Bernardino County's *Countywide Plan*

The County of San Bernardino's proposed *Countywide Plan* is currently under development and will serve as an update to the County's current General Plan (2007). The design of the *Countywide Plan* is to establish a comprehensive vision of the County by taking into account all services, not just land-use planning, provided by County government and the unique values and priorities of each unincorporated community. In May 2019, the County released a draft of the *Morongo Valley Community Action Guide* for public review. The *Action Guide*, developed with input from Morongo Valley residents, lays out "focus" and "action" statements to guide the long-term look and function of the community and will be incorporated into the *Countywide Plan*.

The draft *Morongo Valley Community Action Plan* includes the following community focus statements that relate to the CSD's fire function and the community's ongoing concerns regarding SR-62:

- **Action Statement C.1:** *Coordinate local fund raising efforts and seek local, state and federal grants and funding to support the Morongo Valley Fire Department (MVFD) and maintain local control of the MVFD.*
- **Action Statement C.3:** *Advocate to Caltrans to decrease traffic speeds on State Route 62 to 40 MPH through the Morongo Valley business district.*
- **Action Statement C.4:** *Work with the California Highway Patrol to increase law enforcement activities along State Route 62, including enforcing any reduced traffic speeds.*

3. Boundary and Sphere of Influence Review

This review identifies no boundary or sphere of influence matters for the agency related to fire protection or related services.

4. General Operations

The Morongo CSD completed a questionnaire that identifies services performed within its boundary, automatic and mutual aid agreements, full-time services provided outside its boundary (if any), fire station listing, apparatus listing, shared facilities, if it has a special tax or assessment, and ISO rating(s).

The District's response is included at the rear of this agency's profile.

5. Service Delivery Unique to the Agency

A. Agreement with ICEMA

The CSD (through its Fire Department) and the Inland Counties Emergency Medical Agency ("ICEMA") entered into a non-financial agreement in 2008 authorizing the CSD to provide non-transport Advanced Life Support services within the District's boundaries and sphere of influence. The agreement was from February 2008 through January 2010 and automatically renews for successive two-year periods unless terminated or amended.

B. Agreement with County Fire

The CSD and County Fire have entered into an automatic aid/mutual aid agreement "to provide the most expeditious response to suppress fires and render other emergency services". The agreement identifies that neither party shall be obligated to reimburse the other for its response.

C. State Responsibility Area

The entire Morongo Valley community is within a State Responsibility Area, and is subject to the State Responsibility Area Fire Prevention Fee. Wildland fires are under the jurisdiction of the California Department of Forestry and Fire Protection ("Cal Fire") and the U.S. Forest Service, both not subject to LAFCO jurisdiction. The closest fire stations beyond the Morongo Valley community are CDF's Yucca Valley Station (Station #121) and County Fire's Station #41 (Yucca Valley Station). Other stations nearby that could also respond are County Fire's Stations #36 (Joshua Tree Station) and #38 (Pioneer Town Station), the National Park Service Black Rock Interagency Fire Center (Station #608), and the Riverside County Fire Department Stations #36 and #37 (Desert Hot Springs Fire Stations).

D. State Route 62

SR-62 serves as a major transportation corridor in Morongo Valley, serving the High Desert communities and the Twentynine Palms Marine Corps Air Ground Combat Center. The two-lane highway's rural setting, east-west orientation, steep grade and high passenger volume all contribute to an unusually high rate of accidents and fatalities, severely straining the CSD's emergency medical response services.

6. Master or Strategic Plan

The CSD does not have a master plan or strategic plan.

7. Previous Service Review and Special Study

The most recent Morongo Valley CSD service review (by agency), completed in November 2012, is available via the link located underneath the agency map on the first page of this agency's profile section. Additionally, at the July 2015 hearing, the Commission completed its special study of the Morongo Valley CSD, LAFCO 3189 (available by link on the agency's map page). The direction to staff in preparing the special study was narrow in focus – determining the financial sustainability of the District to perform its authorized range of services, most specifically fire protection and emergency medical response.

At the conclusion of the special study, the District took painful measures (reduction of the general manager's salary, and others) and received additional State reimbursement revenue to barely break-even for FY 2014-15. As a part of the special study, LAFCO staff provided a forecast for the next five fiscal years (through 2020-21). The forecast did not show even nominal annual revenue gains – a break-even scenario. Any deviation would force the razor-thin surplus to evaporate. Because of the special study, the Commission directed staff to monitor and update the Commission biannually for the next three years regarding the district's financial position.

To illustrate the ongoing monitoring, the following is a portion of the conclusion section from the staff report dated March 14, 2017:

The District attempted to increase its revenues to accommodate its existing service levels; however, its measure for a special tax failed. The only option moving forward is to cut the expenses, thus the service level, for the delivery of fire protection and emergency medical response, is impacted. The District has worked hard to keep itself afloat and should be recognized for these efforts. However, that position is tempered by staff's ongoing concern for its future.

As a result of the failure of the special tax election by such a large margin, it appears to staff that the District realizes a need to move towards realistic expenditures and staffing. The current year budget appeared to be stable, but the mid-year data is indicating a return to expenditures exceeding revenues.

As LAFCO staff has stated before, but must reiterate here, the margin for error in budgeting for the Morongo Valley CSD remains thin. Should any of the following occur then the district's short-term viability would be in jeopardy: (1) immediate replacement of the current fire truck, (2) OES cancels the contract or recalls the wild land fire truck, or (3) any other major expense.

Neither LAFCO staff nor the Commission have ever recommended a specific course of action for the CSD regarding fire protection. Rather, the special study and the subsequent monitoring reports have outlined and analyzed the feasible options for fire protection and paramedic response. The options, previously four, whittled down to two:

1. Annex to County Fire. This option would:
 - a. Divest the CSD of its fire protection function (and related services)
 - b. Annex the CSD area to County Fire and its South Desert Zone
 - c. Create a zone to isolate the Morongo community
 - c. The CSD Fire and Paramedic Assessment could transfer to the newly created Morongo Zone of County Fire, annual average of \$150 per parcel
 - d. Park and recreation would remain with the CSD
2. The District can continue to reduce the level of its fire protection service until it reaches a financially sustainable level recognizing the requirement to have a full-time paid paramedic position in order to continue to receive its benefit assessment.

In July 2017, CSD representatives met with LAFCO and County Fire staffs to discuss potential annexation to County Fire. It was determined that the costs to operate a full-time three-person crew (at least one of which is a paramedic) would exceed the revenues available from within the community. Alternative staffing options and station locations were discussed. In the end, County Fire and the CSD agreed to continue the dialog, but LAFCO staff is not aware of any additional dialog.

8. Financial Ability to Provide Services

To make the required service review determination of an agency's financial ability to provide services, LAFCO referenced the agency's own financial documents. Additionally, LAFCO's Fiscal Indicators Program shows fiscal trends for an agency and allows for an agency comment. The information below incorporates all of the information and sources identified above.

A. Overview

The road to recovery from the Great Recession has been especially challenging for rural communities. Due to relatively low commercial activity and housing turnover, the Morongo Valley community experienced low increases to its assessed value. In the case of Morongo Valley CSD, it took ten years for property taxes to return to 2009 levels. The District has worked hard to keep itself afloat and should be recognized for these efforts.

Since the last LAFCO report in 2017, two factors have swung in favor for the CSD. First, assessed valuation has increased after five straight years of decreases. As a result, property tax revenue and the fire assessment experienced an increase. Second, for the past few years the District has had a MOU with Cal Fire to send strike teams when requested by Cal Fire. In turn, Cal Fire provides a brush truck, and back up when requested which reduces the District's overtime and reimbursement when teams respond to fire areas. Effective July 2016, the CSD can backfill the Yucca Valley Cal Fire station when its teams deploy.

The first chart below shows all revenue and expenditure activity, as well as fund balances, since FY 2012-13. As shown, increases in fund balance began in FY 2015-16. The second chart below narrows the focus on revenues: property tax, fire assessment, and fire strike team since FY 2007-08. As shown, the CSD has experienced significant revenue gains beginning FY 2014-15.

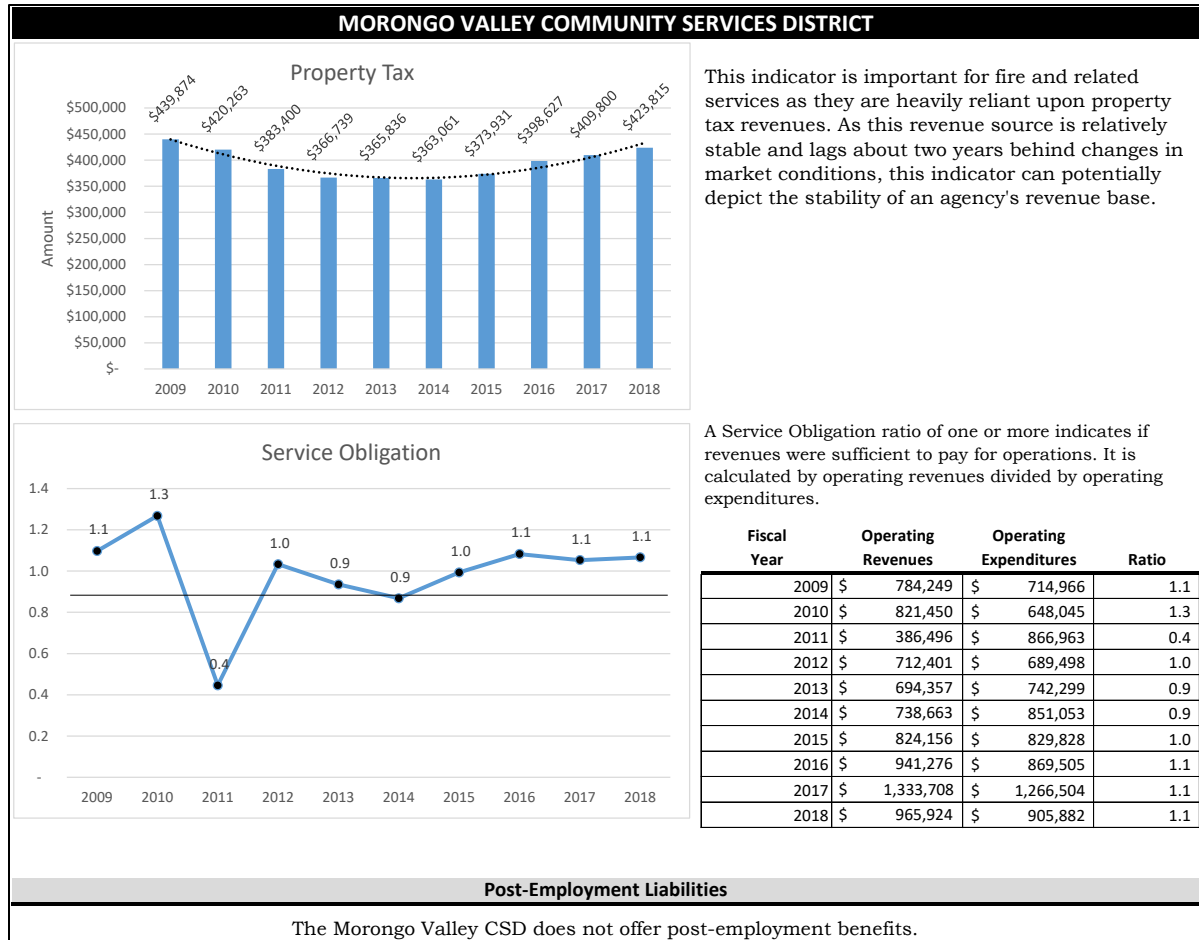
FUND BALANCE							
		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Fund Balance:							
Non spendable		1,758	1,669	2,400	7,303	-	-
Restricted		11,348	13,569	26,930	32,052	8,928	13,300
Unassigned (Unreserved)		456,463	341,941	322,177	383,923	481,554	537,224
Total Fund Balances		\$ 469,569	\$ 357,179	\$ 351,507	\$ 423,278	\$ 490,482	\$ 550,524
Revenues:							
Property tax		365,836	363,061	373,931	398,627	409,800	423,815
Fire assessment		292,076	313,913	300,825	316,702	329,337	339,703
Grant income		13,951	11,516	18,184	2,044	429,238	17,974
Fire service		9,222	25,482	113,284	136,308	120,991	179,312
Park revenue		4,279	9,398	7,113	71,872	6,897	4,935
Other		8,993	15,293	10,819	15,723	37,445	185
Total Revenues		\$ 694,357	\$ 738,663	\$ 824,156	\$ 941,276	\$ 1,333,708	\$ 965,924
Expenditures:							
Fire operations		657,767	734,367	742,443	798,514	1,175,268	803,508
Park & recreation		77,435	106,084	76,781	58,782	80,887	94,520
Streetlights		5,645	4,786	4,788	6,393	4,019	4,025
Debt service		1,452	5,816	5,816	5,816	6,330	3,829
Total Expenditures		\$ 742,299	\$ 851,053	\$ 829,828	\$ 869,505	\$ 1,266,504	\$ 905,882
Revenues less Expenditures:		\$ (47,942)	\$ (112,390)	\$ (5,672)	\$ 71,771	\$ 67,204	\$ 60,042
Fund Balances, Beginning		517,511	\$ 469,569	\$ 357,179	\$ 351,507	\$ 423,278	\$ 490,482
Fund Balances, Ending		\$ 469,569	\$ 357,179	\$ 351,507	\$ 423,278	\$ 490,482	\$ 550,524
Increase from prior year		-16.9%	-23.9%	-1.6%	20.4%	15.9%	12.2%
Sources: Balance Sheet and Statement of Revenues, Expenditures, and Changes in Fund Balance							
*Notes: (1) FY 2012-13 Fund Balance had adjustment to Beginning Balance of \$47,836							

Year	Property Tax		Fire Assessment		Fire Strike Team
	Total Tax	% change	Total	% change	Total
2007-08	\$ 438,520	15.2%	\$ 214,573	7.4%	-
2008-09	\$ 439,874	0.3%	\$ 263,798	22.9%	-
2009-10	\$ 420,263	-4.5%	\$ 269,762	2.3%	-
2010-11	\$ 383,400	-8.8%	\$ 280,605	4.0%	-
2011-12	\$ 366,739	-4.3%	\$ 286,528	2.1%	-
2012-13	\$ 365,836	-0.2%	\$ 292,076	1.9%	9,222
2013-14	\$ 363,061	-0.8%	\$ 313,913	7.5%	25,482
2014-15	\$ 373,931	3.0%	\$ 300,825	-4.2%	113,284
2015-16	\$ 398,627	6.6%	\$ 316,702	5.3%	136,308
2016-17	\$ 409,800	2.8%	\$ 329,337	4.0%	120,991
2017-18	\$ 423,815	3.4%	\$ 339,703	3.1%	179,312
sources: County of San Bernardino, Agency Net Valuations Morongo Valley CSD audits					

However, that position is tempered by LAFCO's ongoing concern for the CSD's future. As LAFCO staff has stated before, but must reiterate here, the margin for error in budgeting for the Morongo Valley CSD remains thin. Should any of the following occur then the District's short-term viability would be in jeopardy: (1) immediate replacement of the current fire truck, (2) OES cancels the contract or recalls the wild land fire truck, (3) any other major expense. For example, the CSD gained \$60,042 in fund balance in FY 2017-18. If it were not for being able to send strike teams, expenditures would have exceeded revenues. According to the FY 2017-18 audit, this income covered many unanticipated expenses with repairs to aging buildings and fire equipment.

B. Fiscal Indicators

Select fiscal indicators are shown graphically below. Additional fiscal indicators are available via the Fiscal Indicator link located underneath the agency map on the first page of this profile section. These indicators provide a measurement of the agency's financial condition over time.



Property Tax

In the case of Morongo Valley CSD, it took ten years for property taxes to return to 2009 levels. However, 2019 property tax revenues remain inadequate to fund the CSD's operations (fire, park, and streetlighting). To increase the level of service, the voters approved a "CSD Fire and Paramedic Assessment", which averages about \$150 per parcel.

Other Revenues

Since 2014-15, revenues have exceeded expenditures because the State requested strike team assistance, which the CSD has been able to respond. In FY 2017-18, the CSD earned \$122,198 for the strike teams responses.

C. Capital Outlay

In FY 2016-17 the CSD received a grant for the purchase of a new fire truck. This is shown in the chart above under Revenues: Grant income with a corresponding payment as a part of Expenditures: Fire Operations.

9. Website Transparency

Senate Bill 929 added Government Code Sections 6279.6 and 53087.8 to provide the public easily accessible and accurate information through agency websites. By January 1, 2020, every California independent district is required to maintain a website.

The table, below, is not an exhaustive inventory of website criteria required under current law. Rather, it identifies key components (required by the Government Code and/or recommended by the California Special Districts Association and other organizations) for websites to enhance transparency and accountability.

Government Code Sections 54954.2 and 54957.5 require agencies to post all agendas 72 hours in advance on their websites. Government Code Section 6253 requires that agencies post content most requested by constituents (and most often requested via Public Record Act requests). Because of the difficulty for LAFCO staff to verify this information, these criteria are not included in the website checklist. However, agencies should address these criteria to comply with current website requirements.

Morongo Valley Community Services District Website Checklist			
website accessed 8/8/19 http://morongovalleyfire.com/			
Required			
		Yes	No
Government Code §53087.8	Agency maintains a website with current contact information? <i>(required for independent special districts by 1/1/2020)</i>	X	
Government Code §6270.5	Agency has created an Enterprise System Catalog and posted it to website?		X
Government Code §54954.2	Agency has current agenda posted to website homepage and is accessible through a prominent, direct link?		X
Government Code §53908	Agency's website provides information on compensation of elected officials, officers and employees or has link to State Controller's Government Compensation website?		X
The following criteria are recommended for agency websites by a number of governance associations and organizations.			
		Yes	No
Description of services?		X	
Service area map?			X
Board meeting schedule?		X	
Budgets (past 3 years)?			X
Audits (past 3 years)?			X
List of elected officials and terms of office?			X
List of key agency staff with contact information?			X
Meeting agendas/minutes (last six months)?			X
Notes:			

Sources:

LAFCO

Fiscal Indicators Program

LAFCO 3151 – Service Review and Sphere of Influence Update for Morongo Valley CSD (2012)

LAFCO 3189 – Special Study of Morongo Valley CSD (2015)

Morongo Valley Community Services District

Financial Statements, FYs 2008-09 through 2018-19

Website. <http://morongovalleyfire.com/> Accessed 10 October 2019.

San Bernardino County. *Morongo Valley Community Action Guide*, Draft. Countywide Plan. May 2019.

Agency Name	MORONGO VALLEY COMMUNITY SERVICES DISTRICT
Agency Contact	Gerald Yearsley

1. What services are provided within your agency's boundary?

	Check one box per row.				If column B or C What agency or dept. (e.g. County Fire, City Bldg. & Safety)
	A My agency is responsible for & directly provides:	B <u>Another agency or department</u> is responsible for & directly provides:	C My agency is responsible for but has chosen to contract with <u>another agency or department</u> for:	D This service is not provided within my agency	
FIRE PREVENTION					
Vegetation Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fire Code Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Plan Check/Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
FIRE SUPPRESSION					
Hazardous Materials Response	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Investigation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Support Wildland Urban Incidents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
EMERGENCY MEDICAL					
Advance Life Support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tactical EMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Hospital Transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OTHER					
Dispatch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Comments:

2. Please list the structural and EMS mutual aid and automatic aid agreements that your agency is a signatory. Do not include state-mandated or state-sponsored mutual aid.

Mutual Aid or Automatic Aid	Agencies Participating
Mutual	Cal Fire
Mutual	Riverside #36
Mutual	Yucca Valley #41

3. In addition to mutual aid and automatic aid, does your agency provide any services, full-time, outside of its boundary by contract? YES ☐ NO ☒
If yes, please complete the table below.

	My agency is contracted to provide full-time services within the boundary of another agency	
	What agency or dept. (e.g. City of XX, City Public Works)	Expiration date of contract
Fire Prevention		
Fire Suppression		
Hazardous Materials Response		
Fire Investigation		
Support for Wildland Urban Incidents		
Tactical EMS		
Hospital Transport		
Dispatch		
Other		

Comments:

4. List all fire stations for your agency:

Fire Station No.	Address or Location	Active, Inactive	Comments
461	11207 Ocotillo St	Active	
462	9492 Sundown Tr	Inactive	
		Choose an item.	
		Choose an item.	
		Choose an item.	
		Choose an item.	

5. Identify all fire and EMS-related apparatus (per the Fire Scope Defined Apparatus). If you have this inventory in another format, you may attach it with this questionnaire.

Type (per Fire Scope-Definition)	Year	Miles	Active, reserve	Located at Station No.	Notes (optional)
ENGINE T1 MED ENGINE 461	2015-2019	< 50K	Active	461	
ENGINE T3 BRUSH ENGINE 461	2000-2004	100K-149K	Active	461	
ENGINE T6 BRUSH PATROL 461	2000-2004	50K-99K	Active	461	
WATER TENDER TACTICAL T1 461	2000-2004	100K-149K	Active	461	
WATER TENDER TACTICAL T2 462	2000-2004	< 50K	Active	461	
COMMAND VEHICLE 5200	2010-2014	50K-99K	Active	461	
COMMAND VEHICLE 5202	2000-2004	50K-99K	Active	461	

6. Identify if your agency shares, permanently or continually, any of the following with other agencies or departments:

Facilities:	N/A
-------------	-----

Equipment:	N/A
------------	-----

Training:	N/A
-----------	-----

7. Does your agency have a special tax or assessment? YES ☒ NO ☐
If yes, what is the:

- a. mechanism

Voter-approved assessment	Notes:
---------------------------	--------

- b. specified purpose (e.g. paramedic, fire, public safety with fire component)

Paramedic	Notes:
-----------	--------

- c. expiration date:

Ongoing

- d. Is there an escalator for inflation? YES ☐ NO ☒

Notes:

8. What is your agency's current Insurance Service Office (ISO) rating(s)? Feel free to expand.

8

9. Please attach a copy of the most recent budget and capital replacement program and any recently completed reports or studies on your agency's operations (i.e. master plans, strategic plans).

10. Please click on the link below for a confidential survey. The purpose of the survey is to provide confidential views on industry-wide matters. An agency name is not requested. Estimated time: 5 minutes.

<https://www.surveymonkey.com/r/LAFCOfire>

Please return this questionnaire and any materials to LAFCO to either:

- LAFCO, 1170 W. Third Street, Unit 150, San Bernardino, CA 92415-0490
- mtuerpe@lafco.sbcounty.gov

Staff Report

By Gary Yearsley, MVCSD Director of Operations

12/12/2021

Background/Purpose: The purpose of this staff report is to explain the urgent needs of the Morongo Valley Community Services District (MVCSD) to ensure the health and safety of the Morongo Valley Community and the MVCSD fire department employees.

Because FLSA does not explicitly state that more than eight hours in a day would constitute overtime, OSHA does not limit the number of hours per day an employee can work, nor does OSHA have a regulation for consecutive days worked

(<https://www.oshaeducationcenter.com/articles/employee-overtime/>). However, OSHA/FLSA impose safety regulations that must be followed by all employers in the United States as well as more specialized regulations for specific industries. Employers who do not comply with these regulations can face fines.

Fatigue increases a worker's likelihood of making a mistake because it reduces the worker's following capacities:

- Judgment
- Perception
- Reaction time
- Attention to detail

Employers must think carefully about how long shifts will impact employee productivity and proclivity for mistakes that can lead to serious accidents. (Meta-analysis from Forrest M. Craig, Division Chief, Novato Fire Protection District, Novato, California).

1. There are a total of 24 hours x 7 days a week in any week = 168 hours.

The MVFD Paramedic has been on for 25 consecutive days. Normally, a full-time paramedic would work two (2) full days and then be off for four (4) full days. This means the paramedic would have worked only 8 days during this 25-day period. Therefore, he has rendered 17 days of overtime at 1.5 times his normal rate of pay, which is normally \$14/hr, but at 1.5 times is \$21/hr = 24 hours x \$21/hr x 17 days = **\$8,568** in overtime pay, plus additional payroll/workers' compensation taxes. These payroll/workers' compensation taxes for the MVFD Paramedic (not including medical insurance benefits) are calculated at 18.5% (Medicare/Social Security 7.65%, State Disability Insurance 6.2%, and Workers' Compensation 4.65%). \$8,568 x 18.5% is **\$1,585**. Total Paramedic overtime costs for 17 days equals **\$10,153**.

The MVFD Engineer has been on for 30 consecutive days. Normally, a full-time engineer would work two (2) full days and then be off for four (4) full days. This means the

engineer would have worked only 10 days during this 30-day period. Therefore, he has worked 20 days of overtime at 1.5 times his normal rate of pay, which is normally \$15/hr, but at 1.5 times is \$22.50/hr = 24 hours x \$22.50/hr x 20 days = **\$10,800** in overtime pay, plus additional payroll/workers' compensation taxes. These payroll/workers' compensation taxes for the MVFD Engineer (not including medical insurance benefits) are calculated at 18.5% (Medicare/Social Security 7.65%, State Disability Insurance 6.2%, and Workers' Compensation 4.65%). $\$10,800 \times 18.5\%$ is **\$1,998**. Total Engineer overtime costs for 20 days equals **\$12,798**.

This overtime pay for two staff members totals **\$22,951** for about a month of overtime services. The **\$22,951** does NOT include the costs of the regular non-overtime pay. Regular non-overtime pay for the 8 paramedic days x \$14/hr x 24 hrs is \$2,688 x 18.5% taxes totals **\$3,185.28**. Regular non-overtime pay for the 10 engineer days x \$15/hr x 24 hrs is \$3,600 x 18.5% taxes totals **\$4,266**.

Duty Officer coverage costs MVFD \$100 a day for 24 hours a day Mon-Thurs and \$150 a day for 24 hours a day Fri – Sun x 4.33 weeks in a month is \$3,680/month) for a total cost per month including overtime of **\$26,631**. The county can provide 24/7 ALS/BLS services, fire protection, incidents on Highway 62, etc. along with in-district nearby Duty Officer response for an all-inclusive rate of **\$18,000** per month. The County can provide **TEMPORARY** services for up to 90 days.

HISTORICAL NOTE: Back in 2016 when the community was considering a flat fire assessment tax, which would have increased the MVCSD fire department revenue to a total of about \$900,000 from the existing assessment fees of about \$356,000 a year (originally about 2,601 parcels x about \$11.40 per month average x 12 months is about \$137 per parcel per year = \$355,817). The new assessment would have cost an average of about \$28.83 per parcel per month and among the plans, was to increase firefighter/paramedic salaries to improve employee retention. The measure failed by 67%. A quote was obtained from San Bernadino County Fire at that time for full county services from our fire station. The quote at that time was \$2.2 million or \$183,333 per month indicating the extreme generosity of County Fire to assist MFVD on a short-term **TEMPORARY** basis for up to 90 days for an all-inclusive cost of **\$18,000** a month.





2. The MVCSD has a very limited budget that is also going to be impacted by an increase in minimum wage starting in January 2022.

3. Although the position of Duty Officer was removed by the Union from the final MOU with the Local Union #5028 dated/signed 7/20/2020 because a Duty Officer is a management employee and not part of the Union, the standard operating procedure for any professional fire department is to maintain a 24/7 Duty Officer coverage. We must have a Duty Officer in district because the Duty Officer serves as the Incident Commander and the Duty Officer is the employee/contractor who provides the written

incident reports to for example, insurance companies/private parties involved in the incident, and commands the scene especially with large-scale accidents and residential/wildland fires. Recent large-scale incidents/fires have included: a law enforcement pursuit with shootings involving life-threatening injuries, active shooter in a barricaded house, large multi-car/commercial truck accidents including fatalities, large wildland/residential fires, etc. In the past, MVFD was dispatched to a crash of a small airplane in the foothills in the Morongo Grade.

There have been suggestions that County Fire and/or CAL Fire can simply respond to calls under mutual aid agreements like they normally do, which wouldn't cost the district any money. This is **inaccurate** because the only time, no-cost mutual aid is rendered is when our fire department is **on shift as the first responding team**. If we do not have staff to cover shifts, then County Fire or CAL Fire would be the first responder team assigned to the incident and therefore, this assistance does not fall under the category of mutual aid because they would now be categorized as the first responders. The table below depicts how mutual aid works when MVFD is **staffed on all shifts**. With only two team members and a Duty Officer at the present time (since [four] 4 employees were recently hired on at higher paying fire agencies), MVFD can now only run five 48/96 shifts in 28 days **without incurring overtime costs**.

When MVFD is First Responder Team (e.g., when there is a team in the MVFD Station & MFVD Has a Duty Officer in District to Serve as Incident Commander of Large-Scale Scenes)	County Fire Mutual Aid Station 41 (Yucca) Stations 36/37 (DHS in Riverside County)	CAL Fire Mutual Aid Sphere of Influence is WILDLAND FIRES
MVFD gets dispatched	Assists MVFD with large car accidents such as multi-car accidents, cars engulfed in flames	Shrubs/Brush
MVFD sizes up Crisis	Large residential fires	Grass/Vegetation
MVFD proceeds to Render Aid or Calls in Mutual Aid	ALS/BLS of multiple patients	Trees
Ambulance services are dispatched on EMS calls. MVFD can request additional ambulance services available from MBA (Joshua Tree), if needed.	If the 9-1-1 call to dispatch indicates a large-scale incident, then the County and Cal FIRE may be dispatched at the same time as MVFD. County and Cal FIRE do not automatically get	Goes on smoke checks with the MVFD team in case there is vegetation on fire around the residence

	dispatched when MVFD is available.	
MVFD also reciprocates by rendering mutual aid when the County or CAL Fire requests the help (e.g., car accidents/fires on the Morongo Grade)	There have been times in large-scale scenarios when all stations are dispatched simultaneously. Nov. 2021, Yucca Station 41 arrived on scene before our local team (e.g., Lanning Lane residential fire)	EMT for BLS
		CAL Fire DOES NOT PROVIDE services for:
		 Residential fires unless nearby vegetation catches on fire
		 Automobile accidents
		 ALS
		 Only occasional BLS by an EMT

4. All MVCSD fire department personnel will continue to work their normal shifts, which are a rotating 48 hours on shift/96 hours off shift. **There will be no MVFD layoffs. In accordance with the Union MOU, the Union will be given 10-day notice about any changes in overtime.**

5. SDRMA has reviewed our insurance policies and the policies are 100% in alignment to satisfy the county contract for **TEMPORARY** 24/7 ASL/BLS services including 24/7 Duty Officer coverage. There will be zero extra charge for insurance. Confirmation letter dated: 12/9/2021 at 4:08 p.m. by Wendy Tucker, Member Services Manager at SDRMA.

6. The MVCSD Board of Directors must give reasonable advance notice to the MVFD Union Local #5028 prior to any final vote for or against any County contract. At the 12/10/2021 Special Board meeting, the MVCSD Board requested that the MVFD Union Local #5028 meet with Directors Brook and Gorke on Monday, December 13, 2021, to meet and confer about a potential **TEMPORARY** County contract at 3:00 p.m. that day. Since that time, the Union and the two Directors agreed to move the meeting to Tuesday, December 14, 2021 at 6:00 p.m. or 7:00 p.m. This **TEMPORARY** County contract would **NOT** result in any MVFD layoffs, **NOR the closure of the MVFD.**

The following are a list of reasons why recent firefighter and paramedic candidates were not offered employment at MVCSD/MVFD. Minimum MVFD employment requirements include: written job application completed, show proof of current/valid EMT

certification, show proof of current/valid Firefighter I certification with Fire Academy diploma, pass background/reference checks completed by our fire department, written test, skills test, and a alcohol/drug test.

Candidate Confidential #	Date of Review	Conclusions
#1	10/26/2021	Candidate has a current EMT certificate, but had not worked in the fire services since 2008. Reference checks with previous employers were not positive.
#2	10/31/2021 – 12/8/2021	Candidate does not have current EMT certification including CPR nor First Aid certification, nor current/valid Paramedic certification. Candidate also does not have a medical clearance to work. Candidate was offered the opportunity to bring certifications current, but candidate was unable to provide current certifications.
#3	No current application on file. Letter to Board President submitted 11/6/2021.	Candidate cannot provide full-time paramedic services. The current contract/MOU with the MVFD Local Union #5028 states that only full-time 48/96 paramedics can be hired. The Local Union #5028 MOU also states that MVCSD/MVFD cannot hire temporary employees.

Note: Since 11/1/2021 two additional reserves have been hired for the MVFD.

7. Conclusion/Summary:

a. With the retirement of Chief Yearsley upcoming on 12/31/2021 (who has been providing 24/7 Duty Officer coverage except for when he is on vacation or out sick in which case Chief James Brakebill had been covering those duties), the to-be-hired Interim Director of Operations will work with the MVCSD Ad Hoc Committee members, Directors Klimowicz and Tolbert, to identify and interview potential Director of Operations candidates effective immediately. The annual compensation for the Director of Operations is \$78,000 per year as per the current contract. It is recommended that the MVCSD Board of Directors discuss and approve an updated salary range for the Director of Operations position. A separate contract agreement is completed for Duty Officer compensation.

b. The MVCSD/MVFD recently had four team members take higher paying jobs and so the MVCSD/MFVD needs time to rebuild its team. A **TEMPORARY** contract with San Bernardino County Fire would ensure 24/7 community fire protection and ALS/BLS services until the local MVFD is once again fully staffed. The cost of the **TEMPORARY** county contract is less than the cost of local overtime and the long continuous local shifts rendered by two MVFD team members that includes higher risk for a propensity of accidents/liability discussed above. The **TEMPORARY** contract for assistance would also include 24/7 in-district Duty Officer coverage.


c. **Traditional MVFD Work Schedule** – With the four staff members taking higher paying jobs and leaving at the same time, only Shift A can be covered **without overtime duty**.

Section 2.1.1 AND 4.1.2 of the Current Local Union 5028 MOU designates 10, 24-hour periods also known as 5, 48-hour shifts every 28 days (48/96 schedule)

Sunday	Monday	Tuesday	Wed	Thurs	Friday	Saturday
A	A	B	B	C	C	A
A	B	B	C	C	A	A
B	B	C	C	A	A	B
B	C	C	A	A	C	C

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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www.sbclafco.org

DATE : JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM 15: LEGISLATIVE REPORT

RECOMMENDATION:

Staff recommends that the Commission receive and file the Legislative Report.

BACKGROUND:

The CALAFCO Board of Directors met on November 12, 2021 and approved the following CALAFCO legislative priorities for 2022:

1) CALAFCO's Omnibus bill

CALAFCO will sponsor its annual Assembly Local Government Committee (ALGC) Omnibus bill that provides for non-substantive, technical changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (LAFCO law). The CALAFCO Legislative Committee is currently finalizing the changes/corrections that will be submitted (to the ALGC staff) as part of the Omnibus bill.

2) San Diego LAFCO Proposal to Amend Government Code Section 56133(e).

CALAFCO will co-sponsor San Diego LAFCO's legislative effort to amend Government Code Section 56133(e). The proposed amendment to Section 56133(e) is to clearly identify that the Commission make the determination when a service outside an agency's boundary is exempt from LAFCO review. In March 2021, this Commission took a position to support this effort.

3) Protest Provision Rewrite


CALAFCO will sponsor the protest language rewrite that the Protest Provisions Rewrite Working Group has been working on for a while now. Three years ago, CALAFCO formed a working group involving CALAFCO, CSDA, League of California

Cities, and California State Association of Counties staff, and consultants from the Senate Governance and Finance Committee and the ALGC. The purpose of the group was to consolidate the protest language provisions and to provide clarity and consistency to the revised language. The one final piece of the rewrite being worked on involves the inconsistent protest threshold percentages.

Staff is recommending that the Commission simply receive and file the Legislative Report.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 12, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #16: EXECUTIVE OFFICER'S REPORT

REMINDER:

The Commission will now be having a February meeting. Please mark your calendars – February 16, 2022, at 9 a.m.

OTHER NEWS:

- The 2021 CKH Guide Update is now available, and can be accessed from the link below:

http://www.sbcounty.gov/uploads/LAFCO/Publications/CKH_2022.pdf

- Enclosed is the CALAFCO December 2021 Quarterly Report, which contains LAFCOs in the news, CALAFCO education opportunities, and the 2021 CALAFCO Achievement Award recipients. It also highlights CALAFCO's Board actions and CALAFCO's legislative updates.

Enclosure

News from the Board of Directors

CALAFCO QUARTERLY

December 2021



A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. As we wind down 2021, the holidays and year-end are a great time to reflect on where we've been and look to the future. We wish you and your families all the best in the coming year.

This Fourth Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. It's been a very busy 4th quarter so there's lots of news to report. Happy reading!

LAFcos in the News

Congratulations on these retirements

This year we've seen a lot of retirements, and this quarter is no different. We want to congratulate two long-time LAFCo leaders on their retirements. Their contributions to CALAFCO and to LAFCos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!

After a 35-year LAFCo career, **Roseanne Chamberlain**,



Amador LAFCo Executive Officer (EO), is retiring. Roseanne began her LAFCo career as a public member Commissioner for Sacramento LAFCo. She served on the CALAFCO Board for 6 years with 2 of those years as Chair of the Board. Her distinguished career also includes work as

EO and Interim EO for several LAFCos. In 2013, Roseanne was the recipient of CALAFCO's Distinguished Service Award.

Also calling it time to retire this month is San Mateo LAFCo Executive Officer (EO) **Martha Poyatos**. Her LAFCo career began 28 years ago in San Mateo and she's done it all there from commission clerk to analyst and EO. In 2008, Martha received CALAFCO's Outstanding LAFCo Professional Award. Martha also served two terms as CALAFCO Deputy Executive Officer for the coastal region from 2018-2021.



Los Angeles LAFCo Commissioner Retires

Long-time **LA LAFCo** commissioner **Richard Close**, the San Fernando Valley public member, retired after 25 years of service. Commissioner Close was re-appointed to consecutive four-year terms for more than two decades. He served with distinction, even surviving a challenge to his position on the Commission, given that he was a long-standing proponent of the proposed secession of the San Fernando Valley from the City of Los Angeles. Fellow commissioners lauded Commissioner Close's intellect, integrity, and independence in representing the San Fernando Valley.

Amador LAFCo Announces New Executive Officer

Amador LAFCo announced the hiring of **Kris Berry** as the new Executive Officer (EO). Kris retired earlier this year as the EO of Placer LAFCo.

San Mateo LAFCo Announces Interim Executive Officer

Rob Bartoli will transition to the Interim EO position for San Mateo LAFCo effective January 1, with the departure of Martha.

Napa LAFCo Announces New Quarterly Newsletter

Napa LAFCo began a Quarterly Newsletter earlier this year. The newsletter features local LAFCo news of note and what's on the horizon. You can find it on their website.

San Diego LAFCo Welcomes New Analyst

Carolanne Ieromnimon recently joined the San Diego LAFCo team. She started with San Diego LAFCo earlier this year as an intern and is now a full-time Analyst.



CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we FINALLY get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations will be posted on the CALAFCO website the first week of January.



Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We have two **CALAFCO U webinars** scheduled for the first quarter 2022, so **mark your calendars!**



First up on **January 10** is ***The Property Tax Elements of Jurisdictional Changes and Fiscal Reviews***. Our property tax expert will share resource reports such as trends of value change, revenue calculations, and budget forecast tools that are useful resources for LAFcos when conducting MSRs. Other panelists will share case studies and perspectives on budget forecasting. Registration for this session closes January 5.

Scheduled for **February 23** is a session on ***Best Practices for Hiring in the New World (Post-Pandemic)***. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world.

Details for all CALAFCO University courses are on the CALAFCO website.

2021 CALAFCO Achievement Award Recipients

CALAFCO Congratulates the 2021 Annual Achievement Award Recipients

We wish to congratulate all of this year's nominees, and especially those who received a 2021 Achievement Award.

- ❖ **Outstanding Commissioner** – **Olin Woods** (Yolo LAFCo)
- ❖ **Outstanding LAFCo Professional** – **Crystal Craig** (Riverside LAFCo)
- ❖ **Outstanding CALAFCO Associate Member** – **Planwest Partners**
- ❖ **Mike Gotch Excellence in Public Service** (protection of ag/open space land & urban sprawl prevention) – **Napa LAFCo, City and County of Napa and Senator Bill Dodd**
- ❖ **Mike Gotch Excellence in Public Service** (innovation, collaboration, outreach) – **Yolo LAFCo**
- ❖ **Lifetime Achievement** – **Jerry Gladbach** (LA LAFCo)



CALAFCO Board of Directors

CALAFCO Board and Regional Officer Changes

Results of the October CALAFCO Board of Directors elections netted several new Board members for 2022. Earlier this month, Board member **David West** (Imperial LAFCo) who held the southern region public member seat, resigned from the Board. With a term set to expire October 2022, at their January 21 meeting the Board will appoint a replacement to fill that unexpired term.

Current Board members include:

Northern: **Bill Connelly** (Butte), **Blake Inscore** (Del Norte), **Debra Lake** (Humboldt) and **Josh Susman** (Nevada).

Southern: **Mike Kelley** (Imperial), **Jo MacKenzie** (San Diego) and **Acquanetta Warren** (San Bernardino).

Coastal: **Chris Lopez** (Monterey), **Mike McGill** (Contra Costa), **Margie Mohler** (Napa) and **Shane Stark** (Santa Barbara).

Central: **Gay Jones** (Sacramento), **Daron McDaniel** (Merced), **Anita Paque** (Calaveras) and **Daniel Parra** (Fresno).

In October the Board said goodbye to **David Couch** (Humboldt) and **Tom Murray** (San Luis Obispo). We thank them for their service and many contributions to CALAFCO.

Additionally, at their November meeting the Board approved the new Coastal and Central region DEO appointments. We welcome **Dawn Mittleman Longoria** (Napa) and **José Henríquez** (Sacramento) to the team. We thank outgoing DEOs **Christine Crawford** (Yolo) and **Martha Poyatos** (San Mateo) for their service.

CALAFCO Board 2022 Officers and Committees

At the October 8 meeting, the CALAFCO Board elected their officers for 2022 as follows:

Chair – **Anita Paque** (Calaveras - central)

Vice Chair – **Bill Connelly** (Butte - northern)

Treasurer – **Margie Mohler** (Napa - coastal)

Secretary – **Acquanetta Warren** (San Bernardino - southern)

They also appointed members to the 2022 standing committees as follows:

Legislative Committee

Bill Connelly (North)

Anita Paque (Central)

Jo MacKenzie (South)

Mike McGill (Coastal)

Gay Jones (At-Large)

Margie Mohler (a) (At-Large)

Michael Kelley (a) (South)

Chris Lopez (a) (Coastal)

Daron McDaniel (a) (Central)

Josh Susman (a) (North)

Elections Committee

Bill Connelly

Jo MacKenzie (Chair)

Margie Mohler

Daniel Parra

Awards Committee

Blake Inscore (Chair)

Debra Lake

Daniel Parra

Shane Stark

Acquanetta Warren



2022 Annual Conference

Gay Jones
Daron McDaniel
Mike McGill
Josh Susman

CALAFCO BOARD ACTIONS

The Board met virtually on October 8 and appointed the staff members of the 2022 Legislative and Advisory Committees. In addition to the actions noted on page 2 of this Report, they also adopted their 2022 annual meeting calendar and approved the FY 2020-21 annual tax filings.



They met virtually on November 12 with a full agenda. Under the leadership of **Chair Anita Paque**, the Board took a number of actions.

- ✓ **The FY 2021-22 quarterly financial reports were received.** Revenues for the first quarter were mostly on track and expenses were far below the 24% point.
- ✓ **Received the annual Administrative and Operational Report.** This is an annual item as part of corporation best practice.
- ✓ **Approved amendments/updates to the CALAFCO Legislative Policies, Priorities and Issues of Interest.** All recommended changes by the Legislative Committee were approved and adopted.
- ✓ **Considered and reaffirmed legislative priorities for 2022.** The Board considered an additional proposal received from San Diego LAFCo to sponsor a bill making changes to Gov. Code Sec. 56430, requiring all LAFCOs to consider Municipal Service Reviews (MSRs) in a 21-day noticed public hearing and all affected service providers to place the MSR on their meeting agenda for discussion. Given the Board previously approved the sponsorship of three (3) bills for 2022, this proposal was tabled for reconsideration again next year.

The Board's direction to staff in terms of 2022 legislative priorities include sponsoring the annual Omnibus bill, co-sponsoring changes to §56133 with San Diego LAFCo (an item tabled in 2021), and to proceed with wrapping up the work of the protest provision rewrite working group.

- ✓ **Closed session held to approve 2-month contract for Pamela Miller as Executive Director.** In closed session the Board approved a contract for Pamela Miller for Jan-Feb 2022 as a contract Executive Director (transitioning from employee), with limited hours of approx. 20 per week. There was also discussion about priorities during this critical transition period.

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

The **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website. Pre-orders for printed hard copies are now being accepted. You will find all the details on the CALAFCO website at www.calafco.org.



We will be updating the **CALAFCO Member Directory** in the next two months, so watch for an email from us requesting your changes.

CALAFCO Legislative Update

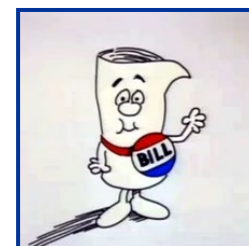


January 3, 2022 marks the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators will hit the ground running trying to move the large number of left-over 2-year bills through committee in January to meet deadlines. That action, along with introduction of new bills for the year, sets the table for a very busy January.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.

Watch for the two Local Government Committee and OPR year-end legislative reports coming soon!





CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

We are pleased to acknowledge our **Gold Associate Members** in this edition and thank all our Associate Members for their support and partnership.

**GOLD
Associate
Members**

Best Best & Krieger



BEST BEST & KRIEGER
ATTORNEYS AT LAW

In meeting the needs of public and private sector clients, **BB&K** offers unique experiences in handling complex, multi-disciplinary issues and providing solutions of common interest to leaders of both business and government, including LAFco law. **BB&K** has been CALAFCO's legal counsel since 1982. Visit www.bbklaw.com to learn more about the expert legal services provided by BBK.

Colantuono, Highsmith & Whatley, PC

Colantuono, Highsmith & Whatley, PC's attorneys are among just a few in California with deep expertise in the Cortese-Knox-Hertzberg Act. The firm currently serves as general counsel to Calaveras, San Diego and Yuba LAFcos and as alternate counsel to several other LAFcos on matters as to which their general counsels have conflicts of interest. The Firm's attorneys also serve as special counsel to LAFcos throughout the state and have deep litigation expertise representing LAFcos in court. **Colantuono, Highsmith & Whatley, PC** has been a Gold Associate member since July 2008. Learn more about them at www.chwlaw.us.

COLANTUONO
HIGHSMITH
WHATLEY, PC

CV Strategies

CV Strategies is a dedicated team helping companies with strategic planning, communications and training. **CV Strategies** joined the CALAFCO team as a Gold Associate Member in the fall of 2016. To learn more about their team and the services they offer, visit them at www.cvstrategies.com or contact Erin Kaiman at erin@cvstrat.com.



CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports.

Did You Know??

CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings** on archived on the **CALAFCO website** and available at no cost for on-demand viewing? Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). **There are now 49 CALAFCO U courses archived and 15 webinars are archived and available for on-demand viewing!**



Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents** are online? Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Rev & Tax Sharing – 1/10
- ❖ CALAFCO Board meeting – 1/21 (Sacto)
- ❖ CALAFCO Leg meeting – 1/28 (virtual)
- ❖ CALAFCO U webinar on Best Hiring Practices – 2/23
- ❖ CALAFCO Leg meeting – 3/11 (virtual)
- ❖ CALAFCO Staff Workshop – 3/23 – 3/25 (Newport Beach)



The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.

